

SENATE—Tuesday, September 21, 1971

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

PRAYER

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

The prayer today is an American Indian prayer translated into English in 1887 by Chief Yellow Lark of the Sioux Tribe and recited by Chief Dan George of Canada's Squamish Indians when he appeared on the David Frost Show.

"Oh, Great Spirit, whose voice I hear in the winds, whose breath gives life to the world, hear me.

"I come to you as one of your many children.

"I am small and weak.

"I need your strength and your wisdom.

"May I walk in beauty.

"Make my eyes ever behold the red and purple sunset.

"Make my hands respect the things you have made, and my ears sharp to hear your voice.

"Make me wise so that I may know the things you have taught your children, the lessons you have written in every leaf and rock.

"Make me strong, not to be superior to my brothers, but to fight my greatest enemy—myself.

"Make me ever ready to come to you with straight eyes so that when life fades as the falling sunset my spirit may come to you without shame." Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON U.S. PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

It is my pleasure to transmit to the Congress the 25th annual report of United States participation in the United Nations, covering events during calendar year 1970.

In my address to the United Nations on the occasion of its 25th anniversary ceremonies, I said that the United States "will go the extra mile in doing our best toward making the United Nations succeed." This has been true of the United States ever since the Charter was signed in San Francisco in 1945, and it will continue to be the case.

If the United Nations is to succeed, I believe that we must now work diligently

to make it more effective and more responsive to the demands of today's world. It is clear, for instance, that we must improve the techniques for international cooperation as well as introduce greater efficiency in the operations of the UN system as we conduct more of our foreign affairs through multinational institutions. We achieved significant progress last year in this regard, and we intend to move rapidly now to accelerate the process.

In July 1970, I established a Commission for the Observance of the 25th Anniversary of the United Nations and asked it to reappraise the organization's potential and to make recommendations which would strengthen the organization and improve the effectiveness of U.S. participation. The thoughtful and comprehensive report which the Commission has recently submitted will help us form a fresh view of the capabilities and limitations of the United Nations, and its recommendations are now being given careful attention.

Much of what transpired in the United Nations and its related agencies during 1970 was of direct interest to the United States. For example, on October 24, 1970, the UN General Assembly adopted an International Development Strategy that charts an orderly course for multilateral assistance during the Second Development Decade, which began on January 1 of this year. Early in December, 1970, the Assembly adopted an American-initiated resolution calling for the humanitarian treatment of prisoners of war. The Assembly also overwhelmingly endorsed the establishment of a UN Fund for Drug Abuse Control, and appealed to members to join together in seeking the means to control the spread of drug addiction throughout the world. And on December 16 the International Civil Aviation Organization, a specialized agency of the United Nations, made progress toward controlling the crime of air piracy by adopting in The Hague a convention for the suppression of unlawful seizure of aircraft. The United States and 49 other Nations signed the convention on that day. The United Nations also took significant action to deal with other world concerns such as population control, the protection of our environment, and the use of the seas and seabed. We expect much more to be done.

In its peacekeeping role during 1970, the United Nations played a major part in encouraging better relations among the states of the Middle East, including an agreement to a new cease-fire which has been vital to maintaining the peace in that critical area of the world. U.N. forces and observers also continued to help keep the peace in the troubled areas of Cyprus and Kashmir. As the search continued for better methods of preserving the peace, the General Assembly on the last day of the 25th anniversary commemorative session, approved by ac-

clamation a Declaration on Friendly Relations among States.

These were only a part of the broad spectrum of developments and accomplishments during 1970. It is gratifying, therefore, to add this volume to the record of U.S. participation in the United Nations.

RICHARD NIXON.

THE WHITE HOUSE, September 20, 1971.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Dudley C. Mecum, of Massachusetts, to be an Assistant Secretary of the Army, which was referred to the Committee on Armed Services.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 20, 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.

CONFERENCE REPORT ON DRAFT EXTENSION—CONTROL OF TIME ON LIMITED DEBATE

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate at this time that on the hour to be allocated to the cloture motion before the vote thereon, half the time has been given to me.

I wish to transfer that time to the control of the distinguished Senators from California and Alaska (Mr. CRANSTON and Mr. GRAVEL) for whatever use they may see fit.

FEDERAL-STATE COMMUNICATIONS JOINT BOARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 360, H.R. 7048.

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

The assistant legislative clerk read the bill as follows:

H.R. 7048, 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.

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

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 362), explaining the purposes of the measure.

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

PURPOSE OF LEGISLATION

The purpose of this legislation (H.R. 7048, as reported by the committee), is to establish a Federal-State Joint Board to consider matters regarding jurisdictional separation of communications common carrier property and expenses between interstate and intrastate operations. It would establish a procedure whereby both Federal and State representatives participate in separations proceedings which were previously considered primarily at the Federal level, but it would retain in the Federal Communications Commission superintendence of the regulation of interstate telephone rates.

A. Separations

Title II of the Communications Act of 1934, as amended, 47 U.S.C. §§ 201 ff. provides for regulation of interstate communications common carriers by the Federal Communications Commission. The Commission, in determining whether the rates charged by the various carriers are reasonable, must first determine a rate base for the utility. Thus it must determine the costs of rendering the service which the utility recovers from the public in the form of rates. The carrier is entitled to earn a reasonable return on its plant investment in common carrier service and to recoup its expenses reasonably incurred in furnishing the service.

Telephone utilities, however, are subject both to Federal and State regulation. The Federal Government regulates interstate carrier services while the States exercise jurisdiction over intrastate toll and local exchange services. While the jurisdictions are separate for interstate and intrastate services, the plant facilities are to a great extent the same for both. The household telephone instrument, for example, is the same whether the call is made intrastate or interstate. Thus, in order for each jurisdiction effectively to exercise its authority, procedures are needed to apportion the costs for services under each jurisdiction.

Separation of costs for each jurisdiction is not subject to precise definition. Nevertheless, the allocations of costs must be reasonable, i.e., the rate base for each jurisdiction must have appropriate correlation to the different uses of the commonly used plant. See *Smith v. Illinois Bell Telephone Co.*, 232 U.S. 133 (1930); *Minnesota Rate Cases*, 230 U.S. 352, 435 (1913). Accordingly, the Commission is not free arbitrarily to determine the rate base, but rather, it must first ascertain the plant costs and expenses upon which to base interstate telephone rates.

The telephone industry in the United States is vast. In 1969, for example, over 100 million telephones accounted for approximately 169 billion calls of which 9½ billion were toll calls (intrastate and interstate). The Bell System accounted for 96 million of

these telephones and 160 billion calls. Out of 577 million miles of wire (including cables) for telephone carriers, the Bell System owned 554 million miles. The gross plant investment of all telephone carriers was \$51.7 billion with Bell's plant investment amounting to \$48.7 billion, and total operating revenues in 1969 were \$16.8 billion for all carriers, \$16 billion of which was Bell's. The Federal Communications Commission regulates approximately 30 percent of the Bell System plant; the States regulate the rest.

Although the States regulate, in the aggregate, 70 percent of Bell's plant investment, no one State has jurisdiction over as much as the approximately 30 percent regulated by the Federal Communications Commission, and the interests of the various States can be different. More importantly, the Federal Government preempts the States in the area of Federal jurisdiction. Thus, if the Commission declares its rate base to include certain costs, these costs are not used in determining a State's rate base; conversely, if the Federal Communications Commission does not use certain costs, the State may be left with these costs in determining its rate base—and correspondingly higher rates for local services to the local consumer.

The determination of the rate base at the Federal level, then, has a strong relation to the rates which are charged at the local level. Accordingly, the procedures for establishing the separations of plant and expenses at the Federal level have invoked great concern among the States as manifested by the interest expressed by the National Association of Regulatory Utility Commissioners (NARUC).

When, for technological or other reasons, Bell's rate of return is expected to exceed reasonable limits, the Federal Communications Commission can move to reduce interstate rates. Since the Commission was formed in 1934, it has consistently reduced interstate rates. These reductions are not to be confused with shifts in revenue requirements resulting from modifications in separations procedures. Since such shifts cannot be arbitrary, they cannot be occasioned by the fact that Bell would otherwise have excess earnings. Nevertheless, shifts of revenue requirements from intrastate to interstate operations do reduce the interstate rate of return. The Commission has made such shifts, prior to 1970, in several occasions as follows:

SEPARATIONS CHANGES TRANSFERRING REVENUE REQUIREMENTS FROM STATE TO INTERSTATE OPERATIONS PRIOR TO 1970¹

(In millions of dollars)

Year	Change	Revenue requirement (time of change)	Revenue requirement (current value)
1947	Simplification in methods	13	80
1952	Charleston plan	30	235
1956	Modified Phoenix	40	140
1962	Simplification in methods	46	90
1965	Exchange plant plan	134	177
1969	FCC plan	108	108
1969	Mechanical changes	35	35
	Total	406	865

¹ It should be noted that annual revenue of the Bell System increased during this period (1947-1969) from \$4,000,000,000 to \$14,500,000,000.

B. FCC-NARUC cooperation

The above separations revisions resulted from either the recommendations of a committee of staff members of the Federal Communications Commission and State commissions, formed in 1941 to formulate equitable and simple separations procedures, or from

Federal Communications Commission hearings on the subject (such as Docket No. 16258). In addition, the Commission has provided for NARUC observers at informal conferences with the Bell System under the "continuing surveillance" procedures. "Continuing surveillance" is a continuous study and review of the carrier's interstate earnings whereby the Commission and the carrier agree to voluntary rate reductions when warranted by the company's overall level of earnings. This procedure, according to the Commission, reduces the regulatory lag which is usually present in drawn-out hearings; it also saves both public and private resources.

Since January 1969 when the FCC-NARUC Separations Manual was made part of the FCC's rules, NARUC has had at its disposal the opportunity to petition the Commission for rulemaking to change separations procedures. Nevertheless, NARUC found the existing methods of arriving at separations procedures to be insufficient for adequate expression of the interests of the States.

The FCC, by letter of March 17, 1970, to the NARUC, suggested that pending jurisdictional separations proposals be considered by a Federal-State joint board. The FCC on May 20, 1970, adopted a notice of proposed rulemaking and order convening the joint board pursuant to its authority under the Communications Act of 1934, as amended, 47 U.S.C. 410.

That joint board operated under procedures almost identical to those which would be mandatory by H.R. 7048. Thus, the board consisted of three FCC commissioners and four State commissioners nominated by NARUC, with the Chairman of the FCC serving as the chairman of the joint board.

On August 6, 1970, the joint board convened, and a week later it recommended proposed rule changes to the FCC. Shortly thereafter, the Commission issued a further notice of proposed rulemaking, calling for comments from interested parties on the proposal—the so-called Ozark plan—of the joint board. On October 28, 1970, the Commission adopted a report and order which adopted the recommendations of the joint board on jurisdictional separations. The revised procedure resulted in an additional shift of approximately \$126 million in revenue requirements from intrastate to interstate operations.

Your committee was kept advised of developments as they arose during this period. These developments demonstrated a further attempt on the part of both the FCC and the States to cooperate in setting separations procedures.

During these proceedings, the FCC and the NARUC reached agreement on legislation which would write into law the procedures then being followed. This legislation is H.R. 7048 which passed the House on August 2, 1971.

PROVISIONS OF THE BILL

In essence, H.R. 7048 would make mandatory the procedures voluntarily followed last year in the formulation of the Ozark Plan.

H.R. 7048 would amend section 410 of the Communications Act of 1934, as amended, 47 U.S.C. § 410, to provide for a Federal-State Joint Board to consider matters regarding jurisdictional separation of communications common carrier property and expenses between interstate and intrastate services. As in section 410(a) of the act, the proposed section 410(c) would provide that the joint board's decision in the equivalent of an examiner's opinion in that it would "prepare a recommended decision for prompt review and action by the Commission."

The joint board would have seven members: Three FCC Commissioners selected by the Commission and four State commis-

sioners nominated by the national organization of State commissions, and approved by the Federal Communications Commission. The Chairman of the Federal Communications Commission would be the chairman of the joint board if he is on the board. Otherwise, the full Commission would designate the chairman of the joint board.

The bill would require that once the Commission institutes a proceeding pursuant to a notice of proposed rulemaking regarding jurisdictional separations it must refer the matter to the joint board. However, the Commission could deny a petition for rulemaking without first referring it to the joint board. The Commission may, in addition, refer other communications common carrier matters of concern to both Federal and State governments to the joint board except where such action would run counter to the general provisions of section 409 of the act relating to adjudicatory cases and depositions, subpoenas and other matters regarding witnesses.

When the Commission considers the recommended decision of the board, or other orders of decisional importance regarding the separations proceeding, it must allow the State members of the joint board the opportunity to sit *en banc* with the Commission for oral arguments and deliberations. In order to retain Federal superintendence in this field, however, the State members would not vote on the final decision.

C. Legislative consideration

The House Subcommittee on Communications and Power held hearings on H.R. 7048 on June 28, 1971. The Chairman of the FCC and the President of the NARUC testified in favor of H.R. 7048, and no one appeared in opposition to it.

Your committee has in recent weeks received many communications from a substantial number of State regulatory commissions throughout the United States urging immediate action. In addition, it held extensive hearings in the Ninety-First Congress on this matter. At those hearings, besides the FCC, representatives from over 40 State utility commissions appeared or filed statements.

CONCLUSION

The procedures for setting jurisdictional separations of costs and expenses for interstate and intrastate communications carrier operations should be decided with both Federal and State participation. The provisions of H.R. 7048 would achieve the purpose of joint participation without abandoning Federal superintendence in the field.

COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

Enactment of the bill will not result in any additional cost to the Government.

The committee is not aware of any estimates of cost by any Federal agency which are different from the estimate made by the committee in the preceding paragraph.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that

the time be charged against the time allotted to me.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

JUDGE ALEXANDER'S INTEMPERATE BEHAVIOR

Mr. BYRD of West Virginia. Mr. President, on August 18, while the Congress was in recess, news stories appeared in the Washington press concerning the conduct on the bench of Judge Harry T. Alexander of the District of Columbia Superior Court. These articles stated that Judge Alexander, who was appointed to a 10-year term on November 3, 1966, dismissed criminal charges against a youth in his court because a police officer, testifying against the youth, referred to the complainant in the case by her name only, without the prefix of "Miss" or "Mrs." The youth who was freed was charged with receiving stolen goods and with carrying a sawed-off shotgun.

When serious charges such as these are cavalierly dismissed on a flimsy pretext, I believe that crime in the District of Columbia is encouraged. I, therefore, wrote a letter on August 19 concerning this matter to Mr. Newell W. Ellison, the chairman of the District of Columbia Committee on Judicial Disability and Tenure. In the letter I stated that a prompt investigation of the facts should be made, and that appropriate action should be taken to insure that such intemperate behavior by this judge would be halted.

Reports of my letter were carried in the press, together with comments by Judge Alexander regarding the dismissal of the case. In the Washington Post of August 20, it was stated that the judge claimed the article had not been accurate, and he was quoted as saying that the charges against the youth had been dismissed because of the "government's obstinance and refusal to go forward—after the policeman was reprimanded."

I have carefully read the transcript of the proceedings in Judge Alexander's courtroom on the day in question, and I am convinced—on the basis of the transcript itself—that Judge Alexander acted with gross impropriety.

The official transcript shows that the action, a probable cause hearing, began at approximately 12:53 p.m. on Friday, July 30, 1971, before Judge Alexander.

When the proceedings opened, Judge Alexander asked if the government was ready for probable cause hearing to which Attorney Michael Dearington, representing the government, replied in the affirmative. Thereupon the government witness, Detective Patrick T. Lanagan, assigned to the First District

Detective Office of the Metropolitan Police Department was called.

The transcript then shows that the following occurred:

Q. Detective Lanagan, did you have occasion to investigate the theft of certain property from a Mrs. Mary Blackwell?

A. Yes, sir, I did.

Q. And, Detective Lanagan, would you relate the events leading up to the arrest of (name of juvenile deleted) please?

A. Yes, sir. Mary Blackwell of 1801—excuse me—1643 Potomac Avenue Southeast—

The COURT. Just a moment. How old is "Mary Blackwell"?

A. I believe she is 43, Your Honor.

The COURT. Have you ever been in my Court before?

A. Yes, Your Honor, in the old court.

The COURT. In the what?

A. In the old—

The COURT. There is no such thing in this City called old court. What Court was that?

A. The Court at Fifth and E, Your Honor.

The COURT. Did you say, Miss Blackwell?

A. No, sir, I said Mary Blackwell.

The COURT. Did you say—I know what you said.

What did you say?

Mr. DEARINGTON. Mrs. Blackwell, Your Honor.

The COURT. And, he comes back and says Mary Blackwell. Haven't you learned I don't tolerate that?

The WITNESS. I didn't know what you tolerated, Your Honor.

The COURT. I thought every policeman in the City knew that citizens had to be called Mr., Mrs., or Miss in my Courtroom. You didn't know that?

The WITNESS. I called her by her God given name, Your Honor.

The COURT. Well you call her by my dictation, and that is, Mrs. Blackwell. And, don't you ever forget it. Is that clear?

The WITNESS. As you direct, Your Honor.

The COURT. Who is your Superior?

The WITNESS. Inspector Dials.

The COURT. You tell Inspector Dials I don't like your impudence, and, don't you ever tell me about you calling a witness by her God given name.

Is there another witness in this case?

Mr. DEARINGTON. No, Your Honor.

The COURT. Well you get one. He is excused. We are taking a recess until 2:30, and get me another witness.

The transcript then shows that the hearing recessed at 1 p.m. and was reconvened at 2:50 p.m. When the hearing was resumed, Lanagan's superior, Inspector Dials, was present. Judge Alexander then continued his tirade against Lanagan, of which the following is a sample:

The COURT. Officer Lanagan called a 43-year-old woman by her quote, "God given name," unquote. I don't tolerate that. I thought every policeman in this City in the entire Department from Chief Wilson down knew that if in no other Court, in my Court citizens are respected. Officers are called Officer. They are detective, captain, inspector, chief or whatever. A witness in my Court calls witnesses, 43 year old, Miss, Mrs., or Mr. Officer Lanagan or Detective Lanagan, when asked why didn't he, gave the very rude insolent answer, I called her by her God given name.

The COURT. Anything the Detective wants to say?

Detective LANAGAN. No, Your Honor.

The COURT. Then get out of my Courtroom. I don't tolerate contemptuous conduct. I could put him in jail. Now that is

arrogance. He does not have the sense enough to apologize, or whatever it takes.

There follows in the transcript a lengthy statement by Judge Alexander concerning "stool pigeons" in his court, a matter which had no apparent connection with the case under consideration.

During this statement, the following exchange occurred:

Detective LANAGAN. If the Court feels I offended it, I apologize, Your Honor.

The COURT. The Court feels it and the Court doesn't like it at all.

At 3 p.m. another recess was taken, with the court reconvening at 3:10 p.m., at which time Judge Alexander resumed his denunciation of "stool pigeons" in his court and "uncle toms." The following is a sample:

The COURT. Another thing that I don't like are uncle toms, and I don't care whether they are clerks, marshals, bailiffs, prosecutors, or lawyers or Judges. I can't stand an uncle tom. I stand him less than I can stand a stool pigeon.

At 3:20 p.m. another recess was taken, with court reconvening at 3:30 p.m. Judge Alexander then asked the government's attorney if he was ready to proceed with the hearing, and the following occurred:

Mr. DEARINGTON. No, Your Honor. At this time we are not prepared for probable cause. We would request that the Case be continued to Tuesday in compliance with the Code which provides for five days to present probable cause.

The COURT. All right. I will give you the time. I won't be sitting and this young man will go home with his mother. I don't need to hear from the Social Worker.

Mr. DEARINGTON. May it be continued to Tuesday for probable cause?

The COURT. You can continue it for a month. In fact it is up to Mr. Wasserstrom (the defense attorney). How long do you want, sir? I hope it is a month.

Mr. WASSERSTROM. Your Honor, I would ask that the probable cause be continued until—for a month.

The COURT. You have got it. One month.

Judge Alexander made some additional remarks from the bench with respect to the continuance of the case and the conditions under which the youth would be released to his mother, and then the following occurred:

The COURT. The date, one month is—since this is a Friday, it will be August 27.

Mr. DEARINGTON. Your Honor, that is over the Government's objection.

The COURT. Next case.

When the Government is so obstinate and arrogant, I couldn't care less about its objection.

Mr. DEARINGTON. Well it is in the Statute, Your Honor, not to exceed five days for probable cause.

The COURT. That is for you. That is not for the Defense. That is to make the Government have its case ready and you are so obstinate today, you won't get the case ready and you had said it was ready. He can have a month.

Mr. DEARINGTON. Can I have the date again? I am sorry, I didn't get it, please.

The COURT. August 27th.

Mr. DEARINGTON. Thank you, your Honor. The COURT. Your conduct is as obstinate as the Policeman's. There is no reason why that case couldn't have been heard today. In fact, call Mr. Wasserstrom back here. Ask him if he wants it dismissed.

(Mr. Wasserstrom was called back into the Courtroom.)

The COURT. Go get your client. (Thereupon, Mr. Wasserstrom left the Courtroom and returned with the Respondent.)

The COURT. I can only handle obstinance with action.

Mr. Wasserstrom, I can give you, since the Government out of obstinance has declared itself not ready to go forward on this probable cause hearing today, this Court can take judicial notice and conclude that it is because this Court refused to tolerate the arrogance of one Detective Lanagan.

As an alternative to a continuance until August 27th I can give you a dismissal. I cannot give you a dismissal with prejudice, but sir, if it is brought back again you have a record and you can declare that the Government has been capricious and it is a denial of a speedy trial.

Mr. Wasserstrom. I would move the case—
The COURT. Would you like to have a dismissal of the case

Mr. WASSERSTROM. I would move the case be dismissed, Your Honor.

The COURT. It is granted.

These samples taken from the transcript of the hearing indicate very clearly, I believe, that Judge Alexander acted in a highly unusual and arbitrary manner, to say the least, in dismissing this case without ever hearing any of the facts that had a bearing on it.

The judge sought to blame the dismissal on the so-called obstinance of the government, but the transcript of the proceedings shows that at one point, the judge told the government's attorney, Mr. Dearington, that Detective Lanagan—the only government witness—was excused, and the judge told Dearington to get himself another witness. Later the judge told Detective Lanagan, the government's witness, to get out of the courtroom. All of this occurred prior to the request by the government's attorney to continue the case over until the following Tuesday.

The matter apparently could have been disposed of during the afternoon, but for the fact that the judge consumed the afternoon with his lectures, following which he peremptorily dismissed the case, blaming it on the obstinance of the government and the arrogance of the officer but conveniently overlooking his own obstinance and arrogance which are so clearly revealed by the transcript of the proceedings.

To dismiss a case against a party during the preliminary phase in response to some extrinsic or extraneous circumstances brought on by a witness, as was done here, hardly comports with traditional notions of judicial demeanor, judicial restraint and impartiality.

Mr. President, I hope that all who have an interest in our courts will read the record of Judge Alexander's unseemly conduct for themselves. It is inconceivable that a judge, any judge, would let his own prejudices lead him to dismiss a case on such flimsy and irrelevant grounds.

It is especially regrettable that actions such as this should occur in the Nation's Capital, plagued as it is with so much unpunished crime. What an example to set. I sincerely hope that the Commission on

Judicial Disability and Tenure, to whose chairman I wrote, will make a thorough inquiry into Judge Alexander's behavior and take appropriate action. Such capriciousness on the bench should not be allowed to go unchallenged.

I ask unanimous consent that the following be printed in the RECORD: The Washington Post story of August 18 dealing with Judge Alexander's action in this case; a Washington Daily News story of August 18 on the same subject; my letter of August 19, 1971, to the chairman of the District of Columbia Committee on Judicial Disability and Tenure; the Washington Post story of August 20, dealing with my letter; a Washington Post story of August 24, dealing with the District of Columbia Policeman's Association's reaction to Judge Alexander's behavior; a Washington Evening Star editorial of August 25 on "Alexander's Outbursts"; a Washington Daily News story of August 4, dealing with earlier conduct of Judge Alexander; and the transcript of the hearing.

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

[From the Washington Post, Aug. 18, 1971]

GUN CASE DISMISSED ON
OMISSION OF "Mrs."
(By Maurine Beasley)

Superior Court Judge Harry T. Alexander has dismissed charges against a youth accused of possessing a sawed-off shotgun because a white policeman did not refer to a black woman complainant as "Miss" or "Mrs."

The action came at a confused proceeding at which the judge, who is black, complained of racial prejudice in court operations and accused acting Chief Judge James A. Belson of "planting a stool pigeon in my courtroom yesterday."

According to a transcript, the "stool pigeon" was a white prosecutor sent into the courtroom to pick up a file in another case involving a 12-year-old girl.

In that case Judge Belson, who is white, had received complaints that Judge Alexander had directed a court official to take the girl into his own home for the night.

The judge proposed that the girl, a runaway from Pennsylvania, go home with Alfred Burling, court fiscal officer, after Burling said the court lacked funds to carry out Alexander's original order—to place the girl in a hotel with a matron. The judge finally decided she should go to a shelter house.

In dismissing the charge against the youth, who is 16 and black, Judge Alexander referred numerous times to the "stool pigeon" sent into his courtroom. He said he disliked "the idea that white people can get together behind a black man's back no matter where he is and do their thing."

The judge also dismissed a charge of receiving stolen property against the youth. The dismissals came July 30, but court transcripts detailing the judge's actions were not made available until yesterday.

The transcripts show the judge began his stormy outburst shortly after the policeman, Det. Patrick T. Lanagan, took the stand as the government's first witness against the youth.

The defendant was charged with carrying the sawed-off shotgun July 28 in the 1800 block of Potomac Avenue SE, and receiving stolen property belonging to Mary Blackwell of 1643 Potomac Ave. SE.

According to the transcript Assistant Corporation Counsel Michael Dearington, who was prosecuting the case, asked Lanagan,

"Would you relate the events leading up to the arrest of (the youth)?"

He replied, "Yes sir. Mary Blackwell of 1801—excuse me—1643 Potomac Ave. SE."

Judge Alexander then interrupted him, and the transcript gives the following exchange:

Judge Alexander: "Did you say, Miss Blackwell?"

Lanagan: "No, sir, I said Mary Blackwell." Judge Alexander: "... Haven't you learned I don't tolerate that? ... I thought every policeman in the city knew citizens had to be called Mr., Mrs., or Miss in my courtroom. You didn't know that?"

Lanagan: "I called her by her God-given name, your honor."

Judge Alexander: "Well, you call her by my dictation, and that is, Mrs. Blackwell. And, don't you ever forget it. Is that clear?"

The judge then accused Lanagan of "impudence" and recessed the hearing until his superior, Inspector John Dials, appeared before him to apologize, describing Lanagan as using "just a poor choice of words."

The judge then launched into an attack on "stool pigeons," declaring that neither Judge Belson nor the Chief Judge (Harold H. Greene) "can stop me from doing anything I want to do."

"... Black people are treated differently (in the court) but they can't be treated differently in my courtroom and that is not just because I am black. That is just because that is the way I am."

He then asked Assistant Corporation Counsel Michael Dowd, who he also had summoned before him, to identify the "stool pigeon." Dowd identified him as Assistant Corporation Counsel William Pease, acting at the request of Judge Belson, replacing Greene temporarily as chief judge.

After several lengthy outbursts against the use of prosecutors as judges' "stool pigeons," Judge Alexander refused to continue the case against the youth for five days as the prosecutor's office desired, emphasizing that he "refused to tolerate the arrogance of one Detective Lanagan."

He told defense attorney Silas J. Wasserstrom to ask for a dismissal which he granted.

[From the Washington Daily News, Aug. 18, 1971]

JUDGES' FEUD ON RACE ISSUE REIGNITES: "EVERY CITIZEN HAS TO BE CALLED MR., MRS., OR MISS IN MY COURTROOM"

(By Mary Ann Kuhn)

D.C. Superior Court Judge Harry T. Alexander dismissed charges of receiving stolen property and possession of a sawed-off rifle against a 16-year-old boy during a recent hearing after a white detective did not address the black victim as "Miss" or "Mrs."

As the detective said his first words, "Mary Blackwell," addressing the black victim, Judge Alexander interrupted. According to portions of the transcript, this followed:

Judge Alexander: "Did you say Miss Blackwell?"

Det. Lanagan: "No sir, I said Mary Blackwell."

Judge Alexander: "Haven't you learned I don't tolerate that?"

Det. Lanagan: "I didn't know what you tolerated, your honor."

Judge Alexander: "I thought every policeman in the city knew that citizens had to be called Mr., Mrs. or Miss in my courtroom. You didn't know that?"

Det. Lanagan: "I called her by her God given name, your honor."

Judge Alexander: "Well, you call her by my dictation, and that is Mrs. Blackwell. And don't you forget it. Is that clear?" (Mrs. Blackwell is 43.)

Det. Lanagan: "As you direct, your honor."

Then Judge Alexander, who asked Det. Lanagan the name of his superior, said:

"You tell Insp. (John) Dials I don't like like your impudence, and don't you ever tell me about you calling a witness by her God given name."

"ARROGANT POLICEMEN"

The judge apparently called Insp. Dials to his courtroom. After the luncheon recess, the judge told the inspector: "Arrogant policemen don't make it. Arrogant policemen who are rude to the court don't make it either."

Insp. Dials told the judge that he has known Det. Lanagan "ever since he was a rookie policeman about 10 years ago and this is the first complaint of this nature I have ever had about him. I am sure he did not know that the court demanded the prefix, Mr. or Mrs."

Toward the end of the two-hour, late afternoon hearing, during which Det. Lanagan apologized to the judge, Judge Alexander accused the prosecutor of asking that the hearing be continued in several days "out of obstinance ... because this court (the judge) refused to tolerate the arrogance of one Det. Lanagan." The judge then asked the defense lawyer if he wished him to dismiss the charges and when the lawyer said "yes," the judge did so.

"TREATED DIFFERENTLY"

The judge also said he was going to "show them (the detective) that I am supposed to have the same kind (of respect) as a white judge. Black people are treated differently. But they can't be treated differently in my courtroom ..."

That same day, July 30, Judge Alexander accused Judge James A. Belson of "planting" a prosecutor as a "stool pigeon" in his courtroom to "spy" on him. Judge Belson was acting as chief judge while Judge Harold H. Green was on vacation.

The day before, Judge Alexander demanded that a court official house a 12-year-old runaway girl from Pennsylvania in his home for the night or place her in a hotel room guarded by a matron rather than sending her to the Receiving Home.

"RACIST" JUDGES

The judge also accused three fellow judges, Leonard Braman, William C. Pryor and John D. Fauntieroy of fostering "racist" policies in juvenile court by allowing former offenders and those accused of crimes to counsel black children in the District.

Today, Chief Judge Greene said of Judge Alexander's remarks against other judges:

"I deplore Judge Alexander's remarks about Judge Belson and other judges of this court. Unwarranted attacks on other judges can only injure the administration of justice. I'll be happy if you quote me on that."

In the case of the 16-year-old who was released by Judge Alexander, Det. Patrick T. Lanagan had just taken the stand at the request of Asst. Corporation Counsel Michael Dearington, to testify to the events leading up to the youngster's arrest.

In the case of the 12-year-old runaway, Judge Belson had been secretly told that Judge Alexander planned to house the runaway in the home of Alfred Burling, fiscal officer of the court, when Mr. Burling told the judge that the city government did not have the funds to place the girl in a hotel room until she received money from her family to be sent to her home in Pennsylvania.

According to court sources, Judge Belson ordered Asst. D. C. Corp. Counsel William Pease to sit in the courtroom and let him know as soon as possible what Judge Alexander decided to do with the runaway. Judge Alexander decided to house the girl at a youth shelter home for the night.

"I don't think a judge should use a prosecutor to spy on other judges," Judge Alexander told a reporter. "This young lady has no business being in a receiving home. She's no criminal."

When told Judge Greene said he felt Judge Belson had acted "properly", Judge Alexander retorted: "Did you ask Judge Greene whether he liked one judge spying ... planting a stool pigeon in another judge's courtroom. Ask him. Ask him whether he approves of one judge spying on another."

Later, Judge Alexander said, "I think there are white people who can get together behind the back of a black man."

U.S. SENATE,

Washington, D.C., August 19, 1971.

Mr. NEWELL W. ELLISON,
Chairman, District of Columbia Committee
on Judicial Disability and Tenure, Wash-
ington, D.C.

DEAR CHAIRMAN ELLISON: The Washington Post of August 18, 1971, contains a story detailing the conduct of Judge Harry T. Alexander of the Superior Court of the District of Columbia, in a recent case. In the article it is stated that charges against a youth accused of carrying a sawed-off shotgun and receiving stolen goods were dismissed because a police officer, testifying against the defendant, referred to the complainant in the case by her name only without the prefix "Miss" or "Mrs."

If this account is accurate, then Judge Alexander would appear to be guilty of capricious and frivolous conduct on the bench. The use of "Miss" or "Mrs." by the police officer would not seem to have had any bearing on the facts in this case. It is no wonder that hoodlums have a field day in the District of Columbia, when serious criminal proceedings are handled in such a manner. Judge Alexander has made a mockery of the dispensing of justice. Such petty behavior can only breed in the criminally-inclined arrogance where the rights of others are concerned and contempt for the law and the courts.

As a member of the Senate Judiciary Committee, I wish to strongly urge that the recently established District of Columbia Committee on Judicial Disability and Tenure, of which you are chairman, promptly investigate the facts of this case and take all appropriate action to insure that such petulant and intemperate behavior by this judge is halted. Conduct such as this is prejudicial to the administration of justice and tends to bring the entire judicial system into disrepute.

Prompt and vigorous action on the part of your committee in investigating judicial misconduct such as this can have a salutary effect upon the administration of justice in general and upon this judge in particular, who appears to feel that he is unbound by the American Bar Association's Canons of Judicial Ethics.

Sincerely yours,

ROBERT C. BYRD,
U.S. Senator.

[From the Washington Post, Aug. 20, 1971]
SENATOR ASSAILS DISTRICT OF COLUMBIA JUDGE
(By Maurine Beasley)

Sen. Robert C. Byrd (D-W.Va.) yesterday urged the local unit empowered to remove judges to take all appropriate action necessary to halt what he termed "petulant and intemperate behavior" by Superior Court Judge Harry T. Alexander.

In a strongly worded letter to the D.C. Commission on Judicial Disability and Tenure, the senator referred to a newspaper account of Judge Alexander dismissing charges against a youth because a white police officer referred to a black woman complainant by her name only, without the prefix "Miss" or "Mrs."

The 16-year-old defendant had been charged with carrying a sawed-off shotgun and receiving stolen goods.

"If this account is accurate, then Judge Alexander would appear to be guilty of capricious and frivolous conduct on the bench."

Byrd wrote to Newell W. Ellison, commission chairman.

"The use of 'Miss' or 'Mrs.' by the police officer would not seem to have had any bearing on the facts in this case. It is no wonder that hoodlums have a field day in the District of Columbia when serious criminal proceedings are handled in such a manner.

"Judge Alexander has made a mockery of the dispensing of justice," the senator, a member of the Senate Judiciary Committee, said. "Such petty behavior can only breed, in the criminally inclined, arrogance where the rights of others are concerned and contempt for the law and the courts."

Informed of the Byrd letter, the judge declined to comment except to claim the article had not been accurate.

He said the charges against the youth actually had been dismissed because of the "government's obstinance and refusal to go forward in the afternoon after the policeman was reprimanded."

The transcript of that July 30 proceeding shows that prosecutors sought a five-day postponement that Alexander declined to grant. He initially set a 30-day continuance and then reversed himself and told the youth's attorney to request a dismissal, which the judge then granted.

The Byrd letter is the second complaint against Judge Alexander made to the commission in less than a month.

The first came from a probation officer, John Gordon, who accused Judge Alexander of exhibiting "racial hatred" during a juvenile youth hearing.

The judge, who is black, severely criticized Gordon, who is white, for permitting a 16-year-old black youth charged with burglary to work with young black children. The judge charged Gordon and three other judges, two black and one white, with agreeing to "racism," by employing the philosophy that "anything is good enough for blacks."

Born in New Orleans 47 years ago, one of seven children of a shoemaker, the judge worked as a bootblack to help pay his way through Georgetown University Law School.

He says he turned to shining shoes after he tried in vain to get a job as a clerk or bailiff at Washington's old Municipal Court, now Superior Court.

In those days, the court had only one black bailiff and didn't want any more, the judge recalled yesterday. After serving as a Justice Department attorney and assistant U.S. attorney, he was appointed to the bench in 1966, returning to the court where he once tried to get a job. He is one of 11 black judges out of 37 at Superior Court.

[From the Washington Post, Aug. 24, 1971]

POLICE ASK REVIEW OF COURT INCIDENT

(By B. D. Colen)

The District of Columbia Policemen's Association yesterday asked the D.C. Commission on Judicial Disability and Tenure to review the recent courtroom behavior of Superior Court Judge Harry T. Alexander.

The association's request was similar to one made last week by Sen. Robert C. Byrd (D-W.Va.). Both the association and Byrd indicated their disapproval of Alexander's recent dismissal of a gun possession charge on the basis that a police officer testifying in the case failed to refer to the complainant as Miss or Mrs.

Judge Alexander, who is black, sternly reprimanded the officer, who is white, and that public reprimand, said Police Sgt. Lonnie Kishpaugh, association first vice president, "causes the average citizen to have little respect for the police officer."

Policemen, said Kishpaugh at a press conference yesterday, "should not be subject to . . . abuse, defamation and insult from the bench."

In its letter to the commission, the association, which represents metropolitan police, Executive Protective Service and U.S. Park Police officers, said, "we do not argue with Judge Alexander's belief that persons before the bench are entitled to all due respect and dignity. . . . However, we feel that Judge Alexander's demand for respect appears to be on the basis of 'do as I say, not as I do.'"

Kishpaugh said the association was not upset that the officer was corrected by the judge in open court, but rather by the manner in which the judge addressed the officer, and the judge's inference that the policeman was acting in a racist manner.

Kishpaugh said the association would prefer to see judges take policemen into their chambers if they feel reprimands are necessary, or, at least, to hold a bench conference.

The association, said Kishpaugh, hopes the commission will give Judge Alexander instructions regarding his behavior. The commission has the power of impeachment, a step Kishpaugh said the association did not advocate.

[From the Washington Star, Aug. 25, 1971]

ALEXANDER'S OUTBURSTS

Responding to news reports of the courtroom conduct of Superior Court Judge Harry T. Alexander, Senator Byrd of West Virginia has urged the new D.C. Commission on Judicial Disability and Tenure to look into the situation as a watchdog of the court. It is fair to assume that the senator's reaction is shared by a broad spectrum of the Washington community.

Some days ago we commented in these columns on the intemperance of an Alexander outburst in which the judge, who is black accused some of his colleagues of "racism." Senator Byrd's letter was stimulated by court transcript accounts of yet another episode. This time, Alexander dismissed charges against a black teen-ager accused of carrying a sawed-off shotgun, after a furor in which the judge lambasted a white police officer who referred to a black woman complainant in the case by her first and last names only, without use of the prefix "Miss" or "Mrs."

Calling for whatever means are necessary to halt such "petulant and intemperate behavior," Byrd said it was difficult to see how the use of "Miss" or "Mrs." in referring to the complainant could have had a significant bearing on the facts of the case—and of course there was no bearing at all. Whatever provocation the judge felt he had to dispute the officers manner of testimony, the dropping of the case was most certainly a miscarriage of justice.

According to the quoted transcript, Alexander had said that every policeman should know that all "citizens had to be called 'Mr.', 'Mrs.' or 'Miss' in my courtroom." In a later interview with a Star reporter, he said he always insists that dignity and respect be extended everyone and asked, "What's wrong with having people respected?"

The answer to that generalized question is not only that nothing is wrong, but that indeed a judge's duty is to maintain an atmosphere of dignity and respect in the courtroom. That can hardly occur, however, unless the judge abides by those same precepts in his own courtroom demeanor.

There is a healthy respect among Superior Court observers for Alexander's knowledge of the law, and there is little doubt that he takes his job seriously. But a quality of judicial temperance is no less essential. Without trying to guess what response, if any, the judicial commission will make to Senator Byrd's letter, our hope is that Judge Alexander will re-examine his own performance in the certain knowledge that too frequently it has been a cause of embarrassment destructive to fair play and justice regardless of race.

[From the Washington Daily News, Aug. 4, 1971]

JUDGE ACCUSED OF "ABUSIVE" CONDUCT

(By Mary Ann Kuhn)

For the first time, a member of the D.C. Superior Court has publicly complained about a judge's "abusive" conduct to a commission which has the power to remove judges from the bench.

In a letter to the newly created D.C. Commission on Judicial Disabilities, and Tenure, John Gordon, a probation officer in the court's juvenile division, claimed that Judge Harry T. Alexander accused three judges, the court system and Mr. Gordon of "racism." Judge Alexander was complaining that former offenders and those accused of crimes are allowed to counsel young black children in the District.

The judge's outburst came as Mr. Gordon explained that a 16-year-old ex-offender, who is now accused of burglary, was employed as a counselor to black youngsters at the Hospitality House, 11th and H-streets ne.

The judge, who is black, said that the 16-year old should not be permitted to "ruin other youths." He called the counseling program "ridiculous." He charged that Judge Leonard Braman, William C. Pryor and John D. Fauntleroy were subscribing to "racism" by sending youngsters to programs in which ex-offenders are counselors.

And, Judge Alexander said, it was an insult to the black people of this city to allow such youngsters as the 16-year-old, "who needs rehabilitation," to counsel other youngsters.

"This is the hysteria of the city—keep it cool, keep it quiet and give these youth anything," the judge said. Several times the judge charged that the court was subscribing to a philosophy of "anything is good enough for the blacks."

When the judge asked Mr. Gordon, "What makes him (the youth) qualified to be a counselor?" Mr. Gordon replied, "I didn't get him the job, your honor."

At that point the judge ordered Mr. Gordon out of the courtroom, saying "I don't tolerate impudence," and asked to see Mary McDonough, his supervisor.

The judge told Miss McDonough that Mr. Gordon could not come back into the courtroom until he apologized. When she asked if the judge wanted the apology written or verbal, the judge said, "I want him—since he's big enough to come in here and be nasty, let him be big enough to come back here in person."

Mr. Gordon apologized, then explained that the youngster got the job on his own without the help of the probation department. The judge told Mr. Gordon, "Most of the souls that have your job here are not competent."

When Mr. Gordon told the judge that the reason he allowed the 16-year-old to be a counselor "is the fact I would rather see him employed than out on the streets"—the judge interrupted:

RUIN OTHERS

"Don't let him ruin other youths. Get him another job. That's what I mean—the philosophy 'anything is good enough for blacks. Even if it ruins other blacks.' You're part of the problem . . ."

"That is what is wrong with this place," the judge said. "They've got too many people here who feel that they are up and mighty and above blacks and they're going to be dogooders and try and do anything to keep the city cool and quiet, no matter who gets hurt, and that's not the role of a juvenile court and it's not the role of the probation department."

In his letter to the commission, Mr. Gordon wrote, "I am sorry to see a man so obviously intoxicated with legitimate power and racial hatred in such a position to make decisions on human lives.

"My concern and reason for writing this

letter is to express my total dissatisfaction and humiliation with the behavior of a man of such supposedly calibrated magnitude as a judge. I found Judge Alexander's remarks slanderous and entirely dogmatic and rather unbecoming to both me and my department."

[SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA, FAMILY DIVISION]

DISTRICT OF COLUMBIA VS. —, RESPONDENT,
DOCKET NUMBERS J-4960-71

WASHINGTON, D.C.,
Friday, July 30, 1971.

The above-entitled action came on for a probable cause hearing before the Honorable Harry T. Alexander, Judge, in Courtroom Number 35, commencing at approximately 12:53 o'clock p.m.

Appearances:

On behalf of the Government: Michael Dearington, Esquire, Assistant Corporation Counsel.

On behalf of the Respondent: Silas J. Wasserstrom, Esquire, 209 Constitution Avenue, N.E., Washington, D.C.

Larry F. Pavlish, Official Court Reporter.

PROCEEDINGS

The DEPUTY CLERK. In the Matter of Docket Number J-4960-71. State your date of birth. The DEPUTY CLERK. Present in Court are— The COURT. What was that date of birth, again?

The COURT. What school did you go to?

The COURT. At least you had a teacher who taught you to say fifty. Somewhere along the line you have learned it.

Proceed.

The DEPUTY CLERK. Present in Court are the Respondent's Attorney, Attorney Wasserstrom, the Respondent's Social Worker, Mr. Carter, the Respondent's mother.

The Petition alleges that said child, at about 11:05 p.m., July 28, 1971, near the eighteen-hundred block of Potomac Avenue, Southeast, in the District of Columbia, had in his possession a sawed off rifle in violation of 22 D.C. Code, 3214(a).

Petition number two alleges that at about 10:30 a.m., on July 29—

The COURT. That is count number two.

The DEPUTY CLERK. Thank you, Your Honor. Count number two alleges that said child at about 10:30 a.m. on July 29, 1971, at 409 17th Street, Southeast in the District of Columbia did receive or buy with intent to defraud, property stolen from Mary Blackwell consisting of one Philco TV Set and one Sony Tape Player, knowing or having cause to believe that said property was stolen in violation of 22 D.C. Code 2205.

The COURT. They are two separate and distinct petitions. Petition number 4960-71 charges possession of a prohibited weapon, to wit a sawed off rifle. Petition number two, number 4961-71 charges receiving stolen property.

Is the Government ready for Probable Cause Hearing?

Mr. DEARINGTON. Yes, we are, Your Honor.

The COURT. Let's proceed.

Mr. DEARINGTON. The Government calls Detective Lanagan.

Whereupon, Patrick T. Lanagan, having been called as a witness for and on behalf of the Government, and having been first duly sworn by the Deputy Clerk, was examined and testified, as follows:

DIRECT EXAMINATION

By Mr. Dearington:

Q. Detective Lanagan, Would you state your full name and duty assignment?

A. Patrick T. Lanagan, assigned to the First District Detective Office, Metropolitan Police Department.

Q. Detective Lanagan, did you have occasion to investigate the theft of certain property from a Mrs. Mary Blackwell?

A. Yes, sir, I did.

Q. And, in connection with that investigation, did you have occasion to arrest an (name of person deleted)?

A. I did, yes, sir.

Q. And, Detective Lanagan, would you relate the events leading up to the arrest of (Name of juvenile deleted), please?

A. Yes, sir. Mary Blackwell of 1801—excuse me—1643 Potomac Avenue, Southeast—

The COURT. Just a moment. How old is "Mary Blackwell"?

A. I believe she is 43, Your Honor.

The COURT. Have you ever been in my Court before?

A. Yes, Your Honor, in the old court.

The COURT. In the what?

A. In the old—

The COURT. There is no such thing in this City called old court. What Court was that?

A. The Court at Fifth and E, Your Honor.

The COURT. Did you say, Miss Blackwell?

A. No, sir, I said Mary Blackwell.

The COURT. Did you say—I know what you said.

What did you say?

Mr. DEARINGTON. Mrs. Blackwell, Your Honor.

The COURT. And, he comes back and says Mary Blackwell. Haven't you learned I don't tolerate that?

The WITNESS. I didn't know what you tolerated, Your Honor.

The COURT. I thought every policeman in the City knew that citizens had to be called Mr., Mrs., or Miss in my Courtroom. You didn't know that?

The WITNESS. I called her by her God given name, Your Honor.

The COURT. Well you call her by my dictation, and that is, Mrs. Blackwell. And, don't you ever forget it. Is that clear?

The WITNESS. As you direct, Your Honor.

The COURT. Who is your Superior?

The WITNESS. Inspector Dials.

The COURT. You tell Inspector Dials I don't like your impudence, and, don't you ever tell me about you calling a witness by her God given name.

Is there another witness in this case?

Mr. DEARINGTON. No, Your Honor.

The COURT. Well you get one. He is excused. We are taking a recess until 2:30, and get me another witness.

(Whereupon, at 1:00 o'clock, p.m., the Court recessed for lunch.)

AFTERNOON SESSION

(Thereupon, at 2:50 o'clock, p.m., the Probable Cause Hearing was reconvened, at which time the following transpired:)

The COURT. I see Inspector Dials is here. I would like you to come up with the Officer, sir.

The most important thing in this City, Inspector, is police community relations. Arrogant policemen don't make it. Arrogant policemen who are rude to the Court don't make it either. This man to your right, Officer—what is his name?

Mr. DEARINGTON. Lanagan, Your Honor.

The COURT. Officer Lanagan called a 43 year old woman by her quote God given name unquote. I don't tolerate that. I thought every policeman in this City in the entire Department from Chief Wilson down knew that if in no other Court, in any Court citizens are respected. Officers are called Officer. They are detective, captain, inspector, chief or whatever. A witness in my Court calls witnesses, 43 years old, Miss, Mrs. or Mr. Officer Lanagan or Detective Lanagan, when asked why didn't he, gave the very rude insolent answer, I called her by her God given name.

Is there anything you want to say? This is a complaint and it is a complaint made in the forum form where the misconduct occurred. I don't tolerate it. I have only sent for one Inspector, and that is you, sir, because that kind of conduct can tear the City

apart. If that man has got the kind of guts to act like that in this Courtroom he must be murder on the street.

Inspector DIALS. Your Honor, Detective Lanagan has worked with me since he came on as a rookie policeman about ten years ago and this is the first complaint of this nature I have ever had about him. I am sure he did not know the Court demanded the prefix, Mr. or Mrs. He has always been very courteous.

The COURT. Did he know he shouldn't tell the Judge after the Court told him?

Inspector DIALS. I agree.

The COURT. It is rude, insolent and impudent. He may not like me and I don't care about that. But this robe stands for something and so does that flag, and anybody that can't respect those two things, I don't need them in this Courtroom ever. There are places to put contemptuous people either by fine or by imprisonment, and I am not going to tolerate his impudence.

Inspector DIALS. Your Honor, I am quite sure Detective Lanagan did not deliberately become discourteous to you, probably just a poor choice of words, and I agree with you. I don't like that reply myself.

The COURT. Anything the Detective wants to say?

Detective LANAGAN. No, Your Honor.

The COURT. Then get out of my Courtroom. I don't tolerate contemptuous conduct. I could put him in jail. Now that is arrogance. He does not have the sense enough to apologize, or whatever it takes.

Inspector DIALS. Your Honor, I would feel sure Detective Lanagan—

The COURT. I just gave him an opportunity. And, I don't care how many stool pigeons are in this Courtroom. Now lets get this straight. Yesterday there was an incident—what is the name of that Prosecutor I asked you about?

Mr. DEARINGTON. Your Honor, I am not—I have yet to ascertain his name, Your Honor.

The COURT. Who thinks that Judge Belson is my Court of Appeals, who thinks that maybe the Chief Judge is my Court of Appeals. They aren't. Neither one of them can stop me from doing anything I want to do. That goes for the Clerks Office, the Prosecutors Office or anybody else who had anything to do with a jacket leaving my Courtroom and going to Judge Belson. Now I don't know where these peoples lawyers are, but some people think white men can get together and do anything behind a black man's back. Behind mine you have got trouble. A Prosecutor or Clerk goes to an Acting Chief Judge to tell what the sitting Judge is doing as if that can turn me around. Now anybody who wants to leave here can run out of this Courtroom, go to Judge Belson. Let him go, and he will get told the same thing he got told yesterday. I don't like that kind of conduct.

All right, Inspector Dials.

Inspector DIALS. I feel sure Detective Lanagan would apologize to the Court if he offered the Court, Your Honor.

The COURT. I gave him a chance. I gave him an opportunity. He offended not only me, but the Institution of the Judiciary. I called her by her God given name. Why is he in front of you?

Detective LANAGAN. If the Court feels I offended it, I apologize, Your Honor.

The COURT. The Court feels it and the Court doesn't like it at all.

Now, Inspector, I would suggest as for the sake of a healthy city, the worst thing in this City is community-police relations. If I hadn't been a Judge my head would have been hit and split, I don't know how many times. Only me with credentials or acknowledging or stating I was a Judge stopped it. It is not only by white policemen, black too. Now something has got to be done with police-community relations when it is so bad a policeman can come into the Courtroom and be nasty to the Judge, and that is pretty bad.

Just think of what the citizens suffer on the street. If he is going to be indignant, nasty and disrespectful to me, sir, he is not going to love any citizens out there. He is not going to be no officer friendly like those who ride around on scooters and walk beats and children say hello, and they don't even answer. We talk about crime and crime rising, and the people don't even have friends out there who will say hello. An Officer doesn't lose anything for a reply or a returning hello. That is the kind of things we have out in the street which stops the detection of crime, and also, it is probably responsible for some children going astray.

Now, sir, it is very important for me to send for you, and I thought it was important because this was the height of indignance and I don't think you would tolerate it, knowing you from years and years previously. When I learned it was Inspector Dials who was the Inspector, I thought I would like to have him come. Thank you for coming and I hope you understand what I am saying. I don't think the Judge has to tolerate that. For the Record, I am not going to do it. I accept Detective Lanagan's apology, but let me say this. He wouldn't have said that to Chief Judge Curran and/or Judge Sirica. He just thinks he can disrespect some people. But when they come in here with that kind of attitude I am going to try and show them that I am suppose to have the same kind as a white Judge. And, I don't pull any punches with using the words, black and white. That is the problem in this city. Black people are treated differently. But they can't be treated differently in my Courtroom, and that is not just because I am black. That is just because that is the way I am.

Judge Belson, yesterday telling me about this case, he says to me—I said, "I don't believe anything is good enough for black children" and he said, "but that young lady wasn't black, was she?" Of course she wasn't black. She was a little white young lady that I give as much protection to as black people. I do as much for one as I do for the other. But that is the kind of thinking that prevails around here and that is the kind that tauts the administration of justice, and that is the kind that has to stop with Judges, with Prosecutors, with policemen and everybody else.

Sir, I thank you for coming.
Inspector DIALS. Thank you, Your Honor.
Mr. DEARINGTON. Your Honor, I summoned Mr. Dowd.

The COURT. I won't need Mr. Dowd unless he can tell me the name of the Prosecutor that acted as stool pigeon yesterday.

Mr. Dowd. Your Honor—
The COURT. Who was the young man that ran out of my Courtroom and promptly took the jacket to Judge Belson. That is not over with. Now who was it?

Mr. Dowd. That Attorney, Your Honor, was Mr. William Pease. He is presently in trial before Judge Stewart.

The COURT. I want to see him as soon as he is available.

Mr. Dowd. Very well, Your Honor.
The COURT. I don't like stool pigeons and I want him to know it. I want him to know Judge Belson can't make me do anything.

Mr. Dowd. First of all, Your Honor, as far as your reference to Mr. Pease as a stool pigeon—

The COURT. That is my reference.
Mr. Dowd (continuing). Mr. Pease was asked to come to your Courtroom by Judge Belson. He knew nothing about this matter until Judge Belson called him.

The COURT. Mr. Pease was asked by Judge Belson?

Mr. Dowd. That is correct, Your Honor.
The COURT. Take a recess.

(Whereupon, at 3:00 o'clock, p.m., a brief recess was called.)

(Thereupon, at 3:10 o'clock, p.m., the

Court reconvened, at which time, the following transpired:)

The COURT. Mr. Dowd, I have tried to reach Judge Belson. He is sitting and I put in an urgent phone call to him. He didn't tell me yesterday that he planted Mr. Pease in my Courtroom, and I want him to know that the truth does not always remain in falsehood and surrounded by venal, but that I now know that Mr. Pease was doing what he was told to do and I am sorry that happened. But there comes a time when a man just has to tell the truth.

You are not going to get in any trouble for telling the truth about this thing, but you see, I don't tolerate that kind of administration of justice. It gives you young fellows, most of whom are white if not all, the idea that white people can get together just like I told Judge Belson yesterday evening, behind a black man's back no matter where he is and do their thing. And, that is not the administration of justice and I don't want anybody in your Office to think it is. It is not. It is the height of impropriety for an Acting Chief Judge to plant a stool pigeon in another Judge's Courtroom. I am sorry I have to say that, but I have got to call it just like it is.

Now I don't care who asks you, I don't want any plants in my Courtroom. The only man that is going to be in my Courtroom is the man that is going to be trying the case. Since you have got an office that is going to be stool pigeons against me, the only Prosecutor in here is going to be the Prosecutor that is presenting the evidence, one at a time. Sorry about that. Everybody else must go. Tell that to Judge Belson.

Mr. Dowd. Your Honor, first of all without—

The COURT. I think I told him that yesterday because I don't like stool pigeons and if I got any clerks that is like that, they are not going to be in here either.

Mr. Dowd. May I say, Your Honor—
The COURT. Another thing that I don't like are uncle toms, and I don't care whether they are clerks, marshals, bailiffs, prosecutors, or lawyers or Judges. I can't stand an uncle tom. I stand him less than I can stand a stool pigeon.

Yes, sir.
Mr. Dowd. Your Honor, may I say first of all my Office, the office which I am the Acting Head, the Juvenile Division does not have all white attorneys. We have—

The COURT. I said, most of whom.
Mr. Dowd. I am sorry.
The COURT. I know your office. I said most of whom if not all.

Mr. Dowd. I stand corrected.
The COURT. I know your office and every other office in this City that phrase applies to, Local and Federal.

Mr. Dowd. May I say this, Your Honor, in response to your statement. Mr. Pease like every other attorney in our office tries to cooperate with every Judge of this Court to the best of his ability. Mr. Pease, I know, was not acting in his view as a stool pigeon. He was simply responding to a request by the Acting Chief Judge when he received the call.

The COURT. I appreciate your saying that, sir, and I want you to know this: I don't need Prosecutor's for cooperation. Now that is what is wrong with the administration of justice. A Judge is not supposed to be a Prosecutor's Judge. A Prosecutor is not supposed to be the cooperating friend. The things that canon of ethics and wisdom dictate that Prosecutors do, but cooperation about being a stool pigeon in another Judge's Courtroom does not fall within the whelm of law enforcement, and nobody can tell me differently. Now if you want to have stool pigeons, have them. But they are not going to be in my Courtroom. One man at a time, and it is the guy who is prosecuting the case

and presenting the evidence. Now tell all that to Judge Belson.

Mr. Dowd. Your Honor, I have not—
The COURT. You are authorized.
Mr. Dowd. May I say, Your Honor—
The COURT. Yes, sir.
Mr. Dowd (Continuing). I have not talked to Judge Belson about this matter and I don't intend to.

The COURT. No, but I am just saying now, with your cooperative spirits, go right ahead. Now you are authorized and further more, here is a Court Reporter. Your integrity stool pigeon did not have what it takes to call Judge Belson back and even tell him what the final decision was. Judge Belson waited for me for an hour-and-a-half because he didn't know what the decision was. The stool pigeon told him one thing, and after I had the case back I gave the Government a couple alternatives, but he didn't do that. He wasn't even a good stool pigeon because he didn't finish the mission. Now you can tell him how irate I am. The Court of Appeals is a person where you take my Record, not to Judge Belson. And, I told him that, and he knows it. So why he got so weak as to succumb to one of your men's telephone calls, I guess that is what it was, otherwise how is he going to ask Mr. Pease? Somebody had to call Judge Belson and tell Judge Belson what this Judge is doing. Was that Mr. Pease?

Mr. Dowd. Your Honor, I can represent to you that it was none of the four Assistants including myself who were still in the office.

The COURT. Sir, I will take your word for it. Then there is another stool pigeon. It wouldn't have been the defense lawyer. The only other kind of stool pigeon would be a court attache, and if I find that it is a court attache he will get fired. See, you men aren't my attaches, but these other men are. I don't want no misguided loyalty. Now you don't even have to work with me if you are going to be a stool pigeon. If you are going to think that I am less than anybody else in this Court as a Judge, I don't need you. I demand as much respect as any other Judge gets, maybe more in instances because I demand that citizens be respected.

Mr. Dowd, I take your word for your saying that nobody reported initially to Judge Belson, but now you ought to think about it and maybe you ought to bring it—I don't know who your Chief is—as to whether or not your men ought to be stool pigeons and cooperate with the Judge. The defense lawyers in this city ought to raise up in arms at the idea of Judge's having Prosecutors for stool pigeons. In a sense of "cooperation" Prosecutors aren't suppose to sit on Judge laps. The Judge is suppose to be impartial. I have got many friends who are Prosecutors. I was a Prosecutor, but nobody had ever called me a lover of the Prosecution. Judges must remember that if they lean they must lean on the side of beyond a reasonable doubt. They don't lean on prosecution.

Now if he really wanted a stool pigeon he should have asked a defense lawyer, not a Prosecutor, not unless you lean that way. It is improper for a Judge to lean on the prosecution and I mean that. A lot of people have their difficulty to understand who is presumed to be innocent, against whom must the Government prove it's case beyond a reasonable doubt against whom must the Government present evidence to prove involvement beyond a reasonable doubt.

(Someone opened the Courtroom door.)
The COURT. Close that door, Mr. Marshal. When I am speaking, nobody comes in.

It is against the defendant. That is the most important person in any trial, I don't care whether it is Juvenile Court or Superior Court, and Judges, if they lean must lean toward him. That is the law. They must not lean toward the Prosecutor to win friends and obtain favors. It is completely improper.

Now if you people are going to your office to do this kind of thing with Judges that you do in your Courtroom, I am going to give it to the New York Times, I am going to give it to the Washington Post and I am going to give it to the Evening Star, and when I write my book you are going to be at the top of it—Cooperating Prosecutors, stool pigeons and, sir, I will have to do that just like I had to have the Inspector down here today. You see, I have to do my thing and I sleep at night. That is the only way I can sleep, do it the way I think it ought to be done and do it right. A lot of people in this Court are up in arms at me just because I am telling them that the procedure that has been going on here for decades is wrong and you have got some incompetent Probation Officers and incompetent Social Workers and arrogant Policemen. All that is true. I don't care if they get angry, it is true. I am not here to win any love or contest, or be loved. I am here to help improve the quality of justice and I don't care who gets angry about it.

I am sorry I had to send for you, but I had to let you know whether you have got a stool pigeon, whether he was requested to be. Your Office does not have to accept those assignments. You can accept them if you want to, but I can stop them from congregating in my Courtroom. I don't like stool pigeons.

Thank you, Mr. Dowd.

Mr. Dowd. Thank you, Your Honor.

(Whereupon, at 3:20 o'clock, p.m. a short recess was called.)

(Thereupon, at 3:30 o'clock, p.m. the Court reconvened, at which time the following transpired:)

The COURT. Now that we have consumed so much time with matters that never should have occurred, one with a policeman and one with a Judge and Prosecutor, lets see if we can't expedite the business of the Court.

The DEPUTY CLERK. In the Matter of Your Honor, this matter was passed.

The COURT. I recall the matter.

Mr. Dearington, are you ready to proceed?

Mr. DEARINGTON. No, Your Honor. At this time we are not prepared for probable cause. We would request that the Case be continued to Tuesday, in compliance with the Code which provides for five days to present probable cause.

The COURT. All right. I will give you the time. I won't be sitting and this young man will go home with his mother. I don't need to hear from the Social Worker.

Mr. DEARINGTON. May it be continued to Tuesday for probable cause?

The COURT. You can continue it for a month. In fact it is up to Mr. Wasserstrom. How long do you want, sir? I hope it is a month.

Mr. WASSERSTROM. Your Honor, I would ask that the probable cause be continued until—for a month.

The COURT. You have got it. One month. This young man will be with his mother. Now all I want to know is, do you have any problem with him?

The COURT. Now, Madam, I am here to help.

The RESPONDENT'S MOTHER. Yes.

The COURT. I am here to help faltering policemen, ailing Prosecutors and youth who are about to go astray. Now turning it back around since it seems like that was the order of the day, I am here first, to help your son and I want to know from you, if you know, has he got any problems like narcotics or bad hours at night or anything of that nature?

The RESPONDENT'S MOTHER. Yes, I have one problem with him. I have the late hours.

The COURT. All right. You won't have any during this month. He is home every night at nine o'clock. Now does he work?

The RESPONDENT'S MOTHER. Yes.

The COURT. What kind of job does he have?

The SOCIAL WORKER. Your Honor, he works as a ——— for the ———.

The COURT. Very well.

The SOCIAL WORKER. He just got the job recently.

The COURT. Very well. He will maintain his employment and he will be home at nine o'clock every evening. Any other problem you have?

The RESPONDENT'S MOTHER. No.

The COURT. Any other recommendations from you, Mr. Carter?

The SOCIAL WORKER. Your Honor, our Social worker is going to recommend release through me today. We have no problem.

The COURT. Great minds run on the same track sometime.

All right, young man, do you understand the conditions?

The RESPONDENT. Yes, sir.

The COURT. All right. Good luck to you.

The date, one month is—since this is a Friday, it will be August 27th.

Mr. WASSERSTROM. Thank you, Your Honor.

The COURT. You are welcome, sir.

Mr. DEARINGTON. Your Honor, that is over the Government's objection.

The COURT. Next case.

When the Government is so obstinate and arrogant, I couldn't care less about it's objection.

Mr. DEARINGTON. Well it is in the Statute, Your Honor, not to exceed five days for probable cause.

The COURT. That is for you. That is not for the Defense. That is to make the Government have its case ready and you are so obstinate today, you won't get the case ready and you had said it was ready. He can have a month.

Mr. DEARINGTON. Can I have the date again? I am sorry, I didn't get it, please.

The COURT. August 27th.

Mr. DEARINGTON. Thank you, Your Honor.

The COURT. Your conduct is as obstinate as the Policeman's. There is no reason why that case couldn't have been heard today. In fact, call Mr. Wasserstrom back here. Ask him if he wants it dismissed.

(Mr. Wasserstrom was called back into the Courtroom.)

The COURT. Go get your client.

(Thereupon, Mr. Wasserstrom left the Courtroom, and returned with the Respondent.)

The COURT. I can only handle obstinance with action. These parties may be seated, please, on the first bench. All parties.

This is the Matter of ———.

Mr. Wasserstrom, I can give you, since the Government out of obstinance has declared itself not ready to go forward on this probable cause hearing today, this Court can take judicial notice and conclude that it is because this Court refused to tolerate the arrogance of one Detective Lanagan. Is that a safe conclusion?

Mr. WASSERSTROM. I think, under the circumstances it is a safe conclusion.

The COURT. Under the circumstances I would agree, and it might be under the feeling of the Prosecution because of my having found a stool pigeon planted in my Courtroom yesterday and expressed a great distaste for it. So I can put those things together and assume—maybe not Mr. Dearington—but maybe by orders of dictation, because I have never known him to do anything like that, the Government has with obstinance denied this young man his right to have a probable cause hearing today. As an alternative to a continuance until August 27th I can give you a dismissal. I cannot give you a dismissal with prejudice, but, sir, if it is brought back again you have a record and you can declare that the Government has been capricious and it is a denial of a speedy trial.

Mr. WASSERSTROM. I would move the case—

The COURT. Would you like to have a dismissal of the case?

Mr. WASSERSTROM. I would move the case be dismissed, Your Honor.

The COURT. It is granted.

Next case. Now let—no, there is no stoolie in here now. I was going to say, let the stoolie go out and call that on the telephone. You can do that, Mr. Dearington, after this case recesses.

(Whereupon, at approximately 3:35 o'clock, p.m., the above-entitled matter was concluded.)

CERTIFICATE OF REPORTER

I, Larry F. Pavlish, an Official Court Reporter for the Superior Court for the District of Columbia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced in said Court on July 30, 1971, upon Probable Cause Hearing in Docket No. 71-4960-J, in the Matter of Respondent.

I further certify that the foregoing 27 pages constitute the official transcript of the said proceedings as taken from my machine shorthand notes.

In witness whereof, I have hereunto affixed my name, this 17th day of August, 1971.

LARRY F. PAVLISH,
Official Court Reporter.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, do I have any time remaining?

The PRESIDENT pro tempore. The Senator from West Virginia has 4 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, I yield the remainder of my time to the distinguished Senator from New Mexico (Mr. MONTOYA).

Mr. MONTOYA. Mr. President, I thank the Senator from West Virginia for his generosity in yielding to me.

The PRESIDENT pro tempore. Under the previous order, the Senator from New Mexico is recognized for 19 minutes.

THE MAKING OF THE PRESIDENT—VIETNAM

Mr. MONTOYA. Mr. President, I recently received a short letter from a constituent in New Mexico expressing an increasingly large body of opinion in this country regarding our involvement in Vietnam. I include his letter at this point in the RECORD. I find the view expressed therein significant:

DEAR SENATOR MONTOYA: I have been a sort of hawk on the Viet Nam war, but since this President Thieu over there has made it so hard for any one other than himself to run for the job I feel very different. I am in favor of cutting off all aid to his government and that even includes military aid.

Mr. President, in sharp contrast to the comments expressed in this letter are the words of President Nixon as reported in a recent edition of the New York Times. He spoke at an impromptu press conference on September 16, 1971, and I ask unanimous consent to have printed in the RECORD the text of relevant questions and answers.

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

IMPROMPTU PRESS CONFERENCE

6. RACE IN SOUTH VIETNAM

Q. Mr. President, might the changed political picture in South Vietnam, specifically a one-man race for the Presidency there, have any effect on your future plans as far as the level of United States troops and United States activity in that region?

A. As far as our plans for ending the American involvement in Vietnam are concerned, we have to keep in mind our major goal, which is to bring the American involvement to an end in a way that will leave South Vietnam in a position to defend itself from a Communist takeover.

Now, as far as President Thieu's political situation is concerned, I think it is well to put that subject into perspective. We would have preferred to have had a contested election in South Vietnam. We, however, cannot get people to run when they do not want to run.

It should be pointed out, however, that in fairness to the democratic process and how it is working in South Vietnam, the Congressional elections, the elections to the National Assembly should not be overlooked. Eighty per cent of the people of South Vietnam voted as compared with 60 per cent who voted in our Congressional elections in 1970, and one-third of those who were elected opposed President Thieu, and some of those who were elected to the National Assembly were those that charged that they could not be elected before the election because the election would be rigged.

Now, President Thieu has made the election in October for the Presidency a vote of confidence. There are criticisms to the effect that this vote of confidence will not be an accurate one, but he has invited foreign observers to see it and observe it.

My view is that the United States should continue to keep its eye on the main objective, and that is to end the American involvement just as soon as that is consistent with our over-all goal, which is a South Vietnam able to defend itself against a Communist takeover and which includes, from our standpoint, our primary interest in obtaining the release of our P.O.W.'s.

I note one thing, incidentally, on your question, Mr. Jarrell, that is presently apparently before the Senate or a Senate committee, and that is the recommendation or a resolution to the effect that the United States should cut off aid to South Vietnam unless President Thieu does have a contested election.

Now let's just look at what that means in terms of worldwide policy. We presently provide military and/or economic aid to 91 countries in the world. I checked these various countries as far as their heads of government are concerned, and in only 30 of those countries do they have leaders who are there as a result of a contested election by any standard that we would consider fair. In fact, we would have to cut off aid to two-thirds of the nations of the world, in Africa, in Latin America, in Asia, to whom we are presently giving aid, if we apply the standards that some suggest we apply to South Vietnam.*

I again say that we would prefer, as far as South Vietnam is concerned, that its democratic process would grow faster. We believe that considerable headway has been made. We believe that the situation from that standpoint is infinitely better in South Vietnam, where they at least have some elections, than in North Vietnam, where they have none, and we are going to continue to work toward that goal.

7. LEVERAGE IN SAIGON

Q. Mr. President, may I follow that up, please? Senator Jackson said that the United States need not feel helpless in this circumstance because it has leverage which could redeem the situation even now. Your answer just now suggested that we don't plan to do anything about it. What would you say to Senator Jackson's statement about it?

A. Mr. Lisagor, when we speak of leverage, of course, we have leverage because we provide military and economic assistance to South Vietnam.

Secondly, Ambassador Bunker, working diligently, I can assure you, has attempted to, in every way possible, to get people into the race so that there would be a contested election.

Third, he has, of course, worked toward the end of—once it appeared that others would not run—to get others to at least have a vote of confidence in the President. If what the Senator is suggesting is that the United States should use its leverage now to overthrow Thieu, I would remind all concerned that the way we got into Vietnam was through overthrowing Diem, and the way to get out of Vietnam, in my opinion, is not to overthrow Thieu, with the inevitable consequence of the greatly increased danger, in my opinion, of that being followed by coup after coup on the dreary road to a Communist takeover.

8. DEMOCRATIC GOAL IN VIETNAM

Q. Mr. President, on the South Vietnamese election, once it is completed, will you feel then that the American objective of achieving a democratic process in Vietnam, the objective that you stated, and before you President Johnson, so many times—do you think that with the election that objective will have been met?

A. No. As a matter of fact, that objective will not be met perhaps for several generations. But at least we will be on the road. I think sometimes we forget, as I tried to point out a month ago in my answer to the question with regard to military and economic assistance to countries around the world, how difficult the process of democracy is.

It took the British 500 years to get to the place where they had what we could really describe as a democratic system under the parliamentary setup and it didn't spring up full-grown in the United States.

I was reading a very interesting account of the battle in 1800 between Jefferson and Adams, and I was curious to know how many people were eligible to vote in that great battle of 1800 that changed the future of the United States. And that time the United States had 4¼ million people. There were only 150,000 people eligible to vote. So, as we look at our own history, we find that it took us time to come where we are.

You cannot expect that American-style democracy, meeting our standards, will apply in other parts of the world. We cannot expect that it will come in a country like South Vietnam which has no tradition whatever, without great difficulty. But we have made progress.

Mr. MONTROYA. Mr. President, I will read two paragraphs from the President's answers on that day, which are pertinent insofar as the amendment I have proposed in the Senate is concerned. The President stated:

I note one thing, incidentally, on your question, Mr. Jarrell, that is presently apparently before the Senate or a Senate committee, and that is the recommendation or a resolution to the effect that the United States should cut off aid to South Vietnam unless President Thieu does have a contested election.

I quote the President further:

Now let's just look at what that means in terms of worldwide policy. We presently provide military and/or economic aid to 91 countries in the world. I checked these various countries as far as their heads of government are concerned, and in only 30 of those countries do they have leaders who are there as a result of a contested election by any standard that we would consider fair. In fact, we would have to cut off aid to two-thirds of the nations of the world, in Africa, in Latin America, in Asia, to whom we are presently giving aid, if we apply the stand-

ards that some suggest we apply to South Vietnam.

President Nixon has, in effect, acknowledged that there will not be any sort of a free election in South Vietnam on October 3 under President Thieu. The President also stated that if we applied the rule of democracy to all nations receiving our aid, only about 30 would remain eligible. Did we invest 55,000 dead American boys, a quarter of a million wounded and \$100 billion in each of those countries? The President, it seems, has overlooked the tragic ingredients of our Vietnam venture.

Over the years of our involvement in Indochina, one American President after another has commented on why we have committed and sacrificed so much in that far corner of the world. Presidents Eisenhower, Kennedy, Johnson, and President Nixon himself have reiterated the same arguments in response to a growing tide of national criticism of our tragic involvement in Indochina.

Time after time we have heard the same thought expressed in different words. The right of self-determination is sacred. Parliamentary institutions must be allowed to take root and grow. Participatory democracy is deserving of an opportunity in that area of the world. Again and again we have been assured this was the true rationale behind the ongoing agony our Nation has endured because of the Indochina war.

The President's recent comments, it seems to me, are totally inconsistent with our historical justification for sending American troops to defend South Vietnam. Is the United States now formally acknowledging support—with military troops—of a dictatorship in South Vietnam? If so, I respectfully dissent. Is the President saying it is acceptable to keep our troops in a nation where they are suffering as an armed force and as individuals because of heroin addiction and racial strife? Is the President saying it is fine to endure the staggering expense of this continuing commitment because it is vital to insure that a dictator stays in power? Is he saying Thieu's destruction of democracy, gagging of opponents, and abrogation of representative government is sufferable by America because he is our dictator rather than a Communist?

The United States deserves a clarification by the President of his position.

The families of those lost to this tragic war deserve an explanation.

If the United States is sanctioning the elective processes presently taking place under the Thieu regime, it should be with the full knowledge of the American people.

Our casualty lists in Indochina bear a bit of review. We have sustained a total of 45,487 killed in action. A further 9,757 Americans have perished of nonhostile causes. That is a total of 55,244 dead.

Added to this are 301,540 wounded, for a total of 356,784 casualties. These poor souls will haunt our lives, consciences, and veterans hospitals for generations to come. I feel the social and economic costs of this war at home will amount to far more than whatever we have expended in dollars upon hostilities them-

selves. A minimum of \$100 billion spent so far will be minimal compared to what historians and actuarians will tote up on their account books some time hence.

Mr. President, I was one of those who believed Presidents Eisenhower, Kennedy, Johnson, and Nixon when they each defined our purpose in Vietnam to be to permit self-determination for the South Vietnamese. I was disturbed to learn from the President that we have abandoned this goal, but have not abandoned our support of Mr. Thieu.

Millions of Americans have been able to retain some shred of faith and justification in our commitment because of our stated purpose for being in Vietnam. The dignity of an individual as enshrined in America's founding documents is not meaningless to the overwhelming majority of the citizens of our country. Millions of Americans went abroad in this conflict, as their predecessors did in previous wars, to preserve for ourselves and others those same ideals we have preserved in our institutions.

Mr. President, a time has come for unequivocal words, leaving no doubt as to their intent and message. The time has come for our Nation to live up to our ideals—and to cease our support of Mr. Thieu.

Administration spokesmen maintain a carefully cultivated calm over the enduring state of our involvement. Under an umbrella of American protection, Thieu has turned South Vietnam into a police state, utterly devoid of even a semblance of democracy. He has destroyed any remaining rationale for any ongoing American commitment to his cause or regime. A time has come for Congress to hold the administration's feet to the fire. Public relations hyperbole would not do any more. The ugly reality of America in Indochina is inescapable and no longer excusable on any grounds.

There are far more than 200,000 American troops, that we know of, in South Vietnam alone. Previous evasions, prevarications and secrecy make it impossible to estimate with any reliability the numbers of personnel we maintain in Laos and Cambodia. Upward of 30,000 American military personnel are presently in Thailand.

We are totally subsidizing the entire South Vietnamese military effort, such as it is. It is possible that this massive force is being used more against the South Vietnamese population and to insure a victory for Thieu than for combat in the field against Communists.

Meanwhile, what is happening to our troops there? History is replete with similar examples of large military forces in a foreign, increasingly hostile land, constantly beset by native anger, inner conflict and the problems any outside military force will attract when it is interjected into what is essentially a civil war. Existing differences grow from divisions into chasms. Hostility becomes hatred. Discipline breaks down. All the inherent unfairness of military life becomes an issue, particularly where troops have little to occupy themselves with.

A chart of such findings, divided into several major categories, was just carried

by the Washington Post. It deals with fragging, drug abuse, and black officers.

Mr. President, I ask unanimous consent to have printed in the RECORD the chart of such findings, and I note that the U.S. Army provided the figures.

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

FRAGGING¹ IN VIETNAM IS RISING

Calendar	Actual assaults	Possible assaults	Total	Fatalities
1969.....	96	30	126	23
1970.....	209	62	271	34
Through July 1971.....	154	56	210	11

¹ GI slang for assaulting a person with an explosive.

DRUG ABUSE IS WIDESPREAD

[The Army has no precise measure of the extent of drug abuse. But one indicator is the number of investigations conducted by the Army's Criminal Investigating Division. Army drug abuse investigations show this rising trend]

	Calendar 1969	Calendar 1970	Calendar 1971 ¹
United States....	4,020	5,284	7,252
Europe.....	835	1,502	2,434
Vietnam.....	5,774	6,432	7,438
Pacific ²	1,129	1,353	1,774
Total....	11,758	14,571	18,898

¹ Total for 1st 6 months doubled to give projection for the year.

² Not including Vietnam.

BLACK OFFICERS ARE SCARCE

971,872 enlisted men are in the Army. 138,693—or 14.3 per cent—of them are black.

Yet only 4,661, or 3.6 per cent, of the 130,261 officers in the Army are black.

Mr. MONTROYA. Draftees today rarely show any faith in our national leaders and their own top military people. Such cynicism even extends down to the small unit level, where professional noncommissioned officers, the backbone of any armed force, are in danger of their lives from our own troops if they insist in carrying out hazardous missions.

Racism is rampant among our forces in Indochina, although it rises to the surface everywhere in America's military facilities. Knowing their presence and sacrifices will probably have minimal strategic influence upon the already decided outcome of this conflict, the average American seeks other outlets. They are all too handy, particularly in the form of heroin, supplied largely through collusion and even cooperation of those supposed to be our allies. Accusations have been leveled at people occupying some of the highest posts of the South Vietnamese Armed Forces. Although such charges have not been proven, the freshest Army replacement is still able to obtain pure heroin the day he arrives, sold openly, with South Vietnamese military personnel looking on.

President Thieu, epitome of democracy that he is, cannot even run a proper dictatorship, it seems. Or perhaps he allows this traffic for other, more profitable reasons. Be that as it may, America will pay an ultimate terrible penalty. The

social costs of the problem of drug traffic in the United States are all too well known. Yet our State Department, administration, and military leaders are unable to adequately deal with this terrible aspect of the war.

Mr. President, the American people are not fools. They are taking a look at the cumulative picture presented by this spectacle. Thieu's openly expressed contempt for our principles and past sacrifices are evident to all. No one can fail to see what is transpiring in our good name, or what is left of it.

Because we are continuing to lend our endorsement to these activities, dislike for the United States is increasingly visible in Vietnam. Students and educated people are showing violent hostility toward Americans in a variety of ways. Physical attacks are only one of them.

Meanwhile, here at home the other side of the national coin is, if anything, just as ugly or perhaps more so. One quarter of the American people take it for granted that they must exist without such elementary necessities of life as adequate housing, education, food, and medical care. And these Americans have contributed by far the greatest number of their children to our Armed Forces, and to the long casualty lists from that war.

In New Mexico, I have seen too many young Anglo Spanish and Indian boys brought to early graves by this tragic war. Were there any shred of a cause remaining, I would not say this. But there is not. And I will not have it upon my conscience and soul to countenance their further commitment in the name of such a shameful fraud.

So it devolves upon us in the Congress to act. We are the counterbalancing political institution and instrument, as the Constitution so carefully delineated. It is within our power to act if we will but do so. Perhaps President Nixon finds no fault in the actions of President Thieu. I do. I am appalled and outraged by Thieu's behavior and our President's apparent insensitivity to it.

I have already introduced an amendment to the military procurement authorization bill calling for a report to Congress by the President on the upcoming Vietnamese election. If the President does not certify it as a fair exercise in participatory democracy, there is provision for no further funding and total American military withdrawal within 4 months of the October 3 election date.

Letters requesting cosponsorship are circulating among my colleagues. This time, once and for all, we can place a legislative caveat on the Military Procurement Authorization to at least insure a free election or total American military withdrawal from Indochina.

America has engaged in less than noble enterprises upon occasion in the past. We have been a party to some less than uplifting exercises in history. Yet each time we have rescued the reputation and moral integrity of our Nation by some redeeming act. Only America struck the shackles from the limbs of 4 million slaves, fighting a 4-year war to do it. Only America went to war for prin-

ciple in World War I, emerging disillusioned and without spoils.

Never before in our history have we as a nation lent an aura of legitimacy to tyranny, and a military commitment in its support. It is my fervent hope that the Senate will strive to redeem our Nation's self-respect by enacting my amendment, seeing to it once and for all that we turn our face from totalitarianism in any form, no matter what the cost. How much more can it cost us in light of what we have already paid?

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period of 15 minutes for the transaction of routine morning business. That time is not to extend beyond 11 o'clock. Each Senator is limited to 3 minutes.

Is there morning business?

Mr. MATHIAS. Mr. President—

The PRESIDENT pro tempore. The Senator from Maryland is recognized for 3 minutes.

THE WAR IN VIETNAM

Mr. MATHIAS. Mr. President, the war goes on. The American people want it to end. The Congress wants it to end. The President wants it to end. But the war goes on. We all want it to end, but nobody—not the President, and, in all fairness, not the Congress—has been willing to take the decisive steps that are necessary to end it once and for all.

We are told that the war is winding down. Yet we learn this morning that American fighter-bombers made 200 combat strikes into North Vietnam, one of the biggest raids since the bombing halt 3 years ago.

We are told that the war is winding down. Yet we continue to feed it with men and money and materiel. Our soldiers still lose their lives and their limbs, and often, as I saw at Walter Reed Hospital last week, even their faith in the candor and courage of a government that continues to prolong a war that has long since ceased to seem to have any legitimate moral or military purpose.

We openly and actively entered the war. We were originally told that we entered it to assure the people of South Vietnam the right of self-determination. And yet, after years of untold suffering and bloodshed, the Vietnamese people seem to remain as far from self-determination as they ever were.

We cannot continue to feed that war and to keep it alive with American men. We cannot continue to draft them to fight and die in a war that we all want to end.

The Senate has tried to end the war by declarations of policy, but the war goes on, and the Congress and the country are caught up in it.

Mr. President, the time to end the war is now. The place to end the war is here. And we are the men and women to do it.

Mr. President, I will vote against cloture today.

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

Mr. MATHIAS. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, may I be recognized for 3 minutes when the Senator from Maryland is through?

The PRESIDING OFFICER. The Senator from Montana is recognized for 3 minutes.

Mr. MANSFIELD. Mr. President, it has been my privilege today to listen to two most interesting and effective speeches, one by the distinguished Senator from New Mexico (Mr. MONTOYA) and the other by the distinguished Senator from Maryland (Mr. MATHIAS).

The Senator from New Mexico said—and I think I quote him exactly—"It is within our power to act if we will do so." He was referring, of course, to the situation in Vietnam.

The Senator from Maryland has said we ought to act and we ought to act now. I agree with him. The time to get out is not a day, a week, a month, a year from now, but now, or as soon to now as possible.

The Senator from Maryland stated there was a 20 plane raid in North Vietnam on yesterday, and that information was carried in the public press this morning. I wonder if the Senate knows that almost three times as many bombs, as far as tonnage is concerned have been dropped in Vietnam, Laos, and Cambodia as were dropped in the European and Pacific theaters in all of World War II?

I agree with what both Senators have said, but it is not now a question of elections, because the election for the presidency is less than 2 weeks away. It is not now even a matter of concern for the Cambodians, the Laotians, the Vietnamese, and others who have suffered greatly in this war; it is, or should be, a primary concern for our own people and the future of the Nation.

I want to say again—and I will say it again and again and again—that I derive no satisfaction whatsoever out of the fact that as of the 16th of this month, less than a week ago, the total casualties were 356,847 Americans. That is too many—too many by 356,847. This war has cost us \$130 billion. That is too much—\$130 billion too much.

This war is the longest war in the history of this Nation—too long. And this war is responsible in large part either directly or indirectly, for the problems and the difficulties here at home—drug addiction, race troubles accentuated, dissent, a continued rise in crime, economic recession and so on ad infinitum.

This \$130 billion is just a down payment; we will be paying for this war into the next century. Even today, if my memory serves me correctly, we are still paying some of the costs of the war between the States. Not much, but here it is, a century later. We know, of course, that we are still paying for the costs of the Spanish-American War, miniscule as that was, and for the cost of the First World War, the Second World War, and the Korean War.

What we need to do is not turn inward, but do what we can for our own people, to solve our own problems and to bring this tragic, wasteful, and unnecessary war to a close just as soon as we can.

If I may conclude, as the distinguished Senator from New Mexico said—taking it a little bit out of context—and as the distinguished Senator from Maryland really said, it is within our power to act if we will do so. The opportunity will be forthcoming.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. 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.

The Senator from New York is recognized for 3 minutes.

PROPOSALS FOR PRISON REFORM

Mr. JAVITS. Mr. President, I urge Congress, as well as the President, and the private sector to work together to establish a legislative framework for a substantial expansion of efforts in one of the key elements of prison reform—the provision of job training and subsequent employment opportunities for criminal offenders.

We have known for some time—and the events at Attica serve as a tragic reminder—that overall prisoner rehabilitation and related offender processes in the Nation have been in disgraceful shape. This situation has contributed to the despair of those who are in our court system and in our institutions; and to continued lives of crime of jailed offenders with resulting heavy cost for society.

As President Nixon stated on November 13, 1969:

The American system for correcting and rehabilitating criminals presents a convincing case of failure. No realistic programs to substantially reduce crime can ignore the appalling deficiencies in our prisons and rehabilitation efforts.

Mr. President, there are many inadequacies in our present correctional process—in facilities, in drug rehabilitation, legal, psychological, and medical assistance—that contribute to this judgment—and these must be addressed with appropriate legislation or other action.

But there can be little doubt that the matter of training and employment is at the center of this analysis and a highly significant element of our prison and correctional system that requires reform. The President's Task Force on Prisoner Rehabilitation stated in its April 1970 report:

Satisfying work experiences for institutionalized offenders including vocational and pre-vocational training when needed, and the assurance of decent jobs for released offenders, should be at the heart of the correctional process.

We have made some significant beginnings in this important area, as I shall outline, but we have failed to formulate

a comprehensive national policy dealing with manpower training and employment for offenders, as a first step in the education and training urgently needed for prison inmates.

Mr. President, I shall introduce, soon, a Comprehensive Criminal Offender Training and Employment Act to provide authorization for the Department of Labor to conduct innovative programs—with emphasis on the involvement of the private sector—to coordinate those programs with programs conducted under related authority, and to provide a more sufficient level of funding.

Following are the basic elements to which the legislation I shall propose will be addressed:

First, an authorization for the Department of Labor to expand and build upon current programs.

Mr. President, the great bulk of our manpower training efforts as they relate to criminal offenders are now conducted by the Department of Labor, under the general authority of the Manpower Development and Training Act of 1962.

The programs conducted by that Department and previously administered under section 251 of the Manpower Development and Training Act which expired in June 1970—represents a significant contribution—but they only begin to scratch the surface of need.

The Department is to be commended for the priority it has given to these efforts—expanding funding from less than \$1 million in fiscal 1968 to a projected \$29,000,000 in fiscal 1972.

Mr. President, these model and demonstration projects have identified already the basic elements of a successful national offender manpower training and employment policy, each of which relates to a particular point in the correctional process.

A key element is the area of pretrial manpower service. The Department of Labor has funded test programs in seven cities—Cleveland, Minneapolis, San Antonio, Baltimore, Boston, Atlanta, Newark—under which persons charged with crime are given the opportunity to be committed for training and placement assistance for a 90-day period prior to judicial consideration of their cases. The training staff subsequently makes a recommendation to the Court, relating to disposition of the case, which may include further training or employment. In a demonstration project along these lines involving defendants 16 to 26 years of age conducted last year in Washington, D.C., it was found that participants committed further criminal acts at a rate less than one-half of that of a control group that did not receive the manpower training project services. A similar program, the Manhattan Court project, has been conducted with success in New York City.

Mr. President, these pretrial intervention test programs conducted by the Department of Labor will reach 4,000 defendants, approximately three-tenths of 1 percent of the total of one and a

quarter million individuals who are under the jurisdiction of the criminal justice system at any one time.

Another element concerns the provision of manpower training and related education during confinement in prison, where I think it is fair to say that inmates do not have the opportunity to make maximum use of their time—with idleness which in varying degrees leads directly to breakdown of the rehabilitation aspect of incarceration.

Assistant Secretary of Labor Jerome M. Rosow, noted in testimony before the Subcommittee on National Penitentiaries of the Judiciary Committee, in May of this year, that 90 percent of local penal institutions have no education or training at all, while perhaps two-thirds have no rehabilitation of any kind.

This is tragic in that prison inmates are the most disadvantaged of all elements in our society, as shown by the finding made by the Federal Bureau of Prisons, that 85 percent of the inmates lack any marketable skill.

But great inadequacies lie with the quality as well as the quantity of programs within the prisons. As the President's Commission on Law Enforcement and Administration of Justice—the "Crime Commission"—noted in its February 1967 report:

Traditional work and vocational training programs within correctional institutions have not effectively solved such problems. A major difficulty in such programs today is the lack of incentives for achievement, which results in low motivation on the part of inmate trainees. Immediate rewards as approved employability seem distant and unreal.

Mr. President, the Department of Labor is endeavoring to improve this situation through the funding of 52 projects for approximately 5,000 inmates in more than 20 States.

These projects include some very successful and promising efforts in my own State of New York.

For example, at Greenhaven Prison in Poughkeepsie, N.Y., training will be provided for 40 prison inmates in office machine repair under a program conducted with the assistance of the private sector. In New York City the Department has funded a program for a community treatment center for 40 offenders awaiting parole or release from Federal institutions; inmates receive employment placement, counseling, and job training. Another program is underway at Rikers Island, N.Y., where 100 training slots in metal fabrication, woodworking, and production machine work are supplemented with basic education and vocational training.

Mr. President, a survey of the results of similar programs conducted under section 251 of the Manpower Development and Training Act demonstrates the value of these efforts. The Department of Health, Education, and Welfare, working in conjunction with the Department of Labor under that authority, reported in June 1970 the following rates of recidivism:

State institution	[In percent]	
	Recidivism rate for inmates—	
	With training	Without training
Georgia.....	15	60
Minnesota.....	14	63
Tennessee.....	10	60
Florida.....	15	67
Texas.....	12	65

Again, current programs will never scratch the surface of need. While 6,000 inmates are being reached nationwide—400,000 persons—60 times that number are now confined in prisons in the Nation.

Mr. President, a further element identified by the Department of Labor and under other programs—and perhaps most crucial—is that the training must relate to a job.

The harsh fact—not surprising in terms of the level of education of most inmates and the inadequacy of manpower training services in prison—is that ex-offenders in the labor force have levels of unemployment three times the national average.

We have—in the context of our programs for the hard core unemployed or underemployed—recognized the great need to link training with jobs. The JOBS program—conducted by the National Alliance of Businessmen, in conjunction with the Department of Labor has created almost 600,000 opportunities over the last 4 years.

But we have failed almost completely to apply that experience to one of the most disadvantaged groups in our society—those who are under the correctional process.

Mr. President, the potential in this area is demonstrated in a project currently conducted in the South Carolina Department of Corrections:

Project Transition is a new program funded by the Department of Justice Law Enforcement Assistance Administration. Under the program, officials will attempt to place these ex-offenders in the best possible jobs after release from prison.

The program builds upon a work-release program which has been conducted by the South Carolina department during the past 5 years.

Under that program inmates have been working in industry and private business during the day in communities in which they plan to live on release from incarceration, returning to community prerelease centers at night. In the last 5 years, work release inmates have paid from their earnings nearly \$500,000 to the department of corrections for room and board and more than \$300,000 to support their families.

The Department of Labor has also undertaken programs to forge a link between training and jobs through funding, in this fiscal year, of model programs in five States—Pennsylvania, Georgia, Oklahoma, Arizona, and Massachusetts, utilizing the employment service in conjunction with prisons in those States.

Second, it is essential that we relate the new authority of the Department of Labor to existing authorities under which funds for manpower training programs and related efforts may be available.

In December 1970, the Congress added part E of title I of the Omnibus Crime Control and Safe Street Act, authorizing grants to the States and to units of general local government to develop and implement programs and projects for "the improvement of correctional programs and practices," as well as for the construction, acquisition, and renovation of correctional institutions and facilities. As I noted, funds from this source have been utilized in the innovative program in South Carolina.

I am advised by the Law Enforcement Assistance Administration of the Department of Justice, that of approximately \$700,000,000 to be made available in fiscal 1972 under that act—of which \$100,000,000 will be spent for prison reform—an estimated \$2,000,000 will be spent on manpower training in correctional institutions.

I consider it essential that the proposed legislation reflect this alternative source of manpower training funds and I hope to work with the members of the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary in developing legislatively an appropriate arrangement between this program and the program for the Department of Labor which I have proposed.

Also, I hope, that in connection with this legislation and otherwise, to work closely with the Subcommittee on National Penitentiaries of the Senate Committee on the Judiciary, whose chairman, Senator BURDICK, held very beneficial hearings on this general subject early this year.

We must also insure that the expertise of the Department of Health, Education, and Welfare developed through its programs, conducted under section 251 of the Manpower Development and Training Act and its administration of educational, vocational education, and rehabilitation programs, is brought to bear on the problem.

Finally, I consider it essential that we greatly increase our overall spending for manpower training and employment programs for offenders.

We are spending—as I have indicated—approximately \$31,000,000 in fiscal year 1972 for this purpose under the Department of Labor and Department of Justice programs.

This represents a substantial increase over previous expenditures. However, viewed in total perspective, it does not reflect the priority which should be given to these efforts: From the manpower training standpoint, this amount is only about 1 percent of the \$3 billion in funds expended for manpower programs generally. From the standpoint of corrections policy, it is only 3 percent of the \$1 billion spent for prisons generally.

We must make a national commitment—at the very least—to double this amount for the next fiscal year, and gear up with substantial increases in subsequent years.

Mr. President, these, then are the basic elements of the legislation which I shall propose, building upon the provision which I originally included in the Employment and Training Act of 1970, which unfortunately was vetoed by the President for reasons relating to other sections of the bill.

In this connection, I am pleased to note that Senator GAYLORD NELSON, chairman of the Committee on Employment, Manpower and Poverty, of the Senate Committee on Labor and Public Welfare, of which I am the ranking minority member, intends to explore correctional manpower programs, as a part of consideration of comprehensive manpower reform.

Mr. President, as we consider legislation, I hope that the President will bring together the concerned departments of the Federal Government to determine what additional public and private sources may, under existing law, be brought to bear in the short term.

Also, I urge the National Alliance of Businessmen to investigate what it may do to help to alleviate the current situation.

The current situation and the goals which we seek were expressed by Chief Justice Warren E. Burger, in remarks before the Association of the Bar of the City of New York, on February 17, 1970. He said:

Few prisons today have even a minimal education or vocational training program to condition the prisoner for his return to society as a useful self-supporting human being. A distressing percentage of prisoners cannot read or write.

"The training programs in most State institutions are limited to a few skills, and there is almost no effort to correlate training programs with the demand for particular skills. It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union. I suggest these two simple illustrations to indicate the desperate need for comprehensive and coordinated planning and research at local and national levels. This requires a monumental effort with the best leadership and brains of labor unions, industry, the Departments of Justice, of Labor, and of Health, Education, and Welfare. To be successful these programs need local community support which must involve Churches, YMCA's, Chambers of Commerce and Bar Associations.

Mr. President, as I indicated at the outset, inadequate job training programs are only one of the elements contributing to the crisis in our prisons. The legislation which I shall introduce will be the first in a number of proposals which I shall make, to deal comprehensively with prison reform.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

REPORT ON APPROVAL OF LOAN

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Dairyland Power Cooperative of La Crosse, Wis., for the financing of certain new transmission facilities

(with an accompanying paper); to the Committee on Appropriations.

REPORT ON MOBILE TRADE FAIR ACTIVITIES

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Mobile Trade Fair Activities, for the fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Limited Use of Federal Programs To Commit Narcotic Addicts for Treatment and Rehabilitation," Department of Justice, Department of Health, Education, and Welfare, dated September 20, 1971 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Environmental and Economic Problems Associated With the Development of the Burns Waterway Harbor, Indiana," Corps of Engineers (Civil Functions), Department of the Army, Environmental Protection Agency, National Park Service, Department of the Interior, dated September 20, 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT ON THE PRESIDENTIAL VOTE FOR PUERTO RICO

A letter from the members of the Ad Hoc Advisory Group on the Presidential Vote for Puerto Rico, transmitting, pursuant to law, a report of that group, dated August 18, 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of The Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROVIDE MONEY FOR THE ESTABLISHMENT AND PRESERVATION OF THE THADDEUS KOSCIUSKO HOME NATIONAL HISTORIC SITE IN PHILADELPHIA

"Whereas, General Thaddeus Kosciusko of American Revolutionary fame spent more time in Philadelphia than any other American place except West Point; and

"Whereas, His last American home located at 301 Pine Street in said Philadelphia has been proposed as a National Historic Site to preserve in public ownership this historically significant property associated with his life for the benefit and inspiration of the people of the United States; and

"Whereas, This would be a fitting tribute to a famous son of Poland, an outstanding general, patriot and humanitarian and to a respected representative of a great nation and people, many of whom are inhabitants of our commonwealth and who in their own right have contributed greatly to its well being; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to provide money for the establishment and preservation of the Thaddeus Kosciusko Home National Historic Site in Philadelphia; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of the Interior, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, September 7, 1971."

Resolutions of The Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO REIMBURSE THE VARIOUS STATES FOR THE COST OF GENERAL RELIEF AFFORDED CERTAIN MIGRANT RECIPIENTS

"Whereas, The cost of living has risen to an all-time high; and

"Whereas, The number of people dependent on assistance has sharply increased in many of the states; and

"Whereas, Many of the recipients are migrants from other states and their influx to another state causes an undue burden on that state; therefore be it

"Resolved, That the Massachusetts House of Representatives urges the Congress of the United States to enact legislation to reimburse the various states for the cost of general relief to recipients who reside in the state for less than one year; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, September 8, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on Finance:

"RESOLUTION No. 172

"Relating to memorializing the Congress of the United States to enact welfare legislation to make uniform the national standards for all welfare assistance, to otherwise reform the national welfare programs, and to finance all welfare payments throughout the nation.

"Be it resolved by the Legislature of the Territory of Guam:

Whereas, the question of uniformity of welfare assistance is of paramount importance to the entire United States of America, the disparity of payments among the several states and territories and the lack of national standards of assistance having created crisis situations in state and territorial governments throughout the nation; and

Whereas, it is the consensus of this Legislature that only through national financing of all welfare programs can national standards be established and the various states and territories, including this territory, be relieved from the substantial financial burden imposed upon them by the financing of welfare payments; now therefore be it

Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully request and memorialize the Congress of the United States to take action to enact legislation which will include the following: the financing by the Federal government of all welfare payments throughout our nation; the establishment of uniform national standards for all welfare assistance; the continued administration by the individual states, territories, and towns of welfare on the local level with emphasis on training and incentive programs as well as programs designed to reunite families receiving welfare assistance; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Speaker of the United States House of Representatives, to the President, United States Senate, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 3rd day of August, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on Interior and Insular Affairs:

"RESOLUTION No. 84

"Relative to requesting the Government Comptroller to furnish the Legislature with audit reports

"Be It Resolved by the Legislature of the Territory of Guam:

"Whereas, the Congress of the United States which created the office of Government Comptroller for Guam has charged that office with the responsibility of auditing all accounts pertaining to the revenue and receipts, and all expenditures of funds and property, of the government of Guam; and

"Whereas, the present incumbent of that office, Mr. Floyd W. Fagg, an appointee of the former Secretary of the Interior, the Honorable Walter J. Hickel, has apparently adopted the practice of not providing the Legislature of Guam with a copy of reports of such audits as he may make, and the Legislature is therefore unaware of the contents thereof except what an individual senator may glean from personal reading of the newspaper or through other news media; and

"Whereas, the present Government Comptroller for Guam in his annual report and in his speeches has referred to millions of dollars of savings which could be effected in the operations of the government of Guam, and since under Section 1300 of the Government Code, the Legislature has the responsibility to provide an annual audit of all government of Guam accounts and financial transactions, the Legislature is hampered in the performance of this statutory audit responsibility by the lack of apparently most valuable management information which could readily be furnished by the said audit agency of the United States Government; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby request the Office of the Government Comptroller for Guam to furnish the Legislature with two copies of all reports of audits issued by that office to date, as well any to be hereafter issued; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Mr. Floyd W. Fagg, Government Comptroller for Guam, to the Secretary of the Interior, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 25th day of June, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on Interior and Insular Affairs:

"RESOLUTION No. 107

"Relative to requesting the Congress of the United States to amend the Organic Act to transfer the Government Comptroller from the Department of the Interior to the Office of the Comptroller General

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Public Law 90-497, 90th Congress (the Elective Governorship Act) established within the Department of the Interior the Office of Government Comptroller to audit the accounts and review claims pertaining to the revenue and receipts of the government of Guam, the present incumbent in said office having been on the job here in the territory since 1969; and

Whereas, without re-examining the whole question as to the desirability of such a comptroller within the framework of the territorial government, the Legislature is nonetheless convinced that the proper agency to which such comptroller should report and be answerable is not the Department of the Interior but rather the Office of Comptroller General of the United States established by the Congress since, as the Legis-

lature understands it, the principal rationale for the foisting of such a comptroller on the people of Guam was to keep the Congress properly advised as to the spending of the so-called "Federal" funds by the territorial government after the executive branch of such government ceased to be headed by an appointed Federal official, and such being the case, it would appear that the Comptroller General, having the statutory duty to oversee the expenditure of the public monies on behalf of the Congress, would be the appropriate agent to whom such government auditor should report; and

"Whereas, furthermore, in view of the present plans of the Nixon Administration to do away with the Department of the Interior, it becomes even more desirable that the Government Comptroller be transferred to the Office of the Comptroller General unless, in the necessary juggling and shifting of agencies caused by the proposed executive branch reorganization the Congress decides to eliminate the Office of Government Comptroller altogether, to which the Legislature and the people of Guam interpose no objection whatsoever; now therefore be it.

"Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully request, petition, and memorialize the Congress of the United States to amend the Organic Act of Guam to move the Office of Government Comptroller from the Department of the Interior to the Office of Comptroller General of the United States; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate, to the Speaker of the House of Representatives, to the Chairman, Senate Committee on Interior and Insular Affairs, to the Chairman, House Committee on Interior and Insular Affairs; to the Comptroller General of the United States, to the Secretary of the Interior, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 3rd day of August, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on the Judiciary:

"RESOLUTION No. 75

"Relative to requesting the Congress of the United States to initiate the necessary constitutional amendment to permit the people of Guam to vote in presidential elections

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the people of Guam probably constitute the most patriotic community in the whole American commonwealth, as evidenced by their participation in every American war since 1898, including the War in Vietnam where Guam's casualty rate is by far the highest of any American community; and

"Whereas, this love of country met its sternness test during the Second World War, Guam being the only American community to suffer through the agony of a brutal and lengthy enemy occupation, during which occupation no native Guamanian was guilty of collaboration or acted in any way disloyal to the interests of America even though at that time local residents were not even citizens of the United States, and under the pre-war Naval government had been without effective political rights; and

"Whereas, as a reward for this devotion to America, Congress extended American citizenship and limited self-government to the people of Guam in 1950, under which civil government the people prospered and the territory flourished; and

"Whereas, in reward for the increasing stability and political maturity demonstrated

by the people of Guam after the grant of citizenship, Congress enacted the Elective Governorship Act which drastically amended the Organic Act both to provide Guam with an elected chief executive and to considerably strengthen the hand of the Guam Legislature, thereby, in effect, giving the people of Guam almost all the attributes and privileges of American citizenship enjoyed by their fellow American citizens in other American communities; and

"Whereas, one of the few such attributes not now enjoyed by the people of Guam is participation in presidential elections since under our Constitution, only the members of the Electoral College vote for the President and Vice President and the Constitution has no provision for electors from an unincorporated territory such as Guam; and

"Whereas, since the Congress has heeded the pleas of the people of Guam in so many instances in the past, it is now the hope and expectation of the Legislature that once again the necessary action will be initiated to increase the participation by the people of Guam in the American political process by amending the Constitution to permit them to vote in presidential elections, it being a most hopeful sign to the territory that in the not too distant past, Congress acted to initiate the Constitutional amendment that now permits the residents of the District of Columbia to go vote in presidential elections; now therefore be it

"Resolved, that the Eleventh Guam Legislature does hereby on behalf of the people of Guam respectfully petition and memorialize the Congress of the United States to initiate a Constitutional amendment to permit the people of Guam to vote in presidential elections; and be it

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the Senate, to the Speaker of the House of Representatives, to the Chairman, Senate Committee on Interior and Insular Affairs, to the Chairman, House Committee on Interior and Insular Affairs, to the Secretary of the Interior, to Guam's Washington Representative, and to the Governor of Guam.

"Duly and regularly adopted this 3rd day of August, 1971."

A resolution of the Eleventh Guam Legislature; to the Committee on Interior and Insular Affairs:

"RESOLUTION No. 314

"Relative to requesting the President of the United States to direct the Secretary of the Interior to declare as surplus government property that property in Guam presently owned by the Department of the Interior and to order the disposition thereof to the government of Guam

"Be it resolved by the legislature of the Territory of Guam:

"Whereas, it has been the United States Government's announced policy for many years to dispose of lands not used by the Federal government, by declaring such lands surplus property and either donating or selling said property to the states, municipalities, or territories in which said property exists, it being agreed that an effective disposal of unneeded property would benefit both the recipient of the property and the treasury of the United States; and

"Whereas, certain property in the territory of Guam, which was at one time used and owned by the United States Navy for defense purposes, was transferred to the jurisdiction of the Department of the Interior, a majority of this property since such time becoming abandoned, such property not being utilized by the Department of the Interior, or any other department or instrumentality of the Federal government; and

"Whereas, a great portion of that property which is the subject of this resolution is

composed of areas which are the most scenic within the territory of Guam, containing beautiful beaches and natural shorelines which would be ideal for the development of recreational areas for the people of the territory of Guam; and

"Whereas, the territory of Guam is desirous of developing areas within Guam as territorial parks for the people of Guam as well as recreational areas for the expanding tourist trade within the territory, this Legislature hoping that the preservation of these lands will retain for future generations the natural beauty of the area; now therefore be it.

"Resolved, that the Eleventh Guam Legislature on behalf of the people of Guam does hereby respectfully request the President of the United States to direct the Secretary of the Interior to declare as surplus property those lands in Guam presently owned by the Department of the Interior, and thereafter to direct the disposal of these lands to the government of Guam, either as a donation to the people of Guam, or through their sale to the territory of Guam; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the Secretary of the Interior, to the Chairman of the House Committee on Interior and Insular Affairs, to the Chairman of the Senate Committee on Interior and Insular Affairs, to the Chairman of the House Subcommittee on Territorial and Insular Affairs, to the Chairman of the Senate Subcommittee on Territorial and Insular Affairs, and to the Governor of Guam.

"Duly and regularly adopted this 3rd day of August, 1971."

A resolution adopted by the Okinawa Prefectural Association, requesting currency conversion in Okinawa; to the Committee on Banking, Housing and Urban Affairs.

A telegram, in the nature of a petition, from the Association of the Village Council Presidents, Inc., Bethel, Alaska, relating to villages situated on Federal Reserve lands; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Washington Metropolitan Area Transit Authority, Washington, D.C., in support of METRO; to the Committee on the Judiciary.

A resolution adopted by The Military Order of the World Wars, Washington, D.C., supporting Mr Hoover and the Federal Bureau of Investigation; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S.J. Res. 48. Joint resolution to repeal authorization for the employment of Armed Forces for the protection of Formosa and the Pescadores (Rept. No. 92-363).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of West Virginia, from the Committee on the Judiciary:

Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office;

James Hunter III, of New Jersey, to be a U.S. circuit judge, third circuit;

James Rosen, of New Jersey, to be a U.S. circuit judge, third circuit;

William Brevard Hand, of Alabama, to be a U.S. district judge for the southern district of Alabama;

Robert A. Morse, of New York, to be U.S. attorney for the eastern district of New York; John A. Field, Jr., of West Virginia, to be a U.S. circuit judge, fourth circuit; and Sherman G. Finesilver, of Colorado, to be a U.S. district judge for the district of Colorado.

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. MATHIAS:

S. 2554. A bill to establish a systematic and comprehensive national land use policy. Referred to the Committee on Interior and Insular Affairs.

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

S. 2555. A bill to require a study of the changes in the amount and distribution of ozone, and other stratospheric effects, resulting from the operation of commercial supersonic transports, and the impact of such changes on life; to ban such operation pending completion of the study; and for other purposes. Referred to the Committee on Commerce.

By Mr. ALLOTT:

S. 2556. A bill to establish a Municipal Mine Demonstration Plant, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2555. A bill to require a study of the changes in the amount and distribution of ozone, and other stratospheric effects, resulting from the operation of commercial supersonic transports, and the impact of such changes on life; to ban such operation pending completion of the study; and for other purposes. Referred to the Committee on Commerce.

THE STRATOSPHERIC PROTECTION ACT OF 1971

Mr. BAYH. Mr. President, I am introducing today the Stratospheric Protection Act of 1971. This bill directs the Administrator of the Environmental Protection Agency to report to Congress within 2 years on the chemical changes in the stratosphere which will be caused by the commercial operation of supersonic aircraft, and the effect of these changes on human life. Because of the possibility of fundamental injury to human life—particularly, blindness—if the SST is allowed to fly, my bill also bans civil supersonic aircraft flights over or landing in the United States until and unless the Administrator reports that these flights pose no appreciable danger to life.

During the debate on the Nixon administration's request for continued funding of the SST, many people, including myself, expressed deep concern over the environmental impact of these airplanes. The concern for the environment, coupled with an abiding conviction that Government funding of the SST represented a distortion of national priorities, led to the widespread opposition which defeated SST appropriations.

But we cannot now afford to forget the

environmental dangers which the SST poses. For other nations have continued developing their supersonic transports, and these planes will soon seek to fly over the United States. Indeed, it is reported that the British-French Concorde, for which many American airlines have options, will be put into commercial operation in 1974. And the Russian Tuploev 144 is expected perhaps a year later, in 1975.

While other countries have continued the development of their supersonic transports, concerned individuals around the world have continued their research into the environmental impact of commercial flights of these planes. Recently, certain studies by Dr. Harold Johnston of the University of California at Berkeley have come to public attention. I have contacted this distinguished scientist about his work. Dr. Johnston believes that the result of commercial operation of the SST will be that—

All animals of the world—except, of course, those that wore goggles—would be blinded if they ventured out during the daytime.

In addition, some of Dr. Johnston's colleagues believe that commercial SST flights will cause the destruction of all plant life which is not underwater.

What are these frightening predictions based upon? Put as simply as possible, Dr. Johnston's theory is that nitric oxide from the exhausts of SST's will destroy the ozone in the stratosphere. Ozone is a slightly bluish gas whose presence in the stratosphere protects all forms of life from the deadly radiation of the sun. Presently, few aircraft fly in the stratosphere, which is a very dry and stable—and delicate—part of the atmosphere beginning about 7 to 10 miles above the ground. But the SST will have to fly in the stratosphere to be economically viable. According to Dr. Johnston, a fleet of 500 SST's flying an average of 7 hours a day could cut the amount of ozone in the stratosphere in half in just 12 months. And once begun, there is no certainty that the destruction of ozone could be reversed even by halting SST flights.

If Dr. Johnston is right, commercial operation of supersonic transports would spell the end of mankind as we know it. Not all scientists agree with Dr. Johnston on this point. The Massachusetts Institute of Technology's "Study of Critical Environmental Problems," concluded that the effect of nitric oxide in SST exhaust on ozone concentrations would not be significant. But all scientists seem to agree that there are gaps in our knowledge which must be closed before we will know with assurance whether the SST will—or will not—endanger the lives of every one of us. We must find out, among other things, the amount and distribution of ozone and nitric oxide presently in the stratosphere, the quantity of nitric oxide which a fleet of SST's will emit, and the characteristics of the chemical reactions expected. And we must find all this out before we permit SST's to fly.

These are the considerations which underlie the legislation I am introducing today. In summary, my bill directs the administrator of the Environmental Protection Agency to report to Congress within 2 years on—

The impact on human, animal, and plant life which may result from alterations in the amount and distribution of ozone and other stratospheric changes caused by the commercial operation of civil supersonic aircraft in the stratosphere.

The cost of such a report is estimated to be about \$20 million, surely a minimal expenditure in view of the potential seriousness of the problem.

My bill also bans all civil supersonic aircraft flights in and over the United States until and unless the administrator reports to Congress that "there is no appreciable possibility of adverse impact on human, animal, and plant life" from such flights. Because of the importance of United States travel to the air transport industry, such a ban would preclude full-scale commercial operation until this research is concluded. To insure widespread participation in the decision-making process, the bill requires the administrator to hold a public hearing on a draft of his report before submitting it to Congress. And in recognition of the international aspects of the problem, the bill directs the administrator to invite representatives of other nations and of appropriate international organizations to submit studies and reports to him.

I have chosen the Environmental Protection Agency to supervise this research because it is the Agency charged with broad responsibilities for our environment, and it has the experience, expertise, and established organization which will allow it to meet the strict time limits the bill must impose.

To eliminate any possible doubt, let me state plainly that the report which this bill mandates can be completed without building a prototype of the SST. For example, measurement of the actual characteristics of the stratosphere does not require a civil SST; other aircraft can fly in that part of the sky, and even if an SST were needed, existing military aircraft would be sufficient. And analyses of the SST's exhaust gases and of the chemical reactions which they may cause does not require a prototype; it can be done in scientific laboratories. Indeed, we were told as much last spring by William Ruckelshaus, head of the Environmental Protection Agency. He said:

(M)ost of the environmental questions (about the SST), can be answered without . . . prototypes.

When questioned about this point at the hearings, Mr. Ruckelshaus agreed—

That all the problems with respect to the environment can be solved without the production of two prototypes.

In any event, it is clear that if my bill is passed, those nations which have already built supersonic aircraft will have a great incentive to cooperate with the Administrator and to supply him with such raw data and assistance as he needs to prepare his report.

Mr. President, the ozone problem is a specific and critical problem which must be settled, one way or the other, and must be settled soon. Of course I recognize that the SST may also present other serious environmental hazards. These include, in the words of the Garwin report—

The noise of the SST in the vicinity of the airports—particularly, high sideline noise—

and the possible influence on the climate of the large quantities of water left in the atmosphere of 60,000 to 70,000 feet by the operation of large numbers of SST's.

My good friend and colleague Senator NELSON has introduced a bill which provides for a longer term study of all the environmental impacts of the SST by a special commission established for that purpose. I support that legislation. But no matter what course Congress chooses in the long run to get the facts about the overall environmental dangers of the SST, we must act now to get the facts about ozone depletion. We must act soon before the SST's are heard, even if not seen, overhead.

I ask unanimous consent that the text of my proposed legislation, a letter to me from Dr. Johnston, and a newspaper article on the ozone problem be printed at this point in the RECORD.

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

S. 2555

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 Stratospheric Protection Act of 1971."

Sec. 2. The Congress finds and declares that:

(1) the commercial operation of civil supersonic aircraft in the stratosphere may begin within three years;

(2) the operation of such aircraft may pose grave ecological problems including, according to the distinguished scientists and scholars, alterations in the amount and distribution of ozone in the stratosphere and perhaps other changes in stratospheric conditions;

(3) the changes which may occur in the stratosphere may cause blindness and otherwise endanger human, animal and plant life; and

(4) further research is needed on such effects of the operation of civil supersonic aircraft before the United States permits such aircraft to fly over its airspace.

Sec. 3. (a) The Administrator of the Environmental Protection Agency is authorized and directed to report to the Congress within two years from the date of this act on:

(1) the effect of the commercial operation of civil supersonic aircraft on the amount and distribution of ozone in the stratosphere;

(2) such other stratospheric effects of the operation of civil supersonic aircraft as the Administrator deems significant; and

(3) the impact on human, animal, and plant life which may result from alterations in the amount and distribution of ozone and other stratospheric changes caused by the commercial operation of civil supersonic aircraft in the stratosphere.

The Administrator is authorized to conduct in the Environmental Protection Agency, or to make grants for the purpose of conducting, such tests and other activity as he deems necessary to prepare such report.

(b) The Administrator shall distribute such report as widely as practicable to the public, to other nations, and to appropriate international organizations. Not less than four months before the date on which the Administrator reports to Congress, he shall issue a proposed report, and shall, not less than one month later, hold public hearings thereon.

(c) The Administrator shall invite and permit representatives of the public, of other nations, and of appropriate international organizations to submit for his consideration reports and studies concerning the topics on which he must report to Congress. The

Administrator shall periodically issue and distribute to the public and to other nations and appropriate international organizations such significant scientific, technical and other information as he receives or develops in the course of preparing the report required by this Act.

Sec. 4. No civil supersonic aircraft may be operated within the territorial jurisdiction of the United States,

(1) until ninety (90) days after the Administrator has completed and distributed the report required by this Act; and

(2) thereafter, unless such report shall conclude that there is no appreciable possibility of adverse impact on human, animal or plant life from the commercial operation of such aircraft.

Sec. 5. There is authorized to be appropriated to the Administrator such sums as may be necessary to carry out the provisions of this Act.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., September 15, 1971.

Senator BIRCH BAYH,
Committee of the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: I have your request as transmitted by Mr. Michael S. Helfer for a statement about my work on the possible environmental effects of the SST, about research needed to close gaps in our knowledge on this subject, and about the cost and time needed to achieve these goals. I am glad to give you my opinions on these subjects.

Because of a profound temperature inversion (produced by the photolysis of ozone), the stratosphere is extremely stable against vertical mixing at elevations of 15 to 50 kilometers, and contaminants deposited there have a half-life of about two years with respect to vertical mixing but a half-life of 10 to 100 days with respect to horizontal spreading. In the winter the polar regions cool by outward radiation, and cold surface, air-masses slide southward, which would tend to create a partial vacuum above the polar region. However, stratospheric air descends into this potential vacuum. Similarly air in the lower atmosphere rises up into the stratosphere in equatorial regions. Thus there is a more or less annual cellular circulation: up near equator, horizontal through the stratosphere over temperate zone, and subsidence downward in polar regions. This annual circulation is superimposed on the fast, stormy processes in the troposphere, the fast horizontal spreading of the stratosphere, etc.

A complete photochemical theory must be grafted on top of this grand, global cellular action and the smaller scale horizontal and vertical motions. Both chemists and meteorologists believe that such a calculation is hopelessly complicated with the present state of knowledge or with the state of knowledge as we may develop it over the next five years. People who are anti-SST tend to say that we must not fly the SST until this hopelessly difficult problem is solved. People who are pro-SST say that since the solution to the problem is so difficult nobody can prove anything anyhow, and we should just go on ahead. I have worked on this problem with an unconventional but straightforward approach (Because my method is unconventional, I have offended many established meteorologists). Since we can't solve the total problem of coupled chemistry and atmospheric dynamics, let's solve the photochemical problem for every reasonable value of the stratospheric variables: height, latitude, temperature, solar angle, and background concentration and distribution of NO_x . If the effect (on ozone) of added NO_x from the SST is large for all of these variables, then who cares about diffusion and air transport? If the effect is big everywhere, then air transport merely moves the big effect from one

place to another, and the SST would certainly be a hazard under any circumstances.

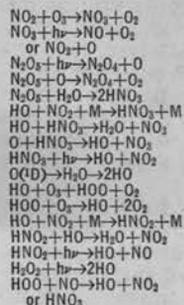
I was introduced to the SST problem last March and the government witnesses, so to speak, presented the material from the SCEP report as gospel. They said that GE said that the SST would emit NO at a rate of 42 pounds of NO per thousand pounds of fuel, and therefore the stratosphere would build up between 7 and 70 parts per billion (ppb) of NO_x . Nobody has measured the concentration of NO_x in the natural stratosphere, but the best authorities (for example, M. Nicolet) estimate it to be between 1 and 10 ppb. Thus the SCEP report concluded that SST would increase the NO_x of the stratosphere by a factor between 1.7 and 71. In supposedly private reports to the Executive Branch last April I showed that such increases in NO_x would cause a disastrous reduction of ozone under all conditions of the stratosphere, all elevations, all temperatures, everywhere.

At this point the General Electric company said that their engines would not emit 42 pounds of NO per thousand pounds of fuel, but instead the emission would be 5 pounds of NO per thousand of fuel (I have observed the effect of corporate interests on scientific truth and on laboratory scientists, and I frankly don't believe this emission figure. I might believe a figure of 10 pounds per thousand, although I concluded earlier that 15 pounds per thousand was about right). If one accepts the current GE value, then the American SST and the Concorde give about the same emission per plane per hour. In this case the range of NO_x to be added to the stratosphere is between 1 and 10 ppb and the background NO_x in the stratosphere is presumably between 1 and 10 ppb. If we give all benefit of doubt to the SST, it increases the NO_x background by only 10% (and this is the case quoted these days by Crutzen, by Westenberg, and by others). If we give all benefit of doubt to the people of the world, then the SST will increase the natural background of NO_x by a factor of 10.

Now we have a situation where the actual concentration and distribution of the background NO_x is crucial. Also the air motions and distribution of NO_x from the exhausts becomes important. In my calculations I have shown that for a given NO_x background and for a given total increase in NO_x from exhausts, the effect on the ozone column is quite different depending on the distribution of the exhaust in the stratosphere. If the SST engines were as dirty with respect to NO_x as GE said they were in the summer of 1970, then without any doubt the projected fleets would have been a major disaster. If the SST engines are as clean as GE now says they are, then it will require a very careful analysis to see if the effect will be small or large.

The most crucial thing to measure is the present concentrations of NO , NO_2 , HNO_3 , N_2O_5 , and N_2O as a function of elevation and latitude. Planes, balloons, and rockets now regularly go into the stratosphere. They should be equipped to measure these substances down to the absolute value of 10^8 molecules/cc. It is an extremely tough job to go down to such low values, and current instruments probably cannot do it without some further development. Analysis of these materials with the best currently available equipment should be done soon, even if such high sensitivities cannot be attained. The analytical methods must be specific for these materials, that is, one must be careful about cryogenic methods because NO_2 , H_2O , HNO_3 , and NO can interconvert in the condensed state. Of secondary importance is the measurement of other things such as H_2O , H_2O_2 , CH_4 , O_3 , and the active free radicals HO , HOO , NO_2 . Attention needs to be given as to the time of day when samples are taken; the reaction, $\text{NO} + \text{O}_3 \rightarrow \text{NO}_2 + \text{O}_2$, is so fast that there will be no NO an hour or so after sunset.

The second line of research needed is laboratory investigations or re-investigations for the reactions.



Some of these reactions are more important than others and they are not listed in order of priority. The ones involving nitric acid HNO_3 and the radical HOO are perhaps most urgently needed. Some laboratories could make rapid progress on these studies.

The third line of work needed is to have an agency independent of the manufacturing companies (such as GE) to measure the actual exhaust from the engines and extrapolate to stratospheric conditions. One thing to guard against is control of NO_x only to increase greatly the hydro-carbon exhaust emissions. Release of large amounts of hydrocarbons might produce a world-wide Los Angeles-type smog in the stratosphere.

The fourth line of work needed is further theoretical work from several different points of view. Some people propose that experiments be done in the stratosphere with chemical releases, or following the exhaust of a plane, or other in-position experiments. Such experiments could use up a great deal of money and not come up with useful data. Such experiments should be examined very critically in advance. Also, some people want to seize this opportunity to get funds to measure all the meteorological variables of the stratosphere, with large numbers of long term studies. Such studies should be justified on their own merit for long term considerations, and care should be taken not to load down the solution of the SST problem by extraneous studies.

In summary, the needed studies are (1) chemical analysis of background substances in the stratosphere using existing state of the art as soon as possible, with later development of more sensitive tests for cases where they are needed. Here you need chemists and flight platforms. (2) Laboratory chemical studies of several chemical and photochemical reactions. (3) Chemical and engineering analysis of exhaust gases from jet engines. (4) Theoretical work with collaboration between chemists, physicists, and atmospheric scientists. (5) Possibly some direct measurement of stratospheric mass transfer processes.

It seems to me that atmospheric scientists have badly missed the boat on this question. They thought they knew all the answers, when they didn't. Full control of a research program on the SST should not be turned over to these people, but a large proportion of hard-shell physicists and chemists should be included in the scientific decision-making bodies.

You asked for my estimate as to cost and time to carry out these studies. For each reaction under item 2, pick an experienced principal investigator with a laboratory essentially ready to go. Give him a post-doctoral fellow per reaction for two years, some additional equipment, and peripheral research support. About 10 different investigators should be involved, each one studying about 2 reactions. In this way each reaction would cost about \$50,000. There are about 20 such reactions. Thus about \$1 million spread over two years should solve most of the problems here. For item 1, I

have less direct experience. I have no idea how to estimate or apportion the costs of planes, balloons, rockets, etc. The costs for adaptation of methods of chemical analysis should be comparable to item 2 so far as personnel is concerned, but equipment may be more costly. In general new equipment will probably be needed specifically for these jobs. I estimate that 10 properly selected chemists with a budget of \$2 million over a period of two years could do this job. The cost of flight platforms and flights is in addition to this.

Item 3 on the testing of jet exhausts is outside my field of experience. I have no suggestions here.

Continuing theoretical work should involve a wide range of disciplines and people. Let the theoretical atmospheric scientists try to prove that they have been right all the time, and also support brash people in different fields who have different ideas. Even seek out "environmentalists" who will push in an adversary way to see that a snow job is not done by four big governments and eight big corporations. Here, we need at least 20 investigators to be supported with about \$25 thousand per year for two or three years. These investigators should be about half atmospheric scientists and half other physical scientists.

In general, my cost estimates are probably low. Even so, about \$20 million spread over three years should produce about three-quarters of the desired answers in 2 or 2½ years. The last one-quarter may require so much time and money that it may not be worth it.

This response to your inquiries has been longer than I intended, but I hope it contains some information useful to you.

Sincerely yours,

HAROLD JOHNSTON.

WILL THE WORLD'S SSTs DRIVE US ALL UNDERGROUND?

(By Claire Sterling)

ROME.—Now that *Science* magazine (in its August issue) has finally decided to publish one expert's chilling view of the matter—he believes all living creatures may have to go underground or be bred once supersonic transport really gets going, in about 15 years—it might help to know what others think.

The expert, rated among the best, is Dr. Harold Johnston of the University of California at Berkeley. He was challenged sharply at an International Study of Man's Impact on the Climate (SMIC) in Stockholm this summer, by 30 of the world's most distinguished scientists.

Dr. Johnston has been studying the effects of nitric oxide on ozone on and off for 20 years. His report, presented privately to the White House and leaked to the *New York Times* last spring while the editors of *Science* were trying to make up their minds about printing it, appears to have surprised if not stunned the scientific community. If he is right, the hydrogen bomb would have nothing on the British-French Concorde and Russian Tupolev—144 as a fast way to finish off the planet.

Ozone is what makes the sky blue and saves us from fatal radiation. If it were not for this kindly gas absorbing the sun's ultraviolet rays from 10 to 30 miles above our heads we would be done for. Already, white people are increasingly vulnerable to skin cancer as they near the Equator, where the sun's rays are more direct. A mere drop of one percent in the atmosphere's ozone content would increase radiation eight times as much on the earth's surface, and ozone itself is so "excitable" that it can go to pieces on exposure even to five parts per billion of some substances.

Nitric oxide is one of those substances. The air is full of it already, from factory

smokestacks and the exhausts of cars and planes. But that kind simply goes into the subsonic troposphere, where it may drift away in days or weeks. Supersonic aircraft are the first to put nitric oxide directly into the more rarified stratosphere, where it could linger for years. Furthermore, these aircraft cruise at about a 12-mile altitude, just where the ozone layer is thickest. By latest estimates, a single commercial stratosliner will emit a ton an hour of nitric oxide in flight, each would fly four to seven hours daily, and even if Congress has killed off the American Boeing version for good, there might be a global fleet of 500 to 1,000 SSTs aloft by 1985, or soon after. In other words, SSTs would be dumping up to 7,000 tons a day of nitric oxide into the stratosphere, where five parts per billion in volume are theoretically enough to upset the ozone equilibrium within a year, and even half of one part per billion could do it in a decade.

Dr. Johnston, the first to measure this breakdown process in the laboratory, calculates that 500 SSTs flying an average 7 hours in every 24 could cut the atmosphere's ozone content by half in less than 12 months. What's more, the same nitric oxide could reform after demolishing an ozone molecule and go on demolishing them one after another in an irreversible process. By then, it would hardly matter though, since Dr. Johnston predicts that with even half the ozone gone "all animals of the world (except, of course, those that wore protective goggles) would be blinded if they lived out of doors during the daytime." Some of his associates at Berkeley believe practically all plant life would die off too.

To a man, scientists at last July's Stockholm conference refused to accept this. Most of them had attended a conference almost as illustrious on environmental pollution (SCEP) the previous summer, where Dr. Johnston had refused to accept their conclusion that SSTs would cause such small ozone changes as to be "not relevant in considerations of man's impact on climate." In the intervening year, they concluded at Stockholm with a pointed snub for their now absent colleague, "no new information has been developed to appreciably alter the SCEP judgment."

In fact, some tantalizing information has turned up that seemingly confirms it. Inasmuch as pollutant gases like nitric oxide are known to "leak" eventually from troposphere to stratosphere, they should presumably be breaking down the ozone right now. But a large majority of the world's weather stations report that ozone has actually been increasing in the stratosphere over the last decade. Nobody knows whether the causes are natural or man-made; as SMIC experts observed, we had better find out. Nevertheless, the phenomenon could scarcely be said to bear out Dr. Johnston's theory.

The trouble with his findings, according to SMIC scientists, was that all his work was done in the laboratory. Neither he nor anybody else has done any sampling in the stratosphere. Our knowledge of conditions there is accordingly, meager: how much of what substances are to be found, how fast they act on each other chemically, and above all, what forces carry them where, at what speed, under which conditions. Until we can be sure of this transport pattern especially, we can be sure of nothing. In effect, explained a SMIC expert, the Berkeley experiment might be described as a test of carefully measured gases in a perfectly sealed box; the reality would be more like a slatted vegetable crate in which the gases might be moved up, down, sideways—or out—by the air blowing through it.

To anybody standing above this particular fray, what leaps to mind is not as much one scientist's capacity for error as a kind of neo-neanderthal ignorance on the subject in general. Who would have thought it possi-

ble, in this age of research and development, with billions of dollars already invested in supersonic transport and both the Concorde and Tupolev very nearly operational, that not a single American, British, French or Russian scientist has yet gotten off his laboratory stool and gone out to do some relevant sampling in the stratosphere? Military SSTs have been flying in and out of it for some time after all; and the cost of adequate testing would be almost laughable compared with the amount spent on the SSTs themselves. SMIC delegates think it should not run to much more than \$20 million.

Though any scientist will tell you how urgent such research is—those in Stockholm considered it indispensable before SSTs start flying commercially—none of the aircraft industries involved, or their sponsoring governments, has yet made a move to put up the money. Before we find ourselves groping sightlessly around a lifeless planet, it would be nice to think that at least one of them might.

By Mr. ALLOTT:

S. 2556. A bill to establish a municipal mine demonstration plant, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

MUNICIPAL MINE DEMONSTRATION PLANT LEGISLATION

Mr. ALLOTT. Mr. President, I introduce, for appropriate reference, a bill to authorize the construction of a municipal mines demonstration plant, and for other purposes.

As Senators will recall, the Mining and Minerals Policy Act of 1970 set forth in broad terms the policy objectives of the United States with respect to our mineral resources. The second objective as set forth in clause 2 of section 2 is as follows:

The orderly and economic development of domestic mineral resources reserves and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs.

The objective of the bill I introduce today is to help make available to our industry a significant source of metal and other mineral commodities by reclaiming them from incinerator residue.

In addition, the objectives of this bill are in consonance with objective No. 3 as contained in clause 3 of section 2 of the Mining and Minerals Policy Act of 1970, which is as follows:

Mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources.

Mr. President, the "wise and efficient use of our natural and reclaimable mineral resources" requires us to look to all sources for the minerals and mineral commodities needed for our industry and consumers. Substantial quantities of iron, glass, aluminum, brass, copper, and other metals are being lost each year to residue burial grounds. The recovery of these commodities would have a substantial and continuing impact upon the supply, domestically, and would be a step in the direction of "the wise and efficient use of our natural and reclaimable mineral resources."

Mr. President, the Bureau of Mines has been doing some exciting work in the

field of reclaiming mineral commodities, and some of it has been done at their College Park, Md., facility. At that facility, the Bureau of Mines has put together a process for the separation and treatment of the incinerator residue utilizing mineral processing and beneficiation equipment commonly in use by the mining industry and without the necessity of any special or specially designed equipment. The success of this process lies largely in its use of proven and accepted methods and of the use of equipment which can be practically bought off the shelf. The Bureau of Mines has demonstrated in its College Park pilot plant that by sequencing the various processing of the residue a substantial quantity of salable product can be extracted. Approximately 75 percent of the residue can be recovered and separated into salable commodities.

Of even greater interests are the economics. Based upon projections from it a thousand-pound-per-hour pilot plant, the Bureau estimates that operating costs for an incinerator of a 250-ton-per-day capacity are approximately \$4.06 per ton of residue. This is on an 8-hour operating day. These costs diminish to \$1.08 per ton of residue in an incinerator having a capacity of 1,000 tons per day. Inclusive in these costs are supplies, replacements, maintenance, utilities, labor, overhead costs, insurance, and depreciation of the plant on a 20-year life basis.

Mr. President, I ask unanimous consent that certain tables from the April 1971 Bureau of Mines technical progress report, entitled "Economics of Recycling Metals and Minerals From Urban Refuse," be printed in the RECORD at this point. Those tables are as follows: Table 5, entitled "Estimated Operating Costs for Commercial-Size Plants"; table A-1, entitled "Estimated Annual Operating Costs, 250-Ton-Per-Day Incinerator Residue Plant—8-Hour Day"; table A-4, entitled "Estimated Annual Operating Cost, 1,000-Ton-Per-Day Incinerator Residue Plant—24-Hour Day."

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

TABLE 5.—ESTIMATED OPERATING COSTS FOR COMMERCIAL SIZE PLANTS

Capacity, tons per day incinerator residue (dry basis)	Operating time, hours per day	Operating costs, dollars per ton of dry residue
250	8	4.06
400	8	3.28
670	24	2.32
1,000	24	1.80

APPENDIX

TABLE A-1.—ESTIMATED ANNUAL OPERATING COST, 250-TONS-PER-DAY INCINERATOR RESIDUE PLANT—8-HOUR DAY

	Annual cost	Cost per ton incinerator residue
Direct cost:		
Raw materials:		
Incinerator residue at \$0 per ton	0	0
Flocculant at \$1.60 per pound	\$2,200	\$0.03
Ferrosilicon at \$0.07 per pound	100	.01
Replacement rods for rod mill at \$0.12 per pound	1,000	.02
Total	3,300	.06

	Annual cost	Cost per ton incinerator residue
Utilities:		
Electric power at 1 cent per k.w.h.r.	\$4,700	\$0.07
Water, process at 47 cents per million-gallons	800	.01
Natural gas at 50 cents per mmbtu	8,700	.13
Total	14,200	.21
Direct labor:		
Labor at \$2.50 per hour	36,400	.56
Supervision, 25 percent of labor	9,100	.14
Total	45,500	.70
Plant maintenance:		
Labor	29,400	.45
Supervision, 25 percent of maintenance labor	7,400	.11
Materials	24,600	.38
Total	61,400	.94
Payroll overhead, 25 percent of above payroll	20,600	.32
Operating supplies, 20 percent of plant maintenance	12,300	.19
Total direct cost	157,300	2.42
Indirect cost, 20 percent of direct labor and maintenance	21,400	.33
Fixed cost:		
Insurance, 1 percent of total plant cost	14,100	.22
Depreciation, 20-year life	70,700	1.09
Total operating cost	263,500	4.06

	Annual cost	Cost per ton incinerator residue
Utilities:		
Electric power at 1 cent per k.w.h.r.	\$4,700	\$0.07
Water, process at 47 cents per million-gallons	800	.01
Natural gas at 50 cents per mmbtu	8,700	.13
Total	14,200	.21
Direct labor:		
Labor at \$2.50 per hour	36,400	.56
Supervision, 25 percent of labor	9,100	.14
Total	45,500	.70
Plant maintenance:		
Labor	29,400	.45
Supervision, 25 percent of maintenance labor	7,400	.11
Materials	24,600	.38
Total	61,400	.94
Payroll overhead, 25 percent of above payroll	20,600	.32
Operating supplies, 20 percent of plant maintenance	12,300	.19
Total direct cost	157,300	2.42
Indirect cost, 20 percent of direct labor and maintenance	21,400	.33
Fixed cost:		
Insurance, 1 percent of total plant cost	14,100	.22
Depreciation, 20-year life	70,700	1.09
Total operating cost	263,500	4.06

TABLE A-4.—ESTIMATED ANNUAL OPERATING COST, 1,000-TONS-PER-DAY INCINERATOR RESIDUE PLANT—24-HOUR DAY

	Annual cost	Cost per ton incinerator residue
Direct cost:		
Raw materials:		
Incinerator residue at \$0 per ton	0	0
Flocculant at \$1.60 per pound	\$8,600	\$0.03
Ferrosilicon at \$0.07 per pound	300	.01
Replacement rods for rod mill at \$0.12 per pound	4,000	.02
Total	12,900	.06
Utilities:		
Electric power at 1 cent per k.w.-hr.	17,000	.07
Water, process at 47 cents per million gallons	3,300	.01
Natural gas at 50 cents per mmbtu	35,000	.14
Total	55,800	.22
Direct labor:		
Labor at \$2.50 per hour	98,800	.38
Supervision, 25 percent of labor	24,700	.09
Total	123,500	.47
Plant maintenance:		
Labor	35,400	.14
Supervision, 25 percent of maintenance labor	8,900	.03
Materials	29,300	.11
Total	73,600	.28
Payroll overhead, 25 percent of above payroll	42,000	.16
Operating supplies, 20 percent of plant maintenance	14,700	.06
Total direct cost	322,500	1.25
Indirect cost, 20 percent of direct labor and maintenance	39,400	.15
Fixed cost:		
Insurance, 1 percent of total plant cost	17,300	.07
Depreciation, 20-year life	86,500	.33
Total operating cost	465,700	1.80

Mr. ALLOTT. Mr. President, with those operating costs in mind, the significance of the economics is that the product value is \$15.76 per ton of residue. In other words, as compared to the operating costs of \$4.06 per ton on the 250-ton-per-day plant, the values of the commodities re-

covered are \$15.76 per ton, or a spread of \$11.70. The spread on this 1,000-ton-per-day plant is nearly \$13. Consequently, these should operate at a net profit of between \$11 and \$13 per ton and this does not take into account the reduction in disposal costs for the residue as it is presently disposed of. Such a profit to the municipality or other political subdivision operating the incinerator, could be used to reduce the cost of refuse collection.

Mr. President, I ask unanimous consent that table 6, entitled "Estimated Product Values" be printed in the RECORD at this point.

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

TABLE 6.—ESTIMATED PRODUCT VALUES

Product	Value	Quantity per ton of residue (pounds)	Values per ton of residue
Ferrous metal (ton)	\$10.00	610	\$3.05
Aluminum (ton)	.12	32	3.84
Copper-zinc (pound)	.19	24	4.56
Colorless glass (ton)	12.00	552	3.31
Colored glass (ton)	5.00	398	1.00
Total			15.76

Mr. ALLOTT. Mr. President, it should be recognized that these figures are extrapolations, and therefore, need to be proven on a commercial basis. It is the purpose of the bill I am introducing to provide authority to the Secretary of the Interior to prove out this process and the economics on a commercial sized plant.

Mr. President, I wish to take this occasion to congratulate the researchers involved in this research project. And, especially, I wish to congratulate Dr. Elbert F. Osborn, Director of the Bureau of Mines, Mr. P. M. Sullivan, Mr. S. H. Stanczyk, Mr. F. J. Cservenyak, and Mr. C. B. Kenahan for their work on this project.

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

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

S. 2556

A bill to establish a Municipal Mine Demonstration Plant, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) in accordance with the policy as established by the Mining and Minerals Policy Act of 1970, the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, is in the national interest;

(2) in order to promote the wise and efficient use of our natural and reclaimable mineral resources, research and demonstration of methods to reclaim and reuse metals and other mineral products is essential to help assure satisfaction of industrial, security and environmental needs;

(3) in view of the Nation's prodigious consumption of metals and mineral products, every potential source must be examined, evaluated, and, if economically and environmentally feasible, developed to meet the needs of industry and national security;

(4) great quantities of mineral commodities are wasted each year and, in turn, are causing environmental degradation;

(5) the objective of wise and efficient use of our natural resources would be materially aided if such wasted mineral commodities were recovered and reused in the industrial productive processes;

(6) the residue of municipal and other large incinerators represents an extensive mineral resource that is presently not utilized, and that it is in the national interest that such resources be recovered and benefited for the use of the consumer and industry;

(7) the Bureau of Mines has developed, on a pilot plant scale, a method, utilizing existing mineral processing and beneficiation technology and equipment, for the recovery and separation of mineral commodities acceptable for commercial use; and

(8) while the economics appear to be highly favorable in the pilot plant stage, it is in the national interest that the technology and the economics of the pilot plant be proven by the construction and operation of a commercial sized demonstration plant.

(b) It is therefore the policy of the Federal Government to bring this technology to commercial development as quickly as possible by authorizing the Secretary of the Interior to construct a demonstration plant of commercial size and to enter into such agreements as are necessary and appropriate to insure its proper operation and the demonstration of its commercial applicability to interested persons.

Sec. 2. (a) On the basis of the findings and the policy of the Congress as set forth in the first section of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to enter into an agreement or other arrangement with any State or political subdivision of a State pursuant to which the Secretary shall design, construct and equip, on land made available by such State or subdivision, a full scale, commercial size facility to reclaim, recycle, and process metal and mineral values contained in municipal incinerator residues and raw refuse.

(b) Any such agreement shall further provide, among other things, that—

(1) on the completion of such facility, the State or political subdivision entering into such agreement or other arrangement shall operate and maintain such facility for the purpose of reclaiming, recycling, and processing metal and mineral values contained in municipal incinerator residues and raw refuse;

(2) such State or political subdivision will make available, by license or otherwise, on a non-exclusive royalty free basis without territorial limitation the use of any patent obtained by such State or political subdivision under any law of the United States or any foreign country for or with respect to any invention made in the performance of any activity conducted pursuant to any such agreement or arrangement;

(3) such State or political subdivision shall make available to the Secretary all reports, plans, cost, and operating data required by it in connection with the operation and maintenance of such facility, together with such other detailed data, drawings and other information of value as the Secretary may require;

(4) such State or political subdivision shall assure the right of the Secretary to utilize such facility in connection with the testing and demonstrating of new advanced techniques involving the reclaiming, recycling or processing of metal and mineral values contained in incinerator residues and raw refuse; and

(5) such State or political subdivision will assure that such facility will be open, at reasonable times and consistent with safety, for inspection by interested parties.

Sec. 3. (a) Any such agreement or other arrangement entered into pursuant to sec-

tion 2 of this Act shall provide for a plan of repayment, within a period of not more than thirty years from the date the principal benefits of the facility first becomes available, by the State or political subdivision entering into such agreement or arrangement to the United States of all amounts expended by the United States in connection with the designing, constructing, and equipping of such facility, together with interest thereon in such amount as shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which such agreements or arrangement is entered into, on the basis of the computed average interest payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum. All moneys received in connection with such repayment shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b) Upon the completion of such repayment, the Secretary shall transfer all right, title, and interest of the United States in and to such facility to such State or political subdivision.

Sec. 4. The Secretary shall, by publication, make available, from time to time, to any party interested in the commercial development of any facility comparable to that authorized by this Act any reports, plans, specifications, cost and operating data, drawings, and other information of value acquired by him in connection with the construction (including designing), operation, and maintenance of the facility authorized by this Act. Such publication shall be in sufficient detail so that independent engineering and economic judgments can be made based on such publication.

Sec. 5. In carrying out his duties under this Act, the Secretary is authorized to enter into contracts, leases, or other arrangements, and to conduct research and development in connection with the carrying out of such duties.

Sec. 6. (a) For the purpose of designing, constructing, and equipping the commercial facility authorized by this Act, there is authorized to be appropriated the sum of \$2,000,000.

(b) For the purpose of enabling the Secretary to carry out his duties relating to research and publication in connection with such commercial facility authorized by this Act, there is authorized to be appropriated the sum of \$1,000,000.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2074

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 2074, the Navigable Waters Safety and Environmental Quality Act of 1971: HARTKE, SPONG, INOUE, and STEVENS.

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

S. 2135

At the request of Mr. KENNEDY, the Senator from Alaska (Mr. GRAVEL) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 2135, to amend title V of the Social Security Act.

S. 2509

At the request of Mr. SCOTT, the Senator from Kansas (Mr. DOLE) and the

Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 2509, to incorporate Pop Warner Little Scholars, Inc.

SENATE JOINT RESOLUTION 158

At the request of Mr. WEICKER, the Senator from Hawaii (Mr. FONG), the Senator from New Mexico (Mr. MONTOYA), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Joint Resolution 158, to declare May 6, 1972, "Clean Up America Day."

MILITARY PROCUREMENT AUTHORIZATION BILL—AMENDMENT

AMENDMENT NO. 425

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

STUDY OF 5-YEAR DEFENSE BUDGET

AN AMENDMENT TO THE MILITARY PROCUREMENT AUTHORIZATION, H.R. 8687

Mr. NELSON. Mr. President, I submit today an amendment to the military procurement authorization bill, calling for congressional studies of the 5-year outlook for the defense budget.

The studies would be conducted by the Armed Services Committees of the House and Senate, separately or jointly. Under the amendment, these committees would look ahead at prospects for the defense budget for the 5-year period including fiscal years 1973 through 1977. They would examine budget projections for these years under current strategies and world conditions and alternate budgets that might result from changes, strategies and conditions. The committees would seek to review the Defense Department's own budget and program projections for this period. At the present time, the Defense Department's 5-year defense program is not in its entirety furnished to Congress. The committees would recommend levels of defense spending for the 5-year period and also ways in which Congress could improve its ability to make and implement sound decisions on defense spending. The committees would report their findings and recommendations to the Congress as part of their reports on the next procurement authorization bill roughly a year from now, or sooner if they see fit.

The amendment is based on the conviction that if Congress is to be an effective and sound policymaker in the setting of levels of defense spending, Congress must plan ahead. There are great administrative problems in the way of making large changes in a defense budget for a given fiscal year once we are well into that year. In recent years the main defense authorization and appropriations bills have been taken up by Congress so late in the fiscal year that by the time Congress votes on them Congress has already lost much of its flexibility to make any but marginal changes. This is true again this year. Now, in September, it is already too late for Congress, as a practical matter, to consider major changes in the fiscal 1972 defense budget except for relatively minor adjustments.

While we in Congress are looking at the fiscal 1972 defense budget, the Defense Department has already done much of the planning of the fiscal 1973 defense budget. It has done this virtually with-

out congressional guidance. In the normal course of events, by the time the 1973 budget reaches us for our decision, we will again have lost most of our flexibility.

This amendment is designed to encourage Congress and its main committees to look ahead more than we do now on this subject. It is only a step in this direction, but one which I believe is well worth taking.

I ask unanimous consent that there be printed in the RECORD at this point two entries: First, the text of the amendment and second, the text of a report prepared by my office.

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

AMENDMENT No. 425

At the end of the bill add a new section as follows:

SEC. 505 (a) The Committees on Armed Services of the Senate and the House of Rep-

resentatives, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall conduct full and complete studies of the budget for the Department of Defense for the five fiscal years following the fiscal year in which this section is enacted. In carrying out such studies the committees shall consider, among other things—

(1) the projected amounts for such budget for such years under current strategies and foreign policies of the United States and under present world conditions;

(2) how the projected amounts for such budget for such years might be affected by changing world conditions or by the adoption of new or different strategies and policies by the United States; and

(3) the so-called Five-Year Defense Program of the Department of Defense, access to which the committees shall request.

(b) The committees shall report to their respective Houses the results of such studies together with such recommendations as they deem appropriate, including—

(1) levels of spending for defense purposes for the five-year period referred to in subsection (a) of this section; and

(2) ways in which the Congress might improve its ability to make sound decisions on future defense spending levels and ways of effectively implementing those decisions. Such reports shall be included as a part of the reports made by such committees to their respective Houses on the military procurement authorization bill for the fiscal year beginning July 1, 1972, except that either committee may file its report at any time prior to the filing of the report on such military procurement authorization bill if it elects.

THE FUTURE OF THE DEFENSE BUDGET
DRAFT OUTLINE

The defense budget to date

The Defense Department recently declassified Vietnam war costs for 1971 and 1972 in current and constant prices. This fills in many gaps in defense spending tables and makes it much easier to look at what has been happening to the defense budget in recent years and where it is likely to go in future.

The figures in terms of the defense outlays in recent years are reproduced below:

	Fiscal year—						Fiscal year—					
	1964	1968	1969	1970	1971	1972	1964	1968	1969	1970	1971	1972
CURRENT PRICES												
Outlays, full cost, SEA.....		26.5	28.8	23.1	15.3	10.1						
Outlays, incremental costs, SEA.....		20.0	21.5	17.4	12.0	7.8						
Baseline force.....	50.8	58.0	57.1	60.5	62.5	68.2						
Total outlays.....	50.8	78.0	78.7	77.9	74.5	76.0						
CONSTANT (FISCAL YEAR 72) PRICES												
Outlays, full costs, SEA.....			31.9	33.2	25.2	16.0	10.1					
Outlays, incremental costs, SEA.....			24.3	25.1	19.1	12.5	7.8					
Baseline force.....	75.8	75.6	71.0	69.0	67.1	68.2						
Total outlays.....	75.8	99.9	96.1	88.1	79.6	76.0						

With the help of these figures it is possible to see a number of trends:

1. The cost of the Vietnam war is declining rapidly.

The full cost of the war, measured in current (that is changing) dollars, has declined from \$28.8 billion in 1969 to an estimated \$10.1 billion in fiscal 1972. The full cost includes forces and expenses now going into the war but which would still be present without the war. For example, some ammunition now being used in Vietnam would still be used in peacetime training, and some of the aircraft now flying fights. The incremental war cost includes war expenses actually added to the budget. It is therefore the one to look at when considering how much money can be saved as the war comes to an end. The incremental war cost, in current prices, has declined from \$21.5 billion in 1969, to an estimated \$7.8 billion in 1972—a drop of \$13.7 billion.

2. But "inflation" is adding more to the defense budget than the Vietnam saving.

The figures, read vertically, show the impact of increases in pay and price scales on the defense budget. The 1964 baseline (or non-Vietnam) force cost \$50.8 billion at that year's rates. At 1972 rates the same force would cost \$75.8 billion. Therefore, what the Defense Department calls "inflation" added \$25 billion to the baseline cost between 1964 and 1972. Between 1969 and 1972 (when the war dropped \$13.7 billion) inflation added \$17.4 billion to the total defense budget, according to the tables.

It is worth taking a look at just what this inflation is made of. Of the \$25 billion 1964-1972 inflationary increase noted above, nearly \$16 billion is related to pay and a little over \$9 billion represents increased costs of purchases. The pay increases included raises voted by Congress (including

those designed to move toward a volunteer armed force) and other raises tied automatically to the cost of living. The Defense Department's computation for purchase price increases is based on indices for the economy as a whole, and these in turn are influenced by defense. It is probable that some of the inefficiencies that go into procurement "cost overruns" have crept into the figure for "inflation". The extent of this needs further study.

3. The total defense budget, in current prices, has declined only slightly from the Vietnam peak. But measured in constant dollars, it has been squeezed back to close to the 1964 level (before the Vietnam Build-up) with the war still included. The baseline, or non-Vietnam, portion has grown in current prices. But in constant prices it is \$7.8 billion below 1964, indicating a cut in the baseline defense program in real terms.

4. This has been accompanied by physical cuts in forces between 1964 and 1972—for example from 16½ to 13½ Army divisions; 24 to 16 attack and antisubmarine carriers; 24 to 15 carrier air wings; 119 to 105 Air Force tactical squadrons; 61 to 38 airlift squadrons; and 932 to 658 commissioned ships in the fleet.

5. At least through fiscal 1971, the Vietnam savings has not been used to build up the baseline force in real terms. But this saving has not become the kind of "peace dividend" for which some have hoped, available to increase domestic programs or to lower taxes, because it has been gobbled up by inflation on the overall defense budget.

The current price figures shows that between 1969 and 1972 the incremental war cost declines \$13.7 billion, but the total defense budget declines only \$2.7 billion. From these figures alone it appears that \$11.1 bil-

lion in Vietnam savings have been used to increase the baseline budget.

But the constant dollar figures show a decline in the war, the baseline and the total defense budget. Looking at it this way, the Defense Department argues that the Vietnam saving in real terms has been removed from the defense budget and has not been used to increase the real baseline.

While the constant dollar baseline has been declining each year through 1971, a \$1.1 billion increase is shown for the first time between 1971 and 1972. To this extent, following the Defense Department's way of looking at it, a small part of the Vietnam saving is for the first time apparently going to be used to increase the baseline in real terms.

However, it is not yet known just what the true 1972 outlay figures will turn out to be. Congressional cuts yet to be made in appropriations and authorizations may reduce the \$76 billion total. On the other hand, since this figure was estimated, circumstances already appear to be increasing it by \$1 billion to \$77 billion. The Selective Service bill reported out of conference raises military pay \$800 million above the level requested. There also has been a \$200 million cost of living increase for retired military personnel which went into effect automatically with increases in the consumer price index.

One implication of all this is that for a number of years the Vietnam reduction has served as a cushion to offset inflation without requiring more drastic cuts in overall forces. But this cushion is now almost used up.

6. There has been a degree of change in national priorities. Between 1968 and 1972 the defense budget changes from 9.5% to 6.8% of the gross national product and from 42.5% to 32.1% of the federal budget as measured by the unified budget method.

DEPARTMENT OF DEFENSE—DEFENSE BUDGET, FEDERAL BUDGET, AND GNP FOR SELECTED YEARS

[Billions of dollars]

Fiscal years		Federal budget outlays					DOD outlays as percent of—	
		GNP	Net total	Department of Defense	Other	Offsets ¹	GNP	Federal budget
1950	Lowest year since World War II ²	\$263.3	\$43.1	\$11.9	\$31.2	NA	4.5	27.7
1953	Korea peak ³	358.9	76.8	47.7	29.1	NA	13.3	62.1
1964	Last prewar year	612.2	118.6	50.8	70.7	-2.9	8.3	41.8
1968	SEA peak ⁴	822.6	178.9	78.0	105.5	-4.6	9.5	42.5
1970	Last actual year	956.2	196.6	77.9	125.0	-6.2	8.1	38.4
1971	Current estimate	1,013.0	212.8	77.5	145.5	-7.2	7.4	33.9
1972 ⁵	Budget estimate	1,123.0	229.2	76.0	161.0	-7.8	6.8	32.1
Changes	1964 to 1972	+510.8	+110.6	+25.2	+90.3	-4.9		
	1968 to 1972	+300.4	+50.3	-2.0	+55.5	-3.2		

¹ These amounts are undistributed intragovernmental transactions deducted from Government-wide totals. These include Government contribution for employee retirement and interest received by trust funds.

² In constant dollars, and as a percentage of GNP and the Federal budget.

³ Lowest percent of GNP since 1951; lowest percent of Federal budget since 1950.

⁴ 4.9 percent of the GNP growth during this period, and 21.8 percent of the increase in the Federal budget.

On a federal funds basis, national defense including DOD military functions, MAP, AEC costs, Selective Service and emergency planning declined from 56.2% of the federal budget in 1964 to 43.8% in 1972. This excludes trust funds from the accounting. (p. 1168 House hearings)

CONGRESS MUST LOOK AHEAD

Are these the right priorities, the right percentages of national product and federal budget? Should the defense budget continue to decline in constant dollars in the years ahead? By how much? Should it stay the

same or rise? These are questions to which Congress should address itself. In general there are four ways in which Congress can control defense—fixing the total budget, approving or denying individual weapons projects, setting overall force levels, and setting broad strategies and policies such as those involving U.S. commitments. To be effective, Congress must use all these approaches. If it only controls the money, then the strategic decisions are made by the administration. If it only controls weapons and forces, then the money gets out of hand. This paper concentrates on the budgetary approach,

which is not to say the others are not also important.

To deal with the broad questions of national priorities and the defense budget, Congress must look ahead and possibly even legislate ahead. To what extent does Congress do this now?

1. When Congress acts on an annual defense appropriation, it is already too late to make anything but a marginal change in priorities for that fiscal year. As the following table shows, the regular defense appropriation bills are generally passed by Congress about half way through the fiscal year to which they apply:

	Fiscal year—				
	1966	1969	1970	1971	
Authorization act	June 5, 1967	Sept. 20, 1968	Nov. 19, 1969	Oct. 7, 1970	
Regular appropriation act	Sept. 29, 1967	Oct. 17, 1968	Dec. 29, 1969	Jan. 11, 1971	
Last major supplemental appropriation	July 9, 1968	July 22, 1969	July 6, 1970	May 25, 1971	

Because of the lead time in planning budgets and forces, the Defense Department has little flexibility half way through the fiscal year to make major changes in its program. Now, in August, it is rapidly becoming too late for Congress to even consider the basic level of the fiscal 1972 defense budget, beyond making a marginal cut of a very few billion dollars, which the Defense Department has no doubt already anticipated.

Late last June Senators Proxmire and Mathias sought unsuccessfully to place a \$68 billion ceiling on defense outlays for Fiscal 1972, a \$7 billion cut from the administration's budget, or 9 percent. The Proxmire-Mathias amendment was placed on the continuing resolution, at the very beginning of the fiscal year, to avoid the argument of late legislation. But one of the main arguments raised against it on the Senate floor was that, even at that date, it would be highly disruptive of long planned programs, requiring major cuts in manpower, cancellation of procurement contracts, operation and maintenance reductions and base closings. The incident seems to suggest that even on the opening day of the fiscal year Congress has already lost much of its influence over broad priorities for that year.

2. At the present time, while Congress is looking at the fiscal 1972 defense budget, the administration is already far along in planning the fiscal 1973 budget, and is doing so without any guidance from Congress.

The administration's annual defense budget planning process consists of 27 steps. It begins in January with a Five Year Defense Program inherited from the previous cycle. It ends with the formulation of a new five year plan and its translation, just before Christmas, into a budget for the ensuing fiscal year. For the fiscal 1973 budget, this process began in January, 1971. By the end of July, 1971, 14 of the 27 steps had been

completed. Included in the 14 completed steps were an analysis of strategic issues by the Joint Chiefs; strategic guidance by the Secretary of Defense; fiscal guidance by the Secretary of Defense indicating how much money could be spent in 1973 and following years; an outline of forces by the Joint Chiefs within these constraints; and Program Objective Memoranda from each of the services detailing changes in their force levels, support and activities under these policies. In September, the schedule calls for program decisions by the Secretary of Defense, and the updating of the Five Year Defense Program to cover fiscal 1973-1977. Then comes review by the Office of Management and Budget and presentation of the fiscal 1973 budget to Congress early in calendar 1972. This process actually looks even farther ahead than 1977. Step number 13, completed at the beginning of July, consisted of a strategy paper by the Joint Chiefs dealing with a defense program from fiscal 1974 to 1981.

This process takes place with no formal participation by Congress. The documents involved are regarded as internal papers of the administration and are not furnished to Congressional committees dealing with defense. Nor do these committees appear to have sought them. Some information from the documents is reflected in testimony to these committees by administration witnesses in closed session.

3. The most basic of these documents in terms of looking ahead is the annually updated Five Year Defense Program. As far as I have been able to determine, this has not been furnished to Congressional committees even on a secret basis. The five year program includes money totals for the defense department for each of the five years. These figures have not been included in the Secretary of Defense's annual report to Congress even in

its classified form. The Senate Armed Services Committee has received classified information from the Five Year Program but not the document itself.

4. The Legislative Reorganization Act of 1970 requires legislative committees to estimate the 5-year costs of legislation they enact. To comply with this provision, Chairman F. Edward Hébert of the House Armed Services Committee wrote Secretary Laird last May asking for 5-year projections. Laird replied by citing the difficulty of making such projections: "As you know, any projection of Defense financial requirements beyond the budget year is extremely tentative at best. Such programs as may be proposed by Defense components have not been approved by the President nor have they been subjected to the thorough review and analysis by my staff to assure that they represent firm requirements supportable within the dollar levels that might be expected to be available to the Department of Defense in future years." Laird went on to say that "... I can also provide the general estimate that to support the 5-year forces contained in my Defense report on the fiscal year 1972 Defense budget, authorizations for procurement and RDT&E in the range of \$22-23 billion (in fiscal year 1972 dollars) would be required for each of the next 5 years." The estimate covers only procurement and research and development—about a third of the defense budget—because those are the only major items covered in the authorization bill. The Legislative Reorganization Act exempts appropriations committees from making five year estimates. The above appears to be the closest Congress has yet come to estimating defense costs over the next five years.

5. Behind all this is a long tradition that the administration does not divulge budget figures until they are formally presented to Congress. The Office of Management and

Budget has a government-wide policy against such disclosures. Some believe this is the way it should be in a government of divided powers—that the executive should recommend, the Congress approve, and that Congress has no business intervening in an administration recommendation before it is made. On the other hand it can be argued that the need for Congress to look ahead requires some change in this tradition. Congress is in a serious box if, when the administration makes its recommendations, Congress has already lost much of its flexibility to entertain a range of possible decisions.

6. There is obviously a substantial question of military secrecy. No doubt a detailed breakdown of five-year costs by program and element would tell other countries a lot about U.S. military forces and strategy in the future. But this should not stop committees from dealing with future costs in closed session. Also, it may be that a general discussion of overall five year defense costs could take place in public without loss of national security. If the projected budgets were budgets of restraint, it might be beneficial to disclose the general levels to the Soviet Union in hopes that it would follow equal restraint.

WHERE IS THE DEFENSE BUDGET GOING?

What clues are presently available as to the future course of the defense budget under present programs and policies? There are a few:

Laird's on-the-record estimate of \$22-23 billion for procurement and R&D over the next five years in constant dollars is close to the recent level.

Laird is understood also to have made an in-house estimate that the 1972 outlay level—\$76 billion, now growing to \$77 billion—when carried forward in constant dollars will provide a minimum but adequate defense program for the next five years under the world situation as it now appears and under present foreign policies and strategies. Put another way, the Defense Department appears to be contemplating a defense budget which will remain the same in constant dollars over the next five years, barring changes in situation or policy. However, there has been no public statement to this effect.

Since the gross national product and federal budget are growing, this would mean the defense share of both would continue to decline, probably reaching 6% or less of the national product in a few years and probably going below 30% of the federal budget.

Brookings Institution (Setting National Priorities, the 1973 Budget) projects present Nixon doctrine defense policies as resulting in a defense budget slightly down in real terms in five years, even after withdrawal from Vietnam. But it estimated this would represent about 6 per cent of the national output, compared with slightly under 7 per cent today. It outlined higher and lower defense budget options.

The net import of Brookings' review of the entire federal budget, and all its parts, in the future is that between now and 1976 very little "fiscal dividend" or new money to meet public needs becomes available under present policies. Brookings concludes that those who believe various public needs should take higher priority must consider increases in taxes or taking funds from other parts of the budget.

It is in this context that Congress should look at whether the protected present defense program is the right level. To do this Congress must begin looking ahead now.

RECOMMENDATIONS

1. As a first step, we should request the Defense Department to make available more information on its defense budget projections. More specifically:

a. The 5-year defense program budget totals for each year in actual and constant dollars.

b. The 5-year totals broken down by programs, such as strategic forces, general purposes, intelligence and communications, air-lift-sealift, etc.

c. In order for the budget totals to be meaningful, there should be an explanation of how they are arrived at. For example, one possible way is to assume a more or less arbitrary budget level. Another is to project actual programs and compute their future costs.

d. Five year projections of the defense budget as a percent of national product.

e. Five year projections of defense budget as percent of federal budget.

f. The fiscal guidance being used in planning the FY 1973 budget and beyond.

g. General budgetary policies being followed by the Defense Department. In general will the defense program in real terms be allowed to grow? Will the baseline grow or decline in constant dollars? Will any of the Vietnam saving, in terms of constant dollars, be transferred to the baseline?

Probably most of this information could be made public. It is possible that some should be given to Congress in classified form.

2. Congress should enact legislation to require its existing committees:

a. To make specific studies of the future of the defense budget, particularly for the next five years.

b. To specifically review the Five Year Defense Program and the documents involved in administration planning of the defense budget for years ahead, including the strategies, assumptions, and estimates contained in them.

c. To look at the future of defense spending in terms of the overall federal budget and national economy.

d. To formulate their own recommendations concerning the defense budget over the next five years.

e. To investigate possible ways in which Congress, while retaining control over annual appropriations, could also increase its influence over future defense budgets in advance, perhaps by legislating ahead. (One possibility: multi-year authorization bills, annually revised, and covering the whole defense budget, while retaining annual appropriations.)

Probably the committees involved should be the Senate and House Armed Services Committees, although others are possible. Such legislation could be an amendment to the Procurement Authorization Bill.

3. One possible further step would be for Congress to enact legislation this year which would set or express substantive policies as to the defense budget for the next five years. This could take the form of:

a. An expression of the sense of Congress as to general policies. For example that the defense budget in real terms should not increase and if possible should decline, that the defense percent of national output should continue to decline, that the percent of federal budget should continue to decline. Figures could be included on the goals.

b. Legislation of a 5-year defense budget ceiling on outlays or total obligational authority. This idea has some serious problems, at least at the present time. If the ceiling is set at present levels it becomes a mandate not to cut. If it is set low it would have to be an arbitrary ceiling assuming conditions in the future that cannot be known. Such legislation ahead, however, might be more realistic after thorough committee studies on the five year defense prospects. In view of this, it is not recommended now.

Broad sense of Congress policies as in (a) above, might however be included in the legislation in Recommendation 2.

AMENDMENT NO. 426

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

Mr. NELSON submitted an amend-

ment intended to be proposed by him, to H.R. 8687, the military procurement authorization bill.

AMENDMENT NO. 427

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

Mr. SAXBE (for himself, Mr. PROXMIER, and Mr. MATHIAS) submitted an amendment, intended to be proposed by them, jointly, to House bill 8687, the military procurement authorization bill.

NOTICE OF HEARINGS ON HOUSING

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs will hold 3 days of hearings—October 13, 14 and 15, 1971—on S. 1671, the Housing Institutions Modernization Act of 1971.

The hearings will begin at 10 a.m. each day and will be held in room 5302, New Senate Office Building.

Mr. President, the bill, S. 1671, for which I have just announced hearings, has a number of provisions which involve basic policy decisions relative to the functioning of the Federal Home Loan Bank System. The subcommittee will hold these hearings to bring out and explain these issues before the public and interested savings and loan officials, as well as Members of the Congress. The subcommittee will want to study the proposals in the bill and most likely to consider them in conjunction with the pending report by the President's Commission on Financial Institutions and Regulations which is due in December.

One of the most controversial proposals in the bill involves the Federal chartering of stock savings and loan associations and the conversion of existing Federal mutual associations to stock associations. Because of the many questions received by the subcommittee on this, I wrote to Mr. Preston Martin, Chairman of the Federal Home Loan Bank Board and requested his comments on the issues raised by the proposals.

Mr. President, I ask unanimous consent that the exchange of correspondence between me and Mr. Martin be printed in the RECORD at this point in my remarks.

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

JULY 13, 1971.

HON. PRESTON MARTIN,
Chairman, Federal Home Loan Bank Board,
Washington, D.C.

DEAR PRES: You will recall that, when I introduced S. 1671, the Housing Institutions Modernization Act of 1971, I referred to the necessity for careful consideration of several provisions in the bill, particularly Title I, which would authorize Federal mutual associations to convert to Federal stock associations.

According to information I have received, this proposal raises two basic issues which I would appreciate having you explain more fully.

The first one has to do with the preservation of a strong management structure dedicated to the continuation of the institution in the best tradition of the savings and loan business. Concern has been expressed that the new authority would create possibilities for corporate raiding or corporate "take-over" by persons interested primarily in a quick profit. Conversations offer huge opportuni-

ties for abuses unless the Board exercises tight rein over the arrangements. I assume that the Board shares this concern in view of its current moratorium on conversions of State-chartered associations. A statement on the Board's plan to avoid abuses or harmful "take-overs" would be helpful. I would also appreciate any plans you may have and the procedure you would follow on lifting the current moratorium on State-chartered associations. You might also provide the Committee with opinion of Counsel on the adequacy of existing statutes to supervise the proposed Federal stock associations.

Another item of prime importance relates to the April 19 cut-off date. I should appreciate your elaboration on the probable procedure for treating the various kinds of accounts before and after that date. A question of equity has been raised about those accounts of long standing which were closed out prior to the cut-off date. Also what is proposed when the years roll by before a conversion takes place and a substantial portion of the depositors at the conversion date were newcomers since the cut-off date. I can think of other equally puzzling situations. A statement from the Board on this would be helpful.

One statement made by you on the stock conversion proposal puzzles me. I refer to the claim that equity capital raised by stock associations would remedy the reserve problem and would provide increased investment funds for housing. You made some reference to the multiplier benefit of capital raised through stock subscriptions. In your reply, I wish that you would explain how it works and make reference to such benefits now apparent among existing State stock associations.

There are other questions which need to be raised about provisions in the bill. I intend to study these further and, as necessary, submit further questions later on.

With best wishes, I am

Sincerely,

JOHN SPARKMAN.

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., Sept. 1, 1971.

HON. JOHN J. SPARKMAN,
Chairman, Committee on Banking, Housing
and Urban Affairs, United States Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of July 13, 1971, concerning the Board's legislative proposal to allow Federal associations to issue capital stock. This proposal is contained in section 101 of Title I of the "Housing Institutions Modernization Act of 1971" which you introduced as S. 1671.

Initially I shall summarize the Board's feelings on the questions you have raised and then I shall cover them in somewhat greater detail.

The Board is keenly aware of the need to preserve sound management and to preclude soundly operated associations being disrupted by raiding or harassment. There are many possible tools the Board could use for these purposes: managerial and financial qualification standards, disclosure of conversion plans, management contracts, and other practices normally employed by corporations to retain and provide incentives for key personnel. The Board will of course be heavily influenced by the views and suggestions of your Committee which has observed the operations of other financial systems faced with similar problems. We also look forward to the specific suggestions of industry representatives who have had extensive experience with the stock form. This Board is committed to a flexible and practical solution to this question.

With respect to the April 19, 1971 cut-off date, a number of means are available to minimize any inequities. Here too, we hope to draw on the counsel of your Committee and

industry representatives. Finally, I believe we can demonstrate quite clearly that the leverage factor of equity capital makes possible substantial savings growth, thus adding to industry reserves and the availability of mortgage funds for housing.

Your first question dealt with the regulatory controls which the Board would exercise in implementing section 101 in order to preserve strong management structures.

Let me emphasize that the Board regards the preservation of existing strong management structures as a matter of the first public importance. The Board is well aware that, without a skillful and experienced cadre of savings and loan executives, the industry cannot carry out the mandates of Congress and of the several states to foster thrift and home-ownership, safety and economically. This requires long-term credit granting with a strong community service orientation, often at the expense of short-term profitability. New entrants into the industry via the acquisition route have a mixed record in this respect. The new housing programs developed in the past few years likewise require increasing housing sophistication and experience. Many of our most serious problem cases and FSLIC support cases have involved associations with inexperienced managements which have overstressed short-term, often speculative, gains.

In connection with its study of the bill, the Board has given careful consideration to managerial and financial qualification standards for persons attempting to take over associations, while preserving marketability of shares. This procedure would be an extension of existing procedures (section 408 of the National Housing Act) in proposed take overs by corporations. Also, applicants for insurance of accounts are now subject to detailed inquiry and exacting standards. Under existing regulations and under our recently revised examination procedures we obtain detailed management information. Finally, the establishment of increased controls and information on qualifications was one of the important recommendations contained in the Friend Study.

It seems appropriate that qualification standards in this area should be set no lower than those applicable to persons applying for insurance of accounts *de novo*. In fact, it seems logical that an even greater degree of scrutiny would be in order, since the Insurance Corporation's risk of loss from bad management is considerably greater in the case of an existing association with millions of dollars of deposits.

A second procedure which seems appropriate to the Board is disclosure of the conversion plan, operating results and other information to the savers. The disclosure would have to be sufficiently extensive to allow the savers to form an accurate estimation of those proposing to operate the association after conversion. In order to achieve speedy processing and to prevent an undue paperwork burden, we would develop a standard disclosure procedures with variations for local circumstances, in terms readily understood by the average saver.

There are, certain additional requirements which the Board would consider establishing in order to assure the fairness and safety of any plan of conversion. These requirements would have the effect of reducing the possibility of "raiding". Assurance of the maintenance of an adequate level of net worth would be a condition of conversion and reasonable restrictions could be placed on the payment of cash dividends on stock so that there would not be a dissipation of net worth. Moreover, management contracts might be allowable, since they are employed in other stock corporations as a method of insuring continuity of valuable executive talent.

As you can see from the foregoing, the possible tools for the prevention of disruption

and raiding and the combinations in which they may be used are quite numerous. The Board very deliberately did not specify any of these tools in section 101 of the Modernization Act, but preferred to leave unnumbered its discretionary regulatory authority under section 5(a) of the Home Owners' Loan Act. We realize that the selection of the best combination of these tools is a function of both future and past experience. Because of the dynamic nature of the savings and loan industry and the difficulty of perfecting statutory provisions, we believe that the public interest in this complicated area would best be served if the Board were provided with the maximum amount of flexibility in determining the mix of regulatory procedures which would most appropriately balance the requirements of marketability, economic freedom, and stability of management.

II

You also asked two questions relating to the April 19, 1971 cut-off date. The first question concerned the treatment of accounts terminated before the date, and the second related to the treatment, after the date had long passed, of those accounts established after the date. A cut-off date is, of course, absolutely necessary in order to avoid shifts of funds among institutions for speculative purposes and to prevent windfall profits; April 19 (or an earlier date set by the institution) was selected as the last day before the public announcement of the legislation.

The Board recognizes the element of inequity in isolated cases where an account of long-standing was closed out just before the cut-off date. The essential purpose of a cut-off date is to prohibit a reward to those who make deposits after that date. The Board does not, therefore, have a fixed position against a plan whereby an association might propose to make some of the aforementioned cases eligible. Thus, a management might come up with an equitable plan which would pick up prior savers for some past time period.

There is a significant problem with respect to those associations which do not act until a substantial period of time has passed since the cut-off date, because they would have to obtain the affirmative vote of many depositors who had come in since the date who normally would not, therefore, participate in the distribution of stock in the association. We would hold to the April 19 date until such time as conversions under that date were no longer practicable and then consider confidentially, of course, the establishment of a new cut-off date.

A cut-off date which is known to be subject to a revision might itself create a problem in that it might provide an inducement for temporary flows of funds to or from unconverted associations. It would certainly be against the public interest to adopt conversion policies which might disrupt the normal flow of savings into housing in any markets. This problem is not insurmountable, however, and could be dealt with in several ways, such as restrictions on advertising by associations concerning conversions.

The questions you have raised with respect to the cut-off date again point up the great need for administrative flexibility in the handling of conversions. Many different plans may be fair to savers and consistent with stability in flow and stock of funds depending on timing and a variety of local conditions. The fixing of specific dates and procedures by law may be inconsistent with the missions the Congress has set for the Board.

III

You also asked several questions concerning equity capital which would be raised under the authority in the proposed bill: How the equity capital would provide increased investment for housing, how it would affect the reserve problem, and what its multiplier effects are.

There are essentially two types of capital which are presently unavailable to the majority of associations solely because of their mutual nature. The first and most critical is the normal equity capital raised through sale of stock. This is particularly needed in areas of rapid growth and capital deficit. Such sales therefore provide a beneficial regional reallocation of funds from areas of savings surplus to areas of housing deficit. Thus, the sale of stock supplements the Board's advances mechanism and secondary mortgage market and the power of associations to buy and sell participations—all of which were authorized by the Congress for the same reallocational purpose. The ability to offer stock in the acquisition of other associations also enables associations to achieve increased economies of scale through mergers, thus improving their ability to compete for savings to be employed for housing.

The second type of "unobtainable" capital is subordinated debt capital which, as you may recall, was made legally available to associations through the Housing and Urban Development Act of 1968. This type of capital was not made available, however, as a matter of practical fact. As you can appreciate, it is extremely difficult to induce investors to accept a subordinated capital note position in a mutual institution since the financial effect of such a relationship is to put them last in line in terms of their claim on net assets in liquidation. In other words, a subordinated capital note holder would demand that a capital stock interest be present and subordinated to his claim. In short, the effect of the proposed authorization to issue capital stock would be to make a practical reality of the existing authorization to issue subordinated debt, which would then be employed in the housing market. Moreover, while I was California Savings and Loan Commissioner, we resolved several supervisory and other problems centered around inadequate capital structure by means of the subordinated capital note device.

Your questions concerning the reserve requirement and the multiplier effect are closely related. In rapidly growing areas the normal situation is a rise in both savings flows and housing demand. Associations in those areas are hindered from meeting the housing demand since net worth does not rise as fast as savings. This causes managements to tend to slow down savings in order to avoid violation of their reserve requirements. The multiplier effect occurs here since each additional dollar of net worth will support \$12 in new savings under our current reserve regulations. There is a legal limit and, from the standpoint of safety, a practical limit to our ability to achieve these effects by changing our reserve regulations. This relationship of net worth to liabilities is also germane to the advances policy of the Federal Home Loan Bank System. The Board as a matter of prudent policy takes the level of net worth of member associations into account when determining the individual and overall level of advances which may be outstanding.

Moreover, there are advantages to the ability to issue stock beyond those mentioned above. For example, stock can be issued to purchase affiliated businesses without diluting the association's assets as would be the case in a cash acquisition.

IV

We are concerned about an inappropriately timed lifting of the moratorium on conversion to state-chartered associations in an environment which would not also permit reasonable access by Federal associations to the capital stock form. However, we may be reaching the limit because of the length of time that the current moratorium has been in effect. We believe that it is manifestly

unfair for Federal associations not to have the option of operating under the capital stock form and that the absence of such an option poses a threat to the continued viability of the dual chartering system.

You also asked that our General Counsel provide your Committee with an opinion on the adequacy of existing statutes to supervise the proposed Federal stock associations. This is in process of preparation and will be provided you and your Committee in the near future. I should like to take this opportunity to point out that our ability to supervise the proposed stock associations, and in particular our ability to insure stability and fairness in the conversion process, depends in very large measure on our human resources. An adequate statute is, as you suggest, a matter of prime importance; but it is equally important to have an adequate staff to insure that conversions plans fully protect the management and the shareholders.

I am sure there are many other questions that you would like to discuss, and I would certainly be pleased to review them with you. We have been studying this problem extensively for the past 18 months and are generally prepared to move ahead in implementing the Modernization Act shortly after it has been favorably considered by your Committee and the Congress.

Sincerely,

PRESTON MARTIN,
Chairman.

ADDITIONAL STATEMENTS

SENATOR MANSFIELD'S STATEMENT TO THE DEMOCRATIC POLICY COMMITTEE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the statement I made to the Democratic Policy Committee.

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

GENTLEMEN: At our last meeting on July 27, we had agreed upon a legislative program that could well have assured an adjournment *sine die* sometime before November. That was before the August recess. It was before the wage-price freeze. It was before the President's request for, among other things, certain changes in the tax laws which he seeks as a way of restoring the Nation's economy.

The consideration of many of these proposals is now underway in the House Committee on Ways and Means. Obviously their consideration will consume a substantial amount of time as they wind their way through the legislative process, snuffing out any prospects, I think, for a final adjournment before late in the year.

It should be said—and I think all of us would agree both as Senators and as Democrats—that though its timing may be criticized, the call for a temporary price-wage freeze and for a close examination of the economy deserves commendation and an expeditious, thorough, and effective response by the Congress. In short, those measures—and I would include all measures from every responsible quarter—designed to stimulate employment, to control inflation, to grant tax relief where it is justified and to give consideration to those most in need, deserve our highest priority from the legislative standpoint.

By no means, in other words, do I believe that we as Senators should accept without question or rubber-stamp so to speak the program offered by the President. I do not believe it was offered with that in mind. Nor do I believe that the President seeks that

kind of disposition. The fact is, by calling for the freeze on wages and prices—an action advocated by many of us long ago—the stage has at last been set to examine thoroughly from a Congressional standpoint every proposal that will get this Nation back on the road to full employment, economic stability, and prosperity; and to do so without sacrificing other priorities.

Turning for a moment to the schedule of remaining business agreed upon last July, it would appear that 12 of those items have yet to be acted upon: welfare reform, the Water Quality Act extension, Military Procurement (which will be the Senate's business pending the disposition of the Draft Conference report), the Equal Employment Opportunity amendments, a package of consumer legislation (including no-fault insurance, warranties, the consumer agency, etc.), Foreign Aid, National Transportation, minimum wage, Omnibus Crime and Narcotics, plus two major bills that require initial House action—Urban Aid/Revenue Sharing and Health Insurance. Together, then, with the 5 remaining appropriations bills—Military Construction, Department of Defense, Foreign Aid, District of Columbia and a Supplemental—this, as the Senate recessed, was to have been the legislative program.

Now added to the list is the economic package. It is to this matter that I would like the Policy Committee to address itself today. Without delving too deeply into specifics, it is quite apparent that a great deal of room remains for Congressional initiatives in this whole area. It is apparent that there is already recognition of that fact in the House. To be sure, some of the specifics put forth by the President have been met with wide support. That has been the case with the suggestion to accelerate the income tax exemption and standard deduction increases.

At the same time, much concern has been expressed about the imbalance of the President's program in favor of big business. Today more than one quarter of our plant productive capacity lies idle. In such circumstances, there is little justification, it is argued, for giving business about \$5 billion more in tax relief for the year through the investment credit after already having granted it \$4 billion by liberalizing the depreciation rules. At least a part of that \$9 billion total in yearly revenue loss, it is said, could better be spent elsewhere by the government to achieve the same ends: jobs and economic stimulation. For much of the same reason concern has been expressed over the excise tax repeal on auto sales. This represents another \$2.2 billion or thereabouts in revenue loss.

I would think, too, that we should proceed with extreme care in effecting any permanent revenue losses. That the economy is in deplorable shape today does not warrant actions that will jeopardize efforts to meet the problems of tomorrow when the economy has been restored.

Another request by the Administration which gives concern is the so-called DISC proposal whereby about a billion dollars in tax relief would be given annually to concerns engaged in the export trade. Without commenting on the merits of this suggestion, our international payments and export-import problems are well known. But there no doubt are a number of other ways to attack these problems other than tax subsidies. For example, maintaining U.S. troops abroad alone adds many billions to the imbalance every year, and it is my hope that some headway can be made in reducing this excessive cost before the year is out.

What I am saying is that there is much room for modifications and additions to the Administration's package on the economy. There is room for improvement and it is our responsibility to approach it with that in mind. What is now a proposal that is

weighted towards business in its stimulative impact on the economy may perhaps be shifted to provide the stimulus through greater tax relief to consumers with low and moderate incomes. Instead of giving up \$12 to \$15 billion in yearly federal revenues to the business community, as is proposed in the Administration's package, a more effective recovery and job-producing effort may be generated directly through consumers and wage-earners.

And since the question of welfare reform has arisen in connection with the economic program, I think a word ought to be said about that subject. This measure is on our schedule of remaining legislation, and though it is my understanding that the Committee on Finance has given priority consideration to the President's latest requests, I would hope along with the President that welfare, too, can be reported for action by the Senate before the adjournment *sine die*. The case of Urban Aid is less clear since its revenue features remain under consideration in the House.

In discussing the various ways to approach the economic program with a view to bringing recommendations before the Caucus, I know that the Policy Committee and others who will be consulted will keep in mind the jurisdictional interests of our various substantive committees that are charged with primary responsibility in these areas—the Finance Committee, the Labor Committee, the Committee on Banking, Housing and Urban Affairs, and others. Still, I think it possible that from a procedural standpoint as Senators and as the Majority party in the Senate, we should agree upon certain fundamentals that ought to be contained in any economic program: its balance, its equity, its direction, what happens after the freeze expires, the need for welfare reform, urban assistance, and so forth.

Moreover, in considering the President's economic package, I believe we would agree that we should not oppose for the sake of opposition. When we do differ, it is incumbent on us to offer constructive alternatives. What matters is not the political fortunes of Democrats in the Senate or in the next Presidential election. What matters is the state of an economy long-neglected and its depressing impact on the well-being of the people.

In the weeks ahead, it should be made clear that the Majority in the Senate will work—not in resistance to but in cooperation with the President to the end that there may be produced an economic program which will restore the Nation's economic vigor by marshaling the efforts not only of business but of all of the people of the Nation.

WELFARE REFORM

Mr. CURTIS. Mr. President, I commend President Nixon for the bold and comprehensive attack on the Nation's economic problems which he announced during the recent adjournment of Congress. I believe this "change in the game plan" had become necessary, though I do not concur with those who say it is a year or a year and a half too late. The President's previous "game plan" slowed the inflationary spiral and created a climate in which the new policies may have an opportunity to succeed. A year ago such a policy would have been unacceptable to the vast majority of Americans. Today, I find my people in Nebraska largely willing to give the new policy a chance.

There is much of psychology in economics, as any economist knows, and I believe the President's plan is the right

psychological move at the right time. I compliment him on his courage, his judgment, and his timing.

I am especially pleased that the President saw fit, as a part of his new economic package, to postpone the effective date of the proposed Family Assistance Plan for reforming welfare. I have been very much distressed by the precipitousness with which it appeared for a time this plan might be adopted by Congress.

The debate on H.R. 1 in the House showed up its many weaknesses and the need for much more exhaustive analysis of the best means for reforming the existing welfare system. House passage of the measure in exactly the form reported by the Ways and Means Committee placed heavy pressure upon the Senate Finance Committee to act quickly or face the wrath both of the welfare-any-price lobby and HEW.

Now the President, by his recent action, has indicated his willingness to permit the Senate time to give this issue the depth and scope of consideration it deserves. It is my hope that the Senate will avail itself responsibly of that opportunity and that, as a part of the reconsideration process, both the Finance Committee and the Department will give careful attention to the alternative I have proposed in the form of S. 2037.

After hearing Secretary Richardson's statements in defense of H.R. 1 when he appeared before the Committee on Finance on July 27, I was even more convinced than ever that H.R. 1 is not really welfare reform and that an alternative approach must be found.

So that there may be no question as to why I regard H.R. 1 as inadequate, I wish today to discuss the Secretary's statement in some detail, as I have analyzed it carefully and believe the Secretary made for the welfare reform proposals contained in title IV of the bill many claims which are open to serious question or merit comment from a different perspective.

The very first paragraph of the statement, it seems to me, contains the sort of hyperbole which is typical throughout and which does far more to mislead than to inform. The Secretary began thus:

Today, this distinguished Committee begins hearings on H.R. 1—a bill which the President has called "... the single most significant piece of social legislation to be considered by the Congress in decades." It is the Nation's number one domestic priority, and it is urgent that it be enacted without delay.

While the issue of reforming our present welfare system may very well be the Nation's No. 1 domestic priority, the Secretary would be more accurate to describe H.R. 1 as the President's No. 1 domestic priority or the administration's No. 1 domestic priority, since many people in the country and in Congress, myself included, do not feel its enactment merits classification as the Nation's highest domestic priority.

Proceeding from that rhetorical beginning, the Secretary then cited statistics dramatizing the need for reform of our current programs. Contained in his statistical analysis was the following sentence:

In the year following the President's initial call for welfare reform in August 1969, the rolls increased an additional 50 percent.

The Under Secretary has since advised, as was pointed out by the Senator from Virginia (Mr. BYRD) on August 6—CONGRESSIONAL RECORD, page 30215—that the statement is erroneous; that the 50-percent increase in relief rolls from 1969 to 1970 occurred over an 18-month period rather than a 12-month period. I tend, of course, to share Senator BYRD's opinion that, regardless of the timespan, this statistic says as much about the Department's lack of interest in reducing the relief rolls as it does about the need for reform.

The Secretary then listed six criticisms of the current programs which he said succinctly and powerfully characterize these programs and the need for reform. The criticisms had been cited in the report of the House Committee on Ways and Means and are as follows:

(1) a large and growing lack of confidence on the part of the taxpaying public that assistance goes only to those who need it and does not go to those who are indolent or ineligible;

(2) understandable bitterness from those who must depend for help upon a system that in too many cases extracts self-respect as the price of its benefits;

(3) hopelessness from those who have been trapped in a life on the dole, from which the possibility of escape seems remote;

(4) contempt from those who all too easily obtain undeserved benefits from an antiquated, unstable and lax welfare bureaucracy;

(5) a crazy quilt pattern of benefits and eligibility requirements that makes little sense in a highly industrialized and mobile society; and

(6) incentives for more and more welfare, less and less work, and for family disintegration.

I find it interesting that the Secretary should have endorsed so strongly all the points in this characterization. In accepting, for example, criticism No. 4, he admits that an antiquated, unstable and lax welfare bureaucracy is one of the primary causes for the current welfare mess. Those of us who oppose the plan in H.R. 1 to completely federalize all welfare programs do so, in part, because we share that opinion and believe the evidence points to the HEW bureaucracy in Washington as the most guilty of laxness and instability in the administration of welfare. The permissive, expansionary guidelines and regulations HEW has imposed upon the States are precisely the sort of instable action which has forced the States to the wall financially. And examples are abundant of the lax or permissive attitude underlying recent reports that HEW has accused New York State of harassment because of a law requiring employable recipients to pick up their welfare checks at a State employment office.

Given such circumstances, it is difficult for even a casual observer to understand how the present situation would be improved by turning over the programs entirely to the HEW bureaucracy to administer.

Or consider criticism No. 5. I would not quarrel with the idea that the

present pattern of benefits and eligibility requirements may make little sense. The fault for that also lies, however, at least as squarely upon HEW, with its overruling of State controls and its inane and unreasonable regulations, as upon any transgression of State officials. But to suggest that it makes little sense to permit variations in benefits and eligibility standards in a nation as geographically, socially and economically diverse as ours is patently absurd.

We may be highly industrialized, but we are not entirely industrialized. To advocate that the welfare needs of people in rural America are identical with those of people residing in the inner city of a huge megalopolis is to admit to a lack of understanding of the most basic fundamental of social welfare. These are individuals whose needs vary widely; not automatons who can be programmed like computers.

I greatly fear that HEW finds the diversity in benefits and eligibility standards senseless more because it impairs the ability of bureaucrats to control and manipulate the programs and the people who benefit from them than because of its concern with industrialization and mobility. Be that as it may, it should be abundantly clear to anyone who cares about the real needs of people on welfare that what we most assuredly do not need is uniform nationwide eligibility standards or a uniform Federal guaranteed income.

Yet these are principles numbers three and four of the five principles the Secretary next tells us were basic to the President's original welfare reform proposals; principles, he says, which grew out of a recognition of the criticisms cited above. Let us next analyze these five principles, which are:

- (1) There must be strong incentives for people to work.
- (2) All needy families with children, including the working poor, must be covered.
- (3) There must be uniform nationwide eligibility standards.
- (4) A minimum Federally financed income floor must be established.
- (5) Training, job opportunities, and child care must be provided so that recipients can qualify for, and accept employment.

Take, for example, item two—that all needy families with children, including the working poor, must be covered. I find nothing in the criticisms referred to by the Secretary from which one should logically deduce such a principle. Arguments may perhaps be made for it—as, indeed, the Secretary undertakes at a later point in the statement—but at this point it constituted a sweeping proposal, wholly unsupported by any of the factors in which he announced the principles were rooted.

Now look at principle number one. Certainly I would not argue with the need for strong incentives for people to work, as set out there. What I do quarrel with is the contention that H.R. 1 contains such strong incentives for people to work. Nor do I believe, for that matter, that its provisions will enable us to combat the large and growing lack of confidence of taxpayers that assistance goes only to those who need it and not

to the indolent; that we will no longer be extracting self-respect as the price of welfare benefits; that those trapped in a life on the dole will be able to escape; or that we will remove the incentives for more and more welfare, less and less work and family disintegration. It was apparently from these criticisms that the need for the strong work incentives principle was derived.

The bill, in the first place, establishes separate family assistance plans for families with an employable adult—Opportunities for Families Program—OFP—and those without an employable adult—Family Assistance Plan—FAP. The former category does not receive cash benefits at all under present programs. Thus, on its face the bill adds to the welfare rolls a large category of families who in the past have taken pride in the fact that they supported themselves. By the Secretary's own admission in his summary on page 17, H.R. 1 will make about 8 million working poor persons eligible for benefits. Other estimates of the overall increase in welfare rolls under H.R. 1 range as high as 13 million or double the present rolls.

This immediately belies the claim that we will not have more and more welfare under H.R. 1 and it raises a huge question mark over the claim that recipients will have a stronger incentive to work. If that is so, why will the rolls be doubled?

Here is the Secretary's answer:

While it is true that H.R. 1 will make eligible about eight million working poor persons, . . . we are convinced that the actual caseloads under H.R. 1, over time, will be smaller than under the rapidly growing and uncontrollable AFDC program.

To his credit, the Secretary did not try to sell the claim that other proponents of the bill have made—that over the long view welfare caseloads can be reduced below present levels if H.R. 1 is enacted.

What he does say is that caseloads will grow less than they would under the present program. But is that sufficient? Is that really welfare reform? When current caseloads are admitted to include many who should not be receiving assistance, what kind of reform is it that boasts it may increase the caseloads but not as much as if nothing were done? Here we find the Secretary, by implication, using the same erroneous argument that House proponents employed during debate on the bill; namely, that H.R. 1 is our only alternative to the present program, so no matter how little reform it may actually accomplish it is better than nothing. The simple fact is that at least one alternative exists, in the form of S. 2037. If it is rejected on its merits, well and good. To date, it has not been considered. When it is, I believe it will be found to do far more than H.R. 1 to reduce caseloads and bring real reform.

The Secretary's argument on this point is further weakened by his admission that this judgement about smaller caseloads is based upon conservative assumptions regarding participation in the new program. Assumptions of this sort, as the Secretary should know, are historically more likely to require revision

upward than downward with the passing years, so that his modest claims for the bill are almost certain to prove exaggerated when the facts are in.

Before examining precisely what sort of work incentives the bill contains, let me return to the Secretary's statement.

On page 5 he lists additional objectives of the bill, added since the plan was initially proposed and designed to meet criticisms of last year's bill by the Finance Committee. They are as follows:

- (1) establish Federal responsibility for a minimum level of income maintenance, provided so as to improve Federal-State relationships and to afford significant fiscal relief to hard-pressed States;
- (2) fix accountability for program integrity through separate administration of programs for those able to work and for those who cannot work;
- (3) create work requirements and incentives for those able to work;
- (4) provide penalties for those who refuse to register or accept training for work;
- (5) build in correctives against fraud and other abuses;
- (6) supply remedies against parents who desert their family responsibilities; and
- (7) remove inequities and disincentives created by the loss of substantial benefits by dollar.

All of the objectives, which he then proceeded to discuss individually, have been achieved, he said, in H.R. 1. But have they? Let us review the Secretary's discussion of these objectives:

IMPROVED FEDERAL-STATE RELATIONSHIPS

Last year the bill called for a Federally financed payment floor of \$1600 for a family of four which has no earned income, Federal matching of State supplemental payments, and food stamps for those eligible. H.R. 1 cashes out food stamps for families and the Federal sharing of State supplemental payments and instead increases the Federal income floor to \$2400.

Two things must be said on this point. First, whatever the rationale, the fact remains that the minimum guaranteed annual income provision has already been increased by \$800 over the initial proposal, in order to achieve its acceptance by the liberals of the welfare cult in Congress who rejected the original bill as providing too little. It constitutes tacit admission of the obvious fact that once the guaranteed income concept is accepted, political pressures will drive the minimum constantly upward, eating up more and more tax dollars and regardless of how much we may cut back spending for defense or other programs or how much the gross national product may increase, it will never be enough to lift the relative poor out of their poverty. For as the standard of living rises so does the national poverty level income. And as the minimum guaranteed income rises, back on the rolls go low income families who could otherwise have worked their way off, if the bill's work provisions live up to the claims in their behalf. Governor Reagan has called the present program "a cancer, eating at our vitals." If we adopt the concept of a guaranteed annual income, the Governor, as the old saying goes, "ain't seen nothin' yet," compared with the cancerous grip welfare will come to have on our Federal revenues.

The other observation relates to the

cashing out of food stamps. In the next paragraph of his statement the Secretary continued:

The President's income strategy is designed to provide the poor with what they need most to get out of poverty: money. This Administration wants to get away from demeaning, restrictive in-kind benefits which prevent, rather than foster, independence. The substitution of cash payments in lieu of food stamps helps develop freedom of choice and individual dignity, two basic human characteristics which should not be affected by economic status.

That is all well and good for those to whom freedom of choice is ennobling and human dignity means something. But I would hope that the Secretary is not entirely blind to the fact that cash instead of food stamps can also help develop increased neglect of children and a rise in the incidence of malnutrition in all age groups among some low-income families. These are human tragedies which should be encouraged by Federal programs where a reasonable alternative exists.

The food stamp program is not free from flaws and abuses. But its original concept of insuring that welfare assistance was used to feed hungry children and not wasted on vices or nonnecessities was well founded. And the program was placed under the Agriculture Department rather than HEW largely because of the long and successful experience of USDA home economists and home demonstration agents in educating people about good nutrition.

If food stamps are replaced by a program which enables people to earn their own income and thus develop greater freedom of choice and individual dignity, that is one thing. If food stamps are merely replaced with cash handouts, that will, in too many cases, constitute regression and not progress in the humanitarianism of our social welfare programs.

The Secretary's next statement on this point is one of the most transparently misleading of all. He says:

H.R. 1 also improves Federal-State relationships by changing the respective roles of the different levels of government and assigning specific responsibilities to each. Consistent with President Nixon's New Federalism, the division of responsibility in H.R. 1 assigns functions to the level of government which can best perform them.

In actual fact H.R. 1 is just about as far from the concept of President Nixon's New Federalism as it is possible to get. What it does is to remove from the hands of States and localities every shred of authority and responsibility for designing, administering, and financing the basic welfare programs. The State and local governments are left only with responsibility of financing and administering supplemental payment programs—which they may also elect to let the Federal Government administer, in which case it pays the administrative costs—and for delivering vitally needed supportive social and family services—with financial and technical assistance from the Federal Government.

The Secretary's words hardly require comment for one to see what this bill's advocates think of the ability and wisdom of State and local officials.

It hardly enhances the federal system for the National Government to take full control of programs in the formulation and administration of which State and local officials have heretofore played an important role—and with which, in many instances, they would have enjoyed greater success had they not been burdened with unrealistic and permissive HEW regulations.

I would not contest the Secretary's observation that the Federal Government is best able to provide the bulk of the financial assistance. And whether or not it is best able to, it is certainly obligated to do so, because of the extent to which it has usurped the tax bases of State and local governments, a fact which, incidentally, the Secretary notes without comment in his reference to shrinking tax bases in a subsequent paragraph. But a better ability on the part of the Federal Government to design and administer the programs is belied by present experience and far from being a demonstrated fact.

Further, the federalizing of welfare augments the flow of power away from the States, whereas the core concept of the President's New Federalism is supposed to be a reversal of the flow of power back to the States.

But that is not the end of the Secretary's analysis of the bill. He continues:

No longer will the Federal Government be in a situation in which it must match expenditures determined solely by the States. No longer will the Federal Government be required to monitor, in every detail, each State's compliance with Federal statute and regulations.

Ask any State Governor if welfare expenditures in his State are determined solely by the State. He would probably think you a recent emigre from another planet. I am literally amazed that the Secretary could make such a statement and expect it to be taken seriously. The list of States facing financial disaster because of burgeoning caseloads grows ever longer. Why? Primarily because permissive HEW requirements allow many people to obtain welfare who are ineligible or would be ineligible if State officials designed the programs. Everytime HEW regulations require or permit new categories of eligibles, additional mandatory services or administrative procedures, the States' welfare costs go up. They must provide their share of the increased cost or lose all Federal assistance. In every such instance it is the State which must match expenditures determined solely by HEW bureaucrats.

As for Federal monitoring of State compliance, there is a far better solution than H.R. 1. My bill would restore to the States complete authority to design and administer all welfare programs, with the Federal Government providing necessary financial assistance through revenue sharing allocations.

Since the Secretary apparently feels the Federal Government should be relieved of monitoring State compliance he should be delighted with a plan which goes one step further and relieves it of the entire administrative burden; instead, he advocates adding to its woes by requiring it to assume full administrative responsibility.

I might add that, if he finds the role of monitor burdensome, the Secretary could reduce both his burden and that of State officials without any legislative action at all, simply by rescinding the many unnecessary regulations his Department has imposed.

ACCOUNTABILITY AND DIVISION OF EXECUTIVE BRANCH RESPONSIBILITY

Here the Secretary assures us that separation of the programs into OFP, administered by the Labor Department, and FAP, administered by HEW, will fix responsibility within the executive branch. No longer will it be possible for one agency to blame another for failure to achieve goals established by the Congress, he says.

I would only say that on this point, as on others, the Secretary is far more optimistic than I.

WORK FARE

We come, once again, to the issue of work incentives.

Says the Secretary's statement, beginning at the bottom of page 9:

The new program for employables differs significantly from the current WIN program in that the decision as to the "appropriateness" for referral is not left to the discretion of a social worker. Section 2111(b) of H.R. 1 specifies that "Any individual shall be considered to be available for employment . . ." unless he or she fits into one of five limited categories of exemption. Thus, the decision as to who registers for work is prescribed in the Federal statute.

Note that the statement cleverly avoids reciting the five limited categories of exemption. Two of the five are as follows: Any individual who is—

(1) unable to engage in work or training by reason of illness, incapacity or advanced age.

(5) one whose presence in the home on a substantially continuous basis is required because of illness or incapacity of another member of the household.

Neither illness nor incapacity is defined in the statute. HEW will define those terms by its own regulations if they are defined at all, and under delegated authority it will doubtless be local welfare caseworkers who will apply the definitions in specific instances.

Thus, we are back almost precisely to the present situation, despite section 2111 (b); that is, we are still dependent upon the nearly nonexistent support for the work ethic among welfare case workers and bureaucrats for meaningful enforcement of the work and work-training provisions. Indeed, we may well be worse off than at present, for there is now some pressure from State officials, because of the shared financial burden, to see that employables are put to work. Once the State no longer shares in the financial burden, that pressure will be off and there will be little if any local sanction to encourage caseworkers to adopt a strict interpretation of definitions or regulations.

Given these circumstances, one must be incredibly naive to the ways of welfare to accept the Secretary's assurances that the decision as to who registers for work will now be prescribed in the Federal statute.

The next paragraph of the statement reads as follows:

H.R. 1 also contains strong financial incentives to work. The first \$720 of annual earnings, plus one-third of the remainder would be retained by the family. A person who works will always be better off than a person who does not work.

But that is clearly not true. As the Senator from Louisiana (Mr. LONG), chairman of the Finance Committee, made clear on August 6—see CONGRESSIONAL RECORD, S13700—the fact is that beyond the first \$720 many families will find that benefit reductions, social security deductions, income tax withholding and increased medicaid deductibles, and public housing rents—not to mention the inherent additional transportation, food, and clothing costs for people who work—may well mean the loss of more than \$1 of net income for every dollar earned. In such cases, the person who works will obviously be no better off than one who does not work and may in fact find himself worse off. And this has nothing to do with his attitude or willingness to work.

Now consider the work incentives as they relate to an individual who is not enthusiastic about the idea of working in the first place. Beyond the first \$720 of earned income—\$15 a week or about \$2 a day—the welfare recipient loses 67 cents of every dollar he earns, even if nothing else is taken out and he has no expenses. This is a substantial psychological disincentive to people of low motivation and little ability. The work for which they can qualify is apt to be rather less pleasant than they would like. Even if a person would be slightly better off financially, the psychology of the situation is this: Why should I work my head off for 33 cents at a job I dislike when the guy next to me, doing the same job, is getting \$1. It is just not worth it.

This, I suspect, was an important factor in the conclusions recently drawn in a study by economists Alfred and Dorothy Tella. They found that persons who have nonwage income, which they equated with the proposed welfare payments, tend to quit work after reaching a certain level of income. Their conclusion was that the newly covered working poor would actually tend to work less than they do now, rather than being encouraged by the bill's provisions to work more.

And, of course, we must also note a number of other factors related to work incentives. First, we presently have a high level of unemployment and even if we are successful in creating the 200,000 new job opportunities anticipated by H.R. 1, they will be inadequate to provide employment for all welfare employables.

Second, anyone who does not wish to work can find ways to avoid being hired or to lose his job in short order if he is hired, particularly where the jobs are in private enterprise.

Then, there is the fact that the recipient is penalized only one-third of his benefits—\$800 in the case of a family of four whose guaranteed income would otherwise be \$2,400—if he absolutely refuses to register for or take job training or available work.

When such factors are considered, in conjunction with the attitude of some welfare workers toward work incentives discussed earlier, one can only conclude that any hope of reducing the newly inflated welfare rolls through work incentives that move people into the labor force is purely speculative.

Next, consider the matter of family disintegration, referred to in the last of the six original criticisms, and what the Secretary's statement has to say on that point:

Under current law, the working poor families are not eligible for any Federally financed cash assistance benefits. The result is a financial incentive for working fathers to desert so the family will qualify for AFDC.

While it must be admitted that H.R. 1 makes some improvement over the present law in this regard, Chairman LONG in his August 6 speech, referenced earlier, clearly illustrated that under the bill's provisions there remains a substantial income bonus or incentive for the poor not to marry.

Again we fall back on the fact that if H.R. 1 were the only alternative, perhaps its provisions in this regard would have to suffice; but it is not the only alternative.

Other instances of hyperbole and unwarranted optimism in the Secretary's statement could be noted, but I believe the point has been sufficiently made.

After reviewing the Social Security Amendments contained in H.R. 1, which it is generally agreed are needed and which I shall not discuss, the Secretary concluded his statement in this way:

As long as this statement is, it does not begin to suggest the comprehensive nature of H.R. 1. If enacted, it will make the lives of millions of people more secure, not only by establishing a completely new welfare system, but also by improving the effectiveness of the contributory social security program, including Medicare. The good that these measures will do will be to the benefit of this generation and generations to come.

My own conclusion is that, with regard to the welfare reform provisions of title IV, the harm that the measure may well do and the failure that it represents in the effort to obtain genuine welfare reform will be to the everlasting detriment of this generation and generations to come.

AMERICAN WATERWAYS

Mr. ELLENDER. Mr. President, with our current national concern over inflation, it is reassuring to come across a valuable service that costs less today than it did in 1960. It is an added pleasure to say that the Senate played a major role in providing this low-cost service for the development of America. I am speaking of our 26,000 miles of waterways that have improved our transportation system so much in recent years.

The current issue of U.S. News & World Report details some of the growth of the great navigation system we have developed in the United States.

As chairman of the Senate Public Works Appropriations Subcommittee for over 18 years, it is particularly gratifying to read that barge traffic is booming along our inland and coastal waterways.

That subcommittee and the Senate have appropriated millions of dollars for the development and control of these waterways and rivers. Today we are reaping the rewards of our investment—more jobs, fewer floods, better water supplies, and more economical transportation.

According to the U.S. News & World Report, we now have 20,000 barges plying these waterways. They are carrying 200 billion miles of freight annually. This is 58 percent more freight than our waterways handled in 1960.

The barges are moving all this freight at a much lower cost than either trucks or railroads can move it.

Mr. President, this is contributing significantly to the wealth of our Nation by holding down the cost of products we ship to both American and foreign customers. It is this kind of increased productivity that made America wealthy. It is this kind of increased productivity that made America wealthy. It is this kind of increased productivity that we need more of now in our current monetary and inflationary crisis.

I shudder to think of the high prices and the transportation tieups we would be struggling with today if we had not developed the navigation channels we now have along the Ohio and Mississippi rivers and their tributaries along our coasts, and across our inland America.

Even though the benefits of these waterways are so tremendous and are so easy to see today, it has not always been easy to obtain money for their development. Too often, Mr. President, these investments have been cynically referred to as "pork barrel" legislation. Even President Nixon has used that term in recent months. We have had to carefully justify the cost-benefit ratio in each one of these navigation projects. And our estimates have usually turned out to be conservative.

Today, we must also justify these navigation projects to the ecologists and we are ready to take the steps necessary to protect our environment. We are also ready to balance the human benefits derived from these waterways against the adjustments that sometimes must be made in the streams. It is much easier to criticize than it is to build something of great value.

I have watched with pride the growth of these waterways from New England to California, from Florida to the States of Washington and Oregon. Today I am looking forward to the development of the Red River Waterway through central and northern Louisiana. Congress this month appropriated more than \$5 million to control the floodwaters and develop navigation channels in the Red River. I thank Senators for their support. This is a project that has been of great interest to the people of Louisiana, Texas, Oklahoma, and Arkansas for decades.

In a few years, I hope that we realize the same kind of benefits from the Red River as the people are now enjoying along the Arkansas River waterway and the same kind of benefits that the people of Tennessee, Mississippi, and Alabama anticipate from the Tennessee-Tombigbee waterway which is now under construction.

Mr. President, 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:

NOW: TRAFFIC JAMS ON U.S. RIVERS

ST. LOUIS, MO.—At this historic hub of river transportation, the Mississippi looks more like a busy freeway than the slow-moving Ol' Man River of the past.

Huge flotillas of barges—as many as 40 of them lashed together to form a single tow, longer and with greater capacity than the *Queen Elizabeth II*—are pushed by powerful towboats past the city's gleaming Gateway Arch.

Here, as elsewhere along the 26,000 miles of U.S. inland and coastal waterways, barge traffic is booming. Low-cost transportation is the key to this upsurge. Charges for waterborne freight are less today than in 1960, and are considerably lower than for any other form of transportation.

Lure for shippers. For \$1, a ton of freight moves 330 miles by barge, compared with 70 miles by railroad and 14 miles by truck.

One reason for lower rates on water transportation, say railroad men and truck operators, is that the Government levies no user charges to pay for construction of waterways.

Rivermen say that today's sluggish economy actually is helping their business, because, according to Thomas J. Barta, an official of the Valley Line:

"Shippers are much more cost conscious, and when something can move by water, they save money by sending it that way."

A visitor to the St. Louis waterfront finds himself caught up in the excitement that is coursing along U.S. waterways.

Out in the river, the banks are lined with waiting barges. Some are freshly painted, others are rusty from tours in the brackish waters near the Gulf of Mexico. Some are empty and riding high, others are loaded and waiting to be lashed into a tow.

Inside the harbor, 17 miles in length, general commodities are handled at the municipally owned dock. But most freight moves across nearly 50 private docks, variously providing scoops, cranes, conveyer belts, storage tanks and warehouses to handle such bulk items as grain, coal and oil.

St. Louis is a major "fleeting area"—a drop-off point for barges that are not unloaded, but are picked up for towing to other ports.

Trucks and railroad cars rumble onto the St. Louis docks, delivering and picking up freight.

The city is served by four interstate highways, 21 railroads, and some 200 trucking firms.

Swarming traffic.—From upriver, barge flotillas come in swarms. Just above St. Louis, traffic from the Missouri and Illinois Rivers joins in with that moving on the Mississippi.

Downriver to the south, it is 185 miles to the confluence of the Ohio at Cairo, Ill. In the past decade, river traffic between St. Louis and Cairo has nearly doubled, increasing from about 30 million tons in 1960 to more than 58 million tons in 1970.

It is the same story along the Tennessee River, which enters the Ohio at Paducah, Ky. There, waterborne freight has doubled since 1962. In the first six months of 1971, nearly 13 million tons of cargo moved on the Tennessee. This was a rise of 12 per cent over the first half of 1970.

Nationally, a record of close to 200 billion ton-miles of freight was transported along U.S. inland and coastal waterways in 1970. That is an increase of 58 per cent over 1960.

Bigger share of business.—Rivermen point with pride to the fact that their share of intercity freight shipments also is greater today than in 1960—increasing from 9.2 to 10 per cent.

During the same period, the railroads' share of intercity freight dropped from 44.1 to 40.1 per cent, and the truckers' share eased downward slightly from 21.8 to 21.4 per cent. However, pipelines, which move growing amounts of petroleum and gas, and air freight, which transports higher-value goods, have outstripped the barges in growth since 1960.

Rivermen still wheel and deal. Theirs is the least-regulated form of transportation. Only 10 per cent of the cargo that moves on water is under federal regulation, compared with 39 per cent in trucks and 100 per cent on railroads.

Barge operators nail down deals by telephone. Decisions on cargoes often turn on less than a penny per ton.

Rivalry among carriers.—A battle is brewing between the "common carriers," who are licensed by the Interstate Commerce Commission to carry regulated commodities, such as steel, and "exempt carriers," who transport unregulated commodities such as oil, coal and grain.

The common carriers, represented by the Water Transport Association, are backing a bill in Congress that would, among other things, require publication of all dry-bulk waterway rates. This measure, the Surface Transportation Act of 1971, is strongly opposed by many exempt carriers, who met in Chicago September 3 to gather their forces. W. R. Murphy, president of Rose Barge Line, Inc., in St. Louis, calls the proposal "creeping regulation that will keep the least-efficient operator in business."

John A. Creedy, president of the Water Transport Association, says rate publication would end "discriminatory pricing" that, he believes, benefits big shippers.

Mounting capacity. Meanwhile, new developments are helping hold down increases in rates, even though the trend is turning upward. For example—

On the West Coast, one freight firm now tows two huge barges in tandem—capable of carrying 112 railroad freight cars—on a regular schedule between Seattle and Alaska, at well under the ocean freight rates of the 1960s.

In Florida, another company is using 26,000-ton, self-unloading barges, together with a modern bulk terminal, to cut the cost of transporting phosphate rock by 30 per cent.

Co-ordination between barge, rail and truck transport is cutting rates in some areas. At Ashtabula, Ohio, for instance, a coal "transloader" has been developed that permits shuttle-unit trains to bring their cargoes of coal to the docks and dump them without stopping. The coal is loaded into barges as they become available, cutting back waiting time in both operations. This arrangement is being considered now for Chicago's port.

Bottlenecks. With business booming along waterways, massive traffic tie-ups sometimes develop.

Says E. Thomas Drennan, president of the Sioux City and New Orleans Barge Lines, Inc.:

"We're starting to run out of river. On the open river, traffic jams are not too serious. Of our three boats operating between St. Louis and New Orleans, one a day will report a two or three-hour delay waiting for south-bound traffic."

"But where we do encounter extremely costly delays is at the lockages. Dams built several decades ago to help maintain a nine-foot channel often have locks that are just not big enough to handle the barge flotillas of today."

Petroleum leads. Raw materials for industry comprise the main part of barge cargoes. Biggest share consists of petroleum and its products, carried by 41 per cent of today's barges. Coal and coke comprise another 16 per cent of waterway freight; sand and gravel, 13 per cent; iron ore and steel, 10 per cent;

chemicals, 4 per cent; logs and lumber, 3 per cent; grains, 2 per cent; sea shells, 2 per cent; and other commodities, including sugar and molasses, 9 per cent.

Major cities on the rivers, such as New Orleans, Memphis, Louisville, Cincinnati and Pittsburgh, are benefiting most from the increased shipments by water. In the past five years, typical figures show that river freight has increased by 31 per cent at Natchez, 21 per cent at Greenville, Miss., 20 per cent at Louisville, and 68 per cent at Minneapolis.

Now Tulsa, Little Rock and other cities along the new Arkansas River Navigation Project are added to those served by large-scale barge transportation. With the opening of this project early this year, ports in Arkansas and Oklahoma are linked with the Mississippi 450 miles away.

The U.S. Army Corps of Engineers estimates that 13.2 million tons of cargo—mostly petroleum, iron, steel, wheat, coal and fertilizer—will be carried by barge along this channel each year, at an annual saving to shippers of some 40 million dollars.

New factories and mills, built or planned along the just-opened waterway, are expected to bring some 20,000 additional jobs to this area in the next five years.

Another major project costing about the same amount—1.2 billion dollars—is under way now to modernize the Ohio River, with 686 million already spent by the Army Engineers.

To date, public outlays for such improvements in America's inland waterways have totaled more than 5 billion dollars. The rate of federal spending on added navigational facilities is running at about 200 million dollars a year, plus 50 million to operate and maintain them.

Looking to the future, Mr. Creedy, of the Water Transport Association, makes this prediction:

"We expect at least a 50 per cent increase in traffic over the next 10 years. This is a conservative figure, with the present rate of growth greater than that."

"New equipment, larger towboats, bigger barges, deeper channels and new technology all are contributing to this prospect."

LIFE ON THE MISSISSIPPI 1971 STYLE

There's no getting away from the throb of the three 1,800-horsepower engines on the *Tri-W*, a towboat that earns her keep pushing barges up and down the Mississippi River between St. Louis and New Orleans.

But there are compensations for the crew of this relatively new million-dollar vessel. Sleeping quarters are air-conditioned. Three hot, delicious meals are served each day, starting with breakfast at 5:30 a.m. The galley's refrigerators, open around the clock for snacks, are packed with good things to eat.

Pay is good. Towboat masters average more than \$14,000 a year, and experienced pilots often make as much as \$25,000. These top crew members are on the river 30 days, then have 30 days off. Deckhands, at the bottom of the pecking order, rate 20 days off for every 30 days worked.

Despite the good pay, there aren't enough seasoned river pilots to man the towboats. The reason: booming business on inland waterways.

Up in the air-conditioned pilot house, the towboat master, W. O. Crowe, shifted a wad of chewing tobacco into his left cheek and tugged twice on the whistle cord. Two blasts indicated that the *Tri-W* would pass an on-coming tow starboard-to-starboard.

It would take 20 hours to cover the 185 miles from St. Louis to Cairo, where the Ohio River flows into the Mississippi.

The 22 barges ahead of the *Tri-W* carried grain and steel. The day before she had moved into the St. Louis harbor in late afternoon. Her six deckhands were eating meatloaf and watching a rerun of the Dick Van Dyke show

on a television set securely mounted in the vibrating dining room just aft of the compartment housing the towboat's powerful engines.

Shortly, the deckhands went to work, rearranging the tow for the downstream journey. A small harbor tug wheeled in and out under harbor lights bringing in barges. The men lashed them together—3 and 4 and 5 abreast—with cables. At 1:50 a.m. the job was finished. The *Tri-W* eased her tow into the Mississippi's current. Radar and searchlights picked up channel markers. We were on our way. Life on the Mississippi today is a far cry from that along the river Mark Twain knew a century ago.

REASONS FOR U.S. PRESENCE IN VIETNAM

Mr. GOLDWATER. Mr. President, in one of the last issues of the late *Look* magazine there appeared an extremely well written and worthwhile article by Walt Rostow. As we remember, Mr. Rostow served as National Security Assistant under Presidents Kennedy and Johnson, and he was deeply involved in the decisionmaking process of the Vietnam war.

Mr. Rostow had more knowledge of and more experience in the Far East than anyone connected with the formulation of foreign policy at the congressional level at this time. Mr. Rostow's article is entitled, "Vietnam, Was It Worth It?" and in it he has presented the reasons for being in Vietnam, the whole danger to Southeast Asia, and the danger to the world if Southeast Asia and Asia fall. I feel that the article should be placed in the *RECORD* so that Members of Congress may have a chance to read it, and so that those editors across the broad reaches of America who depend upon the *RECORD* for much of their information and editorials may have available to them this worthwhile and very sensible article. I ask unanimous consent that the article be printed in the *RECORD*.

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

VIETNAM: WAS IT WORTH IT?

(By Walt W. Rostow)

The costs to us of the struggle in Southeast Asia make sense only if you agree with the last six American Presidents that the United States will be endangered if a potentially hostile power gains control of Asia, and that control over Southeast Asia is critical to the fate of all Asia.

Southeast Asia contains nearly 300 million people—as many as Africa or Latin America. It commands the sea routes of the South Pacific and the eastern Indian Ocean. It is a buffer area separating the two giants, China and India. If any single power attempts to seize control of Southeast Asia, the other major powers must instinctively react.

America, for example, passively stood by while the Japanese took over Manchuria in 1931 and then seized the major cities of China. But in 1940-41, the Japanese moved into Indochina and toward Indonesia. President Roosevelt had every interest at that time in concentrating American attention and resources on rearming at home, and on aid to Britain and, then, to Russia. But he refused to accept passively the Japanese take-over of Southeast Asia and the balance of power in Asia, including control of the sea routes to Australia, New Zealand and India. He cut off shipments to Japan of oil and scrap metal, and he froze Japanese assets in the U.S.

Indochina was at the center of our diplo-

matic dialogue with Japan right down to the eve of Pearl Harbor.

For similar reasons, President Truman threw our resources behind the French in Indochina at the time of the Korean War, despite reservations about the viability of French colonialism.

The same rationale lay behind President Eisenhower's (and the Senate's) support for SEATO in 1954-55; President Kennedy's policies in Laos and South Vietnam and his flat affirmation of the domino theory on September 9, 1963; President Johnson's basic Vietnam decisions of 1965; and President Nixon's insistence that America withdraw from Vietnam in ways compatible with stable peace.

Throughout this period of at least 30 years, it has been U.S. policy to sustain the independence of Southeast Asia from potentially hostile control. But sacrifice for a policy that cannot succeed is meaningless or worse. What have the sacrifices since 1965 achieved?

Look back and consider the panorama of Asia in 1965.

South Vietnam was on the verge of defeat and take-over, as the weight of North Vietnamese regular-army units, introduced in 1964, was fully felt.

Indonesia was out of the United Nations, in confrontation with Malaysia, making common cause with Peking, and eager to complete what both Jakarta and Peking described as a pincer movement to envelop the whole of Southeast Asia, through a "Jakarta-Phnom-Penh-Hanoi-Peking - Pyongyang Axis"—a concept enunciated on August 17, 1965, by President Sukarno himself.

Peking was proclaiming that "Thailand is next."

All of Asia knew that its future hung in the balance. Robert Menzies, then Prime Minister of Australia, said if Vietnam fell, it would be "not so very long" before Australia would be menaced. And the danger was still closer and more obvious in the other capitals—as for example, Macapagal, in Manila, and Abdul Rahman, in Kuala Lumpur, made clear.

The domino theory was not just a theory in the first seven months of 1965; every observer of the scene knew the dominoes were about to fall unless American power was rushed into the balance.

Then, at the end of July, 1965, President Johnson moved to commit American forces.

Now, six years later, there is a different Asia.

South Vietnam has harvested the greatest rice crop in its history and is about to conduct its second presidential election under a democratic constitution. Well over 90 percent of its population live under reasonably reliable government administration.

Indonesia is independent and advancing hopefully in economic and social progress, after the successful defense of its independence in October, 1965, which, incidentally, triggered the Cultural Revolution in China.

Asian regional organizations have come into being; for example, the Asian and Pacific Council (ASPAC), the Association of South East Asian Nations (ASEAN), the Asian Development Bank. These offer great promise that in the future, Asians, working together, can increasingly shape their own destiny.

Japan, now the third industrial power in the world, is evidently prepared to use its expanding economic resources to help others in the region whose modernization began much later, but who are now moving forward with astonishing momentum: South Korea, Taiwan, Thailand, Malaysia, Singapore.

China is beginning to enjoy economic progress after a decade of external frustration and internal violence and is experimenting, at least, with the idea of normalizing its relations with Asia and the rest of the world.

Without the U.S. effort in Southeast Asia,

there would now be no Ping-Pong diplomacy and no presidential visit to Peking planned.

But all this is still precarious and fragile.

As the South Vietnamese assume increasing responsibility for their own defense and try to make a constitutional system work (which very few post-colonial nations have been able to manage), they feel every day the threat of hasty, total American withdrawal and the pressure of those who would cut off all military aid to them in order to guarantee a Communist victory.

North Vietnamese troops are embedded, without a shred of legality, deep in Cambodia and Laos, threatening the Mekong towns and the Thai border. Not one weapon they carry or shell they fire was manufactured in North Vietnam. Putting aside their long-neglected tasks of economic and social development, the leaders in Hanoi continue to pour young men into the infiltration pipelines to South Vietnam in an effort to destroy the process of Vietnamization.

There is a decent hope that in the years ahead an Asia could emerge in which the North Vietnamese will go back within their own borders; the independent states will survive and increasingly work together, relations with China—and, indeed, North Vietnam—will be normalized; and the American role will continue to diminish, while remaining a relevant force in Asian and Pacific affairs.

There is also a real danger that all that has been achieved since 1965 by Asians and ourselves will be lost; that a vacuum will develop in Southeast Asia which Peking, as well as Hanoi, will feel impelled to try to fill; and that Asia will move from the promise of stability and progress to chaos or a war far worse than what we now see in Indochina.

Was it worth it? Clearly, the outcome of the common effort is still uncertain. If we mindlessly walk away from Asia, we shall make sure it was not worth it. If we patiently stay the course, the suffering of these years could be repaid with stable peace and security for ourselves and the two thirds of humanity who live in Asia.

What still remains to be done in Asia may not, if we are wise, involve the use of much American military force. Asians are now able to do vastly more to defend themselves than they were in 1965. And China, with some 50 Soviet divisions on its frontiers, may now be influenced to move in more peaceful directions than in the past.

But our resources and our treaty guarantees remain a decisive margin in the Asian balance of power. We ought to ask ourselves bluntly: What is likely to happen if we bury the past and leave Asia to its own devices?

First, the end of America's commitment in Southeast Asia would change the debate now under way in mainland China. Powerful forces there are working to move China toward the long-delayed concentration of its energies and talents on the modernization of life. American withdrawal would inevitably lead Peking to exploit its new opportunities to the South. No one can predict the precise form in which a nuclear China, with its huge ground forces, would exercise its power in the vacuum we would create. But I cannot believe that Peking would remain passive.

Second, the nations of Southeast Asia, certainly as far as Singapore—quite possibly as far as Indonesia—would lose their independence, as, for example, Lee Kuan Yew, Prime Minister of Singapore, believes; or they would be forced into a protracted military or quasi-military struggle that would force them to abandon their exceedingly promising economic, social and political development.

Third, Burma, in particular, would either fall under Communist domination or become the scene of an Indian-Chinese struggle. For Burma, not Tibet, is the point of

strategic danger for the Indian subcontinent—a warning consistently made to me in private by high and responsible officials of both India and Pakistan.

Fourth, Japan and India would quickly acquire nuclear weapons, and the Nonproliferation Treaty would quite possibly die elsewhere in the world as well. The willingness of many nations to forgo the production of nuclear weapons depends on a carefully balanced calculation—a calculation that says the United States can provide greater security at less risk than going it alone with a national nuclear capability. An America that walks away from a treaty commitment, after bringing into the field a half-million of its armed forces and encouraging a small ally to fight desperately for its independence, would not be regarded as a reliable ally on such a mortal issue as nuclear deterrence in Asia or anywhere else.

There are many, I know, who believe that, somehow, the United States can live safely divorced from the fate of Asia.

I do not.

Thirty years ago, an Asian power, reaching for Asian hegemony, was able to mount Pearl Harbor.

There is already one nuclear power in Asia, now moving to produce ICBM's. If we walk away from our commitments in Asia, there are liable soon to be at least three. Having come in these hard years as close as we now are to the possibility of stable peace in Asia, I think it would be disastrous to throw in our hand and leave future Americans to bear the inevitable costs of a nuclear-armed Asia.

The more than 50,000 Americans—and the more than one million Asians—who died in this struggle for a stable, peaceful Asia deserve better of us.

KEN BE LIEU TO SERVE HIS NATION'S DEFENSE AGAIN

Mr. MCINTYRE. Mr. President, I am pleased with the quick action taken by the Committee on Armed Services and the Senate in confirming the nomination by the President of Ken Be Lieu, of Oregon, to be Under Secretary of the Army.

I am not surprised by the smoothness of this confirmation because few people are more deserving or capable than Ken. During his years here in Washington, he has written a record of expertise and accomplishment.

Ken wrote a brilliant record in World War II and in Korea. He is the holder of nearly every major award for gallantry and valor our Nation can award. And he gave beyond the call of duty in losing a part of one of his legs in combat in Korea.

Before and after Korea, Ken served ably in a series of important assignments in the Defense Department and with the professional staff of the Senate Armed Services Committee. He rose steadily to the position of Under Secretary of the Navy. He served in this position until 1965 when he returned to private life until recalled by President Nixon to join his staff at the White House.

This latter appointment shows the respect for Ken's abilities. When he received this appointment it meant that he had received top appointments by two Presidents from opposite political parties in the course of only a few years.

Now Ken will, in his new capacity with the Army, continue to add to the brilliant record of the past.

Our Nation is fortunate to have such dedicated and able persons as Ken Be Lieu to call upon to help lead our country.

SPECIAL REPORT ON NATIONAL SECURITY ISSUED BY THE SOUTHERN STATES INDUSTRIAL COUNCIL

Mr. THURMOND. Mr. President, an excellent report, entitled "The National Security Crisis: America's Deteriorated Defense Posture," has been issued by the Southern States Industrial Council, Nashville, Tenn.

The report, written by Mr. Anthony Harrigan, pulls no punches in revealing the dangerous trend of U.S. military preparedness.

Mr. Harrigan, who clearly illustrates the rapid advance of Soviet military power, also warns about the danger of repeated attacks on our own Military Establishment.

Mr. President, the report should help to awaken the American people to the dangers of halfway military preparedness. I ask unanimous consent that it be printed in the RECORD.

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

THE NATIONAL SECURITY CRISIS: AMERICA'S DETERIORATED DEFENSE POSTURE

(By Anthony Harrigan)

In the last decade, the American people have been witnesses to a shocking reduction in their national military power. Whereas in the 1950's the United States was the dominant country in the world, possessed of military might second to none, American strength in the 1960's and early 1970's has ebbed rapidly. The erosion of America's defense forces can be seen in terms of expenditures for defense purposes. The \$71.8 billion proposed for defense in Fiscal Year 1971 was \$9.8 billion below the Johnson administration budget for Fiscal Year 1970 and constituted the lowest percentage of the gross national product since 1951. In the judgment of U.S. Sen. Barry Goldwater, a member of the Senate Armed Services Committee, the United States is fast on its way toward becoming a second-rate power in the world and "is no longer in a position of parity with the Soviets."

The total significance of the erosion of America's armed might is what thoughtful citizens must seek to understand. Warships, military aircraft and missiles are instrumentalities of national purpose. The history of the U.S. armed forces is the history of the American Republic—an index to the survival instinct and goals of the American people. If the American people are unwilling to provide adequately for their own defense, it is clear that their survival instinct has been impaired.

Historically, the armed forces of the United States have been the shield of the Republic. This has been especially the case in the cold war years. Though it is fashionable now to say that the cold war has ended, realists know strife with the communist powers has simply entered a new phase. Today the communist states evidence both the capability and intention of new aggressive moves against the capitalist world.

For almost a generation, America's nuclear armaments have deterred the Soviet Union from starting a third world war—a massive strike against the free world nations. The conventional armed forces of the United States have been busily employed in the quarter-century past in fighting limited wars against communist aggression and in checking Soviet and Communist Chinese advances in many parts of the world. In the Cuban missile crisis of 1962, America's nuclear superiority and supremacy at sea prevented

the Soviets from establishing domination over the West.

Today, however—less than a decade after the Cuban missile crisis—the United States no longer is the first military power in the world. In a few areas such as the design of multiple warhead (MIRV) missiles the U.S. is technologically more advanced than the Soviet Union. But in terms of overall military capability the Soviet Union is ahead of the United States. Where the Soviets are now on a basis of parity with the U.S., they are moving ahead rapidly to overtake America.

The U.S. public has heard the facts from the Joint Chiefs of Staff. But the full significance of the erosion of U.S. military strength seems to have escaped the public. In Congress the weight of opinion is on the side of reducing U.S. military expenditures. Those members of Congress who press for dramatic action to restore America's strategic superiority are in a minority. The grim facts they recite fail to impress many key legislators and large and influential segments of public opinion.

MISSILE FORCES

Yet facts are facts. The most ominous of these relate to the comparative strength of U.S. and Soviet nuclear forces. In 1965 the Soviet Union's strategic missile force consisted of approximately 220 missile launchers. The missiles were comparable to the first generation of American ICBM's. At that time the U.S. missile force consisted of 880 ICBM's. We not only had the advanced land-based Minuteman missile but we had absolute supremacy in sea-based Polaris missiles.

Today the Soviets possess approximately 1,500 ICBM's, whereas the U.S. has only 1,054.

The giant Soviet SS-9 missiles have a capability far exceeding anything in the U.S. arsenal. All in all, the Soviets have 50 per cent more land-based missiles than the United States.

That is only part of the story; the United States has stabilized its missile force, whereas the Soviets are pushing ahead with construction of new land-based and sea-based missiles. At the present rate of Soviet missile deployment, the USSR should have 2,500 ICBM launchers by 1975. Unless dramatic action is taken this year, the United States will still have only 1,054 missile launchers four years from now. This dangerous imbalance is the result of the doctrine of nuclear "parity" developed by former Secretary of Defense Robert S. McNamara and continued by the Nixon administration under the guise of nuclear "sufficiency." Other nations, with no need to resort to euphemisms, will see this nuclear situation in terms of alarming U.S. weakness.

Some recent policy decisions are nothing less than extraordinary. For example, Gen. Bruce K. Holloway, head of Strategic Air Command, told Congress that the United States has purposely passed up the opportunity to make its Minuteman intercontinental ballistic missiles more accurate. He blamed the situation on those who "fear" that the improved ICBM's might be used as a "first strike weapon."

If the nuclear balance situation is gloomy now, it will be even less cheering in the mid and late 1970's. Consider the situation with respect to missile-firing submarines. No U.S. missile-firing submarines have been built in more than two years. None are definitely scheduled for the future. The only significant change in the U.S. missile submarine force is in installation of advanced missiles in submarines conceived in the 1950's. There are studies of the ULMS (underwater long-range missile) submarine class, but no firm plans for construction. This advanced missile submarine is essential in view of the USSR's lead in land-based missiles.

The Soviets, meanwhile, are expanding their missile submarine force at a rapid rate. Adm. Elmo R. Zumwalt Jr., USN, Chief of Naval Operations, told the Society of Naval

Architects and Marine Engineers last fall that the Soviet strategic naval forces take the form of the modern "Yankee" class nuclear power ballistic missile submarines similar to our Polaris boats. They currently have 15 of these submarines in operation and are building 12 a year, a clear indication of their desire to back up their land-based missile systems with a powerful strategic naval force.

Gen. John C. Meyer, Vice Chief of Staff of the Air Force and an expert in missiles, has pointed out the long-range effects of this submarine construction program, saying that if they continue at their present rate, the Soviets will match the U.S. sea-launched ballistic missile inventory by 1974 or 1975. The Soviets also are testing a new, longer range submarine-launched ballistic missile.

MANNED BOMBERS

The situation with respect to manned bombers—another factor in strategic deterrence—is equally discouraging. In 1965, the United States had two and one-half times as many bombers as the Soviet Union, consisting of B-52's and B-58's. Today, the American bomber force has been reduced from about 750 to 450. All of the very fast B-58's have been retired from service. The proposed B-1 bomber, designed as a replacement, is receiving only limited development funding.

Another element in strategic deterrence is aircraft and missile defense. A limited anti-ballistic missile defense was authorized by the Congress—after the most difficult of struggles, but the Soviets are well along on building a strong ABM defense system. While SALT talks were in progress last year, the Soviets started construction of giant ABM radar units. Dr. M. B. Schneider, writing in *Ordnance*, has reported that "about a half dozen are operational or nearly so." Dr. John S. Foster Jr., director of Defense Research and Engineering in the Department of Defense, has warned that these radars "can in the near future provide the same radar coverage which we will have some eight years from now if all the Safeguard ABM program is completed." Dr. Foster noted that the "vast network of Soviet radars and defense sites, whether antiaircraft or anti-missile, has already complicated the problem of arms control of ABM to the point where it may not be practical." It is estimated that the Soviets have more than 1,000 surface to air missile sites. The United States has one-tenth this number of SAM's and no ABM radars operational today. Moreover, U.S. surface to air missiles are Bomarc and Army missiles developed in the 1950's. The Soviets have had wide experience with operational SAM's in both North Vietnam and in the Suez area.

Tactical fighter forces still have an important role in air defense against bombers armed with nuclear weapons. Here again, the United States is at a marked disadvantage. The Soviets have 3,600 jet aircraft. The United States tactical fighter strength is about 1,600 aircraft. Moreover, the Soviets have a qualitative edge. In the last decade, they introduced nine new fighter aircraft. In the same period, the U.S. failed to develop a single new aircraft for the air-to-air combat role. The new military realities are evident in Europe where the Soviet Air Force is now using the new supersonic strike version of the MIG-23 fighter in large numbers. This fighter, labeled "Foxbat" by the NATO command, is faster than comparable aircraft used by American forces. Its reported speed is Mach 3—three times the speed of sound—compared with a speed of Mach 2.2 for the F-4 fighter.

All of these situations with respect to diminishing inventories of American weapons reflect an alarming decline in research and development—the elimination or cutback of defense programs leading to advanced weapons systems. Existing U.S. armaments date

back to programs launched 10, 15, or even 20 years ago. In many cases, there is nothing in the mill to replace them. The studies undertaken during the McNamara years proved sterile. New weapons simply were not authorized. For example, the Soviet Union's new bluewater fleet is superbly equipped with surface-to-surface rockets. The United States has yet to develop such a naval missile, though the uniformed professionals have cited the need for years.

NAVAL FORCES

The deterioration of America's combat strength is especially apparent in the U.S. Navy. Failure to start a major naval construction program in the 1960's led to today's sharp curtailment of U.S. naval strength.

During the sixties, the United States depended on warships built to fight the Japanese and the Germans in the 1940's. They were patched and repaired, but replacements were not authorized. These ships have reached the end of their useful lives and are being decommissioned in large numbers. Severe budget cuts in the last two years have forced decommissioning of other ships which still have combat capability. Adm. Zumwalt is on record as noting that the budget cuts that have been taken in the last two years have been in the field of sea control forces. As a result we have, during the last two years, come down on the order of 35 percent of these forces. We can go no further without great risk.

Robert D. Heintz Jr., a leading authority on naval affairs, has said that the U.S. Navy in 1971 is likely to reach the point at which it was in 1936 in numbers of ships in commission.

In the four years from June 30, 1968 to June 30, 1972, the U.S. Navy will have retired 463 ships from the active list. During that same period, 141 new ships will have been commissioned, leaving a net reduction of 322 ships—more than one-third of the entire American fleet.

Control of the seas depends on a complex of naval weapons systems: carriers, submarines, destroyers, intelligence-gathering ships, mine sweepers, and service ships. The United States has need of new ships in all of these categories. The current naval shipbuilding program is grossly inadequate to meet accumulated needs of many years. For example, under the fiscal year 1971 defense appropriations bill, only one new nuclear guided missile frigate was approved, only one fast combat support ship, only two general assault ships, and so forth. Great need exists for an entirely new class of fast surface-to-surface missile armed, small destroyers. Anti-defense elements in Congress oppose funds for such vessels. Yet, the Navy's manpower situation will become critical in the mid-1970's and small, heavily armed ships will be more important than at any time in decades.

SOVIET SEA POWER

Throughout the 1960's, U.S. naval forces went largely unchallenged. In the 1970's, there may be numerous direct and indirect challenges. The Soviets have powerful naval forces in the Mediterranean. They have used them in daring and dangerous ways, including collision-course tactics with U.S. warships. Soviet naval vessels frequently operate in the Caribbean. Indeed Sen. Strom Thurmond has asserted that "current intelligence reports also indicate the Soviet have broken their 1962 agreement with the U.S. by deploying nuclear missile launching submarines at Cuban bases." With the installation of a Marxist regime in Chile, it seems only a matter of time before the Soviet Navy has access to the port of Valparaiso. Then the Soviets will be in position to menace the Panama Canal from both the Pacific and Atlantic.

To see Soviet naval growth and operations

in perspective it is necessary to survey the decade past. In 1960, the Soviets were engaged in major naval construction. High seas operations were rare. The first Soviet exercises in the Norwegian Sea were held in 1961. The next year saw new operations by Soviet maritime aircraft and the Cuban crisis, in which the USSR learned a lesson in the importance of sea power. In 1963, a pattern of bi-annual naval exercises in the Iceland-Faroes Gap was established. The Soviet Navy introduced missile-carrying warships in 1964 and the Soviet Mediterranean squadron was established. By 1965, the Soviets were holding numerous large exercises in the North Atlantic. The year 1966 marked the maturing of the Soviet high seas fleet. Adm. V. A. Kasatonov, first Deputy Commander in Chief of the Soviet Navy, said: "The USSR Navy flag can be seen in all parts of the world's oceans." In 1967, the Soviet fleet stepped up all its activities. A Soviet-built Komar rocket boat, operated by Egypt, sunk an Israeli destroyer, impressing on the world the power of new Soviet naval weapons. In 1968, the Soviets deployed their helicopter carriers in the Mediterranean for the first time. The next year saw large-scale relief of the Mediterranean forces by the Soviet Northern Fleet and deployment of a task force to the Caribbean. The fleet was being used to "show the flag" on a worldwide basis. In 1970, the Soviets conducted major naval maneuvers in the Atlantic and Pacific and vastly extended their Indian Ocean operations.

It is against this backdrop of Soviet military and naval activity in many parts of the world that the visible decline of U.S. strength must be viewed. In several important areas, such as the Persian Gulf, the U.S. has only token forces. And many of the units are aging vessels which compare unfavorably with the new, heavily armed Soviet warships in the same areas. For example the Soviets have dispatched rocket-armed destroyers to the Persian Gulf where the commander of the U.S. Middle East Force flies his flag from an antique seaplane tender with no combat capability. The occasional U.S. destroyer in the area usually is an old gun ship built during World War II. In the 1950's American naval forces often could be supported by land-based air forces. But the United States has been compelled to leave many key air bases throughout the world such as Wheelus Air Base in Libya. America's tactical air power is locked out of North and Central Africa and the Middle East.

While the U.S. has retreated from air bases in Libya, Morocco and elsewhere, the Soviets have created a massive military bastion bridging the zone between the Mediterranean and the Indian Ocean and providing a jumping-off point for Central and Southern Africa.

U.S. Rep. Michael A. Feighan of Ohio has summed up the character and importance of this Soviet Middle East bastion, noting:

In the Middle East the Soviets have established a vast complex of sophisticated weaponry scattered in a 50-mile belt extending from Alexandria, Egypt, southward 180 miles to the Gulf of Suez. Stationed here are the most advanced surface to air missiles manned by Soviet crews, amphibious equipment and 8-inch artillery.

THE INDIAN OCEAN

The Soviet objective in this region seems comparable to the Japanese objective, prior to World War II, in creating secret naval and military bases in the South-Central Pacific mandated islands: a launching site for major operations. The Soviets are aiming at a new short route to the Persian Gulf, the Indian Ocean, the strategic islands and rich lands of Southern Africa and the Pacific beyond. In short, they seek total domination of the virtually unprotected Indian Ocean world.

Today the Soviet Indian Ocean fleet consists of approximately 15 warships including missile-armed ships. At times this force

has numbered as many as 30 vessels, however. The Soviet ships call at ports around the rim of this 28 million square mile ocean, showing the flag and impressing weak nations with the growing naval power of the Soviet Union. The Soviets reportedly enjoy repair and fueling facilities in India, and the strategic island of Mauritius has become another frequent and important port of call for the Soviet squadron.

Another aspect of the Indian Ocean situation that should be more widely understood in the United States is the movement of Soviet and East Bloc ships through the area. In 1969 more than 3,900 Soviet flag ships rounded the Cape of Good Hope en route to Africa, Middle Eastern and Asian ports. Soviet merchant vessels have to be regarded as an arm of the Soviet fleet. Many of these ships have a military potential or carry military goods to client states of the USSR.

While the Soviet Union is engaged in the same kind of naval buildup in the Indian Ocean that it carried out in the Mediterranean, the United States has not made any attempt to provide a counter-force—except for an occasional fleet visit by ships from the 7th Fleet in the Pacific. In the late 1950's Adm. Arleigh Burke, then Chief of Naval Operations, cited the strategic importance of the Indian Ocean. Adm. John McCain, Commander in Chief, Pacific, also has stressed the U.S. security interest in the Indian Ocean in many speeches and writings. But the failure to modernize the U.S. Navy has resulted in inaction with respect to that vital global region.

TECHNOLOGICAL CHALLENGE

Even as the U.S. must prepare for new military challenges in remote global regions where America has not been involved in the past, the American people must bear in mind the importance of the technological challenge posed by the Soviet Union. It is not enough for a nation to have a strong will to win or a grasp of global strategy; a country determined to remain free must appreciate the extent to which an effective defense depends on investment in research and engineering. There isn't any technological plateau to which the United States can climb and rest comfortably thereafter. New advances in nucleonics, radar, surveillance systems, metallurgy—all have a direct bearing on America's national security. Nothing is more mistaken than the notion that the U.S. is safe against attack because it has a large arsenal of nuclear weapons. The element of surprise is still a key element in warfare—as much as it was at Pearl Harbor in 1941. And the foes of freedom are constantly seeking technological means of gaining the advantage of surprise—the advantage of a first strike that would eliminate the possibility of a retaliatory strike by U.S. forces. To deny the enemy the advantage of surprise means technological effort and vigilance on the part of the United States and this, in turn, means substantial, continuing investment in defense research and development.

To augment U.S. defenses in any meaningful way is extremely difficult these days. As Adm. Zumwalt has noted, "there is a tremendous disenchantment with the military, and a disinclination on the part of many of our countrymen to be concerned." There is no similar disenchantment on the part of the enemies of the United States. On the contrary, the Soviet Union's traditionally aggressive foreign policy is now wedded to the most aggressive military policy in the country's history. The leadership of the USSR has set its sights on the acquisition of supremacy in every military field—on land, sea and air. The Kremlin is busily establishing a global military presence to advance both the Soviet political system and to secure national strategic objectives.

In the main the American people—or a very large segment of our population—do not

want to hear about the Soviet Union's military buildup, its drive towards supremacy in all areas, any more than the French people in the late 1930's wanted to hear about Germany's rearmament. The American people seem tired of sustaining the defense effort—even though that effort has given them a generation free of direct enemy assault. The American people are preoccupied with social issues and with domestic expectations of one sort or another. They long to enjoy an even more comfortable existence at home. They respond to warnings about Soviet military expansionism with the counterstatement that there is not any real threat or that increasing Soviet military capabilities don't indicate dangerous intentions on the part of the USSR. It is difficult to deal with such denials of reality or to reach those who persist in arguing that danger to America is non-existent. Thus defense budget levels are not in accord with national requirements. The capability of the U.S. armed forces to deal with threats to the nation is being reduced year by year.

ANTIDEFENSE MOOD

The problem of maintaining a moderately strong defense establishment, let alone augmenting its strength to deal with new Soviet threats, may worsen in the year ahead as the Vietnam war winds down. In the past, the end of conflicts in which the U.S. has been engaged has produced hasty dismantling of essential armed forces. This was the case at the end of World Wars I and II. The U.S. Army may face the brunt of the demands for "economy" in defense spending. Certainly, the size and composition of the Army will have to change after the Vietnam war is ended. But the Army must not be sacrificed. On the contrary, the Army will need to be re-equipped for missions elsewhere on America's strategic frontiers.

No one can deny that it will be expensive to refashion the Army, to undertake new naval commitments, and to provide new offensive and defensive nuclear systems. But since when has freedom been obtained at a cut-rate price? The British people maintained their freedom in World War II only at a staggering price in national treasure, not to speak of lives. There is no suggestion that the British are sorry they paid the price. Today the captive peoples of Eastern and Central Europe unquestionably would be willing to pay any price to be free of the Soviet yoke. If the American people, possessing the greatest amount of wealth in the world, are unwilling to make the necessary financial sacrifice for their own safety and national survival, the freedom and security they now enjoy will elude them in the future. The American people are truly fortunate in that they can, with good management and elimination of welfarism, afford both guns and butter—missiles and desirable public services.

The principal need today—even before military hardware—is to renew the American people's understanding of the vital importance of strong national security forces. These forces are not unreasonable burdens, as some citizens insist, but an opportunity to preserve freedom. Great peoples are willing to bear heavy burdens in order to ensure their freedom. In totalitarian countries ruling elites simply commit the nation. The people have no voice on defense issues. The American people, however, must understand the issues. They must acknowledge the need for a strong national defense and give their consent to expenditures for this purpose. It would be tragic beyond words if the American people, in their period of greatest prosperity and comfort, failed to understand the necessity of defense and refused to approve the essentials.

For America and its values to survive, it is imperative that Americans arrest the decline in U.S. military strength and acquire

the arms essential to defense in the mid and late 1970's and 1980's. The American people can't afford to be outgunned by the enemies of Western civilization and freedom. Certainly, our people don't want to go the way of Carthage in the classical world. But if they want to avoid the fate of Carthage they must reject the counsels of those who are sounding the trumpets of retreat.

If the American people are awake, they will insist that the U.S. armed forces be provided with all the tools of defense—the nuclear navy, missiles and conventional forces—that spell the difference between national life and death.

A CONTRACT WHICH TIES WAGES TO PRODUCTIVITY

Mr. SPONG. Mr. President, the Virginia Metalcrafters, Inc., of Waynesboro, Va., and the United Steelworkers of America recently agreed to a contract which ties wages to productivity. It is thought to be the first such agreement of its kind negotiated in Virginia.

I am encouraged by the spirit of cooperation shown by management and labor in an effort to find a constructive answer to the wage-price spiral. This kind of voluntary restraint in the matter of wages and prices will be essential in the months ahead if we are to avoid a disastrous continuation of inflation and preserve our free market economy.

Mr. President, I ask unanimous consent that an article describing this new contract, published in the Waynesboro News-Virginian, be printed in the RECORD.

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

VM UNION SIGN UNIQUE "PRODUCTIVITY" CONTRACT

Virginia Metalcrafters, Inc., and the United Steelworkers of America (USW) today executed a unique labor contract which links employe income directly with productivity.

The agreement, believed the first of its kind negotiated in this area, is subject to approval by the federal Cost of Living Council or to the termination of President Nixon's current economic "freeze."

The 28-month contract calls for no increase in basic wage scales, but establishes a Productivity and Pay Plan (PAPP) based on "manufacturing margin"—that is, the difference between the net sales value of goods produced and such direct costs as raw materials, supplies, labor and power.

When the "manufacturing margin" exceeds a specified percentage in any quarter, one-third of the increase will be divided pro rata among employes covered by the contract, plus eligible supervisors. A margin of less than the specified percentage will result in employes receiving their base pay, but no "bonus."

The PAPP, scheduled to go into effect Jan. 3, 1972, is to be administered by a Productivity and Pay Board composed of two members elected by the union and two members of management.

The overall contract signed today replaces a three-year agreement which expired on Sept. 3. In addition to the productivity clause, it provides a liberalization of certain fringe benefits.

In the PAPP section of the contract, the two parties say they recognize that "increased wages must come from increased productivity and lower material cost resulting from less waste. . ."; that "the owners should be entitled to a minimum fair after-tax return on their investment, just as the employes are entitled to a fair wage. . .";

and that "the members of the union working closely together with management can reduce those costs and thereby increase the manufacturing margin..."

The contract also notes that any hike in the price of manufactured goods will increase the manufacturing margin, thus giving employees a share of the added income.

USW has served as bargaining agent for VM's production and maintenance employees since May 1968.

Virginia Metalcrafters President Charles M. Eckman said today:

"The wage-price freeze has alerted America to the absolute necessity of relating wages to productivity. A mechanism for accomplishing this is essential if we are to preserve a significant part of our traditional freedoms. Without it our road to a controlled economy, another name for socialism, is clearly marked.

"The Productivity and Pay Plan incorporated in the new contract between United Steelworkers of America and Virginia Metalcrafters is such a mechanism. It recognizes the identity of interest between workers and capital. It provides incentives for both. It gives each a fair share of increased productivity. It protects workers against higher living costs in direct ratio to the ability of their product to command a higher free market price. Yet it eliminates cost-push inflation of prices."

PROPOSED SINGLE 6-YEAR PRESIDENTIAL TERM

Mr. AIKEN. Mr. President, yesterday the very able Senator from Indiana (Mr. BAYH), who is also chairman of the Subcommittee on Constitutional Amendments, placed in the RECORD a rather complete and highly informative historical record relating to the efforts which have been made since the very beginning of our Government to determine the proper length of time and the manner in which a President of the United States shall be permitted to hold that Office.

Senator BAYH also announced hearings by his subcommittee on October 28 and 29 on Senate Joint Resolution 77, introduced by the Senator from Montana (Mr. MANSFIELD) and myself, which would limit a President to a single 6-year term in office.

In our efforts to find a fair and satisfactory method of operating a democratic form of government, we have met with many frustrations and have not as yet found complete and satisfactory answers to the problems involved.

At this time I wish to commend the Senator from Indiana, one of the most able younger Members of this body, for announcing these hearings, which I feel will be of great interest to our Nation and hopefully bring about productive results.

PRELIMINARY INJUNCTION AFFECTS TENNESSEE-TOMBIGBEE WATERWAY

Mr. EASTLAND. Mr. President, I have just learned, with great regret, that a judge in the U.S. District Court in Washington, D.C., has issued a preliminary injunction affecting the Tennessee-Tombigbee Waterway.

It is deplorable to me that a Federal judge has, with one stroke of a pen, thrown a roadblock in the path of this

great and visionary project. The Tennessee-Tombigbee represents the hopes, dreams, and hard work of countless thousands of people for over a century.

Now, as we stand within the grasp of reality on this mid-continent waterway, we are confronted with further delays. I am sure that this action by the Federal court will cost the taxpayers money, and I am just as confident that this injunction constitutes a roadblock to progress.

Mr. President, to me, this is simply another case of blatant judicial tyranny. It is deplorable and saddening that this action has been taken.

MILITARY PREPAREDNESS—A LESSON FROM HISTORY

Mr. GOLDWATER. Mr. President, recently the Chief of Staff for Systems and Logistics of the Air Force, Lt. Gen. Harry E. Goldsworthy, delivered an address to an audience of ROTC cadets.

His subject, "Military Preparedness: A Lesson From History," very succinctly, soundly, and completely states what any of us who study constantly America's position in preparedness try to get across to the American people who feel that we can dishonor in this day and age. Because of its timeliness, I ask unanimous consent that the address be printed in the RECORD.

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

MILITARY PREPAREDNESS: A LESSON FROM HISTORY

(By Lt. Gen. Harry E. Goldsworthy, Deputy Chief of Staff, Systems and Logistics, Headquarters USAF)

All of us today certainly are concerned about the many serious internal needs which face our country. There is the critical task of improving the quality of our lives in terms of health, housing, education, control of drugs, and crime prevention. And there is still much to be done in the newly recognized area of preserving and controlling our environment, as well as the more traditional tasks of providing basic resources such as food and minerals for an increasing population.

If we are to provide for these growing domestic needs, we must balance defense spending with other national requirements, and that is precisely the challenge we face as members of the military services.

A point to be made is that the administration has accomplished a very dramatic change in national priorities and has reallocated resources away from defense. The defense portion of the gross national product is 6.8 percent—the lowest it has been since 1951. The realignment of priorities within the federal budget is also reflected in the lowest percentage of the budget for defense since 1950.

With implementation of our programs for this fiscal year, we will have cut military personnel by over a million from the Southeast Asia war peak, to 180,000 lower than the prewar level. Still, it is deemed fashionable for our critics to say that we've got to get that wartime build-up out of the defense budget! Further, there is a substantial segment of our public which seems to espouse the view that, through unilateral disarmament, we can find lasting peace. History would tell us otherwise.

Several years ago, I was stationed in North Africa and assigned to a job that required extensive travel through the Mediterranean area. For a Washington State University

graduate with a major in Ancient History, this was an exciting experience. In Rome, I walked among the remains of the ancient Roman Forum, visited the Colosseum where once a thousand beasts were killed to celebrate the birthday of an emperor, looked at the remains of the aqueducts that would challenge our engineers to duplicate, had lunch at a restaurant on the old Appian Way built right on the same paving stones over which Caesar's legions marched. Athens, too, is filled with the remnants of a rich culture. The Parthenon, though shattered, is still one of the most awe-inspiring sights in the world.

And as you visit the remains of those ancient societies, once so powerful and so rich in culture, you can't help but wonder as to how nations so strong and so creative, decline so that little is left of their culture. Rome ruled the world for 500 years and had an extensive empire before Christ was born. Much of our present day culture comes from the Romans—our language, our concepts of law.

In the 5th Century BC, Athens was mistress of the seas and ruled a great empire. In that golden age, Athens attained heights in culture that have probably never been equalled, with unrivaled works in literature, sculpture, and architecture. It has been said that there has not been an original philosophical thought since those days. Egypt, too, saw periods of great influence. Much of our astronomy and higher mathematics come from Egypt.

This reversal of positions of once powerful nations is an intriguing question, particularly when we contemplate the future of our nation. On return to the United States, I spent a year at one of the advanced service schools in Washington, DC, and devoted considerable study to the characteristics common to the decline of great nations. I struggled with the works of Karl Marx, Gibbons, Toynbee, and Spengler and their theories of growth and decay. I found one constant. Always there is a predator nation or society or cult ready and waiting to exploit, for its own gains and purposes, any weakening in the resolve or strength of the more affluent or favored societies. Always there are governments which regard all people outside their own domain as proper targets for deception, domination, or capture and exploitation.

Looking back over the relatively brief period since I left college, the world has experienced what may be the greatest era of technological and scientific progress in history. The first operational fighter I flew had a top speed of just over 200 miles an hour. Less than 30 years later, I was flying at twice the speed of sound. The transistor, the computer, synthetic materials, nuclear energy, our victory over polio, the lunar landing—these are but a few of the technical achievements that have touched all our lives in some way.

But with all these spectacular advancements, in one field we have not progressed a full step since the days of Abraham. This is the area of human relations. The people of today's world are subject to the same basic emotions as our ancestors of centuries ago. We have the envy of Cain, the greed of Ananias, and the weakness of Judas. Our knowledge of this universe and our technical capabilities are growing at an astonishing rate, but this growth is not paralleled by a comparable growth in our ability to subjugate basic emotions in order to handle these powers intelligently. Individually, we are little different from our ancestors of Biblical days. I must admit that at a point in my early years, I had visions of a world free from conflict and destructive competing forces. I could subscribe to the theme of the then popular playwright, Clifford Odets, who felt "the world can be beautiful if only there is love of one another..." But the harsh fact is, that international, national, and per-

sonal cruelties cannot be banished by a wish. The unfortunate truth is, that wars arise from the competing wills between human groups—each intent on some political or civic purpose. So long as powerful, and not so powerful, nations are under control of governments dominated by an ideology that does not put a premium on freedom, human life and dignity, there will be war, or threats of war, and a need for the military. So long as governments dominated by such an ideology regard all people outside their own domain as proper targets for deception, domination, capture, and exploitation, there will be war, or threats of war, and a need for the military. In short, when the focus is upon telling it like it is, national survival is a grinding endurance test because man has made it that way.

Our young men are entering the military service of their country at a time when the nation's potential adversaries never have been stronger, and at a time when our internal problems are severe and pressing. It is quite proper that there be a realignment of priorities toward meeting the challenges of the domestic difficulties of this nation. For if we don't have that vital inner strength, our external security is of little importance. We of the military understand this and have accommodated the budget reductions through concentration of effort on the higher priority requirements. The coming years will see even further belt-tightening. For example, next fiscal year, the aircraft buy of the Air Force will be the lowest—in number of airplanes—since 1935, and will fall far short of the anticipated attrition.

Our great problem, as a nation, is one of determining the proper balance in expenditures between internal requirements and the minimum essential defense budget. We can't look for solutions to domestic difficulties by turning away from involvement in the world. We are deeply involved whether we like it or not. Today, far too much is spoken about "parity," "near-parity," and "stalemate."

There are no static situations in today's power relationships. There is stability *only* in the dynamics of progress.

Today, nothing is safe or absolutely secure—neither the submarine, nor the bomber, nor the missile. Modern sensor technology could put an end to the protective invisibility of the ocean depths. The bomber and the missile are no longer safe unless "cocked," at the ready, and fully prepared to fight their way through the most modern of defenses.

This does not mean, necessarily, that President Nixon's dream of an era of peace will not come about. It means, simply, that our ingenuity will be taxed to the utmost to make it so.

There is also no guarantee that what has been sufficient will continue to be. This means there must be hard decisions on qualitative improvements and equally hard decisions on procurement quantities to assure the continued effectiveness of our deterrent.

We must, therefore, continue to spend the necessary amounts for the required weapon systems which will contribute to a realistic deterrence. This is the price of national security and survival, without which all the other very worthy goals we hear so much about today would be only academic.

STATE DEPARTMENT REVISES PAPER ON U.S. POLICY TOWARD GREECE

Mr. FULBRIGHT. Mr. President, I am pleased to see that the Department of State has made some major revisions in the publication issued in the "Gist" series entitled "Greece: U.S. Policy." The

latest version of that paper, dated September 1971, makes a number of changes suggested in my letter to Secretary Rogers of April 21, changes which I believe make the paper more accurate and which deserve to be brought to public attention.

In my letter of April 21 to Secretary Rogers, I questioned the statement which was included in the version of the "Gist" paper on Greece then being distributed which read as follows:

With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek Government.

I said in my letter that it was my understanding that the exceptions were by no means minor, that some of the so-called institutional laws had simply been published and not decreed to be in force and that not all of the constitutional provisions suspended would be put into effect by the institutional laws.

The State Department has now revised that section of the "Gist" paper. It now reads:

However, some important constitutional articles related to civil liberties, reestablishment of political parties, elections, and the monarchy are not yet in force.

The "Gist" paper also reports that in his December 1970, statement the Greek Prime Minister stated that there would be no further constitutional developments in 1971, a statement which the January version of the "Gist" paper had ignored.

In my April 21 letter to Secretary Rogers, I also questioned the formulation used in the section of the January "Gist" paper on political prisoners. That section began by stating:

From a high of over 6,000 in 1967, there are now approximately 300 political prisoners." I said that it was my understanding that some 340 to 380 persons were serving terms after being convicted and sentenced for political crimes, that even on the basis of a Greek Embassy press release it appeared that additionally there were still 50 communists in detention and some 30 in internal exile and that, furthermore, there was no reference in the January paper to the additional numbers arrested since last Fall.

The latest version of the "Gist" paper describes the situation with regard to arrests and detentions more accurately. It states that up to 75 people are in "administrative exile status"; that—

Roughly 350-500 persons who were convicted of offenses which could be called politically motivated are now serving sentences.

And that—

There are perhaps 50 persons suspected of conspiracy to overthrow the regime who have been held since late 1970 under investigative arrest, or who have been indicted and are awaiting trial.

In my April 21 letter I also questioned the statement in the January version of the "Gist" paper that during the operative period of the agreement between the Greek Government and the International Committee of the Red Cross "no instances of torture of prisoners were confirmed by the Red Cross." I said that it was my understanding that the Red Cross neither confirms nor denies instances of torture but makes all of its re-

ports to governments on a confidential basis.

I see that the new version of the "Gist" paper simply states:

In 1969-1970, the Red Cross was permitted access to Greek jails, police stations, and detention camps to investigate charges of torture but this access permission was not renewed.

Finally, in my April 21 letter to Secretary Rogers, I pointed out that the list of publications at the bottom of the "Gist" paper for "further reference" included the hearings of the House Foreign Affairs Committee but not the hearings of the Subcommittee of the Foreign Relations Committee on U.S. Security Agreements and Commitments Abroad. I am pleased to see that the latest version of the "Gist" paper does list for "further reference" not only the subcommittee hearings but also the report, entitled "Greece: February 1971," prepared by the staff of the Foreign Relations Committee.

To complete the record, I ask unanimous consent that the texts of the "Gist" paper of January 1971, of the new revision of the "Gist" paper dated September 1971, of my letter of April 21, 1971, to Secretary Rogers, of the reply from the Department of State dated May 7, 1971, and of a letter from the Department of State, dated August 27, 1971, which provides additional material on the number of political detainees and prisoners in Greece, be printed in the RECORD.

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

GREECE: U.S. POLICY

WHAT IS OUR POLICY TOWARD GREECE?

1. *The issue:* The military coup which brought the present Greek Government into power in 1967 posed a problem in U.S. relations with Greece which has persisted to the present day: how to support our mutual interest in Western security in the eastern Mediterranean, while encouraging the return to representative government we believe is necessary for Greece's long-term stability and progress.

2. *Strategic considerations:* Greece has consistently honored its NATO obligations and its bilateral agreements with the United States through a number of changes in government. The present regime has taken steps to improve relations with its Balkan and Mediterranean neighbors, notably Turkey.

The sudden Soviet invasion of Czechoslovakia in 1968 aroused grave concern about the calculations and intentions of the USSR elsewhere, particularly in the Mediterranean basin. Growing Soviet naval activity in the Mediterranean, and political and military activity in the volatile Middle East, pose dangers to NATO's southern flank, and make U.S. military facilities in Greece increasingly important to the Western position in the eastern Mediterranean.

3. *Political situation in Greece:* In 1968, the Greek regime submitted a new constitution to plebiscite, and in 1969 began to prepare the institutional laws necessary to its implementation. However, some important constitutional articles relating to civil liberties, reestablishment of political parties, elections, and the monarchy are not yet in force. Furthermore, in December 1970 Prime Minister George Papadopoulos announced there would be no further constitutional developments in 1971.

4. *Arrests and detentions:* Most of the 6,000 persons arrested in April 1967 and held

without trial have been released. Detention camps which held some 2,000 at the beginning of 1970 were closed in April 1971: the number of persons restricted to remote villages in "administrative exile status" has been reduced to less than 75. Roughly 350-500 persons who were convicted of offenses which could be called politically motivated are now serving sentences. While some of these offenses involved violence, many did not, and some of the sentences for the latter seem unduly harsh. There are perhaps 50 persons suspected of conspiracy to overthrow the regime who have been held since late 1970 under investigative arrest, or who have been indicted and are awaiting trial.

In 1969-1970, the Red Cross was permitted access to Greek jails, police stations, and detention camps to investigate charges of torture but this access permission was not renewed. The Greek regime still uses martial law, although it is technically limited to certain specific articles of the penal code.

5. *U.S. aid:* Grant economic aid to Greece was terminated in 1962; the last AID development loans were made in 1964. We have been giving military assistance to Greece since 1947.

One of our first responses to the 1967 coup was to suspend delivery of major items of military equipment to Greece. With one exception, made after the Soviet invasion of Czechoslovakia, involving delivery to Greece of some of the heavy equipment previously embargoed, that suspension continued in force until September 22, 1970 when the U.S. announced it would resume normal military shipments to Greece.

In August 1971, in passing a \$3.4 billion Foreign Aid Authorization Bill the House of Representatives voted against further aid to Greece unless the President finds that "overriding" U.S. national security requirements justify waiving the ban.

6. *U.S. policy:* We provide military assistance to Greece to enable it to carry out its NATO defense obligations. We also wish to preserve our bilateral mutual security arrangements with Greece which are vital to western security interests in the Eastern Mediterranean and Near East.

We keep the security aspects of our relationship with Greece separate from the political. The decision to resume military shipments to Greece was made for security reasons alone, and does not imply our endorsement of the form of government now existing in Greece.

We are disappointed with the regime's slow progress toward its stated objective of full implementation of the 1968 constitution. Until the Greek people have completed the task of reshaping their governmental system, one of the primary goals of our policy in Greece will be the restoration of personal liberties and the reestablishment of democratic institutions.

We continue to urge the Greek Government to return to representative government and to civil as opposed to martial law. We believe that such a step, which the Greek government itself has publicly avowed as its intent, is in the interest of Greece as well as of U.S.-Greek relations and NATO solidarity. As a friend and ally, we are seeking to use our influence constructively, respecting the principle of non-intervention in the internal affairs of another country.

FURTHER REFERENCE

Senate Foreign Relations Subcommittee hearings June 9 and 11, 1970.

Background Notes: Kingdom of Greece (Dept. of State pub. 8198).

Greece: February 1971—a staff report for the use of the Senate Foreign Relations Committee, March 4, 1971.

GREECE: U.S. POLICY

WHAT IS OUR POLICY TOWARD GREECE?

1. In April 1967 an authoritarian regime overthrew the constitutional government of

Greece and suspended a number of basic civil liberties. The U.S. was faced with three alternatives in responding to this development:

To support the junta;

To break relations;

To continue relations while encouraging the regime to return to constitutional, representative government.

We also had to consider Greece's role as an important NATO ally which continues to fulfill its treaty obligations, and the strategic advantages it offers to the alliance in the Mediterranean. Growing Soviet naval activity in this area poses an increasing problem for the security of NATO's southern flank.

2. *U.S. policy:* We elected to continue relations because this course of action provided the only means of exerting a constructive influence for the return to constitutional, representative government. We are continuing to urge the regime to fulfill its commitment to enact liberalization measures and to prepare for elections. In our discussions with Greek government leaders we have made our position clear, and we believe this policy has effectively contributed to a number of changes in the direction of reform.

3. *Political situation:* In September 1968, the present government submitted a new constitution to referendum. Since then the Greek government has been drafting and enacting legislation to implement the new constitution. With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek government. Although important provisions of the constitution continue suspended, legislation now in effect has eased martial law, partially restored civil rights, lifted restrictions on travel of former politicians, and relaxed restraints on the press.

While the Greek government continues to affirm its intention to return to parliamentary government, we are disappointed with the apparent slackening of progress in this direction. The Prime Minister declared in December 1970 that there would be no additional constitutional developments during 1971. He further announced that he alone would determine when the country is ready to take the next steps to restore a normal political situation.

We will continue to urge the government to accelerate the process of restoring representative government in Greece.

4. *U.S. aid:* Grant economic aid to Greece was terminated in 1962. The last AID development loans were made in 1964.

A U.S. military assistance program for Greece has existed since the days of the Truman doctrine. We suspended the delivery of major items of military equipment shortly after the 1967 coup. However, after the 1968 Soviet invasion of Czechoslovakia, certain items of military equipment previously on the suspended list were delivered to Greece as part of an effort to bolster the strength of the NATO deterrent.

With that one exception, the suspension continued in force until September 22, 1970 when the U.S. announced the lifting of the partial embargo. Approximately \$56 million worth of equipment which had been withheld is now being delivered to Greece over a two-year period. The resumption of these shipments will enable the armed forces of Greece to more effectively carry out their NATO responsibilities.

5. *Political prisoners:* From a high of over 6,000 in 1967, there are now approximately 300 political prisoners. The Prime Minister has pledged to free all remaining political detainees by the end of April 1971 if security conditions permit. Last November the Greek government abrogated its one-year agreement with the International Committee of the Red Cross which permitted relatively free access by the Red Cross representative in Athens to Greek jails, police stations, and detention camps. The government held that

the ICRC presence was unnecessary and reflected on Greek sovereignty. During the operative period of the agreement, no instances of torture of prisoners were confirmed by the Red Cross.

FURTHER REFERENCE

U.S. Lifts Partial Arms Embargo Against Greece (Dept. of State Bulletin, Oct. 19, 1970).

Background Notes: Kingdom of Greece (Dept. of State pub. 8198).

House Foreign Affairs Committee hearings on H.R. 15628, a bill to amend the foreign military sales act. Feb. 5 and 17, 1970.

HON. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: A member of the Committee staff called the Department of State a few days ago and asked for the latest copy of the "GIST" paper on Greece. The paper provided, entitled "Greece: U.S. Policy," was dated January 1971. As this publication is presumably being distributed by the Department to anyone who asks, and is also now being used as a basis for replying to correspondence, I would appreciate the Department of State's comments on a number of statements made in the "GIST" paper:

1. "With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek Government."

My understanding is that the exceptions are by no means minor, that some of the institutional laws gazetted on January 5, 1971 were simply published but not decreed to be in force and that, furthermore, not all of the constitutional provisions suspended will be put into effect by institutional laws.

2. "From a high of over 6,000 in 1967, there are now approximately 300 political prisoners."

My understanding is that somewhere between 335 and 355 were detained immediately after the coup (and were among the 6,000 known and alleged communists rounded up at that time) and that, as of January 1971, some 600 were in internal exile and some 340 to 380 were serving terms after being convicted and sentenced for political crimes. According to the April 9 press release of the Greek Embassy, 234 communists have been released and 27 former officers and parliamentarians who were in internal exile will have their confinement "totally lifted" (although I have heard some reports that some of these 27 are still being detained by the police). At any rate, even on the basis of the information in the Greek Embassy's press release, it would appear that there are still 50 communists in detention and some 30 who continue to be in internal exile. In addition, as noted above, it is my understanding that between 340 and 380 are serving prison sentences for political crimes not including those arrested since November. Indeed I see no reference in the "GIST" paper to the arrests that have taken place since last fall.

3. "During the operative period of the agreement, no instances of torture of prisoners were confirmed by the Red Cross."

My understanding is that the Red Cross neither confirms nor denies instances of torture but makes all of its reports to governments on a confidential basis. The implication of this statement is that there has been no torture of prisoners in Greece. Is this the impression the Department of State wishes to convey?

I also note that under the publications listed for "further reference," the Hearings of the House Foreign Affairs Committee of February 1970 were listed but the Hearings of the Subcommittee on United States Security Agreements and Commitments Abroad relating to Greece and Turkey, held on June 9 and 11, 1970, and released on

October 5, 1970, were not mentioned. I wondered why.

Sincerely yours,
J. W. FULBRIGHT, *Chairman.*

DEPARTMENT OF STATE,
Washington, D.C., May 7, 1971.

HON. J. W. FULBRIGHT,
*Chairman, Committee on Foreign Relations,
U.S. Senate.*

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of April 21 requesting the Department's comments on statements made in the GIST paper entitled "Greece: U.S. Policy."

The "GIST" on Greece was dated January 1971 and of course reflects the situation as we perceived it at the end of 1970. Moreover, as indicated on the masthead of the paper, GIST is "a quick reference aid—not intended as a comprehensive policy statement." Actually "GIST" is expected to be little more than a simplified identification of issues.

There were three statements in the "GIST" to which you drew our attention.

1. "With minor exceptions, all institutional laws necessary to put into force the constitution were promulgated by the end of 1970 as pledged by the Greek Government."

This statement is to the best of our knowledge, correct. At his April 10, 1970 press conference, the Prime Minister indicated that "a public discussion on institutional laws will start tomorrow and continue until October, at the rate of three a month. From July to the end of the year all the institutional laws provided for (by the Constitution) will be approved, again at the rate of three a month." The publication of most of the laws in the Official Gazette met that commitment and laid the groundwork for the implementation of the articles of the Constitution to which they apply. We find it most regrettable that the Greek Government did not proceed more quickly to implement the articles of the Constitution after promulgating the institutional laws. As matters now stand a number of key provisions of the Constitution remain suspended.

2. "From a high of over 6,000 in 1967, there are now approximately 300 political prisoners."

The GIST to which you refer does not reflect reported changes in the status of some political detainees. The two remaining island detention camps were closed on April 10, 1971 when 234 of the remaining 284 detainees were released. Fifty detainees considered by the Government to constitute a continuing danger to public order and security had their status changed to exile in remote villages where they will continue to be subject to surveillance. In mid-1970 about 75 persons detained for alleged anti-government activity were in exile to enforced residence in various villages. By April of this year the number had been reduced to about 47. On April 7, it was announced that 27 of these persons would be released, leaving, according to the Greek press, 16 to 25 still in exile. Presumably the total number in exile, including those detainees whose status was changed, is now about 75.

In addition, there remain about 350 persons who have been tried and sentenced by courts martial to prison terms, mostly for politically motivated activities. We believe that the sentences in a number of cases were disproportionately harsh. We continue to urge the Greek Government to re-examine the sentences of all these prisoners and to exercise clemency.

As you point out, a number of arrests were made toward the end of 1970. We still have no firm information on how many were arrested or how many have been subsequently released for lack of evidence. According to the Greek Government all of these arrests were made under warrants as provided by

Greek law. In any event we have made clear to the Government of Greece our deep concern over the use of arbitrary police powers and the abuse of individual liberties.

3. "During the operative period of the agreement, no instances of torture of prisoners were confirmed by the Red Cross."

As you indicated, during the operative period of the International Committee of the Red Cross agreement the Red Cross neither confirmed nor denied reports of the use of torture. Substantive reports dealing with the Red Cross' findings and recommendations were made directly to the government. Although there may have been some excesses, particularly during the early months of the regime, we believe that reports of torture coming from Greece were exaggerated.

I am sending you under separate cover an item of classified information on this subject. Considering all the available information, we believe that the statement in the GIST regarding torture was justified in the interest of objectivity, even though we were unable to be more specific in an unclassified document.

The omission of the publication of the Hearings of the Subcommittee on United States Security Agreements and Commitments Abroad of June 9 and 11, 1970 was a simple oversight which will be corrected in the next revision of the GIST. We are now preparing a fourth revision of "Greece, U.S. Policy" in the GIST series which will take into account developments since the end of 1970.

If I can be of any further assistance please do not hesitate to call on me.

Sincerely yours,

DAVID M. ABSHIRE,
*Assistant Secretary for Congressional
Relations*

DEPARTMENT OF STATE,
Washington, D.C., August 27, 1971.

HON. J. W. FULBRIGHT,
*Chairman, Committee on Foreign Relations,
U.S. Senate.*

DEAR MR. CHAIRMAN: During his testimony before the Foreign Relations Committee on August 4, Ambassador Tasca offered to provide additional material on political detainees and prisoners in Greece for the record. Following is the most recent information available on this subject, derived primarily from official Greek government statements and press reports. We obviously cannot guarantee the accuracy of the figures.

At the time of the April 21, 1967 coup, as many as 6,500 persons considered to be risks to the security of the state were arrested. Within a week about 1,500 were released and within four months the number detained was reduced to about 2,300. Subsequently, the number of detainees fluctuated as some were released and others arrested. The trend was downward. In April 1970, 350 detainees were released, reducing the total to 1,270 held either in detention camps or in "administrative exile" to remote villages within Greece.

In April 1971, the government closed the remaining detention camps and released some 234 detainees. With earlier releases, the number of persons detained was reduced to about 66 persons all of whom were held in "administrative exile" status. This number was reduced to about 61 in July.

Additionally, an estimated 30-60 persons were arrested by security authorities in November-December 1970. Some of this number have since been released; others are still being held pending charges.

The above figures do not include some 300-400 persons convicted of political offenses by courts-martial who are now serving prison terms.

I hope this information will be useful to

the Committee. If further material is needed, please let me know.

Sincerely yours,
HARRISON M. SYMMES,
*Acting Assistant Secretary for Congressional
Relations.*

SENATOR PERCY'S TRIP TO INDIA AND PAKISTAN

Mr. SAXBE. Mr. President, the senior Senator from Illinois (Mr. PERCY) recently returned from a personal fact-finding trip to India and Pakistan. He is the first U.S. Senator to visit East Pakistan since the tragic events of March 25.

Senator PERCY in his usual impartial and thorough manner talked to leaders on both sides of the dispute. As one of the principle sponsors of the Saxbe-Church amendment, which would suspend military and economic aid to the Government of Pakistan until the distribution of food and other relief measures supervised by international agencies takes place on a regular basis throughout East Pakistan, and the majority of refugees in India are repatriated to East Pakistan, I value Senator PERCY's wisdom and advice.

Senator PERCY's report was published in the Christian Science Monitor. I highly recommend it to the Senate and ask unanimous consent that it be printed in the RECORD.

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

EAST PAKISTAN: THE SUPPRESSION MUST STOP

(By Senator CHARLES H. PERCY)

Sen. Charles H. Percy (R) of Illinois recently returned from a personal fact-finding trip to India and Pakistan. Senator Percy serves on the Appropriations committee, which includes foreign aid funding among its responsibilities.

The tale told by the hundreds of East Pakistanis I met in the refugee camps in India and Pakistan is one of endless human suffering.

I saw children die of malnutrition and disease in makeshift hospitals. While talking with refugees in mile-long food lines, I heard stories of entire families of East Pakistanis who had been executed without provocation. I saw the effects of inadequate sanitation, of food shortages, of disorientation and rootlessness.

As I walked through a cramped hospital in a camp outside of Calcutta, stopping intermittently to talk with patients, I came to the bedside of a woman who was watching her last remaining child die from dysentery and malnutrition.

Several weeks earlier, she told me, she and her husband and two children had left East Pakistan to escape the slaughter that has beset their homeland. They walked to the river and boarded a vessel that was to be their refuge for 30 days. They reached the refugee camp, but by then the absence of sufficient food and water and the presence of infectious disease had taken its toll. First her husband had died, then the first child. Now it was apparent that the last child could not survive.

No one knows for certain the number of East Pakistanis who have died since the civil war began last March 25; estimates range from 200,000 to one million. Moreover, it may not ever be possible to calculate the loss of life accurately. Even if the killings directly attributable to the West Paki-

stani Army and to members of the Awami League could be assessed, it would be impossible to compute the loss from malnutrition and disease.

The Indian and Pakistani Governments disagree widely on almost every aspect of the refugee problem.

Indian Prime Minister Indira Gandhi told me that 8.1 million East Pakistanis are presently being supported by the Indian Government in refugee camps. During my visit to Pakistan, Lt. Gen. Tikka Khan, then the governor of East Pakistan, put the figure at between two and three million. My impression is that the Indian figures are much closer to the facts.

The Indian Government says that 65,000 East Pakistanis are entering India each day, and few are returning. The Pakistani Government claims that more East Pakistanis are returning to its "receiving camps" than are leaving for India. Yet I personally inspected a large and woefully underutilized "receiving camp" on the border, which was processing returnees at the rate of only 30 per day, and was inhabited by only 64 persons at the time of my visit.

The Indians assert that the East Pakistanis are fleeing repression and massive brutality (a position which my own observations would support). But the West Pakistanis allege that the refugees are escaping from terrorism instigated by the rebels.

The Pakistani Government says that India is supporting military training camps for those East Pakistanis who wish to go back home to fight. The Indian Government asserts that since it also suffers from a divided, unstable Pakistan, it has no interest in involving itself in internal Pakistani matters. My own conversations led me to believe that the Indian Government winks at the training camps, even if it does not officially sanction them.

But if there are official differences of opinion on the extent and the cause of the refugee problem, there can be no gainsaying the appalling human tragedy that these homeless million represent, nor is it possible to minimize the staggering burden they place on the marginal Indian economy.

Almost every East Pakistani with whom I spoke wants to return home eventually. Their commitment to an independent East Pakistan is very deeply felt.

The problems in East Pakistan are immense. A breakdown in public services, in transportation, communications, distribution, and production is compounded by urban and rural guerrilla warfare. Repressive measures by army units sent from West Pakistan further inflame the people who are scared and helpless.

In India the burden of supporting millions of refugees, most of them in depression-ridden West Bengal, is very great and the leaders stress that it cannot be borne indefinitely. A prominent Indian businessman remarked to me that "it would be cheaper to make war with Pakistan than to support its refugees."

At the same time, I can report that the leaders of both India and Pakistan seem to sense the need for restraint in relations between the two countries. They did not appear to be moving toward war.

Of major importance is the secret trial of Sheikh Mujibur Rahman, leader of the now-outlawed Awami League and the symbol of resistance to West Pakistani hegemony over East Pakistan. I told Pakistani leaders that their nation would suffer the condemnation of world opinion if Mujib is sentenced to death or to a long term in prison, as has been threatened. Moreover, I said, the world knows that Mujib and his party had won a clear victory in the national elections last year and that he was looked upon as the next duly elected Prime Minister.

For the United States, the stakes are high. Our reputation in India has already been

severely damaged by revelations of continuing shipments of military spare parts to Pakistan. These supplies are seen in India not as spare parts, but as tanks, planes and guns being used against defenseless civilians. I strongly feel that we should end the shipment of military supplies and of economic assistance to Pakistan.

It is difficult to see how Pakistan can ever again be united in peace. The bitterness is too strong. The determination of the East Pakistanis to provide for their own future is too great. I earnestly hope the leaders of West Pakistan will not persist in their policy of suppression, and that they will have the wisdom to reach an accommodation with the people of the East. Otherwise the bloodbath will continue. If ever there was a role for the United Nations to play, it is in this bitter area of conflict and human suffering.

REFORMS PROPOSED IN RENTAL HOUSING AND HOMEOWNERSHIP PROGRAMS

Mr. HUMPHREY. Mr. President, excellent testimony, based on solid experience in housing rehabilitation, was presented recently before the Committee on Banking, Housing, and Urban Affairs by two well-known spokesmen for community improvement in Duluth, Minn. Beverly Goldfine and Katherine Watters serve on Town View Improvement Corp., a nonprofit volunteer organization which has done an outstanding job in rehabilitating homes and apartments and in constructing new housing in the model cities area of Duluth.

Mrs. Goldfine and Mrs. Watters made incisive criticisms of the operation of the section 236 and section 235 programs of federally subsidized rental housing and homeownership and provided important recommendations for making these programs truly effective in stabilizing and improving the supply of existing housing. Mrs. Goldfine focused on the high costs confronting the homeowner who wants to improve his property, and noted the difficulty of obtaining financing under section 236 to acquire and rehabilitate older and small apartment buildings. Mrs. Watters called for a substantial increase in the actual funding of Federal assistance for housing rehabilitation and expressed strong support for Senator MONDALE's proposal to expand the supply of housing for lower income families by permitting loans of up to \$15,000 to be made at an interest rate not to exceed 6 percent for a period of 20 years.

Mr. President, I urge Senators to give careful attention to this important testimony, and I ask unanimous consent that the statements by Beverly Goldfine and Katherine Watters be printed in the RECORD.

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

STATEMENT OF BEVERLY GOLDFINE BEFORE THE SENATE BANKING AND CURRENCY COMMITTEE

My name is Beverly Goldfine. I reside at 60 East Kent Road, Duluth, Minnesota. I have served as the President of Town View Improvement Corporation for the last four years. The Corporation is a nonprofit volunteer organization which has rehabilitated homes and apartments, and has constructed new housing in the Model Cities area of Duluth, Minnesota.

I appear today individually and at my own expense to relate some of our experiences with existing moderate income housing programs.

Duluth, as most of you know, is a city of 100,000 persons. Its population is relatively stable, homeownership is the rule rather than the exception, and most of its homes are over 40 years of age.

During the four years that Town View Improvement Corporation has been in existence, we have worked with Sections 221h, 235, 236 and 237 of the Housing Act. While our efforts may appear to be minimal when weighed against the need for better housing, we have operated without staff and with very limited working capital.

We have, however, had from 12 to 15 women who have devoted hundreds of hours each week to try and demonstrate what can be done to improve housing. We have completed about 50 units, and have an additional 50 units which are now going forward. We have also counseled many families who were interested in rehabilitating their own homes.

We have purposely tried to use all of the available governmental programs in our work to demonstrate their feasibility to the community. We have learned a great deal about them in the process.

(1) Section 221h is an unworkable program, at least in a city the size of Duluth.

(2) Section 235 is a workable program with faults:

(a) It does not benefit many persons in the lower income group, even if they met most eligibility requirements. Their credit ratings are frequently such that either the lending institutions or the Regional Office of F.H.A. reject their applications. This is true even if Town View is willing to write a 237 letter on behalf of the potential purchaser. Incidentally, we have found that poor credit frequently stems directly or indirectly from medical, hospital or dental expenses.

There are some circumstances in which Section 235 loans should be available to persons with questionable credit. Thus, if the housing expense of the potential purchaser would be reduced by granting the loan, if existing debt was incurred by reason of expenses which the family was not able to control, and if the family was a stable one, we feel that the risk is one that should be taken. With one exception, our experience indicates that homeownership tends to improve the stability of families to whom loans have been extended.

(b) The family-size requirements are too restrictive. We recently had two 4-bedroom homes for sale. We had 50 moderate income family applications for these homes; 40 were excluded because they did not have the correct number of children; 8 more were eliminated because of questionable credit; and the 2 eligible purchasers bought the homes. If the present family-size requirements are imposed because of the limitation on program funds, we would suggest another means be found to solve this problem.

(c) Two to 5 points are ordinarily charged by the lending institutions to finance a 235 project, and legal and closing costs usually exceed \$400. Potential purchasers resent these costs and frequently refuse to buy because of them. The points and closing costs, together with higher construction costs, have made it difficult to build new housing in Duluth under Section 235. This is true for manufactured homes as well as conventional homes.

(d) The net worth restrictions are so low as to be self-defeating. They prevent older families, whose children have left home, from disposing of their older and larger homes and moving into smaller more convenient ones. They also discourage younger families from saving to achieve homeownership.

(e) So much red tape is involved in processing an application that many lending

institutions are reluctant to participate in the program or refuse to do so.

(f) It is difficult to buy older homes for rehabilitation at a fair price. We must compete with slum landlords who do only a superficial job of rehabilitation, pay no taxes or insurance, charge high rents for a few years, and often abandon the buildings when they are no longer functional. Full enforcement of building codes, particularly as to absentee landlords, will help to solve this problem.

(g) The biggest weakness of Section 235, however, is that it is not available to those who own their own homes. The final alternative that such a homeowner has is to get a home improvement loan with an effective interest rate of $9\frac{1}{4}\%$ and $9\frac{1}{2}\%$ if he does so. The maximum amount he can obtain is \$5,000, and the loan must be repaid in a period of 7 years. The second alternative is to try and get a second mortgage on his home. To do so under existing F.H.A. regulations, he must pay $7\frac{1}{2}\%$ interest, in addition to which most banks are charging 4 discount points and 1% service charge. We would add that many lending institutions are unwilling to make second F.H.A. mortgages, so that any second mortgages must be on a conventional basis. On these, the rate of interest is $8\frac{1}{2}\%$, with a 2-point discount and a 1% service charge. Furthermore, the loan can only be for 65% to 70% of the cost of rehabilitation.

Unless we find a way to solve the problem of the homeowner who desires to thoroughly rehabilitate his home, the existing public housing and moderate income housing programs will find it increasingly difficult to obtain the necessary public support. This is true because the moderate income family who wants to stay in his neighborhood and desires to rehabilitate his home simply cannot understand why he is not eligible to participate in any of the current subsidization programs. One of our other Board members, Mrs. Katherine Watters, will give you our recommendations for solving this problem.

(3) We have also worked with Section 236. It is an excellent program with one major fault. There are many duplexes, four-plexes and smaller apartment buildings in our community which are from 30 to 50 years of age. They are substantial buildings and in need of rehabilitation. We have been unable to find a way under Section 236 to acquire and rehabilitate these buildings. There are a number of reasons for these failures. First of all, we do not have the working capital to make this acquisition ourselves and to hold the buildings until we acquire a number of them on which we can go forward with a single application. Secondly, the legal, architectural, organization and application expenses are prohibitive with respect to very small projects. Furthermore, the time required to process a loan for a four-plex is almost as great as for a 30-unit apartment building. A method should be found to encourage the rehabilitation of this type of property.

STATEMENT OF KATHERINE WATTERS BEFORE THE SENATE BANKING AND CURRENCY COMMITTEE:

My name is Katherine Watters, and I live at 330 East Faribault Street in Duluth, Minnesota. I have been active in Town View Improvement Corporation for a period of four years. I, too, appear at my own expense.

Mrs. Goldfine has suggested a number of changes to Section 235 that we feel would make the program a more workable one. But our primary purpose in being here today is to urge a new program be adopted which will make it possible for the average homeowner to obtain a loan on reasonable terms and with an absolute minimum of red tape to rehabilitate the home in which he now lives.

Specifically, we support the proposal of Senator Mondale and Congressman Fraser which would permit loans of up to \$15,000 to be made at an interest rate not to exceed 6% for a period of 20 years. The proposal would prohibit the imposition of points or service charges, and would provide a subsidy of approximately $2\frac{1}{2}\%$ to the lender. Under the proposal, any person who owns and occupies his own home would be eligible for a loan provided the value of the rehabilitated home did not exceed \$30,000 or \$35,000, and the owner would be permitted to include washers, dryers, stoves, refrigerators, kitchen cabinets and carpeting within the loan. I digress for a moment to explain our reason for advocating that these items be eligible for a loan. We have found that unless they are included in the loan, the tendency is for families to buy them on an installment plan after the rest of the house is rehabilitated. The purchasers are required to pay from 12% to 18% interest on the purchased items, and must pay for them over a period of 3 years. Ordinarily, this means that the family has an additional substantial monthly payment that was not considered by the lending institution at the time the home improvement loan was made.

Sufficient funds ought to be appropriated to permit the rehabilitation of approximately 500,000 units per year. To translate it to Duluth, it would mean that our community could rehabilitate approximately 300 units per year. We estimate that the annual cost of the program would be \$75,000,000 and would grow to \$750,000,000 by the end of the tenth year, and would level off at that point. We feel that this is a small price to pay for a program that would do the good that this one will.

The population of Duluth, Minneapolis and St. Paul has remained relatively stable over the past 10 years. On the basis of the recent census, the population of many other cities has also remained stable. All of the major cities of the United States have thousands of older homes that are in need of major rehabilitation today. Each year, many of them pass beyond the point of repair. We think it important that we save our cities, that we rehabilitate those homes that we can and that we do it now. We cannot continue to discard sound homes as if they were empty beer cans. The more homes we rehabilitate, the less the need to build new streets, new schools and new sewers in the suburbs and other newly developing communities. This is not to say that we feel that the housing problem can be solved without the development of new projects, but it is a waste of money to permit existing housing to deteriorate beyond the point of rehabilitation.

We would like to make one final point. There is considerable resentment against existing housing programs by moderate income families that own older homes and desire to rehabilitate them. The present home improvement loan program is too expensive and too limited to solve the problem. We need a new program and we need it now. We repeat that it ought to be simple and have a shallow subsidy. If we adopt this program, we not only will help to preserve our communities but will provide good housing for thousands of families.

SENATE ACTION STILL NEEDED TO IMPROVE H.R. 1

Mr. WILLIAMS. Mr. President, one of the key legislative proposals to be considered during this Congress is the 1971 Social Security Amendments, H.R. 1.

Earlier this year, a stopgap 10-percent boost in benefits was approved to protect the elderly from the ravages of inflation.

However, much more is needed if our

Nation is to come to grips with the economic crisis which now affects millions of older Americans and threatens to engulf many more approaching retirement age.

Today 4.7 million persons 65 and older fall below the poverty line, nearly 100,000 more than in 1968. For elderly persons living alone or with nonrelatives, 60 percent would be considered poor or near poor. And for elderly Negro women living alone, more than 88 percent—or nearly nine out of every 10—live in poverty or are marginally poor.

Even with the recent 10-percent increase, the typical retired worker can expect to receive only about \$1,570 in social security benefits per year. Yet, this is nearly \$300 below the \$1,852 poverty threshold for an elderly person.

According to the Bureau of Labor Statistics, an intermediate budget for an aged couple would be around \$4,200 per year. Yet, approximately 41 percent of all aged couples have total incomes below \$4,000.

The net impact of these statistics is that our Nation, as wealthy and powerful as it is, still permits one out of every four older Americans to live in abject poverty. Moreover, these figures clearly underscore the need for bold, imaginative, and comprehensive reforms in our social security programs.

H.R. 1

The recently approved social security bill, H.R. 1, provides, I believe, a good foundation for improving the social security system.

Several measures in the House-passed bill, I am pleased to say, are either identical or similar to proposals I have advanced in my omnibus social security legislation, S. 923. For example, both measures would provide:

An across-the-board increase in benefits;

Cost-of-living adjustments to protect the aged from inflation;

Substantial raises in minimum monthly benefits for persons with long periods of covered employment;

One hundred percent benefits for widows, instead of only $82\frac{1}{2}\%$ percent as under present law;

Liberalization of the retirement test; More equitable treatment for couples with working wives;

An age-62 computation point for men, the same as now exists for women; and

Updating the retirement income credit for former policemen, firemen, teachers, and other government annuitants.

Mr. President, I ask unanimous consent that a table describing these provisions in greater detail be printed at the conclusion of my remarks.

However, essential finishing touches must still be made by the Senate to perfect the House proposal.

BENEFIT INCREASE

One major area for improvement is the need for a larger increase in social security benefits. Under the House bill, benefits would be raised by only 5 percent. Moreover, the effective date of this proposal would be June 1972.

But with the rapid rise in the cost of living since the last social security

raise, this proposed 5-percent increase can hardly be expected to protect the elderly in their desperate race with inflation. For the average retired worker, this will raise benefits by only about \$7 per month, from \$131 to \$138.

Quite clearly, timid tinkering or piecemeal benefit increases are just not going to solve the retirement income problems confronting our elderly. With poverty on the rise for the aged, a more substantial increase is urgently needed.

For these reasons, I am proposing that the Senate approve a 15-percent boost in benefits. In addition, I am urging that this increase take effect this coming January, instead of next June. For a retired worker, this would provide an additional \$160 above the annual benefit raise under H.R. 1. For an elderly couple, this approach would mean \$265 more per year than under H.R. 1. And in my own State of New Jersey, a 15-percent increase in social security benefits would provide an additional \$160 million in annual income to nearly 875,000 recipients.

For elderly persons struggling to make ends meet, these are compelling reasons to raise social security benefits to a more realistic level.

GENERAL REVENUE FINANCING

Another important consideration is the means for financing our social security program. Our present method of relying almost exclusively on payroll taxes places a regressive tax burden on today's workers.

Because the existing tax is uniformly applied at the same rate to all covered wages, workers with lower earnings are taxed on a larger proportion of their total income than higher-paid individuals.

A much more progressive method, I firmly believe, would be to use general revenues to finance a greater portion of the social security program.

This approach would not only provide a strong foundation for making major future improvements in social security but would also protect today's workers—and especially the lower-paid wage earner—from burdensome payroll taxes.

COVERAGE OF OUT-OF-HOSPITAL PRESCRIPTION DRUGS

Equally important are vital reforms in medicare because illness strikes with much greater severity for persons living on fixed incomes. Even with medicare, the single greatest threat to the economic well-being of the aged is the high cost of illness.

Today persons 65 and older comprise about 10 percent of our total population. Yet, they account for nearly 27 percent of all health care expenditures in the United States.

Unfortunately, gaps in medicare coverage make it necessary for the average elderly person to pay \$226 per year for medical expenses, 125 percent more than younger persons with larger incomes. A classic example is out-of-hospital prescription drugs, which constitute a large expenditure for many elderly individuals.

Drug expenditures for older Americans now average three times as high as for younger Americans. And for aged persons with severe chronic conditions—about 15 percent of all individuals 65 and

older—prescription expenditures are six times as great as for younger people.

Prescription expenses now account for about 20 percent of all out-of-pocket health expenditures for the aged. In fact, drugs constitute their largest personal health care cost.

For these reasons, I urge that the Senate broaden medicare coverage to include out-of-hospital prescription drugs. Several renowned authorities, including the 1971 Social Security Advisory Council, have already recommended that this measure be enacted into law.

ELIMINATION OF PART B PREMIUM CHARGE

Another significant health expenditure for the elderly is the \$5.60 monthly premium charge for supplementary medical insurance—part B—of medicare. On an annual basis, this amounts to about \$135 for a couple. And for the great majority of older Americans, this charge constitutes a rather heavy financial burden.

Again, I recommend—as I did in my omnibus social security bill, S. 923—that this premium cost be eliminated for the elderly. This change alone would amount to about a 5-percent increase for the typical retired worker. This proposal is also strongly endorsed by the Social Security Advisory Council.

OPPOSITION TO CUTBACKS

In my earlier remarks, I have attempted to outline my suggestions for improving H.R. 1. Now, I would like to discuss some provisions in the bill, which I believe would cut back the availability of health care to the elderly.

The first is a measure to raise the deductible for part B of medicare from \$50 to \$60.

In addition, H.R. 1 would make the elderly subject to a \$7.50 daily co-payment charge for each day in the hospital from the 31st to the 60th day. This would be in addition to the first \$60 which the elderly would be required to meet out of their own pockets.

For an elderly person in the hospital for 60 days, this could mean an additional charge of \$225.

Moreover, this measure would probably fall most heavily on the patient medicare is supposed to help the most—the person who may be exposed to catastrophic health-care expenditures because of a prolonged period in the hospital.

Another provision is section 207 which is designed ostensibly to establish incentives for States to encourage greater outpatient care under medicaid. But I fear that this measure may ultimately result in a crippling blow to the availability and quality of care for the aged, blind, and disabled.

Especially shortsighted is the proposed one-third reduction in Federal funds to States when patients have been in the hospital after 60 days or in a mental hospital after 90 days. This is in spite of the fact that these individuals may have a long, lingering illness requiring an extensive period in a general, tuberculosis, or mental hospital.

In all probability, this crushing burden will fall most heavily upon the States because medicaid patients are unable to pay for their own health care. Yet, most

States lack sufficient resources to take on this additional burden.

These three provisions, I strongly believe, can do serious damage to the availability of care for the elderly, as well as result in significantly higher costs for persons with limited resources. Therefore, I urge that these counterproductive measures be deleted from H.R. 1, or substantially changed to remove their onerous impact upon the aged.

NEED FOR FAST ACTION

In Congress now, I believe that there is widespread agreement concerning the need for prompt action on H.R. 1.

We owe this pledge to our 20 million older Americans, who have worked most of their lives for the progress we now enjoy. And we also owe this commitment to the retirees of tomorrow—today's workers—because unless major policy changes are made, they will also experience a similar income crisis during their retirement years.

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

SIMILAR OR IDENTICAL PROVISIONS (H.R. 1 AND WILLIAMS' SOCIAL SECURITY LEGISLATION)

1. Benefit Increase: H.R. 1 provides for a 5% increase effective June 1972. S. 923 would raise benefits by 15%, effective January 1972.

2. Special Minimum: Equal to \$5 multiplied by the number of years of covered employment for persons with 15 or more years of covered work experience. The highest minimum benefit for a single person would be limited to \$150. S. 923 would provide a \$120 minimum monthly benefit for single persons.

3. Automatic Adjustments: Benefits would be adjusted annually according to rises in the cost-of-living, provided (1) the Consumer Price Index increased by at least 3 percent and (2) legislation increasing Social Security benefits had neither been enacted nor become effective during the previous year. To finance the automatic benefit raises, the wage base would be automatically adjusted according to the rise in average wages covered under the Social Security program. Similar provision in S. 923.

4. Full Benefits for Widows: Widows aged 65 and older would be entitled to benefits equal to 100 percent of their spouses' primary insurance amount. Identical provision in S. 923.

5. Liberalization of the Retirement Test: Major changes include: (1) The annual earnings limitation would be raised from \$1,680 to \$2,000. (2) For earnings in excess of \$2,000, \$1 in benefits would be withheld for each \$2 of earnings (under present law the \$1 for \$2 feature applies only to the \$1,200 band above \$1,680; thereafter, benefits are reduced for each dollar of earnings above \$2,880). (3) The earnings limitation would be adjusted automatically by the same percentage by which the wage base is automatically adjusted. Similar provision in S. 923.

6. Age-62 Computation Point for Benefits for Men: Men, as is the case for women under present law, would only take into account years up to age 62 in computing their Social Security benefits.

7. Working Wives: A working couple would be able to combine their wages for purposes of computing benefits if this would result in higher benefits, provided they each have at least 20 years of covered earnings after their marriage. Similar provision in S. 2098.

8. Waiting Period for Disability Benefits: The waiting period to qualify for disability would be reduced from 6 to 5 months. S. 923 would reduce the waiting period to 3 months.

9. Extending Medicare to Disabled Under Age 65: H.R. 1 would extend Medicare coverage to disabled Social Security beneficiaries under age 65, provided that they have been entitled to disability benefits for at least two years. Similar provision in S. 923, but without the requirement that the individual must have been entitled to disability benefits for at least two years.

10. Liberalization of the Retirement Income Credit: Raise maximum amount for computing the 15 percent credit from \$1,524 to \$2,500 for a single person and from \$2,286 to \$3,500 for a couple. Similar provision in S. 1506.

11. Childhood Disability: Disability benefits would be paid provided the disability begins before age 22, rather than at 18 as under existing law. Similar provision in S. 923.

12. Wage Credits for Members of the Military for Service Between January 1957 and December 1967: H.R. 1 provides for a Social Security noncontributory wage credit up to \$300, in addition to the contributory credit for basic pay, for each calendar quarter of military service from January 1957 to December 1967. Identical provision in S. 923.

13. Federalized Welfare Program for Aged, Administered by Social Security Administration: Under H.R. 1, the Social Security Administration would be required to make payments sufficient to bring an individual's monthly income up to \$130 (\$195 for a couple). Under S. 1645, the Federal income standard would be \$155 per month for an individual and \$195 for a couple.

14. Benefit Increase for Persons Receiving Special Age-72 Payments: H.R. 1 provides for a 5 percent increase. S. 923 authorizes a 15 percent raise.

SENATOR WINSTON PROUTY

Mr. DOLE. Mr. President, this month the Senate, the Republican Party, and the country lost a devoted and conscientious servant, Senator Winston L. Prouty of Vermont.

First, the mayor of his hometown, Newport, Vt., then a distinguished member of the State legislature, a Representative in Congress and finally a U.S. Senator, Win Prouty exemplified the selfless, public-spirited sense of responsibility and dedication to progress which is so vital to the functioning of our democratic system of government. During his 13 years in the Senate, he earned the respect and admiration of all his colleagues through hard work—attention to the needs and concerns of his State and by demonstrating his quiet, thoughtful leadership in behalf of his Nation's best interests. For, while a steadfast Republican and often in a position of opposition to the administration in office, he always viewed his responsibilities in the Senate from a national rather than a partisan perspective. His leadership on issues affecting the strength of the American economy and the needs of the aged, the workingman, the handicapped and the poor will be felt and appreciated for many years to come.

Win Prouty's absence will diminish the Senate, for his expertise, compassion and understanding cannot be replaced. However, his contributions to the Congress, to his State of Vermont and to the United States will be fitting and enduring memorials to his life and work.

He was held in high regard by his fellow Vermonters of all political persuasions, and having served in the Senate with him, I know that his contribution to

the work of this body was recognized and valued by all his colleagues from both sides of the aisle. Speaking as chairman of the Republican Party, I know how deeply his loss will be felt by his associates and many friends throughout the Nation who knew him as one of the party's most conscientious, hard working and valuable leaders.

He was a man of integrity and compassion who valued and revered the ideals of America, and his lifetime of public service contributed significantly to the realization of those ideals for all Americans.

ATTITUDES TOWARD CONSERVATION IN THE SOVIET UNION

Mr. CHURCH. Mr. President, while glancing through a recent issue of the *Living Wilderness*, I came across an interesting article on conservation in the Soviet Union. It further caught my eye because Mr. William Mathews, who is now the Idaho State Director for the Department of Interior's Bureau of Land Management, accompanied the article's author on an extensive trip through the U.S.S.R.

The conclusions author Charles Luscher reached deserve our attention for they bear on our efforts to refine our own conservation ethics.

Mr. Luscher observes that the American visitors had started with the premise that "in a country where all property is owned by the State, it would be a simple matter to apply sound and scientific principles of resource management."

The author observes:

This is not true in the U.S.S.R. Even though the nation has many capable scientists who have compiled a vast backlog of knowledge about its natural resources, these scientists have enjoyed only limited success in their extensive efforts to transform their research into actual management practice.

As a nation that has suffered devastation at the hands of its enemies and still has memories of inadequate food supplies, the Soviets are now preoccupied with growing food and are still unwilling to forgo short-term production goals for the sake of long-range protection of the environment.

The author goes on to state:

The second conclusion is in almost direct conflict with the first. We would have expected, under the conditions described above, that agricultural managers would be willing to take any short-cut that would promise an increased production, yet there is a deep aversion in the country toward the use of chemical pesticides and herbicides. The use of DDT is banned throughout the Soviet Union, and very few herbicides are used to control weeds on croplands. In fact, the Soviet wheatfields are a riot of beautiful color due to the invasion of a wild poppy that drastically reduces the yield of wheat. So far they have resisted what must be a great temptation to resort to herbicides to destroy these beautiful but definitely unwanted pests. There is a large faction which feels that the use of pesticides is essential to ensure the agricultural production needed to feed a growing population, yet there are many others who favor biological controls and there is considerable research along this line.

Finally Mr. Luscher notes:

It was apparent to us that the Soviets are making strenuous efforts to diversify and modernize their economy in order to pro-

vide a better standard of living for their people. There is a shortage of nearly all consumer goods. At the present, the great emphasis is on education, housing construction, health, and the arts. Our impression was that the Soviets are, for the most part, a happy, satisfied people, proud of their recent progress, and thankful for what they have.

It is apparent that there is much progress. Agricultural productivity is increasing, and this is being followed closely by an improved standard of living. More and more, attention is turning toward the environment and the need to protect it. A recent law, which took effect July 1, 1969, makes pollution, through mismanagement of soil, vegetation, and other resources, illegal. The Soviets have the technical know-how to meet the challenge of wise resource management. As they solve the critical problems of domestic production, it seems almost certain they will make better use of this knowledge.

We can learn much from the societies around us. No matter what political system a nation embraces to manage its affairs, mankind faces the same fundamental issues. In these exchanges we learn from each other, we build bridges of understanding and we serve the common goals of mankind.

I ask unanimous consent that Mr. Charles Luscher's excellent article be printed in the RECORD.

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

[From the *Living Wilderness*, Autumn, 1970]

ATTITUDES TOWARD CONSERVATION IN THE SOVIET UNION

(By Charles W. Luscher)

During the spring of 1969 I visited the Soviet Union in the company of two resource specialists and fellow employees of the Department of the Interior's Bureau of Land Management. For two months we traveled through the southern Soviet Union in the Armenian, Turkmen, Uzbek, and Tadzhik Republics, as well as the Leningrad and Moscow districts of the Russian Republic. The trip afforded us an unusual opportunity to observe on-the-ground resource management practices and to study the attitudes of the Soviet people toward conservation.

Accompanying me were William L. Mathews, Chief of the Division of Watershed, and Robert J. Smith, Chief of the Division of Wildlife. Our trip was made as part of the 1968-1969 U.S.-U.S.S.R. Exchange Agreement. Our purpose was to investigate and observe resource programs and conservation practices in the Soviet Union and to exchange information about native rangelands. We especially wanted to see range, watershed, and wildlife habitat management on the arid and semi-arid lands that are comparable to much of the land in the western United States. As we traveled, we were often reminded of how similar much of the land, particularly in Uzbekistan, is to northern Nevada.

Since none of our party spoke Russian, we were fortunate to have Mr. Vasily Brusov of the Soviet Ministry of Agriculture as our interpreter. Mr. Brusov had taken postgraduate work in agriculture at the University of Minnesota, and, until December 1968, had served as an agricultural attaché at the Soviet Embassy in Washington, D.C. Mr. Brusov's gracious assistance added greatly to the success of the visit.

Throughout our trip, we were warmly received. We were treated to all the native foods and drinks, and special efforts were made for us to attend cultural activities such as the ballet and other performing arts. While we were not allowed to visit certain areas along the Soviet border or to take pictures from airplanes, our visit was not otherwise

restricted. We were encouraged to sightsee and to take other photographs.

The regions we visited have remarkable contrasts. Altitudes range from near sea level in the Turkmenian sand dunes to more than 25,000 feet in the Pamir Mountains of Tadzhikistan. The Pamir Mountains mark the northern edge of the Himalayas, and their higher altitudes contain numerous glaciers and are covered with snow throughout the year. This area has a sharp continental climate with high summer temperatures and cold winters. Annual rainfall may be three inches in the deserts but more than 50 inches in the higher mountains.

Man has occupied and used the land now within the Central Asian Republics since the beginning of recorded history. The influence of Arabian conquerors is seen in fortifications built by Alexander the Great in 330 B.C., and in the mosques built by the Mongolian Khans in the thirteenth century. This influence is especially noticeable in the Uzbek Republic and in the city of Samarkand and its surrounding area. Some areas show a fair tolerance to the centuries of man-use, but others have suffered extensive damage. The history of intensive use may account for the general dominance of annual grasses and forbs throughout the area and the lack of shrubs or trees at even the higher elevations that have adequate moisture to support them.

There is a deep interest and growing concern for the natural environment throughout the Soviet Union. This is especially so among research people and some government officials. Tremendous reconstruction was underway in nearly all of the cities we visited, and a concern for aesthetic and environmental values is evident in these undertakings. Their urban plans emphasize broad avenues, beltways, beautiful parks, rapid transit systems, and recreation facilities. With our background of experience in American cities, however, it seemed strange to us that practically no provision is being made for off-street parking for private automobiles. Even new high-rise apartments have been designed without sufficient parking space. On the other hand, noise abatement regulations have almost eliminated the use of the automobile horn, and airports are located well outside the cities so that airplanes rarely fly over urban areas.

The Soviets are faced with two urgent and seemingly conflicting problems:

(1) They must use vast quantities of their natural resources to satisfy the needs of their growing population and to develop the basic production machinery necessary to meet the growing demand for consumer goods.

(2) They are trying at the same time to preserve and protect their resources from the over-exploitation that is threatened by expanding production.

In many ways the Soviets have the same kinds of problems we face here in the United States, but it seemed interesting to us to note the difference in terminology. For example, we talk about "protecting the environment" while they speak of "protecting nature." The Soviets have drawn attention to the problem of protecting nature in words, if not always in deeds. As far back as May 1918, a national Decree of Forests was adopted that specified that the management of forests, reforestation, and the protection of monuments of nature were the responsibilities of the local authorities. Even prior to the Revolution, various groups advocated the preservation of unique natural relics, hunting areas, forests, and waterfowl concentration areas. A decree of January 1919 established the first forest preserve on the Lower Volga.

The Soviets cite the Revolution as the real beginning of a program to develop nature reserves in their country. In 1921, Lenin signed a decree concerning the "Conservation of Natural Relics," and attached great significance to the preservation of forests, which

help prevent erosion and deterioration of the soil.

By the mid-1940's a substantial network of natural reservations had been established. However, it seemed to us that in setting aside these reservations the Soviets had failed first to develop a well-conceived master plan. Usually a reservation was established to meet the urgency of conserving plant or animal resources of a specific area at a specific time. But on most of these reservations, they had improved their management techniques and were engaged in extensive research when the program was disrupted by the Second World War. The war had a devastating effect on the nation's natural resources.

After the war the effort was renewed, and by 1968 the Soviet Union had approximately 80 reservations covering about 14 million acres. Over 80 per cent of this acreage is in the Russian Republic, the largest of the fifteen Republics. A few small reservations are located in the other Republics.

The U.S.S.R. is considerably larger than twice the area of our 50 states, and in spite of its northern latitude it has an extremely diverse ecology. The existing reservations do not begin to reflect the total ecological spectrum of the nation. Most are related to forest zones, and rarely is a reservation found in a populated area. Approximately 30 per cent are located in mountainous areas. Only a few small areas in desert or semi-desert country have been preserved in their natural state. Today, the emphasis is on the proper organization and management of existing areas rather than on the establishment of new ones.

Prior to 1951 the management of natural resources was a responsibility of the various Republics. In 1951 the central government in Moscow assumed this responsibility, only to return it to the Republics in 1955. Today there is dual management very similar to our own system of parks, monuments, and recreation areas.

The Soviets have always thought of their reservation system as a means of preserving those sites that were typical of pristine ecological zones or geographic areas. It has also been used to preserve areas notable for aesthetic or scenic values, atypical vegetative zones, areas known to contain rare or relic plant and animal species, and sites with unique plant associations. All were set aside "for the good of future generations."

In many instances, hunting reserves are classified as natural reserves. However, sport hunting societies have now been established in most Republics. These have their own hunting grounds where they regulate hunting, improve the habitat, and initiate breeding programs.

In the U.S.S.R., reservations have always been considered research institutes. A permanent staff of scientific workers is assigned to each, to live on the reservation and research all facets of its natural resources, including the landscape.

Special attention is given to rare and disappearing species of wildlife, and the Soviets take justifiable pride in this aspect of their resource program. Each Republic sets its own hunting seasons, makes its own regulations, and each year determines which species will not be hunted, except for waterfowl. Those species having complete protection may vary from year to year. The Soviet winter of 1968-69 was in many areas the worst in the history of living man and has resulted in a nationwide five-year ban on the hunting of all big game and most upland game species to allow populations suffering high winter-kills to be replenished. Polar bears, tigers, snow leopards, Sitka deer, Mongolian gazelle, goral (similar to the American elk), wild goats, mouflon, forest bison, wild asses, and many other lesser animals are completely protected. So are all

species of swans, blue geese, emperor geese, and many other birds.

But protection is seldom extended to predatory animals. The wolf has completely disappeared from some regions and its numbers are few throughout the entire Soviet Union. The Soviets consider it a predator of domestic livestock and accordingly provide it no protection; even on the reservation wolves are controlled to prevent their spreading into surrounding areas and attacking livestock.

In their program of conservation, the Soviets initially gave little consideration to recreation. In recent years recreation use of the resources has increased. This has created many problems. Few of the reserves are capable of handling a large volume of visitor traffic. The Soviets basically do not want their reserves to be converted into recreation areas, preferring instead to keep them in a totally natural state for research purposes. They are now attempting to limit visitor use. They are now considering a new system to establish a network of national parks to meet the demands for outdoor recreation. However, in some instances they have allowed summer rest or resort areas to be developed within the reserves. These rest areas are not for the general public, but built and operated by a specific state farm, industrial plant, etc., for their workers.

Although the Soviets have a deep and widespread concern for the natural resources within the reserves, we found far less concern with the vast areas outside such boundaries. Figures compiled in 1965 indicate that some 125-160 million acres are eroded to some measurable degree, including some 50 million acres of native rangelands located principally in the arid or semi-arid regions. In most of the agriculturally developed regions, at least in Central Asia, erosion is extensive. Along with the loss of top soil and the development of gullies, there is a considerable economic loss from earth flows and floods that result from the rapid run-off caused by the lack of adequate vegetative cover. The Council of Ministers of the U.S.S.R. recognized the seriousness of the problem in March 1967 when their report "On the Urgent Measures for Protecting Soil Against Pests and Water Erosion" cited soil protection as the nation's most important task.

There is still little evidence of a concerted effort to check the harmful effects of erosion on the ground. Even the research institutes have limited their efforts to the use of terraces in conjunction with three plantings, and the sterilization of sandy areas coupled with windbreak plantings on both farm and rangelands. We were unable to find any evidence of research directed toward other soil stabilization methods. Apparently the effect of soil erosion on water quality has attracted little attention. Landslips are considered to be geologic phenomena not closely associated with man's use of the land. From our observations we believe that the conversion of perennial grasses and shrubs to annual grasses that has resulted from many centuries of grazing use is a significant factor in causing landslips as well as other erosion phenomena.

From those areas we visited, we gained the distinct impression that the major agricultural concern is meeting short-term goals of commodity production, and that long-range resource programs are often sacrificed to satisfy the nation's immediate need for food, fiber, and other commodity products. Meeting, or exceeding, annual production quotas set by the state receives the highest priority in resource management. This has resulted in tremendous costs in terms of lost soil, degradation of water quality, and direct damages from floods and siltation.

The natural pasture lands of the U.S.S.R., amounting to about 70 million acres, are used almost exclusively for domestic live-

stock grazing. Another 860 million acres of tundra range are used for reindeer pasture. Grazing land accounts for 30 per cent of the total land area of the Soviet Union.

Most of the native rangeland lies in the semi-desert zones of Central Asia. The quality of these lands is relatively low. Livestock is extremely crucial to the economy of the Republics. Basically all livestock belongs to the state, but the individual may own a few head for his personal use. How many and what kind is determined by the government.

Sheep are more common than cattle. All livestock is herded—none is allowed to graze free. Fences are seldom seen throughout the vast landscape.

Over the years, there has been a tremendous amount of rangeland research by well-qualified scientists, but little of this research has been applied to the land. There is a shortage of red meat in the Soviet Union, and range resources are exploited in an effort to meet the demand. As a result, native ranges are in poor condition, producing only a fraction of their potential.

Unlike the United States, the Soviet Union esteems fish and wildlife primarily for their commercial value. Big-game animals are hunted, but even after being killed, the carcass remains the property of the state and must be surrendered for commercial sale. The proud hunter can keep only the antlers. Game birds and fish caught by sporting methods may be kept for the personal use of the sportsman.

Only shotguns are used for hunting. Firearms are closely regulated and no citizen can legally own a rifle or handgun. Before a Soviet citizen can hunt, he must be 18 years old and have completed up to four years of training. No training or license is required of fishermen.

By the time we had completed our trip some of our preconceived notions were upset by two rather startling conclusions. First: We had suspected that in a country where all property is owned by the state, it would be a simple matter to apply sound and scientific principles of resource management. This is not true in the U.S.S.R. Even though the nation has many capable scientists who have compiled a vast backlog of knowledge about its natural resources, these scientists have enjoyed only limited success in their extensive efforts to transform their research into actual management practice.

As a nation that has suffered devastation at the hands of its enemies and still has memories of inadequate food supplies, the Soviets are now preoccupied with growing food and are still unwilling to forgo short-term production goals for the sake of long-range protection of the environment.

The second conclusion is in almost direct conflict with the first. We would have expected, under the conditions described above, that agricultural managers would be willing to take any short-cut that would promise an increased production, yet there is a deep aversion in the country toward the use of chemical pesticides and herbicides. The use of DDT is banned throughout the Soviet Union, and very few herbicides are used to control weeds on croplands. In fact, the Soviet wheatfields are a riot of beautiful color due to the invasion of a wild poppy that drastically reduces the yield of wheat. So far they have resisted what must be a great temptation to resort to herbicides to destroy these beautiful but definitely unwanted pests. There is a large faction which feels that the use of pesticides is essential to ensure the agricultural production needed to feed a growing population, yet there are many others who favor biological controls and there is considerable research along this line.

It was apparent to us that the Soviets are making strenuous efforts to diversify and

modernize their economy in order to provide a better standard of living for their people. There is a shortage of nearly all consumer goods. At the present, the great emphasis is on education, housing construction, health, and the arts. Our impression was that the Soviets are, for the most part, a happy, satisfied people, proud of their recent progress, and thankful for what they have.

It is apparent that there is much progress. Agricultural productivity is increasing, and this is being followed closely by an improved standard of living. More and more, attention is turning toward the environment and the need to protect it. A recent law, which took effect July 1, 1969, makes pollution, through mismanagement of soil, vegetation, and other resources, illegal. The Soviets have the technical know-how to meet the challenge of wise resource management. As they solve the critical problems of domestic production, it seems almost certain they will make better use of this knowledge.

COMMENT ON THE PENTAGON PAPERS

Mr. ANDERSON. Mr. President, aside from the key issues of freedom of the press and national security which the case of the Pentagon papers surfaced, there is another crucial matter which deserves our careful scrutiny—that of classification of Government documents. No matter where one stands on the larger issues, I think there can be general agreement that the practice of overclassification has become rampant.

Commenting on the Pentagon papers case, Mr. Justice Stewart said:

For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical and careless and to be manipulated by those intent on self-protection or self-promotion.

Mr. Justice Stewart added that a genuinely effective security system would be marked by "the maximum possible disclosure, recognizing that secrecy can best be preserved when credibility is truly maintained."

A particularly useful and thoughtful analysis of the classification system was written by Lloyd Shearer and published in Parade magazine for August 22, 1971. I ask unanimous consent that Mr. Shearer's article be printed in the RECORD.

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

WHAT PRICE SECRECY?

(By Lloyd Shearer)

WASHINGTON, D.C.—One of the most shocking snafus in the United States Government is its secrecy classification system.

Like some million-footed, multi-webbed fungus, it grows wild, almost always expanding, practically never contracting.

Would you believe, for example, that someone in the Navy Department has been stamping newspaper clippings "Secret"? and that as a result the Defense Department has had to publish a special directive ordering employees not to classify newspapers?

Would you believe that the Air Force Electronics Systems Division issued the following statement for use on selected documents: "Although the material in this publication is unclassified, it is assigned an overall classification of confidential?"

Would you believe that no one in government knows how many people in this country have the right to classify government documents top secret, secret, or confidential? One Defense Department estimate given to a

House subcommittee on June 29, 1971, is "hundreds of thousands."

TWENTY MILLION SECRETS

Would you believe that there are, according to the testimony of William G. Florence, a classification expert with 43 years of experience in government, 20 million classified papers currently held by the government of which 99½ percent should not be classified at all?

Or that unnecessary classification is wasting \$50 million of the taxpayers' money each year?

Or that, according to the testimony of Walter Pincus, a former chief consultant to the Symington subcommittee of the U.S. Senate Foreign Relations Committee, classification is used by the government not only to keep valuable information from the nation's potential enemies but to hide the mistakes of government officials, to prevent documentation of White House errors, and to limit the extent of internal opposition to and criticism of government policy?

Whether one believes it or not, the evidence is sufficient that the Federal government suffers from massive overclassification of information.

There is no penalty for overclassification in this country. The result, in the opinion of some critics, is that a small army of "fearful bird-brains" has grown up who believe in classifying everything—and not without cause. For, as William G. Florence recently testified: "To my knowledge, no one in the Department of Defense was ever disciplined for classifying information, regardless of how much the classification cost for unnecessary security protection or what damage resulted from the restriction against releasing the information to the public. But I have seen how rough a person can be treated for leaving classification markings off of information which he knows to be officially unclassified if someone 'up the line' thinks that a classification should have been applied."

However one feels about Dr. Daniel Ellsberg and his leaking of the once top secret, still classified Pentagon Papers, the fact is that the disclosure of those papers has made imperative a thorough overhaul of a faulty, outdated classification system.

At this moment, in one branch of the government alone, the Armed Forces, there are 31,048 people who have the original authority to classify documents.

Of this number, 803 have the authority to classify them "Top Secret" originally.

Another 7687 have the authority to classify them "Secret" originally.

And all have the authority to classify them "Confidential."

From these 31,048 persons emanates a derivative classification authority flowing to countless civilians, assistants, consultants, and others connected or under contract to the Defense Department. No one seems to know exactly how many.

CAN DECLASSIFY, TOO

In addition to the authority to classify documents, all these 31,048 people have the authority to declassify documents.

"But in most cases," affirms Daniel Z. Henkin, a Defense Department secretary in charge of public affairs, "people are generally too busy to declassify. There are millions of documents still classified 'Top Secret' and 'Secret' which don't belong in that category at all. It is the position of the Secretary of Defense Melvin Laird that as much material as possible be declassified."

History, however, will record Melvin Laird as the Defense Secretary who, from November, 1969, to the end of June, 1971, refused to make available, even on a classified basis, to the U.S. Senate Foreign Relations Committee a single page of the 7000-page-long Pentagon Papers.

At about the time he was publicly espousing declassification, Laird was writing Sen. J. William Fulbright of the Foreign Relations Committee such negotiations as "... Access to and use of this document [the Pentagon Papers] has been extremely limited. It would clearly be contrary to the national interest to disseminate it more widely." (Dec. 20, 1969.)

On April 20, 1970, addressing 1500 people at the annual luncheon session of the Associated Press in New York, Laird said: "Let me emphasize my convictions that the American people have a right to know even more than has been available in the past about matters which affect their safety and security. There has been too much classification in this country."

Months later, Senator Fulbright again asked the Defense Secretary to turn over the Pentagon Papers to the Senate Foreign Relations Committee. Laird ignored the request.

SENATORS REBUFFED

On June 14, 1971, Sen. Stuart Symington, another member of the Foreign Relations Committee, once more beseeched Laird for the Pentagon Papers on any kind of a classified basis. The committee members, he said, might study and glean from them some truth about our involvement in Vietnam so that they could legislate wisely on that prickly subject. Laird refused again, invoking his judgment which held that allowing a handful of U.S. Senators to see the documents would be contrary to the national interest.

Laird certainly did not read all 47 volumes of the Pentagon Papers before he himself refused to show any of them to the Senate Foreign Relations Committee. Says one of his assistants: "God, he was much too busy for that. I assume someone told him about them or he skimmed some of the papers, then decided against releasing any of them."

Had Melvin Laird declassified some of the Pentagon Papers, a large share of which are harmless, repetitious and incomplete history, Daniel Ellsberg might never have leaked them to *The New York Times*.

COPY TO FULBRIGHT

According to Dr. Ellsberg, he felt that Congress was entitled to know as much about the Pentagon Papers as he who was not a member of Congress. Which, he declares, is why he gave the first copy of the papers to Senator Fulbright in October, 1969. He hoped that Fulbright would get them declassified or made available to members of the Senate Foreign Relations Committee. Instead, Fulbright locked them in his safe and showed them to no one.

Ellsberg waited a year for Fulbright to surface the papers. Fulbright tried. He pressed the Secretary of Defense to release them on any basis. But Laird would not budge. He simply responded to Fulbright with a constant no.

Ellsberg thereupon consulted other members of the government who, themselves afraid to accept the papers, suggested that he leak them to *The New York Times*. Two who accepted the papers were Rep. Paul McCloskey of California and Sen. Mike Gravel of Alaska. Both felt that the people were entitled to some basic truths on how this nation went to war in Vietnam.

It was only after Daniel Ellsberg leaked some but not all of the Pentagon Papers to *The New York Times* two months ago, that Laird finally made the documents available to the House and Senate leadership on a classified basis.

By then two district Federal courts had held that there was nothing in the papers which clearly threatened the national interest, and the Supreme Court held that newspapers could not be restrained, prior to publication, from printing the Pentagon Papers or some similar study on the grounds of national security.

Ironically enough, it was not Robert McNamara, the Defense Secretary who originally ordered the Vietnam study, who classified it "Top Secret."

The Pentagon Papers were so classified by Leslie Gelb, the civilian head of the task force whose members wrote them. Says Gelb, now with the Brookings Institution: "I just assumed I had the right to originally declare them 'Top Secret.' I don't know who gave me that right. I remember discussing it with someone. Since some of the material used in the papers was top secret, I classified all of them top secret. I never knew I also had the right to declassify them since I also had the right to originally classify them: That comes as news to me. I guess I don't know the classification setup too well."

If there are 31,048 persons in the Armed Forces who have the authority to classify documents, how many are there in the State Department, the Justice Department, the Atomic Energy Commission, the Secret Service, the Treasury Department, and hundreds of other government branches and agencies? Moreover, who are these classifiers? Who chooses them? What are their qualifications?

People in and out of government are given the authority to classify and declassify information not by any law legislated by Congress but by virtue of Executive Order 10501 issued in November, 1953, by Dwight Eisenhower and amended in February, 1963, by John F. Kennedy.

There is no section of the U.S. Constitution which grants the President express authority to issue any such order. One can find implied authority in Article II, Section 3, "... He [the President] shall take care that the laws be faithfully executed." But that is all.

EXECUTIVE ORDER 10501

Executive Order 10501 empowers persons in and out of government with classification authority by virtue of the position they occupy and not by their qualifications.

What about former Presidents of the United States? Are they allowed to take "Top Secret" documents and draw from them in writing memoirs for private gain? Or take Dean Acheson, Secretary of State under Truman and author of *Present at the Creation*—is it permissible for him mentally to declassify top secret information gleaned from top secret papers and incorporate them in his books? Or how about Acheson's son-in-law William Bundy, who advised Lyndon Johnson on escalating the war in Vietnam? As the editor-to-be of *Foreign Affairs*, will Bundy filter from his mind all the top secret information he obtained while in government?

Presidents have always had broad discretion in selecting the documents, memoranda and other papers they take with them when they leave office. When Lyndon Johnson departed the White House he took 29 truckloads of documents for transplanting in the LBJ Library in Austin.

AUTHORITY UNTESTED

"Since the authority for classifying information came originally from the President while he was in office," says a Department of Justice spokesman, "the authority of a former President to declassify documents which originated during his tenure has rarely been questioned and never tested. While the government has strict rules prohibiting officials or former officials of the government from selling information which came to them as a result of their government work, these rules have not been applied to Presidential memoirs."

Neither have such rules been applied to the memoirs of generals, former Cabinet officials, secretaries or anyone else in government.

Lyndon Johnson who received a \$1 million advance for his soon-to-be released memoirs entitled *The Vantage Point*, was so concerned about what his key White House aides might

write about him and his Administration that again, according to the Justice Department, "He gave serious consideration to proposing that his appointees sign an agreement not to disclose information which came to them as a result of their work. Although Justice Department attorneys did considerable research on the legality of such an agreement, the whole project was finally shelved."

INCONSISTENCIES NOTED

All this of course is not to argue that the government has no right to or should not classify certain sensitive information. It *must* have that right. What it boils down to is that the government's present secrecy classification system is an undeniable mess riddled with inequity, stupidity and inconsistency.

It is quite in order for Lyndon Johnson, Walt Rostow, McGeorge Bundy, Dean Acheson and dozens of others in and out of government to make use of the raw materials which constitutes the McNamara study. But the public is not allowed to see a single page.

Reform is in order—is it not?

APPOINTMENT OF REPRESENTATIVE DERWINSKI, OF ILLINOIS, AS U.S. AMBASSADOR TO UNITED NATIONS GENERAL ASSEMBLY

Mr. ALLOTT, Mr. President, the President's appointment of the Honorable EDWARD J. DERWINSKI, Member of Congress from Illinois, as Ambassador to the fall session of the United Nation's General Assembly is to be highly applauded.

Representative DERWINSKI is a member of the House Committee on Foreign Affairs and has been a delegate to the Interparliamentary Union. He is admirably equipped by experience, disposition, character, and ability to serve capably and effectively as a member of our U.N. mission.

An editorial published recently in the Chicago Tribune realistically evaluates the merit of Representative DERWINSKI's appointment and the approach he can be expected to take to the problems and issues facing the General Assembly.

I want Mr. DERWINSKI to know that I, for one, wholeheartedly support him in this difficult assignment, and I congratulate the President on this appointment.

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

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

DERWINSKI TO U.N.

President Nixon has made a good choice in his selection of Rep. Edward J. Derwinski of Chicago's southwest suburban district as delegate with rank of ambassador to the United Nations general assembly's fall session. A number of important matters are coming up in the assembly and it will be wise to have a spokesman who is steady and has his feet on the ground.

Mr. Derwinski is no raving world federalist and has a skeptical attitude toward U.N. and its works. He has no illusion that U.N. offers the key to global salvation.

The congressman proposes to address himself to the inequity that finds the United States paying about 32 per cent of the regular budget of U.N. and up to 45 per cent of some of its special operations, such as Palestinian refugees and the world food program. Mr. Derwinski says there are too many deadbeats in the organization, but each has one vote as we do.

Among the issues on which Rep. Derwinski

will express U.S. Policy are representation of Red China, which Mr. Nixon supports; the military repression by West Pakistan of East Pakistan; explosive tendencies in the Middle East, and South-West Africa, which U.N. and the World Court have been trying to pry loose from South Africa. If anybody can approach these jittery problems with balanced judgment, Mr. Derwinski would seem to be the man.

CANNIKIN—DANGER TO OUR ECOLOGY AND OUR DIPLOMACY

Mr. BAYH. Mr. President, I invite the attention of Senators to the Associated Press story this morning that the Atomic Energy Commission has begun to furlough workers at the Amchitka atomic test site. The story states that a spokesman from the distinguished junior Senator from Alaska (Mr. GRAVEL) explained that this could be an indication that President Nixon intends to suspend the test. I hope that it is.

It is not necessary for anyone to repeat all of the scientific arguments against this test. It is not necessary to point out that ABM is a most dubious weapon system, whose deployment still might be ended by a SALT agreement.

It is not necessary to mention again that five out of seven Government agencies consulted oppose the test.

No one need remind this Chamber that the warhead to be tested is reportedly not the one the Defense Department intends to use on the Spartan interceptor.

No one has to describe or analyze the probability of environmental damage to the wildlife of the area or of a radiation effects on sealife.

No one has to explain the risks of earthquake or tidal wave.

No one need do these things because of the efforts over the past year of a number of my distinguished colleagues—particularly the junior and senior Senators from both Alaska and Hawaii—efforts in which I have been proud to play some small part.

Apart from the environmental and ecological questions, Cannikin has the most serious international implications. First, there is the possible impact on the SALT negotiations. This Amchitka test would come just at the time when the SALT negotiators are at long last reported to be coming to grips with the details of an ABM. Some observers have speculated that the effect of such poor timing on SALT might be comparable to the disastrous impact of the U-2 incident on the Eisenhower-Khrushchev summit meeting.

It is not overstating the risks to point out that we simply do not know the way in which the Soviet leadership reached its decision to try to negotiate an ABM agreement. We do not know the strength of the opposition to such an agreement which might persist among the Soviet generals or in the Central Committee. In light of the uncertainty in the Soviet mind regarding the Chinese threat they perceive and the Nixon trip to Peking, the unnecessary provocation of the Amchitka test could cause reconsideration in the Kremlin of the desirability of the ABM agreement now being negotiated at SALT. That would be a tragedy for us all.

Then, too, there is the possible impact of the test on the delicate China situation. Some administration officials have denied that the ultimative objective of the ABM system for which this warhead is ostensibly intended is a thin, area defense intended for a conflict with Communist China. However, others, particularly in the Defense Department, have continued to hold open that possibility. As in the Russian case, for United States-Chinese relations, too, it would be uniquely bad timing to carry out this test now.

But apart from the possible impact on the delicate and critical efforts to achieve better relations with China and Russia is the effect of Cannikin on our relations with two of our closest allies and friends—Canada and Japan. Both made the strongest public and private representations for postponement or cancellation of the test.

When friendly governments put themselves on the line in that manner, it is the worst kind of alliance politics to ignore them—particularly when compensating gains to our national security are not only marginal but nonexistent.

Compounding the potential damage to our relations with Canada is the fact that Cannikin would come on the heels of the surtax on imports. The Canadians regard that surtax as grossly unfair to them since they themselves had already taken the steps necessary to bring the exchange rate of their currency and ours into equilibrium. Furthermore at a time when Canada is seeking, as is her sovereign right, a separate role and identity beyond that of adjunct and ally of the United States, it is important that we not embitter that process by shortsighted and callous disregard of Canadian interests.

As for Japan, the problem is even more acute. Three times over the past 3 months the Nixon administration has gravely damaged our relations with the Japanese through its insensitivity to Japanese interests and dignity. First, were the hints during Secretary Laird's visit to Tokyo that Japan needed not only to bear a greater portion of our Asian defense burden but also that it might not be a bad idea if she went nuclear. This bit of unbuttoned diplomacy struck at a basic element of Japanese policy and national psychology since Hiroshima and Nagasaki. It stimulated consideration of an issue deeply divisive not only of the Japanese body politic but also of grave sensitivity for China and for all the other nations of Asia and the Pacific.

Hard on the heels of the Laird misstep came the President's announcement of the Kissinger visit to Peking and his own plans for a trip. Let me point out that I have called for and welcome steps to improve our relations with China. But I do think that the administration badly mishandled the Chinese development as far as Japan is concerned. Instead of prior consultation or even notification, the administration chose sensational unilateral action on a question of the most vital interest to the Japanese. It is not unreasonable to expect that such disregard of this loyal ally and friend will result in a revision of Japanese at-

titudes regarding American reliability and policy. It is already obvious that the way in which the President moved on China policy has gravely embarrassed the Sato government and seriously damaged its chances for survival.

While improvement of relations with China is critically important, we should not forget that the real key to a stable, developing Asia is the world's third greatest economy, Japan. To forsake Japan is to forsake the paramount American interest in Asia and the Pacific.

The administration's insensitivity regarding Japanese political interests had its economic counterpart in the abrupt announcement of the surtax and unpegging of the dollar.

I do not for a moment suggest that Japanese rigidity about export-limiting agreements, about the undervalued yen and about foreign access to Japanese markets and investment opportunities are not serious problems for the American businessman and worker. They are. But I do suggest that lack of a serious high level effort to resolve these issues before the surtax was imposed and a failure to consult or advise the Japanese before the President's announcement makes the resolution of those issues and the future of Japanese-United States relations more difficult. I suggest, too, that together with the Laird hints, and the Peking announcement, it must set the Japanese to wondering whether we have any understanding at all of their sensitivities and interests, whether we care at all about the substance of our relations with them. The tough talk that surrounded the cabinet level meetings in Washington a few days ago was hardly calculated to reassure anyone on that point.

Now on top of all this most recent and painful history would come the nuclear test at Amchitka. For Japan with its reliance on Pacific fisheries for sustenance the possibility of radiation damage is a serious one. For Japan with its frequent and tragic experience with earthquakes, typhoons and other natural disasters, the possibility however remote of a blast-triggered upheaval is horrifying. Finally, for Japan, the only nation to have suffered the dreadful cost of nuclear war, this test, literally in her own backyard, touches a most sensitive and painful nerve.

Let me urge, therefore, for all these reasons—diplomatic as well as environmental—that the President announce that the United States will not proceed with the Cannikin test. Such an announcement made in the context of his meeting with Emperor Hirohito in Alaska would be a genuinely sensible act of diplomacy. Such a gesture would be a first but not insignificant step toward repairing the damage done to our relations with Japan.

Mr. President, I ask unanimous consent that the Associated Press article from the Washington Post of September 21, be printed in the RECORD.

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

ATOM-TEST WORKERS REPORTED FURLOUGHED
The Atomic Energy Commission has furloughed its workers for at least three weeks

at the Amchitka atomic test site in Alaska's Aleutian Islands, Sen. Mike Gravel said yesterday.

The Alaska Democrat's office said the decision was made in Alaska Thursday. No details were available on the layoffs, but a spokesman for the senator said the action could indicate that the administration wants to postpone the controversial test to overcome the misgivings of Japan.

The Tokyo government has expressed concern over the tests, as have Canada and conservationists in Alaska and other states.

The Atomic Energy Commission and the State Department said they had no confirmation of Gravel's report, pointing out that no official decision has yet been made to go ahead with the test. They also said no time was ever set, although fall was the tentative schedule.

However, Gravel's office insisted its source was accurate.

The proposed five-megaton blast, which would be a test for antimissile warheads, has been under intense criticism since officials said it would go off sometime this fall.

However, in recent weeks President Nixon has been reviewing the planned underground explosion in light of the international ramifications, particularly the current sensitive state of relations with Japan.

He also is said to be considering the opposition of some scientists and weapons experts who are said to feel the test is unnecessary because the missile system it is designed for will soon be outdated.

RESOLUTIONS OF NATIONAL ASSOCIATION OF MANUFACTURERS SUPPORT PRESIDENT NIXON'S ECONOMIC ORDERS

Mr. DOMINICK. Mr. President, recently I received copies of a statement and accompanying resolutions of the board of directors of the National Association of Manufacturers. These resolutions not only support the President's economic orders of August 15, 1971, but also make recommendations with regard to the proposed phase 2 regulations. In view of the extraordinary importance of the new economic policies and the broad base of business support represented in the National Association of Manufacturers, I ask unanimous consent that the statement and accompanying resolutions be printed in the RECORD.

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

RESOLUTION

Rarely in the history of the United States has there been a time when the economic interests of this country, both domestic and international, have been more seriously threatened. It is imperative that American industry make every effort in the months immediately ahead, both in its own and in the overriding national interest, to constructively contribute by taking concrete actions to quickly and effectively restore our economy to a position of real strength.

The NAM Board of Directors believes that no single remedy in itself, will prove to be effective in the process of attacking the problems of inflation, unemployment, fiscal and monetary stability and international trade, rather, that a systematic, comprehensive approach, including a series of incentives to accelerate economic growth, will be required, some on a permanent, and others on a temporary basis. The accompanying resolutions embody such an approach.

The Board of Directors of the NAM believes that some of the measures recom-

mended by these resolutions are contrary to the basic principles of a free, competitive enterprise system, and should only be imposed on a temporary basis. The Board refers specifically to the wage-price guidelines and the implementing control mechanism established thereto.

Be it resolved, that the Board of Directors of the NAM, in an attempt to advance the economic well-being of the nation and in recognition of the national emergency that now exists, temporarily suspends its existing policy in opposition to wage and price controls, or to any governmental mechanism implemented in connection with stabilizing wages and prices.

Be it resolved, that the NAM Board of Directors believes that the following program will prove to be the most effective approach following the termination of the 90-day "freeze" announced by the President of the United States of September 9, 1971.

That there should be designated by the President of the United States, through his authority under the Economic Stabilization Act of 1970 (as amended), an advisory Wage-Price Stabilization Board, operating directly under the Cost of Living Council; and, that this Stabilization Board be empowered to recommend to the Council guidelines for controlling increases in both wages and prices; that the guidelines with respect to wages, including fringe benefits, be based upon productivity; and that the guidelines with respect to prices be predicated upon a "pass through" formula reflecting cost increases from an appropriate and equitable base, and that individuals appointed as members of this Board should be selected solely on the basis of their known objectivity, and not as "special interest" pleaders. Any such Board established because of the national emergency should be designated as a temporary mechanism.

Be it resolved, that the NAM Board of Directors, in the interest of healthy, stable and sustained economic growth,

1. Urges the immediate enactment of an investment or other job development tax credit, established on a permanent basis, at the rate of 10% designed to stimulate widespread industrial investment in new and rebuilt equipment, and thereby providing, through rapidly accelerated investment, a great stimulus to employment in the industrial sector, and
2. Endorses the liberalization of depreciation rules (the ADR system) and urges that this remain in effect on a permanent basis, and
3. Endorses the elimination of the excise tax upon the sale of automobiles, and
4. Endorses the temporary 10% surcharge upon products imported into the United States, as part of a broader long-range program to be developed after consultation with industry and designed to improve our balance-of-payments and the climate for fair and equitable international trade. At the same time, however, due care must be exercised that the position with respect to raw materials already in short domestic supply is not worsened.

Finally, the Board of Directors believes that in both the short and long run, it is imperative that the Federal government be always aware of, and act in full accordance with, a concern for sound fiscal and monetary policies, taking whatever steps are necessary to ensure that no measures temporarily adopted, act to re-stimulate the inflationary pressures that have marked our recent economic history.

CHILE, SUMMER 1971

Mr. CHURCH. Mr. President, this past summer, Douglas Wilson, of the Providence Journal-Bulletin, spent 2 weeks on assignment in Chile. This talented

and resourceful reporter closely observed a country rapidly changing under the democratically elected Marxist government of Salvador Allende and a country in a sensitive, transitional phase in its relations with the United States. Mr. Wilson talked to Chilean Government officials and supporters, as well as its various critics in Santiago, the capital, in Concepcion, the southern industrial and university city, and in the agricultural region of Chile's Central Valley.

"Signs of political controversy were close at hand," writes Mr. Wilson, while a "vigorous freedom of speech" and "a robust freedom of the press" were in full swing. According to Mr. Wilson, Chile's long and rich democratic tradition shows much vigor. However, he found the country to be apprehensive, in a "rising mood of doubt," even fearing "broad-scale violence."

Economic problems are also mounting. "The signs of a failing agricultural economy," Mr. Wilson observes, "may be only slightly more ominous than the storm clouds now threatening the country's economy as a whole." The rate of copper production is down, Chile's foreign currency reserves are down, and the national debt is rising. Mr. Wilson reports that "the greatest harm that could come from economic troubles" is political radicalization. In other words, "the government will have to put the blame on someone—the more severe conditions become, the more radical the moderates will become."

In his final and most important article, Mr. Wilson looks at United States-Chilean relations with a fine eye. Much of what he sees coming up in the future is cloudy; what has taken place over the last several months is that the United States has "maintained cool but correct relations with Allende; and so far the dangers of 'another Cuba' have been avoided." Mr. Wilson writes:

The United States will not become antagonistic toward Chile simply because that country's new, governing coalition of Socialists and Communists is moving toward Marxist control over Chile's internal affairs. We will worry, instead, about measures which might be hostile to the interests of the United States or other American countries.

A major stress in the current relationship concerns the nationalization of American-owned copper complexes. President Nixon has said that we expect Chile to recognize "international rights and obligations" in handling its own new economics. I think the U.S. Congress will fully back the President on this matter of adequately compensating American owners for their expropriated property.

Mr. Wilson concludes his observations of Chile in the summer of 1971 and its relationship with the U.S. with several important "ifs." He comments:

If Allende can still avoid antagonizing these U.S. interests on the copper issue, or at least avoid hostility toward Washington on other matters, and if Washington recognizes that other issues, in the long run, are more important to its interests than copper, then relations may remain on an even keel and continue to be more relaxed and sophisticated than a lot of people would have anticipated.

I ask unanimous consent that Douglas Wilson's excellent five-part series on Chile be printed in the RECORD.

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

[From the Providence Journal-Bulletin, July 18, 1971]

CHILE'S CRUCIAL EXPERIMENT WITH MARXISM
(By Douglas C. Wilson)

SANTIAGO.—The martial, poignant strains of the national anthem welled up in Santiago's Plaza De La Constitution, and the spotlights turned to the Marxist president of Chile, Salvador Allende, in a moment of paradox.

Thousands of his partisans, mostly students and workers, cheered as the small, correct figure appeared at the microphones set high on the grandstand in front of the presidential palace—a building of classic proportions, illuminated softly.

The contradictions of this night rally on June 16 were those of Chile itself, a country with a stable past, but a country now embarked on a new Marxist "experiment" that carries much uncertainty—maybe danger.

The outcome is crucial not only for Chileans, but also for the United States and its relations with South America. If events should lead to hardline Communist policies in Chile, or a hard-line U.S. policy toward that country, this could cause serious problems throughout the continent. But if calm and flexibility prevail instead, it would demonstrate that North and South America can get along peaceably with change.

GAINED STRENGTH

Backed by a coalition of Communists, other leftist organizations, and his own Socialist Party, Allende won the presidency in a three-way contest last September by drawing 36 per cent of the vote, edging out the candidate of the right, Jorge Alessandri, by one percentage point, and leaving 28 per cent for Radomiro Tomic, candidate of the Christian Democratic Party which was in power before Allende.

Since then, Allende's "Unidad Popular" has increased its strength at the polls; and with the world watching the Socialist-Communist alliance has moved skillfully ahead on its "road to socialism."

A week before the rally, however, the new government and Chile were jolted by the terrorist killing of a prominent conservative politician, Perez Jugovic, the former Minister of Interior.

Violence, traditionally, has not been part of Chilean politics, and now Allende needed to stage the rally to show that Chile was still nonviolent—Chile was still intact.

To show this, he delivered a vigorous, two-hour speech in the open plaza, dramatizing his own confidence—and Chile's.

Throughout the evening, however, floodlights dramatized a contrary theme as they probed every shadow of the dark buildings around the square, looking for snipers.

While Allende spoke boldly and forcefully, the prowling searchlights dramatized not Chile's confidence, but its rising mood of doubt, and its apprehension.

"VERY CIVILIZED"

On a visit to Chile today, one finds both themes in the attitudes of the people.

On the one hand, they show a vigorous political freedom and tolerance, suggesting that the country's democracy remains strong. This is traditional, and it is more traditional in Chile than in any other country of South America.

Not long after the mass rally, Domingo Santa Maria, a Christian Democrat and former ambassador to Washington, said in an interview that the most important thing was "that the rally was held and nothing happened. . . . Not even a window was broken."

"I am happy that we are still a very civilized country," he said.

But now, on the other hand, there is a darker side of Chile: anxiety, polarization, talk of danger, and even—here and there—a fear of broad-scale violence. So far, it is only talk.

Such talk comes from Nena Ossa, a bright, outspoken writer for "PEC," a conservative weekly.

"In Chile before this nobody killed anybody. We never had armed commandos. We never had a president who couldn't walk freely in the streets of Santiago. We never had hate among Chileans. Now there is hate," she said in an interview.

If you judge by the slogans, she appears to be right.

Chilean peasants and workers, cued by a virulent, left-wing press, talk against the upper classes, condemning them as "mommios" (mummies), a favorite epithet.

One-fifth of Chile's population is European in background, and the rest is Mestizo, a mixed Spanish and Indian ancestry. Many of the "mommios" are European.

"There is hate being created in the lower classes," Mrs. Ossa said. "They consider that we're Europeans who took South America away from the South Americans."

In June it is winter in Chile, and on that cool night in the Constitution Plaza, part of the crowd warmed itself suddenly by jumping up and down to a spontaneous chant:

"Death to the mommios, death to the mommios."

But their manner belied their message. Like mischievous schoolboys, they laughed in surprise at their daring. They didn't seem to mean what they said.

Vendors at the rally sold another slogan, another paradox. This was a plastic souvenir poster with portraits of a new Latin American trinity: Fidel Castro, Che Guevara, and Salvador Allende, above the words "Chile and Cuba—free countries of America."

This is like one of the slogans painted in large, brilliantly colored letters along the highway into Santiago from the city's Pudahuel Airport: "Cuba no esta sola"—Cuba is not alone.

Chile's Marxist and non-Marxists alike emphasize that their country is not Cuba. Of course, they are right. Allende himself has stressed the obvious difference, observing that Cuba's was "a revolution that attained power with arms in its hands," whereas Chile, he insists, is embarked on "a revolution which we are going to do by legal means"—that is, without violence.

Even Allende's opponents are convinced he is sincere in his commitment to orderly change.

But doubts are stirred not by the commitment, which the government, so far, has been carrying out. Instead they stem—again—from the contradictions, from the fact that while Chile still lives in peace it talks of violence.

A typical example was the sudden comment by a young architect who had pointed out, with much enthusiasm, the magnificent new campus being planned by Chile's Catholic University. Most of the buildings are still on the drawing boards, and he was speaking confidently of their reality in the future. But later the conversation turned to politics, and he interjected:

"If there is a civil war in Chile, I hope your country will not intervene."

This surprising talk of possible violence has come even from Allende. "The right of our political enemies will be respected as long as they express themselves through legal means," he told students earlier this year at the University of Concepcion. . . . But if the dam of legal channels is broken and if other people utilize counter-revolution and wish to use reactionary violence, I have said it as a candidate and I say it as a president, we will use the force of the law and if there

is not time to apply it, we will oppose reactionary violence with revolutionary violence."

Yet, while Chileans talk the language of polarization, they still continue to mingle, and mingle closely. Many people of opposing political creeds are related by family; it is a small country crowded against the sea by the towering Andes. Here, too, is the paradox: the people are sharply divided, but they still remain close. Even Mrs. Ossa acknowledges she "can still talk to anybody who's not a young fanatic."

An example of this was an experience one night in a famous Santiago hangout. A Chilean friend came to the city from his magnificent hacienda in the countryside. Most of his vast farmland estate has been expropriated by the new government, and he is bitter. After baring his opinions, he asked me to change his name for publication. So call him Valdivia—Eduardo Valdivia.

Valdivia and his friends decided to drop in on a famous nighttime hangout in the city called La Pena De Los Parra, where young leftists gather at tables crowded in a suite of darkened rooms to hear political folk songs.

No one batted an eye when Valdivia, an arch-mommio if there ever was one, parked his Cadillac in the alley and led our small group inside.

Against an adobe wall, on a makeshift platform, a bearded youth picked his guitar and sang. "Now we have a new country, and justice is here at last."

When the singing was over, Valdivia engaged the young singer in political conversation. Valdivia talked excitedly, criticizing Allende and the Unidad Popular. He could understand their goal of redistribution, but he didn't like their methods.

Impassively, the younger man nodded. He understood. But before the September election, he was the protester. Now it was Valdivia's turn.

A crucial question in Chile is whether this deep strain of nonviolent socialability will keep the country together.

Domingo Santa Maria, the former ambassador, said he was glad that it is "still a civilized country." But he, too, is worried; and his worries are disconcerting.

He is now the financial officer for the Christian Democratic Party, the main element of Allende's opposition. The "Christian Democracy" is still the largest single party in Chile, having won 25 per cent of the vote in last April's elections (compared to 22 per cent for the socialists, and 17 for the Communists).

"I am convinced now," Santa Maria said, "that what Allende is trying to do—his attempt to take this 'second road to socialism'—is impossible without a very substantial political and institutional majority. But as of today, I don't see it happening. They are not building the conditions to bring about a rapprochement."

"Now, if rapprochement is impossible, then I don't know how he's going to do what he wants. And this is a political tragedy in the country today."

Instead of "building the conditions to bring about a rapprochement, Santa Maria said, the Unidad Popular has fostered the polarization, intensifying the partisan feeling that one is either with the "people's" government, or against it.

He appears to be right. To give one example, there are reports that Nemesio Antunez, the director of Chile's Contemporary Art Museum in Santiago, is now under great pressure from his colleagues in the art world, who are ardent Marxists, to declare himself a member of either the Communist or Socialist parties.

"Before," said Nena Ossa, "we were all Chileans. But now we must belong to a creed. One day they just close in on you, as they did in Cuba. Except that in Cuba, it was faster. In Chile, we are more sophisticated . . . more is at stake."

Most Chileans spoke quite candidly, but often asked that their names not be used. Typical was a health official who was a veteran of government service.

"Even if you are not prevented from talking openly," he said. "You feel a kind of oppression." He then described a recent, left-wing campaign of public vilification against another doctor who was accused—unjustly, he said—of malpractice.

He complained that the Allendistas "have been whipping up the people. In the past we didn't worry about politics until the elections came around, but now it touches everybody's life, every day. Physicians are being put under such tremendous political pressures that every day I learn of more who want to leave the clinics, or even the country.

"If the pressure keeps up," he said, "we're going to have a civilian revolution. . . ."

Almost startled by his own analysis, he then softened the diagnosis.

"But I have faith in this country, the government is bound to change its ways."

CHILE LEFTISTS SPLIT (By Douglas C. Wilson)

CONCEPCION, CHILE.—Salvador Allende, the self-proclaimed Marxist revolutionary who is now president of Chile, was booed recently by student comrades in a confrontation at the University of Concepcion.

The youthful audience had just heard the president of the student body, Nelson Gutierrez, express the feelings of Chile's extreme left:

"The seizure of political power by a social revolutionary force, the alliance of workers and peasants," Gutierrez said, "is only possible as a result of the class struggle reaching a maximum of confrontation—that is armed confrontation."

The young speaker went on to say that the left must press ahead toward a "dictatorship of the proletarians and the realization of proletarian democracy, which is democracy for a majority of the people and a dictatorship for a minority."

In an extraordinary rebuttal, Allende, who has chosen president of the country in a democratic election last September, rose to say politely that "comrade" Gutierrez was "mistaken."

At this point, there were boos, and Allende's words caught fire.

"I am not moved either by booing or by applause! I have been too many years in the social struggle to feel uneasy about some people rejecting my words. . . ."

"Here I have some quotations from Lenin—and do not boo me, because you will be booing Lenin, not me." Allende then read a quotation stating that Marxism has "nine chances out of ten to triumph without shedding blood."

"Marxist theory has taught us," Allende added, "that it is necessary to let the positive aspects remain in a society and to use them in the process of creating another society."

The Allende-Gutierrez debate is now famous in Chile. Gutierrez is not just a student leader. He is a prominent spokesman of Chile's revolutionary left movement (MIR), an armed extremist group which belongs to Allende's broad coalition, the Unidad Popular.

The remarks of Gutierrez showed the restlessness that the ultraleft is beginning to feel under Allende's careful leadership down the "peaceful road to socialism."

"Confound it!" Allende exclaimed to the students: "No one has ever brought about a social revolution in one day, nor in a year, but only in many years."

This family quarrel was of crucial importance, because it raised the question that most divides Chile's new, ruling coalition of Marxists. It is a question that may cause trouble for the future.

This issue involves the method to be used in bringing socialism to Chile: Should the country's "socialist revolution" be a slow, peaceful and orderly transformation, as most elements of the Unidad Popular believe? Or should it be quick and violent, as the MIR extremists say it must be?

Today Allende and the large majority of moderates in his Socialist-Communist coalition are having their way. Slowly, deliberately, Allende is revolutionizing Chile, converting the country from a capitalistic to a socialistic economy; but he is doing it through skillful compromise, and—though he may stretch the terms a little—he is doing it through "legality, constitutionality and pluralism."

In Concepcion, I listened to a Socialist and avid Allende partisan, Heriberto Espinoza, an officer of the Industrial Union at Chile's government-owned Pacific Steel Co. After speaking warmly of improvements in worker-management relations which have come about under the new government, Espinoza assured me that "the people are confident."

"It's only the frustration of minorities—small armed groups—that could lead to violence," he said. "But if that happens, it is something that the people of Chile will repudiate."

In the debate several weeks earlier, Gutierrez had pointed to one potential source of frustration for the far left when he suggested that the government should "decide justly not to pay . . . for the expropriation of copper."

The Marxist government under Allende is now deeply involved in doing just the opposite—negotiating payments to U.S. copper companies which have owned the principal mines in Chile's largest industry.

To illustrate the need for patience and compromise, after telling the students that "reality is stronger than theory," the president asked which of them "would dare to ask Fidel Castro to take the Bay of Guantanamo tomorrow, which is in the hands of the Americans?"

Reluctant to provoke the extremists, however, Allende has done little to prevent the Miristas from taking land within Chile—a practice they began during the previous administration of Eduardo Frei, the Christian Democrat.

The MIR is said to have only about 2,000 members, but the organization has precipitated widespread seizures of land by armed peasants in the countryside and by slum-dwellers close to the cities.

Allende and the MIR are both products of the Socialist Party, and it is said that members of Allende's personal body guard are drawn from the MIR.

It is, to say the least, an odd alliance. Yet despite the mutual toleration that has existed up to now between Allende and his radical left, the main backing for his moderate course of peaceful revolution comes from the 50-year-old Chilean Communist Party, which has long had a reputation of being one of the tamest and most conservative Communist organizations in the world.

The party is also well-organized, hard-working, and almost blindly faithful to Moscow.

Domingo Santa Maria, who was the Christian Democrats' ambassador to Washington under Frei, said that the communists in the new government—who head the finance, public works and labor ministries—are diligent bureaucrats who "work hard, appear humble, and behave very properly." He added: "They all look damn serious, and that confuses everybody. So far, they have shown the most conservative face."

This was accurate in the case of the two stone-faced Communist union officials in drab overcoats who accompanied Heriberto Espinoza during an interview at the steel

plant. They sat pretty much in silence and let the Socialist do the heavy talking.

"But are the communists honest?" Santa Maria then asked. "Or is it just a matter of tactics for the time being? That is the whole question."

According to some observers, the Communists have shown themselves to be adept at quietly consolidating their power within the government. In the ministry of health, for instance, the true strongman is not the minister, who is a Socialist, but his Communist deputy, Mariano Raquena, who heads the technical division.

One person who has watched developments in the health ministry concludes that "the Communists could never get a majority of popular support, but in terms of power, and in terms of patronage, the Communist Party could very well become the tall wagging Allende."

Today, however, the more immediate threat to the tradition and the stability of Chile may come from the younger, more impatient and dissatisfied element of the coalition—the ultra-left Socialists and the MIR.

There is little comfort in the words of one Chilean political analyst, Claudio Veliz, who has observed that Miristas "now find themselves in the unenviable position—for a left-wing movement—of having to depend on the failure of the Unidad Popular government for their survival, realizing that if the present government succeeds, their *raison d'être* will slowly disappear."

In one jarring episode last month, an extremist group brutally underscored the seriousness of this problem.

On June 8, terrorists in daylight machine-gunned a conservative politician to death as he drove near his home in Santiago.

The victim, Perez Jugovic, had served as interior minister in the past administration of President Frei. For many months the left had waged a campaign of newspaper attacks against Jugovic, holding him responsible for the killing of 18 armed workers by police in a 1969 uprising.

The men who killed Jugovic were members of a violent leftist splinter group called the Organized Vanguard of the People (VOP)—reported by some to be an offshoot of MIR.

In speeches given after the killing, Allende condemned the VOP as "delinquents" but also hinted that they may have been used by the right in "deliberate attempt to alter the march of the country."

More believable, though, was the reasoning of Fernando Leniz, president of Santiago's leading morning newspaper, *El Mercurio*—the most even-tempered of the city's many dailies, which cautiously opposes the government.

In an interview, Leniz reasoned that the killing was "most logically related to the spirit of the extreme left, to the people who say that a violent confrontation is inevitable and that a peaceful revolution won't work."

Whatever frustration drove the VOP to kill Jugovic, the killing probably will mean more frustrations for Allende, because the episode—added to other, less spectacular actions by the Left—has stiffened the non-Marxists, especially Christian Democrats, in their opposition to the Unidad Popular.

Non-Marxists still command a majority in Chile's Congress, and if they throw new obstacles in the coalition's path to socialism, the ultra-left may be strengthened in its family argument that the revolution can be won only through a violent confrontation.

Would Allende then try to save his ideological marriage on the left by subscribing to a harder line? Or would greater obstacles to his Marxist reforms lead him to greater compromises with the opposition? The answer remains to be seen. More concessions toward the right, of course, would mean still more discontent among ardent leftists.

Against this setting, there are still many optimists in Chile.

More than one Chilean argues that if a crisis develops, the armed forces will guarantee the safety of the constitution and democracy in the Country.

"Our army and navy are absolutely constitutional and will be able to enforce the constitution and the law," Sergio Diez, a leading member of the conservative National Party, stated in an extended interview. "The army would not let us take over an election that we did not win. But they will allow us to take the positions that we do win. "Because of this, there's a good chance for a satisfactory outcome."

"Leniz talks hopefully, too: "It worries many of us that Allende has been very tolerant of groups of the extreme left, but it is a mistake to believe that he is soft. He appears to be a very strong man. And I believe he is honest—that he really intends to develop a different kind of socialism here and not pay the price that other countries have paid."

A week later, however, a talk with the publisher's younger brother, Patricio Leniz, a civil engineer, disclosed a less confident attitude: "I don't doubt Allende's intentions. What I doubt is whether he can carry them out."

OPPOSITION VISIBLE EVERYWHERE IN CHILE

(By Douglas C. Wilson)

NUBLE PROVINCE, CHILE.—Above the tiny village of Ninhue, 300 miles south of Santiago, there is a breathtaking view of the countryside.

Stretched nearly the width of Chile's central valley are rolling vineyards, olive-green hills dotted with magnificent dark eucalyptus trees, pine forests and tiny orchards, and foothills that rise to the Andes—the snowy "Cordillera" along the horizon.

On a visit to a large, spacious home for boys who are wards of a state-supported philanthropy called the *Fundacion Nino Chileno* on a hilltop, the splendid view made Chile's present political fever seem somehow remote.

Yet even here the signs of political controversy were close at hand. On a rough boulder by the roadside, the name of Jarge Alessandri, presidential candidate of Chile's conservative National Party in the past election, stood out in bold letters.

Ricardo Henriquez, an idealistic 25-year-old who directs the boys' home, said his own preference in the election had not been for Alessandri. He had voted for the winner, Salvador Allende, and his Marxist coalition.

But the opposition, like the advertising of the past election, remains visible everywhere; and ever since his election 10 months ago, Allende's ruling alliance of Socialists and Communists has had to live with it.

Executive power in Chile is now in the hands of a Marxist coalition, but the Chilean Congress and the country as a whole are still divided, roughly half-and-half, between the Marxists' supporters and their opponents.

When I saw the disciplined ranks of nearly 200 children at the boys' home, it occurred to me that an institution of this sort might be one of the first places a strongly Communist regime would try to mold to its purpose, by introducing one sort of youth indoctrination program or another.

I asked Henriquez if there had been any such attempt at all, and he was quick to say that there hadn't.

"It would have to be done by force," he said, "because our inspectors wouldn't allow it. There would be open resistance if that happened."

The young director went on to say that he expects Allende to improve the conditions of the poor in Chile.

"But if the reforms are not made," he

said, "the people will vote for the opposition and against Allende."

There are many people in Chile, older and probably more knowledgeable than Henriquez, who share his faith in the durability of the country's democratic process and stand ready, it appears, to resist anything that would smack of totalitarianism.

Domingo Santa Maria, financial officer of the Christian Democratic Party, reminds foreign visitors that the Allende coalition of the *Unidad Popular* faces two opposition parties, not one; and he stresses that these two forces, the Christian Democrats and the Nationalists, are not united.

"These people are not organized as anti-Marxists," he said. "They are organized in favor of things, but not against anything."

However, as Allende presses ahead in his program to convert the nation's economy to socialism—a program fueled by the Left's emotional and highly-charged ideological fervor—polarization has been unavoidable. Allende's opposition is beginning to harden, and the recent assassination of Christian Democrat Perez Jugovic by ultra-left terrorists has accelerated the process.

Santa Maria acknowledged that the killing has "pushed the Christian Democrats away from the government into a tougher, more unified opposition."

As the Christian Democrats move away from Allende, they necessarily draw closer to the National Party on the Right. This development is warmly welcomed by a rising star and leading spokesman of the National Party, Sergio Diez, who believes there is one political question that overshadows all others in Chile today: "The issue," he said, "is what's going to happen to democracy."

Young, bald, and extremely vigorous, Diez is not one to mince any words. "I believe profoundly in the need to form a union of opposition to Allende," he said in his Santiago law office.

Diez is an active man who divides his time between National Party politics, law, teaching as a professor of political science and constitutional law at Chile's Catholic University, and participating in a weekly political discussion program that is nationally televised.

Taking note of the Christian Democrats' growing opposition to the Allende forces, he smiled cautiously.

"I'm no longer interested in pursuing any past quarrels with the Christian Democrats," he said, explaining that he now sees a good chance that an opposition unity can come about.

There are signs that he may be right. After the Jugovic slaying, for instance, the two parties—which together can command a majority in the legislature—voted out the pro-Allende congressional leadership which the Christian Democrats had earlier supported.

Still more significantly, the two non-Marxist parties have learned that they can put together a winning combination when they unite behind a single candidate, as they did in a special congressional election held last Sunday in the port city of Valparaiso. The Christian Democrats and the Nationalists, backing Oscar Marin defeated the government's candidate, Hernan el Cantro, a Socialist.

"Our political unity is going to occur naturally because of what's happening," Diez said. "It's not going to be imposed from above."

Former President Eduardo Frei, a Christian Democrat, still enjoys an immense popularity in Chile, and he provides a strong rallying point for Allende's opponents. Chile's presidents are elected to six-year terms and are not allowed two terms in succession; but Frei could run again when Allende's term is over.

While 1976 is a long way off, the former president stands as a real threat to the Marx-

ists' plans for the future. In the meantime, the first major test for Allende and his opponents will come earlier, in 1973, when nationwide congressional elections are scheduled.

The opposition has won early signs of encouragement, however, not only in Valparaiso. The University of Chile recently passed through a hotly-waged election battle to choose a university rector, and the candidate fielded by pro-government forces, Eduardo Novoa, was defeated by his non-political opponent, Edgardo Boeninger.

A few days before the campus election, Mrs. Francisca Prieto, a conservative woman in Santiago who had watched the race closely, gave me her view of the matter.

"I think it is important that the government take a good licking," she said firmly "so the opposition will appear strong and take heart. Then the government will know it has to watch its step."

In Chile there are no curbs on freedom of speech. If this is shown by outspoken people like Mrs. Prieto, it was dramatized even more on the night of June 6 when antigovernment partisans, angered by the Jugovic murder, went to Allende's palace and shouted "Assassin!"

This vigorous freedom of speech in Chile has been matched, up to now, by a robust freedom of the press as well.

The strongest evidence of press freedom is the bold, free-wheeling publication called "PEC," an arch conservative weekly. A full-page cartoon on the cover of a recent issue attacked the Left with typical fury. It showed several ranks of crosses marking graves in a cemetery, with a label taken from the Allende regime:

"La Via Chilena Hacia El Socialismo"—The Chilean Road to Socialism.

Santiago's newsstands are cluttered with journals of every opinion, although progovernment papers are in the majority. Tabloids, daily papers, and magazines in Chile are so numerous—and so clamorous—that when I raised the subject of press freedom with a Bolivian who works in the United Nations mission in Santiago, he laughed.

"Freedom of the press? Yes," he said, "there's too much of it."

Still, there are valid complaints about government and left-wing pressures on the printed media. These pro-Allende forces also are buying up radio stations, and there is concern about leftist control of the country's television channels.

Government tax officials have troubled the managers of *El Mercurio*, the country's independent, leading newspaper, with a lengthy investigation of the paper's finances. More subtle and indirect is the potential pressure that may come from the pro-Marxist reporters' unions, which called recently for gaining control over privately owned newspapers and declared that the credo of "objectivity" in journalism is simply a bourgeois tool used to stand in the way of the revolution.

At *El Mercurio*, however, the publisher, Fernando Leniz, is still optimistic about both the printed and broadcast media. Late one afternoon he listened in his office to a transistor radio for latest developments in the Jugovic killing.

Political editorials were being broadcast by one political group after another. In one strongly-worded message, a spokesman for the Christian Democrats blamed Allende's coalition for creating a "climate of violence" and called on the government to suppress, immediately, all of the armed extremist groups in the country.

"So you see," Leniz said as he switched off the radio, "there is still freedom of expression."

Events other than the assassination, of course, also have disturbed the opposition. One of these is Allende's relentless program

of nationalizing all of Chile's banks, accomplished through a combination of stock purchases and harsher methods such as government or union intervention and heavy fines for banking irregularities.

"I don't believe that what they're doing is illegal," said Santa Maria, the Christian Democrat. "But the problem is that they're taking over the banking system through legal gimmickry, without going to Congress with a proper law which we could discuss and maybe approve, after full debate."

There is the understandable fear in many quarters that Allende's Socialist revolution in the economic sector, his goal of complete state control over the country's sources of credit as well as its industries, would give the Marxist government its ultimate power: the ability economically to control all other enterprises, including the press, if it chose to do so.

This is the main reason that the National Party spokesman, Diez, believes that democracy now is at stake. But he is not pessimistic.

"Complete state control of the economy would make an electoral defeat of Allende's partisans difficult," he said, "but not impossible. The Chilean is a very practical person. If he sees that a particular government has done him great damage, he can easily turn against the party in power."

A chief concern of his is Marxist control of Chile's television. Diez speaks energetically against Allende's policies almost every week on a Sunday "talk" show, but he is concerned about an increasingly Marxist slant to the broadcasting on the country's five channels, all of which are controlled either by the government or by the leftist universities.

"It's not the programs as such," he said, "but things like the way the news is read and the clever way the cameras are used either to 'sell' something or degrade it."

An American who is officially stationed in Santiago reports "a progressive disappearance of what we would call objective reporting on television. The opposition is not getting a fair shake any more," this observer finds, "though things are still open to some give-and-take. Almost every prominent anti-Marxist commentator has disappeared from broadcasting."

Inevitably, there are some Chileans who have chosen to leave their country rather than stay and live under the Socialist-Communist regime.

A civil engineer explained his own mixed feelings on this score. For the present at least, he is staying in Chile.

"It is not an easy decision for anyone," he said. "Personally, I find it very interesting to be here and observe. But I don't know up to what point it is good for me to share the problems and dangers with my family. After the election I thought the picture was very black. But so far, things have not been so bad as I feared."

It is reported that between 400 and 600 Chileans have sought asylum in the United States. Hundreds of others have moved to Australia. An administrator in Chile's National Health Service told me that 15 per cent of the professionals in that agency have left the country.

"If we begin to lose our skilled professionals, medical doctors, and engineers in a country this size," Santa Maria said, "it is very difficult to replace them. I'm not so sure we can replace them. If it became a significant flow it would be very bad for the country."

The situation is nothing like the exodus from Cuba, however. In Chile, most of the Marxists' opponents are staying, and they are staying as a force to be taken seriously.

Sergio Diez, who thinks that bright possibilities lie ahead for the anti-Marxists, said confidently that "not many Chileans are going to leave."

"Most Chileans will stay," he said. "They will stay here and fight for their rights."

CHILE'S LAND BARONS NOT INVESTING

(By Douglas C. Wilson)

NUBLE PROVINCE, CHILE.—In the vineyards of Chile, June is the time for pruning. But the vines on the slopes around Eduardo Valdivia's hacienda last month were left untouched. They covered the rolling land in a spidery tangle.

Valdivia, one of Chile's land barons, is like many aristocrats in the countryside who are now the targets of Marxism under the government of Salvador Allende.

Faced with an uncertain future, he is not investing anything in agriculture for the time being.

This is true at many other large farms in Chile. And because of this situation, farm production is almost certain to fall off sharply—development that spells trouble for Chile in the year ahead.

What's more, the signs of a falling agricultural economy may be only slightly more ominous than the stormclouds now threatening the country's economy as a whole. Thus, the new Marxist government faces a serious prospect as it tries to maintain stability while converting the country to out-and-out socialism.

Valdivia wore a harried and tired look when I visited him recently at his century-old farmhouse in the rich Central Valley south of Santiago, near the village of Ninhue.

"I should be pruning the vineyards," he said. "But who's so crazy that he starts pruning what he may not own? They won't guarantee that I own the grapes, so why should I invest 60,000 escudos in having them pruned?"

In its effort to speed up land reforms, the Allende government plans to expropriate 1,000 large farms this year. Valdivia's 6,000-acre farm is already in the process of expropriation; and while the law, he said, entitles him to buy back a "reserve" consisting of the house itself, and a parcel of land around it, the government isn't making any promises.

So the work in the vineyards has stopped.

The story is much the same at other farms, and the results are being reflected in more ways than one. There has been a drop in seed and fertilizer sales; and the country has just arranged to import 100,000 tons of frozen chickens from abroad, in a drastic turnabout from the problem faced only a year ago when there was overproduction in poultry.

Valdivia warmed his hands impatiently one night over an elaborate kerosene stove as servants brought food and bottles of wine to the dining room. Coals were dying before the hearth—an area taken up by Valdivia's large retriever dog—while the globes of a handsome Victorian lamp, hung from the shadows of the ceiling, cast a pale light over the shuttered windows, the heavy, antique furniture, and the settings of silver and linen.

It wasn't hard to feel that Valdivia and his way of life were something that is ending in Chile, and ending fast.

He said there are now only nine helpers at the farm.

"I keep paying their wages. For what? For nothing in the end, I suppose. But if I don't pay them, they will turn against me," he said.

Their net wages are 20 escudos a day, equivalent to \$1.40 at the official exchange rate but actually worth less than a dollar. The campesinos live on the farm, with the house servants quartered in a wing of the hacienda.

While Valdivia's people would not "turn against him" in any personal way, they are excited about the changes that lie ahead.

They are not so excited about the changes being planned by the Marxists.

It was on a Saturday that they and other campesinos from the farms in the region were called to a special meeting in Ninhue to discuss what would be done with the expro-

riated farmlands. Wearing wide-brimmed hats above their ponchos, they left their adobe cottages and walked or rode horseback on the hilly dirt roads to the village, where government and union officials called the meeting to order.

The campesinos originally had been led to believe that the new land would be divided up among them. In the past month, however, the officials had talked of a new plan: certain farms, like those around Ninhue, would become "regional enterprises"—in effect, state farms.

One villager, Diaz Ramirez, told me that the campesinos were "disillusioned."

"Everybody thought they would get land and be owners," he said. "Now, instead of everybody getting a little piece, it's going to be communes."

But the campesinos have yet to be persuaded. They voted overwhelmingly at the meeting against the "regional enterprises" and in favor of the earlier plan for separate landholdings, called "asentamientos."

Galvarino Andrade, president of the farm worker's union in Ninhue, told me the next day that the government would try again. "Since the people aren't used to this kind of arrangement," he said, "we'll have to educate them."

Were the "regional enterprises" to be modeled on the state farms in Cuba or Russia? The question puzzled Andrade. Finally he answered, "We have no vision of that. We are new in this. . . ."

In the process of taking over farmlands and setting up a new agricultural system, Allende's Marxist "experiment" must contend not only with a drop in farm production, but also with this uncooperative spirit of would-be capitalism among the peasants.

To be sure, the government so far has won the strong backing of the country's poor. In less than a year's time, by forcing employers to pay much higher wages while they freeze prices, and by sharply increasing the money supply, Allende has substantially raised the workers' standard of living.

The streets of Santiago are filled with the clattering traffic of trucks and patched-up American and European cars from the 1950s. Thousands of tiny stores line the narrow passageways that honeycomb city blocks, and these are crowded with hurrying shoppers now caught up in a spending spree that rivals the rush at Christmas.

I talked with a nurse who works in one of Santiago's worst "callampas"—the "mushroom" slum areas that fester on the edge of the city.

The stretching miles of wretched, tumble-down shacks reminded me of a comment which had been made by another Chilean as he explained that most of the country's politicians—Marxists and non-Marxists alike—recognize the need for reform.

"In a country where so many of the people are poor," he said, "it's awfully hard to support the status quo."

The nurse spoke of the new government's efforts to change the status quo in the callampas. Some roads have been paved, sewers have been built, community telephones have been installed, and bus fares have been cut in half.

Allende also has introduced a massive program to provide all slum children with half a liter of milk every day.

"The people," she said, "are happy about the changes."

But while Chileans are getting and spending now, many observers fear they will pay later. They say that shortages will occur and production will suffer as the nation makes the radical shift from private to state-controlled enterprise.

The dominant copper-producing industry, the key to Chile's economy, is under severe strain as the new government moves rapidly to nationalize the large American-owned

mines. A major problem in this all-important sector has been the flight of skilled professionals. More than 100 top technicians, mostly Chileans, have left the big El Teniente mine, for example; and operations there are said to be near chaos.

Allende has announced that the present rate of copper production is eight per cent above last year's figures. This is well below the 40 per cent increase which had been predicted earlier; and some even dispute the eight per cent figure, saying production may actually have dropped instead by nearly 12 per cent.

There are other signs, too, of potential trouble. Chile's foreign currency reserves are said to have dropped from \$480 million to about \$220 million since Allende took office. The government stopped releasing its balance-of-payments figures last January.

"That in itself is enough to make any banker nervous," observed an American banker in Santiago. It is estimated that a decline of only 10 per cent in the country's agricultural production would lead to a program of food imports costing \$400 million in foreign reserves.

"And with all of the foreign interests that the government is buying," the banker said, "the debt they'll have to service annually could be high. That won't leave all that much for their plans and programs."

Chilean economists have recently visited foreign capitals on both sides of the Iron Curtain in an urgent quest to open up new lines of credit; but some old lines are drying up as international bankers decide to hold off on new investments, being skeptical now about the country's economic reliability.

Domingo Santa Maria, who at one time served as minister of the economy in the administration of the Christian Democrats under Allende's predecessor, Eduardo Frei, said Allende "is beginning to understand that he may have trouble if he's not able to create a kind of mystique (to stimulate increased production by the workers). But the workers have not been convinced that their revolutionary duty is to work more," he said.

At his farm in Ninhue, Valdivia said caustically that falling production should not surprise anyone.

"Allende's been raising wages and freezing prices, and the Chilean would have to be a damn fool not to discover that he should simply work less," he said. "Instead, Allende should lower their wages but increase their share of the profits. That's the only bloody way he'll make them trot."

Calmer, but no more cheerful, was the judgment of Fernando Leniz, publisher of *El Mercurio*. "My personal fear," he said, "is that if we have severe economic trouble, the government will have to put the blame on someone. Most of Allende's people are moderate Socialists and Communists. But the more severe conditions become, the more radical the moderates will become."

This political danger is probably the greatest harm that could come from economic troubles in Chile. A turn to "more radical" policies could mean harsher steps by the government to confiscate farmlands, business and industry, with no compensation to private owners. It might also bring about repression and more government control; and it certainly would sharpen the conflict between the pro-Marxist forces and their opponents, pushing them closer to violence or driving more and more moderates out of the country.

Here, Allende is not reassuring. The President has warned that "a government must weigh what obstacles it will encounter. Perhaps if obstacles are artificially created, if there is conspiracy by ultrareactionary sectors, if the current attempt to provoke economic chaos is accentuated, we'll be forced to take our steps more quickly and decisively—that is, the process could be radicalized, not

because we want it to be, but because we have no other choice."

IN CHILE, A NEW CASTRO? (By Douglas C. Wilson)

SANTIAGO.—When partisans of the government rally in Chile, workers carry the red flags of communism and students wave portraits of Che Guevara, Fidel Castro, and a third, new Marxist hero in Latin America.

The newcomer is Chile's own head of state, Salvador Allende.

The year before Allende came to power, President Nixon sent New York's Gov. Nelson A. Rockefeller on a fact-finding tour of Latin America.

Rockefeller returned with a grim warning. "At the moment," he wrote in 1969, "there is only one Castro among the 26 nations of the Hemisphere. There can well be more in the future. And a Castro on the mainland, supported militarily and economically by the Communist world, would present the gravest kind of threat to the security of the Western Hemisphere and pose an extremely difficult problem for the United States."

Now, less than two years later, a superficial glance might suggest that Latin America does harbor a new "Castro on the mainland"—another Cuba. Bright murals in Chile proclaim that "Cuba is not alone" and link Chile and Cuba together as the only "free countries of America."

But a closer look shows that Castro's Cuba and Allende's Chile are alike only in the sense that they both embrace Marxism as their official ideology and show friendship to Communist countries which share this outlook.

By itself, this does not present "an extremely difficult problem for the United States."

Unlike Castro, Allende came to power peacefully, through a democratic election; and unlike Cuba, Chile is a civil-libertarian democracy where the government still faces a viable opposition.

Unlike Castro, Allende does not encourage violent revolution in neighboring countries. Unlike Cuba, Chile is not located a sensitive 90 miles off the U.S. coastline; and unlike Castro, Allende has not allowed foreign powers to use his country as a base for offensive weapons.

Allende also has not seized U.S. properties in his country without taking steps toward compensation. In Chile the most important properties are the largest copper mines, which until now have been owned jointly by U.S. companies and Chile.

In yet another distinction between himself and Castro, Allende is being careful to preserve political and economic ties with the United States and the rest of the Hemisphere.

It is for some of these reasons that the United States, in turn, has not broken its ties with Chile, as it did with Cuba; has not staged a Bay of Pigs invasion of Chile, as it did with Cuba; and has not moved to isolate Chile politically and economically, as it did with Cuba.

In Washington, a Latin American specialist expressed the prevailing opinion when he said, "There is a pretty widespread feeling that so far, the United States has behaved in a much more relaxed and sophisticated manner than a lot of people would have anticipated."

He reported that in private conversations recently, one fascinated observer, India's ambassador in Washington, has been "almost lyrical in his praise of U.S. policy toward Chile, saying that it demonstrates much more maturity that we have demonstrated in the past."

But U.S.-Chilean relations are sensitive nonetheless and the future is far from clear.

The problem is not that Chile under Allende is likely to follow Cuba's lead, either

domestically or internationally. The danger, instead, is that events—sooner or later—might lead to similar results by pushing Chile toward a Cuba-like position in its relations with the United States.

This would happen if the policies and actions of the Chilean government turned sharply antagonistic toward the United States, or if—on the other hand—Washington antagonized Chile's new government and drove it to such hostility.

"Another Cuba," in this sense, might evolve; and two Cubas would be a new political force to reckon with in the Hemisphere—one whose very existence could further divide the region and add to its problems.

In neighboring Argentina, the Chilean situation already stirs mixed feelings on the part of one observer, Albert Gainza Paz, director of *La Prensa* in Buenos Aires and the dean of all Latin American newspapermen.

"Most Argentinians don't want to follow Chile," he said one evening recently. "For one thing, there is a natural desire not to imitate a neighbor with whom we have many problems. But the fact that we have a Communist-oriented regime in Chile is a constant threat to all other Americas, it encourages all the leftists and gives them hope."

Yet the Americas—including the United States—have maintained cool but correct relations with Allende; and so far the dangers of "another Cuba" have been avoided.

President Nixon has said that U.S. policy in Latin America is to "deal with governments as they are." He explained that "our relations depend not on their internal structures or social systems, but on actions which affect us and the inter-American system."

The new Marxist government in Chile "is a case in point," he said, and the United States would "therefore observe closely the evolution of Chilean foreign policy." For one thing, we would expect Chile to recognize "international rights and obligations."

The President's words were couched in generalities, but their meaning was clear:

The United States will not become antagonistic toward Chile simply because that country's new, governing coalition of Socialists and Communists is moving toward Marxist control over Chile's internal affairs. We will worry, instead, about measures which might be hostile to the interests of the United States or other American countries.

The President's meaning is clearest when he refers to "international rights and obligations."

In a word, he means copper—the most direct interest that American private enterprise, if not the American government, has in Chile. Just now, this is the most immediate concern of the administration as well.

One U.S. diplomatic source is blunt about it. He said there are still "some corners to be turned" in our relations with Chile "and their names are Anaconda, Kennecott and Cerro."

The mines of all three copper companies are to be nationalized in a unanimously-supported move by the Chilean government to gain full control of the country's principal resource.

Copper accounts for three-fourths of Chile's export earnings. The government expects to take in \$800 million a year from foreign sales of the copper from the Anaconda, Kennecott and Cerro Corp. Mines.

U.S. government officials have no quarrel with nationalization; but they stress that Chile must provide adequate compensation to the owners.

The nationalization law which Allende signed last week allows for compensation; the copper companies still have from three to six months to work out the terms with his government. Behind the scene, U.S. Embassy officials in Santiago are working as midwives, discreetly helping to smooth the

way for settlements satisfactory to both parties.

One American directly involved in this process said the U.S. officials hope Chile will agree to pay book value, at least, for the properties. He said the market value of the holdings is 50 per cent above this.

The picture is complicated, however, by conflicting figures and the likelihood of substantial adjustments. One estimate is that the three copper companies, combined, have a net investment total of \$700 million in Chile. But Allende is authorized to deduct the companies' "excess profits" from this figure; he also can make other adjustments for "mine depletion."

Washington does have one direct financial and diplomatic stake in the matter: If the companies don't like Chile's terms, they may throw in the towel and instead collect their insurance from the Overseas Private Investment Corp., a U.S. government-supported agency.

If this happened, the government itself would be billing Allende. "This would make the United States into a collection agency," an American spokesman explains, "and that isn't the sort of thing that satisfactory relations are made of."

Chile's impending takeover of properties held by U.S. copper interests is now the most active issue between the two countries. But despite Nixon's hands-off policy, internal developments in Chile could also have major consequences for U.S.-Chilean relations.

While Allende tries to carry out his "peaceful revolution" at home, his progress may be frustrated as more radical leftists try to speed up the process and conservatives mount new efforts to slow it down.

Economic hardships, which also threaten the country, would make matters still worse.

One prospect, considered by Zbigniew Brzezinski, a leading U.S. authority on Communist affairs, is truly black. He has suggested that "the internal dynamics in Chile are likely to polarize the country and introduce a vicious spiral; the flight of capital will compel the government to tighten the belt; internal difficulties will prompt charges of sabotage; repression will heighten political insecurity; heightened insecurity may lead either to a left dictatorship or a belated military coup."

While Brzezinski's picture is overdrawn because it fails to account for the durability of Chile's democratic tradition, it does highlight the trouble spots.

Under pressure, Allende might very well make more concessions to his left than he does to his right. After all, the radicals on his left are part of his coalition; the conservatives are not.

The radicals could not prevail on domestic issues without running up against strong pressures for moderation from the coalition's Communists, who prefer orderly change. But both groups have one thing, at least, in common: They are more antagonistic toward the United States than Allende is himself.

The radicals emulate Castro's revolution, with many contending that revolutionary change can come to the rest of Latin America—even Chile itself—only through violence. The party-line Communists, on the other hand, are non-violent; but they have a strong penchant for blaming most problems on U.S. imperialism.

If Allende succumbs to pressures from either group, the government might take a more antagonistic anti-American line in the future.

Recent developments regarding copper show one way that the hardliners may affect U.S.-Chilean relations.

A month ago, it was thought that Allende and the Cerro Corp. had reached an agreement on the compensation Chile would pay for nationalization of the company's Rio Blanco mine. The payment was to be about \$55 million. This agreement has fallen through, however—vetoed, apparently, by

hardliners in Allende's coalition who said the figure was too high.

Last week Allende appeared to be moving even closer to a hawkish position as he charged the Anaconda and Kennecott companies with profiteering and mismanagement.

Allegations like these fit the Brzezinski thesis about "charges of sabotage." They also give Chile an excuse to pay minimal compensation to the Americans.

If Allende can still avoid antagonizing these U.S. interests on the copper issue, or at least avoid hostility toward Washington on other matters, and if Washington recognizes that other issues, in the long run, are more important to its interests than copper, then relations may remain on an even keel and continue to be "more relaxed and sophisticated than a lot of people would have anticipated."

GENOCIDE: SUITABLE FOR GENERAL AUDIENCES?

Mr. PROXMIER. Mr. President, a couple of years ago Michael J. Arlen, Jr., published a volume of his New Yorker magazine commentaries on television coverage of the war in Indochina. The book was entitled "The Living Room War."

It is not my purpose here to discuss the merits of Mr. Arlen's writings. But I do believe that it might be worthwhile to ponder for a moment the significance of his book's title. He was referring to the phenomenon of being able to watch actual combat scenes from the Asian theater on the evening news, while munching on a TV dinner amidst the comforts of home.

In other words, Mr. Arlen suggests that we in the home audience tend to become inured to the film clips of war brutality. After all, violence on the news programs is only sandwiched in between episodes of violence on the many espionage, western, and fictional-combat entertainment programs on the airwaves.

We Americans have lately been accused of becoming insensitive to violence and brutality. Although television has brought us closer to the violence of everyday life by enabling us to watch it on video tape, it has also pacified our natural sense of outrage by making violence seem almost acceptable. Or we may think that violence is certainly unacceptable, that it should be heartily condemned, but alas, nothing can be done to prevent it.

We become resigned to the use of violence, and that sense of resignation can be as tragic as the act of violence itself. That is why I urge the Senate to ratify the Genocide Convention soon. This treaty would establish genocide as an international crime and create procedures for trial and punishment of violators. I believe that U.S. ratification of the Genocide Convention would reawaken our citizens to the kinds of horrible crimes against which the Allies fought so courageously during the Second World War.

The Genocide Convention was inspired by civilized man's outrage at the infamous crimes perpetrated against masses of innocent people. Civilized nations vowed never to forget the criminal acts which took place during that time, and further vowed to take steps to prevent the recurrence of those awful events. That is why over 70 nations have officially ratified the Genocide Convention.

It is time for the United States to take the same step. It is time for the United States to join the world community in reaffirming our opposition to the crime of genocide.

In one of his more frequently quoted remarks, the French philosopher Albert Camus wrote:

Perhaps we cannot prevent this from being a world in which children are tortured, but we can reduce the number of tortured children. If we do not do this, who will do this?

By ratifying the Genocide Convention, the Senate will show to the world that the United States has risen to this noble challenge.

REVENUE SHARING AND ITS ALTERNATIVES

Mr. HUMPHREY. Mr. President, one of the best discussions of the pros and cons of revenue sharing that has come to my attention has just been published by the National Academy of Public Administration and the John C. Lincoln Institute, of Hartford, Conn.

The two organizations convened 26 leaders in the public administration field—including representatives of Federal, State, and local government—or a 3-day seminar at Hartford to discuss what they called "the federalism crisis." They debated the merits of revenue sharing, welfare reform, and expansion of categorical grant programs as alternative responses of that crisis.

At the end of the seminar, a statement was prepared summarizing the consensus of the participants. They concluded that the general revenue sharing proposal of the Nixon administration should be substantially rewritten, if it is passed at all. They enthusiastically endorsed the assumption by the Federal Government of full responsibility for public assistance. And they favored expansion of the categorical grant system, along with consolidation of the categories into block grants along the lines of—but not necessarily going as far as—the President's special revenue sharing proposals.

The seminar discussions were based upon three papers, by Prof. York Willbern of Indiana University, Assistant Secretary of the Treasury Murray L. Weidenbaum, and Lyle C. Fitch, president of the Institute of Public Administration, which is located in New York City. The summary of the views of the seminar was prepared by James L. Sundquist, a senior fellow of the Brookings Institution here in Washington.

I ask consent to have printed in the RECORD Mr. Sundquist's summary. I am advised that the publication containing all four papers is available to any Member of the Congress, upon request, from the National Academy of Public Administration, 1225 Connecticut Avenue NW., Washington, D.C.

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

REVENUE SHARING AND ITS ALTERNATIVES: A REPORT FROM THE HARTFORD SEMINAR
(By James L. Sundquist)

If the twenty-six men who met in Hartford, Connecticut, over three June days to discuss the crisis in American federalism are representative of the profession of public administration, then it is that profession's considered

judgment that President Nixon's proposal for general revenue sharing is not well-designed to overcome the strains and weaknesses in the federal system.

At the conclusion of their fourteen hours of intensive discussion and debate, most of the participants could be counted in two groups: those who approved general revenue sharing but favored major changes in the Administration bill, and those who would abandon general revenue sharing altogether and seek to provide additional federal assistance to states and local governments through other means.

As one of those means, the Seminar as a whole enthusiastically endorsed welfare reform. It was all but unanimous that the federal government should assume full administrative responsibility for public assistance, as the President has proposed in his Family Assistance Program, and should assume greater financial responsibility as well, at least on the scale he has recommended.

Most of the participants also favored expansion of the existing categorical grant system as a means of extending federal assistance, and they favored as a general principle the consolidation of narrow categories into broader "block grants," along the lines of—but not necessarily going as far as—the President's "special revenue sharing" proposals.¹

On the whole, there was more agreement than disagreement in the course of the discussions. The Seminar had little trouble agreeing on the advantages and disadvantages of each of the three principal alternative ways of providing additional federal aid to state and local governments. The disagreement was on the values assigned by individual participants to those advantages and disadvantages. Practitioners and students of public administration can claim no particular superiority in making value judgments. But if they can assert a special competence to assess the consequences of particular choices upon the federal system, then the points of consensus or near-consensus that were developed in the discussion, and the points of non-consensus that remained at the end, are worth attention.

What follows is an attempt to identify those points. It is labeled a report from, rather than of, the Hartford Seminar, since it was neither prepared nor reviewed by the conferees collectively. It is, however, based upon a transcript of the proceedings, and the rapporteur also had the advice of Seminar participants who reviewed an initial draft.

Three papers served as points of departure for the several stages of the discussion—York Willbern's outline of what is wrong with the federal system; Murray Weidenbaum's description of the Nixon revenue sharing plan; and Lyle Fitch's analysis of alternatives to that plan. The response of the Seminar to general revenue sharing and to the two principal alternative ways of aiding state and local governments—welfare reform and expansion of categorical grants—will be summarized in that order.

GENERAL REVENUE SHARING

Weidenbaum based his case for the Administration's general revenue sharing proposal on four arguments:

¹ At the conclusion of the seminar, each participant was asked to express his views in answer to a general question: Given the approximately \$9 billion set aside in the President's budget for major new forms of assistance to state and local governments (general revenue sharing, \$3.7 billion, and welfare reform, \$5.5 billion), how should that money be used to get the best results? The above generalizations as to the views of the Seminar, and other generalizations that appear below, are based on the responses to that question, as well as on comments made during the three days of discussion.

(1) It would ameliorate the "fiscal mismatch" between needs and resources.

(2) It would improve the progressivity of the national tax system as a whole.

(3) It would encourage government reform.

(4) It would decentralize power from Washington to the states and localities.

The Seminar agreed that the first three of these are desirable objectives, if they are in fact served by general revenue sharing. But the fourth provoked a debate over basic principles that remained unresolved. Weidenbaum, in urging decentralization to "reverse the course of recent history," contended that many of what have been labeled national problems—water pollution control, for example—are really local problems. The attempt to solve local problems from Washington, he argued, had attenuated state and local governments, reducing them to the role of agents of the national government. He was supported by some who deplored the incompetence of the federal government in discharging the responsibilities it had assumed. The national government is handicapped by weak party discipline, by the seniority system, by deadlocks between the President and the Congress, by cumbersome bureaucratic processes. "It is the inability of the national government to deal with problems that gives revenue sharing its plausibility," observed John Shannon.

Defenders of recent history responded that states and cities, too, suffer from the ills that handicap the national government—policy-making deadlocks, inertia, and administrative incompetence. They contended that state and local governments had in fact not been weakened but strengthened and broadened by being thrust into new fields of action. In any case, national leadership in setting national priorities and coping with current problems was indispensable.

Perhaps the consensus on this question, if one were reached, was that ideological disputation was fruitless. Moreover, it could only damage the revenue sharing cause. Among those who support the view that only the national government can set national priorities are many who are prepared to accept revenue sharing as itself serving a high-priority national purpose and hence not incompatible with their philosophy. To present the proposal as a rejection of that philosophy is to alienate potential support.

So that Seminar terminated quickly the ideological debate and concentrated instead upon a consideration of how well the President's revenue sharing proposal serves the first three of Weidenbaum's objectives. Is it the best instrument for correcting the fiscal mismatch—indeed, does it define the mismatch properly? Is it the best means of improving the equity of the tax system? Is it the most effective device for bringing about governmental reform? The consensus in each case, for reasons that will be set forth in the appropriate section below, was in the negative.

THE FISCAL MISMATCH

The term "fiscal mismatch" refers to the contention that states and local governments face far greater difficulty than does the federal government in raising revenues to meet the demands placed upon them. This disparity goes back to the nature of the two taxing systems. As the national income rises, the taxes upon which the federal government mainly relies (individual and corporate income taxes) rise automatically at a rate faster than income, while those upon which state and local governments depend most heavily (sales and property taxes) rise, in the aggregate, at a rate slower than the national income. Thus the federal government, as the economy has grown in the postwar years, has found it possible to reduce its tax rates repeatedly; tax cuts since 1964 amount to \$25 billion annually, at current income

levels.² On the other hand, state and local governments have been forced to raise their tax rates at regular intervals ever since 1945, just to keep pace with inflation and maintain a constant level of services.

City Manager John Wentz put the case for the cities:

"City officials are not advocating revenue sharing in the sense of raiding Uncle Sam's pocketbook, because it's worn thin, too, and we know it. It's just that, somehow or other, the cities need to be tied to an automatically-escalating revenue base. It's just coincidence, perhaps, that that happens to be the income tax as structured and collected by the federal government. It isn't that cities particularly like to go to the federal government; it's just that they will be underfunded as long as they are tied to a revenue base that doesn't grow at about the same rate as expenditures increase for continuing established service levels."

The cities' plea encountered some misgivings, expressed by various members along these lines:

1. The "crisis of the cities" is overstated. Sure, it is painful for city officials to reduce budget requests, deny wage increases, and raise taxes, but most cities have been able to balance their budgets and still maintain an adequate level of services.

2. Insofar as cities are in trouble, it is in part their own fault and within their power to remedy. They have yielded too readily to excessive wage and salary demands, and they have failed to insist upon reasonable standards of productivity. The normal work-week in the city of Newark, as an example, is thirty hours. Unrestricted funds to cities would contribute to salary and wage inflation because the supply of local government services tends to be inelastic. "Where funds are at hand, or where people have the idea they can get funds without going to the taxpayer, there is much greater pressure from the negotiating parties—such as unions—than there is where they have to go directly to the taxpayers," James Norton argued. "And the possibility of changing programs is much less if you have to do it out of unrestricted funds. So free money is not going to show up significantly either in program changes or in increased productivity."

3. The states have both the responsibility and the resources to rescue their cities. Not only are they abdicating their responsibility to the cities but they are compounding their default by asking for additional federal assistance themselves. If the people of the other forty states made as great a tax effort as those in the ten states with the greatest effort, Arthur Fefferman pointed out, they would raise another \$18 billion for state and local purposes.

4. The "crisis" is therefore not just a money crisis but also what William Robinson called a "crisis of citizen support"—political as well as fiscal. City executives do not enjoy enough citizen support for their taxing systems, which are challenged on equity grounds and yet must be turned to for annual rate increases. Nor have the cities been able to muster the political will in their respective states to cope with growing urban problems.

5. But the national government, whatever its political will, does not have unlimited resources either. It is currently running a large deficit, and its fiscal outlook is far less favorable than it was a few years ago, when the revenue sharing idea was first put forward. Moreover, if it assumes responsibility for solving the urban crisis, that will only set back the day when city and state governments will come to grips with problems of productivity, inflation, and inadequate revenue systems.

² Increases in social security taxes have offset part of this loss.

Despite these widely-shared misgivings, the Seminar did not deny that a mismatch, in some form and to some degree, does in fact exist. Nobody proposed that the pleas of the cities be simply rejected outright and the federal funds now set aside for revenue sharing diverted into another round of federal tax reduction. If the "crisis" is not universal, at least many central cities—overwhelmed with the problems of a poverty population as affluent taxpayers have fled to the suburbs—are in what Willbern called their "death throes" and desperately need a financial transfusion, and all cities are trapped by reliance on revenue sources insensitive to fluctuations in the economy. While instances of excessive salary and wage increases can be cited, that is certainly not the whole of the problem, and the facts about wage levels are by no means clear; some increases have been necessary to bring underpaid public employees up to the standards of their counterparts in the private economy. So some help, at least, is justified, and only the federal government is likely to provide it. Even if the problem is conceded to be, in large measure, a disparity of political rather than fiscal resources, then that too is a fact of life, and the superior political resources of the national community should be utilized to cope with the problems that states and cities have lacked the will to solve.

Moreover, the fiscal plight of state and local government is in part a reflection of the national government's own default, for some of the heavy burden placed on those levels—notably welfare and education costs—are for functions that are logically national responsibilities. The logical justification for the property tax, argued Carleton Sharpe, is to pay for services that benefit property. Welfare and education are services to people, not to property. They are "equality of opportunity" functions (in Wilbur Thompson's words) or "redistribution of wealth" functions (in Howard Hallman's), and opportunity should be equalized, or wealth redistributed, not just locally but nationally.

So the Seminar was unanimous that some kind of federal action was demanded. But insofar as local fiscal problems arise because inappropriate functions—that is, welfare and education—are made the financial responsibility of local government, the solution is not to pass funds down to the localities to help them support those functions, but rather to reallocate upward the basic financial responsibility. The Seminar therefore gave its specific support to the proposed reallocation of responsibility for public assistance, discussed below.

Even when that action is taken, some degree of mismatch will remain. But to cope with it, the Seminar would prescribe a course quite different from the one the President had followed.

The prime weakness in the Nixon plan, in the majority view, was that it dealt with only one aspect of the fiscal mismatch, and perhaps not even the most important one. While it would serve to reduce the disparity between the needs and resources of the federal government, on the one hand, and the totality of state and local governments on the other, it would do nothing at all to overcome the enormous disparities among the fragmented local jurisdictions that make up metropolitan areas. If the central cities had access to the resources of the rich suburbs that surround them, most of them would need no additional federal assistance. It becomes, therefore, "almost an obscenity," as one participant called it, for a federal revenue sharing plan to give as much—or nearly as much—assistance per capita to the rich enclave of Edina, Minnesota, as to Minneapolis, and even more to Beverly Hills, California, than to Los Angeles (even though these are exceptional cases). Inclusion of the Edinas and Beverly Hills among the bene-

ficiaries of revenue sharing might be required as a matter of political tactics, the Seminar acknowledged, but it could be defended on grounds of equity. Leaving political considerations aside, the members all but unanimously agreed that "the money should go where the needs are." The needs were in the central cities; the limited available funds should be concentrated there. There was no attempt to agree on any single distribution formula: to make more money available for the central cities, some would simply substitute a formula which gave far greater weight to need, but others would eliminate entirely certain classes of beneficiaries. Fewer than a third of the participants favored general revenue sharing aid to state governments. Only the same proportion would support aid for all local jurisdictions. The two-thirds, if they supported general revenue sharing at all, would confine it to the needy cities or, at most, cities and rural areas that demonstrated need.

The preference for needy cities over needy states reflected another point of consensus or near-consensus: the states have it within their power to solve their own problems, while the cities do not. Most state governments, dominated by rural and suburban interests, not only have refused to come to the aid of their desperate cities but have also failed to reorganize local government so that the cities can help themselves. They have acquiesced in the fragmentation of local government that has permitted affluent residents in each metropolitan area to flee the central cities for suburban tax enclaves and thus escape responsibility for shouldering their share of the fiscal burdens of the area. If the federal government gives aid to communities made up of persons dodging their responsibilities, it will be underwriting that undesirable trend and "rigidifying the fragmentation."

Proponents of including the states among the beneficiaries argued that to exclude them would be to encourage them to divest themselves even further of responsibility for urban problems. The object, they contended, should be just the opposite—and that course holds promise, for many states are already assisting local jurisdictions in a significant and constructive way. (New York, for instance, has a \$500 million revenue sharing program to aid its own local governments.) Altogether, the states now provide ten times as much aid to local governments as does the federal government. Cutting off the growth of those resources would be a major loss.

Moreover, the states, if they are not brought to change their attitudes, hold enormous power to thwart the cities. If the aid goes only to the cities, the states can simply cut back on present assistance so that nothing will be gained. "By-pass the states completely, and there are a hundred and one ways that they can take it out on local government," commented Shannon. "It will be the night of the long knives. The cities cannot afford to become wards of the federal government." And perhaps a factor contributing to the states' lack of leadership is financial stringency that has inhibited imaginative new departures in urban policy; revenue sharing would thus be a key to releasing the energies of the states.

Finally, if the federal system is a "system" at all, it would be folly to attempt to deal with pieces of the problem separately—without taking into account that those pieces must be put back together to operate effectively as a system.

But the majority was unconvinced. The states, in the majority view, are not standing by with innovative measures, just waiting for funds. Some participants expressed profound skepticism that state government can ever be reoriented toward a concern for urban problems, no matter what the federal government may do; for some reasons that are little

understood beyond the speculation in the Willbern paper, the combination of political forces that comes together at the state level seems to be inherently and inevitably less responsive to the large cities than those that come together at the national level. Most states, George Graham suggested, "have lost the habit of mind, the capacity, the willingness to be effective governing agents, in the sense that they take initiative, address problems positively, and devise programs." Dominic DeGuidice thought the states would be slow to create strong metropolitan governments that would "present elected state officials, particularly governors, with a direct challenge in terms of power and influence within the state." The national government should recognize, then, that city problems have to be solved through the combined initiative of local and national leadership, and that combination can best be effected through direct relationships between Washington and the cities without the intervention of the states. Other participants did not accept this line of argument but would exclude the states on the narrower ground that the cities' needs were so urgent that the limited funds should not be divided with the states. Little of the states' share it was assumed, would "trickle down" to the cities.

TAX EQUITY

No one denied that general revenue sharing would help to preserve the progressivity of the national tax system, insofar as it forestalled cuts in progressive federal taxes and retarded increases in regressive state and local taxes. But a given amount of federal assistance to state and local governments, whether \$3.7 billion or \$5 billion or more, would have approximately the same effect in any form in which it came—provided it was not financed by adoption of a regressive federal tax, such as a value-added levy—and an increase in federal aid, by itself, would appreciably improve the present degree of progressivity. That would depend upon the substitution of progressive taxes for regressive ones, primarily at the state level, and neither the revenue sharing plan nor its alternatives would influence the states to recast their revenue systems.

To those who felt most strongly about the objective of tax equity, the failure to seize upon the opportunity to bring about state tax reform was a major weakness in the President's revenue sharing program—as well as in most of the modifications of that proposal currently under discussion. The introduction of a broad new form of financial assistance into the intergovernmental system presents a chance to influence state and local tax structures that may never appear again. Yet, as proposed, the revenue sharing plan is not made contingent upon tax reform. It contains no requirement, or even any incentive, for states that have failed to adopt progressive income taxes to do so. It provides no bonuses for those that have. The President's proposal does offer rewards for greater tax effort, but it gives the same reward to states that increase taxes falling heavily on the poor as to those that increase taxes borne mainly by the affluent. It does nothing to bring about professionalization, and equalization, in property tax assessment. It would be a simple matter, contended Laszlo Ecker-Racz, to devise a revenue sharing plan that would serve these purposes of tax reform (a suggestion the Administration has not opposed)—but it would mean abandonment of the principle that revenue sharing should be "unconditional." Ecker-Racz also insisted that a tax credit plan could readily be developed as a substitute for revenue sharing, that would overcome the objections set forth in Weidenbaum's paper.³

³ See his "The Federal Income Tax Credit," Chapter 10 of *Federal-State-Local Fiscal Relationships* (Tax Institute of America, 1968).

GOVERNMENTAL REFORM

Tax reform is only one aspect of governmental reform at the state and local levels. The Seminar agreed with Willbern's identification of the major weaknesses of state and local government and agreed, also, that one of the criteria to be used in judging any revenue sharing or alternative proposal should be its effect upon those weaknesses. There was little sympathy for the suggestion that the federal government should refrain from passing judgment on state and local governments and leave it entirely to them to identify their own shortcomings and deal with them. The weaknesses of those levels of government are, in the general view, so important an impediment to the achievement of national objectives that they are in themselves a national problem to be solved through national action. Indeed, it is those deficiencies that have created the crisis of federalism that the federal government is now moving, through revenue sharing or an alternative, to meet. It would be folly, the Seminar held, if the federal government in pouring out funds to overcome the consequences of those deficiencies did nothing to remove the causes. As a condition of its grants, the federal government is duty bound to make certain that the recipient administrative organizations attain at least a minimum level of competence. Yet general revenue sharing ignores that necessity and, in the view of many Seminar participants, would actually reinforce institutional weaknesses by "handing out large chunks of money to incompetent organizations."

There is much precedent for federal action to bring about reform of state and local government. These precedents were cited:

- (1) Merit systems have been required in agencies administering federally aided programs.
- (2) Planning has been required as the basis for grant applications, and planning agencies have been financially assisted.
- (3) Councils of Government (COGs) and metropolitan planning agencies, with authority, have been created or strengthened as the result of financial assistance and requirements that applications for federal grants be reviewed by such bodies.
- (4) Multi-county bodies have been created in nonmetropolitan areas by state and local governments, as the result of federal initiative and assistance.
- (5) Citizen participation in planning and administration of various federally aided programs has been a federal requirement.

Individuals might disagree—and they did, in the Seminar—as to the desirability of some of these requirements. But in any case the efficacy of federal intervention has been proved. Through carefully-designed conditions imposed on grants, the federal government can now induce reforms of many other kinds. It can move to strengthen the power and administrative capability of governors and mayors. It can require an adequate fiscal effort by recipient governments. It can encourage tax reform. It can provide inducements, Theodore Smith suggested, for suburban communities to accept the movement of poor people out of the central cities. It can stimulate states to take the necessary initiative to rationalize—perhaps through two-tier government—the fragmented governmental structures in metropolitan areas. It can further strengthen the emerging multi-county coordinating bodies in nonmetropolitan areas and encourage the establishment of effective substate districts to administer certain functions. "Profound, fundamental, basis institutional reform" is needed in local government, Arthur Naftalin argued; that requires action by state legislatures, and state action will not occur unless the federal government offers "a great, big, irresistible carrot."

A general revenue sharing program might be made the vehicle for federal intervention

in some of these matters, but it would be un-suitable for most. Many of the structural reforms to be desired are too specific to be made conditions of a broad and general grant. Fiscal reform would be appropriate; revenue sharing could be made contingent, for example, upon state adoption of income taxes of a prescribed degree of progressiveness. But even in the fiscal field, a more direct and probably more effective way to bring about the professionalization of property tax assessment, for example, would be to provide federal assistance to help pay the salaries of professional assessors.

The participants expressed little support for the plan of Senator Humphrey and Representative Reuss to require the development of state governmental reform plans as a condition of revenue sharing. Since the state plans would be unenforceable, the planning process would be only an exercise. For most types of governmental reform that the national government might elect to foster, the categorical grant system provides the most suitable and effective means.

WELFARE REFORM

The Seminar was unanimous that the federal government should assume (a) administrative responsibility for the public assistance program that is now administered by the states and (b) greater financial responsibility for that troubled program.

A majority of the participants gave welfare reform a higher priority than general revenue sharing because major improvement is needed in the welfare system as an end in itself, quite apart from the fiscal relief it may give to state and local governments. Fundamentally, as observed earlier, welfare is a national—not a state or local—problem and should be accepted as a national responsibility. This is accomplished in the Family Assistance Plan proposed by the President. That plan places an income-redistribution function at the right level of government; "the local community is a very difficult arena in which to negotiate the transfer of wealth from the haves to the have-nots, for the constituency is too narrow," observed Henry Schmandt. Not only is it difficult but it exacerbates tensions in the community, as described by Fitch:

"It [local administration of welfare] gets in the way of the whole civic process and the civic debate. The city employees say, 'Why can't you raise our salaries instead of supporting those welfare deadbeats?' Then, when they do raise the salaries, the tax rate goes up, and the taxpayers say, 'Why do we have to pay higher taxes to support the welfare deadbeats?' The fact that the salary and tax questions are related doesn't come through, and the whole process of civic confrontation gets more muddled. I submit, largely as a trial balloon, that the process of civic debate would be enormously improved if you moved this and other income-redistribution issues out of the local and up to the federal arena."

In accepting national responsibility for welfare, the national government would at once raise to a minimum national standard the welfare payments in those states that now have deplorably low levels of public assistance. It would establish uniform rules for eligibility. It would extend assistance for the first time to the working poor. And it might reduce somewhat the migration of the indigent from the present low-standard states. In short, the assumption of welfare responsibility by the national government has the effect of a conditional grant, in that it accomplishes a national objective while providing financial aid as well.

From the standpoint of the states, there is little to be gained by the maintenance of a federal-state system. Policy directives from Washington to the states are profuse and conflicting. Federal departmental officials say one thing and General Accounting Office auditors another. "It's a long history of negoti-

ating back and forth," said State Auditor Ernest Davis, "and state legislatures become increasingly tired of being told, 'You have to do this because the federal grant requires it.' Let's get the states out of this business of simply being the sprinkler head through which all this federal largess flows. If you are going to have a federal welfare system—which is what we have—then let's get the states out of it altogether. There is no reason for us to be there."

As a form of financial relief for state and local government, however, welfare reform was criticized on two grounds. First, like revenue sharing, it does not necessarily channel the federal financial assistance to the places where the needs are greatest. The bill approved by the Ways and Means Committee would establish a uniform national standard of \$2400 for a family of four. States now paying less than that amount would be relieved of their entire welfare expenditure but states with the highest standards would receive proportionally less financial relief (though in many cases more dollars).

But, came the reply, the formula approved by the Ways and Means Committee is not the final one. It can and should be improved—this year if possible, certainly in future years. By any of several ways, financial aid could be channeled to the high-standard states that get no fiscal help from the bill now pending. One way would be to raise the \$2400 level. A second would be to establish differences in payments based upon living costs (high-standard states are usually also high-living-cost states). A third would be to provide for federal assumption of all or part of the added cost of maintaining payments in the high-standard states at their present levels.

A second line of criticism was that few cities would be directly helped by welfare reform, for welfare is a federal-state or federal-state-county function. To this the advocates responded that cities would get some help indirectly. If county taxpayers are relieved of welfare costs (less than ten percent of the total is paid by the counties), then those taxpayers who live within cities can be taxed more heavily for municipal functions. If the states (which provide 35 percent) are given fiscal relief through federal assumption of welfare burdens, they would be in a better position to help the cities. The governor of Pennsylvania, for example, has committed himself to recommending that any such relief to his commonwealth be passed on to local jurisdictions through state assumption of responsibility for financing education.

However slow, uncertain, and indirect any such aid to the cities might be, it was noteworthy that the Seminar appeared receptive to the argument that some aid would "trickle down" as the result of welfare reform—even though it had earlier rejected the same argument when it was advanced in support of including the states among the beneficiaries of general revenue sharing. If the prospects of any direct help for the cities as a result of aid to the states is the same in either case, the explanation for the difference in the Seminar's reaction must lie in its endorsement of welfare reform as a basic advance in public policy and administration apart from its fiscal impact. Welfare reform appealed to the participants precisely because it is a reform, while the absence of any kind of structural reform in unrestricted revenue sharing made it less attractive as an instrument of fiscal aid.

EXPANSION OF CATEGORICAL GRANTS

The Seminar agreed with the criticisms of categorical grants set forth in the Willbern paper. There are too many categories. They are too narrow. They are too rigid. Many have lost their relevance. The conditions imposed by the administrators are too detailed and too arbitrary. They result in red tape, misunderstanding, delay, tension and conflict between administrators at different

governmental levels. They enhance the authority of program specialists at the expense of governors and mayors, and lend themselves to influence and control by special interest groups. They vitiate local planning and distort local priorities; in Hartford, said John Walsh, \$1.5 million was being spent on low-priority streets, because of the availability of a federal grant, while high-priority arterials were neglected. As seen by the recipients, the categorical grant system has the inherent shortcoming of being categorical—it provides no relief for the increasing costs of basic state and city operations that do not fall within the list of aided functions. And if the fund distribution at any given time does not accord with state or local judgment as to priorities, neither does it embody a rational balancing of needs from the national perspective. The whole categorical grant system, in Norman Lourie's summation, reflects "professional self-interest rather than the public interest."

Yet two-thirds of the seminar participants advocated expansion of the total volume of categorical grants. Some of those specified their favorite categories—education, anti-pollution programs, urban programs, or something else—but all of them saw a need for the national government to establish national objectives, in whatever field, and employ the national resources for their achievement. If the proponents of general revenue sharing based their case in part on the view that decentralization of some of the decision-making now centered in the federal government will produce better decisions as to how the national resources should be spent, the proponents of categorical grants based their case on the opposite view—that only the national government can exercise the power and leadership necessary to solve critical social problems in a society whose economy is nationally integrated and whose population is highly mobile. The states and localities must be induced to use their own power and leadership in support of the national objectives, and the means of inducing them is the categorical grant. With all the acknowledged deficiencies of the existing categorical grant system, it had succeeded in concentrating the national energies on certain priority problems—the plight of the poor and the black, the needs of the cities, environmental pollution, and so on. Moreover, its deficiencies could be overcome. Rather than being scrapped, it should be repaired and utilized. And, said Phillip Hughes, such remedial action would not be insuperably difficult:

"We know we have too many categories, and we know what could be done about that, if we set out to do something. It would not be something that you could label 'new,' 'different,' 'spectacular,' 'power to the people,' and so forth, but it is doable and it would be profitable. And we know there are too many conditions on the categories that we have, and we could do something about that—tomorrow, the next day—by simply eliminating some of the review processes.

"It seems to me, the way out of our mess is to do what we know, with reasonable assurance, is worth doing. And, somehow, we avoid that, in the interest of remaking the world, and I think revenue sharing is an example."

Perhaps Naftalin expressed the central reason that brought from a majority of the Seminar its strong endorsement of expansion of the categorical grant system either as a substitute for, or a supplement to, general revenue sharing:

"The most urgent need today is for a definition of priorities, of what this nation ought to be doing. That definition cannot emerge from fifty states and countless localities. It is a study in illogic to devolve responsibility for making national policy upon units of government incapable of doing that.

To follow that approach would be to run away from responsibility.

"The only solution we have is to assist upon national attention to national problems—problems of wealth distribution, of education, of the social condition of the people, of drugs, crime, delinquency, and all that goes into that. As a mayor, I have found myself, personally, paralyzed in trying to deal with the problems of a locality when there is no national commitment. And if it's bad in 1971, it's going to be worse in 1975, because our needs are going to become more national. Nothing is going to happen at the municipal level until the states enable the cities to move, and the states aren't going to move until they move within the framework of a national commitment."

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RECENT CHANGES IN U.S. POSITION TOWARD COMMUNIST CHINA

Mr. DOMINICK. Mr. President, many people in this country are extremely dubious of recent changes in our position with regard to Communist China, particularly with the lack of apparent

reciprocal changes on the part of the Chinese. Mao's government continues to affirm its belief in the use of force to aid the "liberation" struggles of people everywhere.

A part of this skepticism can be attributed to increased Chinese efforts in Latin America, including the establishment of diplomatic relations with Chile, reestablishment of top-level diplomatic relations with Cuba, expansion of trade relations with Chile and Peru, and recent exchange visits of Latin American and Chinese officials.

Shifts in the positions of our own allies, such as Japan and Canada, and the new diplomatic initiatives of the U.S.S.R. toward our friends around the world should also cause us some concern. In U.S. attempts to establish a new understanding with the Communist Chinese, we must not fail to continue consultation with our allies, lest we become unnecessarily isolated and serve as the catalyst for hasty new alliance among Asian countries.

Mr. President, I ask unanimous consent that various articles dealing with the question of admission of Communist China to the United Nations, Chinese intervention in liberation movements, shifts in the positions of our allies, and changes in our own policies in the Far East be printed in the RECORD.

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

[From the Washington Post, Aug. 29, 1971]

PEKING'S EFFECT ON THE U.N.: SOME SPECULATIONS

(By Stephen M. Schwebel)

The prospect of the People's Republic of China's being seated in the United Nations this year or next is promising enough to merit consideration of its probable effects. These should be considerable.

The principal positive effect may be to revive the United Nations as a focal point of world diplomacy. For some years that role has been diminishing. Apart from the Middle East, the major political problems of the day have increasingly been dealt with, or fought over, outside the United Nations framework. And even in the Middle East the genuinely important negotiations have been conducted not under its auspices but those of the United States. What were hallmarks of successful United Nations endeavor—conciliation and the cease-fire—became triumphs of great power diplomacy with Tashkent and Suez.

It has been thought by some that a factor in the declining U.N. role has been the absence of Communist China. To be sure, Peking, apart from a fleeting appearance in 1950, has always been absent—but Peking has not always been so important. How, it was asked, for example, could Vietnam be dealt with in a Security Council from which one of the real parties-in-interest was debarred? How would the United Nations grapple with wars of liberation when their most vigorous great power sponsor was excluded? How could the organization hope to promote worldwide reduction of armaments through agreements which an atomic power was not invited to negotiate? How could the United Nations deal effectively with the border war between India and a China whose representatives it refused to seat?

Beginning with Trygve Lie in 1950, three secretaries general of the organization have recurrently raised questions such as these. They, and devoted U.N. members like Sweden, have pressed over the years for the seat-

ing of Peking. A member of the organization, Mr. Lie said in 1950, should be represented by the government that "in fact is in a position to employ the resources of and direct the people of the state in fulfillment of the obligations of membership." That, he said 21 long years ago, was the government in Peking.

That questions such as these have some point, however, is hardly to suggest that the seating of Peking will bring the answers. The United Nations as a forum for diplomatic negotiation of great problems may revive. But whether that negotiation will then be productive is anything but certain. In fact, the prospects of progress, of achieving equitable solutions of international problems through peaceful means may, at least for a time, be retarded rather than advanced by Peking's emplacement in a position of United Nations power. Moreover, the prospects of the United Nations progressing beyond a facility for conference diplomacy to an agency for effective collection action for the international common good surely will not be promoted by the participation of a second Communist great power.

With Peking's accession, the Security Council may well revert to the days of the Stalinist freeze. The veto may find itself more than ever in vogue. Charges of Stalinist wrecking tactics might seem sweet to those to whom Stalinism is an expression of stalwart ideals and institution-wrecking an expression of "cultural" revolution.

The Security Council could become a cockpit of a competition of which the United Nations as a whole will be the stage: a competition between Moscow and Peking as to which is more radical, which is more truly Communist. Each may seek to outdo the other in demonstrations of attachment to manifestations of extremism in the Third World. There is the danger that the admission of an intractable Communist China will make the Soviet Union more intractable than it has been in years—the years since Stalin's death. If so, it is not unlikely that Moscow will find that this is a competition it cannot win, that it can always be outflanked on the left by irresponsible proposals it pays neither to top nor take. In any event, the spectacle will be worth watching.

If the Security Council is immobilized, there should be a revival of interest in the much, perhaps deservedly, depreciated General Assembly. In the years before the General Assembly came under the sway of the Asian-African caucus, it was the focus of American hope for the United Nations. The "Uniting for Peace" resolution of 1950 was the high point of that hope, investing the Assembly with the means of recommending collective measures to maintain peace. The hope was maintained and implemented until the fateful struggle, a dozen years later, over whether peacekeeping assessments of the General Assembly could be made to stick. The Soviet bloc and France refused to pay their legally binding financial obligations (which they have not paid to this day). In the midst of that struggle, some leading figures of the American establishment were stricken with the thought that preservation of the Assembly's power of assessment was more dangerous than desirable. The Assembly has never regained the confidence it then lost, not, paradoxically, because the small states which controlled it took action against the great powers which did not; on the contrary, it was because the small powers demonstrated that they were not, whatever the provocation, prepared to assert United Nations prerogatives against certain great powers. Moreover, the Assembly's stock has declined as its bounds have widened; the larger the inflow of mini-states, the less seriously can the Assembly be taken.

But if Peking immobilizes the Security Council, the potential of the General Assembly will necessarily revive, or the organiza-

tion will suffer new lows of ineffectiveness. It will be interesting to see what Moscow does in these circumstances. It could adhere to its ingrained support of a Security Council monopoly in the peacekeeping sphere. But it is perhaps likelier that its pragmatism will episodically govern. In the Suez crisis of 1956, when British and French vetoes frustrated the Security Council, the Soviet Union acquiesced in bold action which a bold secretary general led the General Assembly to take. That precedent could have much wider field for play when Peking comes to sit in the Security Council.

Prospects for the remaining principal organs of the United Nations being reinvigorated by Peking's accession are uncertain. The doctrines of cooperative economic development cherished by the Economic and Social Council (and the U.N. Specialized Agencies) do not seem calculated to appeal to Mao Tse-tung. It would be surprising if Peking is more than vaguely aware of the existence of the International Court of Justice. (It doubtless will be brought to its attention, however, that the court lacks a Chinese judge.) Lack of interest in Peking in the Trusteeship Council may be excused, since only two Trust Territories remain, though the fact that both of them are in strategic corners of the Pacific may not go unnoticed in Peking after all.

That leaves the Secretariat and its chief, the secretary-general. The seating of Communist China is likely to cause distress to, perhaps even dismissal of, some Chinese members of the secretariat. As international civil servants responsible only to the organization, in law they should be unaffected. As Chinese who have not demonstrated their attachment over the years to Peking, they may in practice be profoundly affected. Totalitarian regimes, whether Fascist, Communist, or bare-faced, have rarely shown comprehension of, still less sensitivity to, international obligations to respect the independence of the international secretariat. Here much will depend on the courage and skill of the secretary-general.

That, in turn, will depend on the person of the secretary-general who, if Peking is not seated until next year, may not be U Thant. U Thant has indeed repeatedly disclaimed willingness to be re-elected. His term expires in less than six months. The United States, the Scandinavian members, and some others appear to be taking seriously U Thant's indication that 10 years are enough. But not the Soviet Union, which seems to be avoiding negotiations over his successor on the ground that there will be none. Moscow appears content with the *status quo*. It may accordingly turn out that U Thant is kept in office, if not for a third five-year term, then for an interim period of some two years. That should be long enough to ensure that negotiations over his successor will take place not only with Washington, London and Paris, but Peking. Why that should be an aim of Soviet policy is a special puzzle.

The answer to that puzzle may be that Moscow does not much care if there is a secretary-general. In fact, its proposal for a troika, at the height of its feud with Dag Hammarskjöld, demonstrated that it then wished to institutionalize destruction of the office of secretary-general by displacing it with a triumvirate consisting of representatives of the East, the West, and the Third World. Where, it may be wondered, would Moscow see Peking's place in that kind of setup?

[From Life magazine, Aug. 27, 1971]

HOW TO LIVE WITH BOTH PEKING AND TAIWAN (By A. Doak Barnett)

President Nixon's stunning decision to hold a summit meeting with China's leaders in Peking has shattered old myths and set off reverberations that will be felt around the

world for many years. But summitry is, at best, a tricky business. What are the meeting's chances of success?

The most pressing and seemingly intractable barrier to bilateral U.S.-China relations, above all else, is the question of Taiwan and its future. The eventual recovery of Taiwan is one of Peking's fundamental national aims. The Chinese Communists cannot abandon this as a long-term goal, although they are capable of adopting a flexible tactical approach to achieve it. The U.S. while now prepared to be flexible on many aspects of China policy, cannot consider cutting its present ties with Taiwan or abandoning its defense commitment to the island. Essentially, we have only one fundamental obligation to Taiwan: to defend it against the possibility of military attack and prevent the imposition of any unwanted change on the people of Taiwan by outside military force. To cancel the American defense commitment under existing circumstances would involve totally unacceptable costs. Among other things, this might lead the Japanese to question the reliability of Washington's defense commitments and increase the chance of Tokyo's opting for a go-it-alone policy of independent remilitarization. Such a move would run counter to both American and Chinese interests, and could seriously destabilize the entire situation in Asia.

The most immediate Taiwan decision we face arises in the U.N. Secretary Rogers says that the U.S. will support Peking's admission to the U.N. and will try to keep a seat for Taiwan in the General Assembly. Peking currently insists that it can only accept a seat in the U.N. if and when Taiwan is expelled. It should be noted that Taiwan, with its more than 14 million people, has a larger population than two-thirds of the U.N. members.

Clearly, the U.S. cannot simply stand pat on policies that are obviously obsolete. It is equally clear that Washington cannot simply accede to Peking's views on the most critical issues. What then should be the basis for a new and more realistic U.S. policy toward China?

First of all, the U.S. government must now make explicit what is already implicit in President Nixon's decision to visit Peking, namely that we fully accept the People's Republic of China's sovereignty over the China mainland and now wish to establish formal diplomatic relations with Peking without prejudice to the future of Taiwan.

Second, we should continue to maintain friendly relations with the Nationalist regime, but we should also make clear to both Peking and Taipei that we intend to deal with and support the Taiwan regime only as the existing authority on that island, without in any way supporting its claim to be the government of all China.

Third, we should continue to honor our commitment to defend Taiwan against any external military attack, but we should remove all American military forces from the island and make clear that we have no intention or desire to use Taiwan as an American military base.

Fourth, and perhaps most important of all, we should adopt a completely open-ended position regarding the long-run political future of Taiwan. Our basic position should be that the ultimate solution of Taiwan's future is a matter that must be worked out over time, peacefully, by the Chinese people themselves. We should make clear that we will be prepared to accept any outcome—whether it is reunification, independence or some intermediate solution such as a Taiwan linked to China but with autonomous status—that is a result of peaceful processes and is acceptable to the people on Taiwan. If it seems desirable in our negotiations with Peking, we should be prepared to "take note" of Peking's claim to Taiwan, but without either endorsing or challenging it, making

clear that we will not ourselves foster any particular long-run outcome, whether it be a "one China, one Taiwan" solution or a "one China" solution.

In the U.N., we should vote this coming fall for the seating of Peking in the Security Council as well as in the General Assembly. We should also continue to support—even if both Peking and Taipei oppose—separate representation for Taiwan in the General Assembly under a formula for "dual representation." Such a formula should be carefully worded to allow both Peking and Taipei to view it as providing "two seats for one nation," if they so choose, on the analogy of the triple representation which the Soviet Union now enjoys in the U.N. (with the Ukraine and Belorussia). But we must be prepared to accept the seating of Peking in Taiwan's place if majority support for a "dual representation" formula cannot be obtained.

If we adopt such a new China policy based on these positions, will we have gone far enough in changing our policies to induce significant compromises on Peking's part? Would there then be a basis for "normalization" of relations between Washington and Peking? Even if Peking is not likely to accept this "dual representation" formula immediately, this disagreement is not likely, in and of itself, to pose any insuperable barrier to normalization of U.S.-China relations. If the Chinese strongly feel that such normalization is in their interests, they are quite capable of dealing separately with problems of bilateral U.S.-China relations and those relating to the U.N.

The question of Taiwan's own long-run future is more difficult. It is certainly conceivable that if the U.S. changes its policies in the ways suggested above, Peking might show greater flexibility on its part over Taiwan. China's fears of the Soviet Union and anxieties about Japan could induce Peking to make major compromises to normalize Sino-American relations. Despite hints of flexibility, however, we must not expect too much. Peking might well stand pat on its long-established position that no formal diplomatic relations are possible with a country that maintains diplomatic ties with Taiwan. Would this mean that the forthcoming summit meeting is predestined to failure? Not necessarily, if the U.S. is prepared, as Peking might well be, to take major steps toward normalization of relations even if total normalization is not immediately realizable.

Despite the lack of official diplomatic relations between Peking and Tokyo, for example, China has more extensive unofficial contracts and trade relations with Japan than with any other foreign country. Perhaps even more to the point, Peking and London exchanged official missions long before China was willing to label them embassies or to acknowledge that official diplomatic relations had been established.

In short, if Washington and Peking are both determined to devise mechanisms to establish a new relationship, it should be possible to do so. We, on our part, should be prepared to approach the problem with open-mindedness and imagination. The reality of increased contact, communication and interaction will be more important than the form. If we can take the first steps on the road of mutual accommodation, this will constitute a great leap forward, even if full diplomatic relations are not immediately realizable.

[From the Christian Science Monitor, Aug. 28, 1971]

PEKING PLANS FOR CONGRESS
(By Henry S. Hayward)

HONG KONG.—Communist China's vast task of reorganizing its internal political struc-

ture at last apparently is complete. It is likely to have considerable future significance.

With the formation of new Communist Party committees in northernmost Heilungkiang province and in the Ningsia Hui autonomous region, a central desert area, the final 2 pieces in the array of 29 provinces now have fallen into place.

It has taken nine months to do the job, but when one remembers the control of an estimated 850 million mainland Chinese at provincial level was involved, the immensity of the task can be visualized.

Now that all the regional organizations have named their leaders, the way almost certainly has been opened to hold the long-awaited fourth National People's Congress (NPC).

One of the favorite guessing games of China-watchers long has been to set the date for this important NPC meeting, the first since 1964. The guessing began at least a year ago—and has proved consistently incorrect.

Since the Chinese themselves have officially announced the NPC would meet by the end of 1971, however, speculation now revolves around the date of Oct. 1, China's National Day.

"But," says one informant here, "remember that the important thing about the NPC for the Chinese is to get the party structure right. So long as the conference is eventually held, the date is not important.

"What is important is that the structure should not be thrown together just for the sake of appearances."

Among the duties of the congress, whenever it convenes, will be to announce a new state constitution and to name a replacement for ousted Liu Shao-chi as head of state.

It also must set a formal stamp of approval on other major appointments in the government.

Among leading contenders for the deposed Liu Shao-chi's title is believed to be Chairman Mao Tse-tung himself, the former holder of the title and the man who purged and vilified Mr. Liu at the onset of his "great proletarian cultural revolution" in 1966.

Some observers feel the Chinese would consider it appropriate—although not essential—for Chairman Mao to have his title restored officially before the visit of President Nixon. And that cannot be accomplished properly without a meeting of the elusive National People's Congress.

Before all the provincial committees, which had been thrown into chaos during the "cultural revolution," had been reconstituted, such a parley was difficult if not impossible. Now all the proper preliminaries seem to have been completed.

In common with most of the other provinces, the last two are headed by military men of the People's Liberation Army. This is believed to testify not only to the need for committee leaders with military experience in order to maintain order in some of the restive regions, but also to the Army's increasing involvement in political affairs even where no threat to internal security is apparent.

One of the few exceptions to this rule is the city of Shanghai, which has the status of a province due to its size. There the party committee is still dominated by protégés of Chairman Mao's politically minded wife, Chiang Ching.

Heilungkiang, meanwhile, has a long and disputed border with the Soviet Union. It was in the Ussuri River area there that Soviet Army troops clashed with Chinese soldiers in 1969.

Formidable troop concentrations still are maintained on both sides of this frontier, which may be one reason why the province was among the last to complete its party roster.

Ningsia Hui borders on the Inner Mongolian autonomous region, another sensitive area. Aside from such separate municipalities as Peking, Tientsin, and Shanghai, Ningsia Hui has the smallest area of any of the Chinese provinces and a small (by Chinese standards) population of 2 million.

[From the Christian Science Monitor
Aug. 27, 1971]

JAPANESE GREET WANG WITH OPEN ARMS
(By Elizabeth Pond)

TOKYO.—Wang Kuo-chuan is fishing in troubled—and crowded—waters in Japan.

Officially Mr. Wang is in Tokyo to attend the funeral of Kenzo Matsumura, a longtime Liberal Democratic Party stalwart and advocate of better Japanese-Chinese relations.

But personal deference to a friend is far overshadowed by the political and diplomatic implications of a visit by the man who was the chief Chinese negotiator at the Warsaw talks with the U.S., is the first major mainland Chinese leader to come to Japan since the "cultural revolution," is most assuredly the first such to come here since President Nixon announced his trip to China and is believed to be Peking's top official directly concerned with Japanese relations.

All this means that businessmen eager to share orders from China and politicians eager to reap political advantage out of—or defend themselves against—the China issue are courting Mr. Wang's favor.

OTHERS TALK OF MEETING

Thus, the present secretary-general and a former chairman of the Japanese Socialist Party, the chairman of the Komeito Party, the chairman of the Democratic Socialist Party, the head of the Japan-China memorandum trade office, three members of the pro-Peking wings of the ruling Liberal Democrats, and even Prime Minister Eisaku Sato's chief cabinet secretary were on hand to greet Mr. Wang when he arrived at Haneda Airport.

Pro-Peking LDP members have been meeting with Mr. Wang. The opposition JSP and Komeito, which have been badgering Mr. Sato to recognize Peking ever since President Nixon's China demarche became known, have said they will have functions welcoming Mr. Wang during his approximate week-long stay here.

The president of Sumitomo Steel has expressed a desire to meet with Mr. Wang. So has Prime Minister Sato himself, indirectly. And Mr. Sato, Tokyo journalist duly noted, went up to Mr. Wang both before and after Thursday's funeral service, shook hands with him, thanked him for coming such a long way, and sent his best regards to Chou En-lai.

Observers do not believe any more substantive Sato-Wang meeting will materialize. China has scorned the LDP China committee Mr. Sato established last spring during an election campaign and has been getting as much mileage as possible out of the pro-Peking opposition parties in Japan.

Additionally, Peking has been running a campaign against Prime Minister Sato and alleged Japanese militarism.

Meanwhile, Mr. Sato, tied to Taiwan by history and his party's right wing, and convinced that any overture to Peking by his government at this late date would only be rebuffed, preserves his China policy unchanged.

Mr. Sato is resisting American pressures to have Japan champion Taiwan's seat in the UN once more. Last week the government, pleading dissension within LDP councils, stalled past the deadline for submitting any resolution of its own on China to the General Assembly. But otherwise Mr. Sato

is attempting no rapprochement with Peking.

[From the Christian Science Monitor, Aug. 27, 1971]

CHINA'S NEW LATIN-AMERICAN POLICY
(By Prof. William E. Ratliff)

President Nixon's decision to visit Peking will give impetus to the rapidly improving position of the People's Republic of China in Latin America. This change may first be felt in the United Nations General Assembly this fall, when the issue of the admission of the Peking government comes up for discussion. But its longer-range effects may be important to domestic politics.

For two decades Latin America, partly as a result of pressures applied by the United States, has formed the largest and most predictable bloc opposing admission of Communist China to the United Nations. Prior to 1970 only Cuba, which recognized the Peking government in 1960, supported admission to the UN. After the inauguration of Salvador Allende Gossens as President in November, 1970, Chile became the second Latin-American country to vote for Peking's admission and, in December, the second to establish bilateral diplomatic relations.

The United States' move to "normalize" relations with Peking will doubtless encourage more Latin-American countries to begin serious negotiations for diplomatic recognition in the near future. Several countries, including Peru and Bolivia, who abstained from voting on the China question in the UN in 1970, have already taken tentative steps in this direction.

Chinese interest in Latin America has always been more political than economic, mainly because Latin America is in the United States' backyard. In recent months it has been demonstrated by:

Establishment of diplomatic relations with Chile;

Reestablishment of top-level diplomatic relations with Cuba for the first time since the Sino-Cuban dispute of the mid-1960's;

Expansion of trade relations, most importantly with Chile and Peru;

A contribution to storm relief in Chile in July valued at 2.5 million;

The reappearance of exchange visits of Latin-American visitors to China, and of some Chinese to Latin America.

The policy of the early 1970's seem to mark the beginning of a third major period of Chinese policy toward Latin America since the formation of the People's Republic in 1949.

During the first period, between 1949 and the early 1960's, the Chinese emphasized friendship with a broad cross-section of Latin Americans, based on an appeal to real and imagined common history, goals, and interests. Stress was placed on overcoming underdevelopment at home and opposition to "U.S. imperialism" abroad.

Chinese policy during the second period, the bulk of the 1960's, became increasingly doctrinaire as a result of the emerging Sino-Soviet dispute, the conflict with Cuba, and the Cultural Revolution. Guerrilla warfare was advocated in the seizure of political power, and continual criticism was leveled at the Soviet Union as well as the United States. During this period the Chinese were chiefly concerned with forming pro-Chinese Communist parties which shared their objectives.

The policy emerging today combines elements from the two earlier periods. The Chinese continue to appeal to a broad cross-section of Latin Americans. They speak mostly in terms of "nationalism" and the growing unity in the "antimperialist struggle." An authoritative Chinese article last March, commemorating the centenary of the Paris Commune, stated that in Latin America "a new situation has emerged char-

acterized by joint struggle for the defense of national rights and state sovereignty."

Recent Chinese commentaries make clear that the Latin-American governments are for the moment considered leading elements in the "antimperialist struggle." The Chinese pledge support to these governments against the encroachments of both "superpowers"—the U.S. and the U.S.S.R.

At home, the Chinese call for Latin Marxist-Leninists to "revolutionize the masses" for the eventual confrontation with the domestic "reactionaries" who are for the moment a part of the "antimperialist struggle." For in the end, the March article concludes, "historical experience shows that the seizure of political power by the proletariat and the oppressed people of a country and the seizure of victory in their revolution are accomplished invariably by the power of the gun."

Thus official Communist Chinese rhetoric appears to hold recent and future friendly contacts with Latin-American governments as temporary means. When (according to their own analysis) the revolutionary movement is sufficiently advanced, they fully support, and not merely from the sidelines, the violent seizure of power by "the masses and their party" in that "inevitable" people's war.

[From Intelligence Digest, May 1971]

CHINA: A FRANK WARNING IGNORED IN THE WEST

With China gaining so rapidly in international respectability—seven additional countries have established diplomatic relations with Peking in the past 12 months alone and more are in the process of doing so—the belief that she is genuinely bent on mending her violent, destructive revolutionary ways is becoming widespread. All seems set, in fact, for China's acceptance into the United Nations at an early date.

The Chinese, however, themselves seem disturbed about this tame international image they are gaining. They have therefore made a major effort to set the record straight. But, peculiarly, this has been almost totally ignored in the West lest it disturbs the prevailing mood.

UNBOUNDED CONFIDENCE

Peking's attempt to set the record straight has taken the form of a long re-statement of its revolutionary principles and guidelines, issued in commemoration of the centenary of the ill-fated Paris Commune under the title "Long Live the Victory of the Dictatorship of the Proletariat." It can correctly be called a fresh manifesto.

Of the centenary it states:

"The cause of the Paris Commune is [today] spreading far and wide, and at a higher stage in the new historical conditions. . . . Today the flames of the revolutionary torch raised by the Paris Commune are ablaze throughout the world, and the days of imperialism, social-imperialism and all reaction are numbered. In celebrating the centenary of the Paris Commune at such a time, Marxists-Leninists, the proletariat and the revolutionary people the world over have all the more reason to shout with unbounded confidence."

A FATAL ERROR

However, the important part of the re-statement of principles is under the heading: "It is of the Utmost Importance for the Revolutionary People To Take Hold of the Gun." The following extracts are taken from this section. According to Peking it reflects the thinking of the Chinese leaders today, and it is therefore best to quote it in the words chosen by the Peking leadership.

"This historical experience of the Paris Commune," it states, "has fully demonstrated that taking hold of revolutionary arms is of the utmost importance to the proletariat revolution and the dictatorship of the pro-

letariat. . . . The 72 days of the Paris Commune were 72 days of armed uprising, armed struggle and armed defence. But the fatal error of the Paris Commune lay precisely in the fact that it showed excessive magnanimity towards counter-revolution. . . .

"VIOLENCE IS NECESSARY

"Violent revolution is the universal principle of proletarian revolution. A Marxist-Leninist party must adhere to this universal principle. Historical experience shows that the seizure of political power by the proletariat and the oppressed people of a country, and the seizure of victory in their revolution, are accomplished invariably by the power of the guns; they are accomplished [by] fighting a people's war on the basis of arousing the broad masses to action and by waging repeated struggles against the imperialists and reactionaries. . . .

"In the past decades, many Communist parties have participated in elections and parliaments, but none has set up a dictatorship of the proletariat by such means.

"THE PEOPLE MUST USE THE GUN

"Even if a Communist party should win a majority in parliament or participate in the government, this would not mean any change in the character of bourgeois political power, still less the smashing of the old state machine. If a proletarian party rejects armed struggle and makes a fetish of parliamentary elections, it will only lull the masses and corrupt itself. . . .

"The proletariat must use the gun to seize political power and must use the gun to defend it. The people's army under the leadership of a Marxist-Leninist party is the bulwark of the dictatorship of the proletariat, and among the various factors for preventing the restoration of capitalism it is the main one. . . .

"A TRIAL OF STRENGTH

"The contemporary liberation movement of the oppressed nations is an important component part and a great ally of the proletarian world revolution. The national democratic [liberation] revolution and the Socialist revolution are related to each other and at the same time distinct from each other; they represent two different stages and are different in character.

"However, to win complete victory in the national democratic revolution, it is likewise necessary to get prepared for a trial of strength with the imperialists and reactionaries. For the oppressed nations it is likewise most important to take hold of the gun."

DEMOCRACY REJECTED

There is, of course, much more in the same vein, and much repetition, to spell out clearly that China regards revolutionary violence and the seizure of power by violent means as the sole acceptable means of readjusting society on both a national and international scale. Democratic means, through parliamentary or electoral processes, are totally rejected.

Moreover, it is made equally clear that these are the principles which guide, and will continue to guide, Chinese foreign policy. For instance:

"The Chinese revolution is part of the world revolution. The revolutionary cause of the Chinese people is closely bound up with that of the other peoples of the world. We always regard the revolutionary struggles of the people of other countries as our own. We should firmly support their struggles and fulfill our bounden duty. . . .

"The revolutionary movement of the proletariat is always international in character. . . . [We] who have triumphed in our own revolution should help the people who are still fighting for liberation. This is the principle of proletarian revolution. [Likewise] the proletariat of the capitalist countries should support the struggle for liberation of colonial and semi-colonial peoples, and the people of

the colonies and semi-colonies should support the proletariat of the capitalist countries."

ONLY THREE CHOICES

And, looking at China's position in the world today:

"Reviewing the past and looking into the future, we declare with increasing conviction: The final destruction of imperialism, modern revisionism and all reaction is inevitable, and so is the complete emancipation of the proletariat, the oppressed people and the oppressed nations."

There are, it is claimed, only three choices in conducting the foreign policy:

1. To march at the head of the masses and lead them.
 2. To trail behind them, gesticulating and criticizing.
 3. To stand in their way and oppose them.
- And China has chosen the only honourable way:

"Warmly to support the revolutionary actions of the masses, to march firmly at the head of the mass movement and lead the masses forward."

THE MOST IMPORTANT STATEMENT FOR YEARS

This Service considers the Peking "manifesto", which was issued, not at the height of the Cultural Revolution, and not last year or the year before, but in March, 1971, and not by a bunch of Red Guards but by the responsible leadership, as one of the most important political statements to have emerged in Peking in recent years. It is therefore most puzzling that it has been so strangely overlooked in the West. We refuse to believe that this has been accidental.

The timing of the "manifesto" is equally important. The centenary of the Paris Commune could have been worthily commemorated in other ways, or with a more innocuous, general statement.

The fact, however, is that China chose to use it as an occasion to make it quite clear where she stands *vis-à-vis* the rest of the world, with her total rejection of so-called peaceful co-existence, at this moment when it is not she, but the rest of the world, that is proclaiming her new-found respectability.

It seems that the leaders in Peking wanted there to be no mistaken assumptions in the West. If the West now wants to embrace China it must be because it is in the West that policy (and ideological) changes have taken place, not in China. If the West now wants to accept China, then it must know that it is accepting a self-proclaimed catalyst bent on revolutionary destruction.

That, at least, is more honest than Brezhnev's protestations of brotherly love and a quest for peace. Unfortunately, it seems that the Chinese statement has either been misunderstood or ignored by the West. Such is our capacity for self-deception.

Perhaps the most extraordinary demonstration of that self-deception has been the widespread publicity and the sweeping conclusions arising from a few civil words addressed by Chou En-lai in April to an American ping-pong team.

[From the La Crosse (Wis.) Tribune, Aug. 11, 1971]

PEKING'S NO HELP

It never was likely that Communist China would give the United States any help in getting out of Vietnam militarily except in a posture of full retreat. And the Nixon administration probably didn't expect anything new as a result of that upcoming trip to Peking.

But if there were any such hopes Premier Chou En-lai laid them to rest in an interview with James Reston of the New York Times the other day.

Chou told Reston that the mainland government "will not mediate in any way," and will continue to supply North Vietnam with

weapons and transportation until all American forces are withdrawn.

In Red China's book, withdrawal is defined as cutting off air support and economic-military aid as well as ground troops.

Historically, there never has been much love lost between the Chinese and the Indo-Chinese and the coolness continues down to the present.

Red China has sent small arms and ammunition to help North Vietnam and built roads and rail lines for Hanoi. But North Vietnam hasn't wanted massive Chinese help of the kind provided with "volunteer" troops to North Korea in 1951.

Meantime, the U.S. has switched away from its long time opposition to a U.N. seat for Red China in order to get the ball rolling, and liberalized trade policies. If Chou or Mao or other Chinese leaders have made any comparable concessions we haven't heard of them.

[From the San Angelo (Tex.) Standard Times, Aug. 8, 1971]

NO CHANGE

President Nixon's decision to visit Peking and to drop U.S. opposition to Red China's membership in the United Nations may have engendered a relaxation of attitudes in this country toward the Asian giant—but Peking isn't reciprocating.

Secretary of State William Rogers announced the United States will favor Red China's U. N. membership this fall, while opposing expulsion of Chiang Kai-shek's Nationalist regime—the two-Chinas policy. And U.N. Ambassador George Bush immediately called a meeting of friendly delegations to formulate strategy along those lines.

But from Peking, the response has been a heated blast at "imperialist tricks"—that same two-Chinas policy.

The tone of the Peking response is hardly different from what has previously issued from Red China regarding the United States. There is no hint of conciliation, no weakening of the hard line taken previously toward Washington, no hint of an approach to friendliness.

Evidently Peking intends to remain adamant; nothing will suit except the expulsion of Nationalist China from the United Nations, the withdrawal of U.S. troops from Formosa, the recognition of Formosa as part of mainland China—in short, total rejection by this country of the Chiang Kai-shek regime.

Of course, totalitarian governments can manage swift reversals of policy: all it takes is a pronouncement from on high and presto! A 180-degree turn accomplished. Perhaps that is what is shaping up now; perhaps the outpouring of bile from Peking will be replaced at some time soon with compromise on the U.N. question which will result in both seating Peking and allowing the continued existence of Chiang Kai-shek's government, at least during his lifetime.

If not, then President Nixon's visit to Peking would appear to have bleak, bleak prospects.

[From the Barre (Vt.) Times Argus, Aug. 11, 1971]

U.S.-CHINA CHESS GAME

It may be that the Nixon administration, and its supporters on the issue of Red China, are beginning to see examples of what may be expected to happen on the world front in reaction to the recent overtures made by the United States toward that country.

As in a chess game, a sudden, dramatic move on the part of one opponent is likely to prompt more bold moves on the part of the other. Such seems to be the case on the issue of the President's "two-China" policy.

News reports of recent days have indicated at least a hint of a restructuring of

the world stage that could upset the delicate balance of power in many places where the Soviets and the US have been sparring mostly on a limited and covert basis up to now. Soviet overtures in the Middle East, Monday's announcement of a Soviet-Indian friendship treaty, the increasing presence of the Soviet Navy in the Indian Ocean and the dismay of the Japanese all serve as reminders that the China policy will undoubtedly have a price.

The discouraging part is that free-world news reports from inside Red China are nothing less than gloomy about the actual gains that may be made through President Nixon's proposed visit there. New York Times writer James Reston, who is just now ending several weeks in Peking, has been saying that Chou En-lai is firmly entrenched in the same political philosophy that has motivated him in the past, namely that there can be only one China and that before meaningful relations can exist between his country and the United States, the US must pull out its troops from Taiwan.

Unless the President is holding cards that have yet to be disclosed—and he keeps hinting that he does—the United States could have succeeded in escalating the cold war into a rapid search for allies that could end who knows where, and which could reap fewer rewards than most have hoped.—NM

[From the New York Daily News, Aug. 2, 1971]

COMMITTEE OF ONE MILLION

Against the Admission of Communist China to the United Nations (Suite 500, 1735 DeSales St., N.W., Washington, D.C. 20036; Dr. Walter H. Judd, chairman) is reacting in an interesting fashion to President Richard M. Nixon's planned visit to Peking, Red China.

The committee has drawn up a set of seven questions which it hopes the President will put to Red China's Premier Chou En-lai when the twain meet face to face.

We find these questions so illuminating and provocative of thought that we print them in full:

1—When will you release the American servicemen whom you have held as prisoners for as long as 20 years?

2—Do you now accept the United Nations designation of Communist China as the aggressor in the Korean War?

3—Do you now concede that you committed genocide [deliberate extermination of a national or racial group] in your invasion of Tibet as the International Commission of Jurists in Geneva has so stated?

4—Do you admit that you are responsible for the deaths of thousands of American servicemen in Vietnam through your supplying most of the small arms and ammunition to the Viet Cong?

5—Will you now apologize to my country and to me personally for describing me as a "chief butcher" and an "arch criminal" in your official publications?

6—Are you now prepared to abandon Mao Tse-tung's philosophy that political power grows out of the barrel of a gun?

7—Do you still believe that the U.S. is an "imperialist aggressor" and is surrounded by "running dogs"?

Take 'em away, Mr. President, and let's see Chou wriggle off those seven hooks if he can.

[From the Milwaukee (Wis.) Sentinel, July 24, 1971]

LISTEN TO MAO

Of all the sayings of Chairman Mao, probably the best known one is: "Political power grows out of the barrel of a gun."

Westerners frequently cite this thought of Mao as evidence that the Communist Chinese regime is based on crude force.

True as this is, it is insufficient reason for dismissing the Mao saying as nothing more than a catchphrase capsulizing the philosophy of ruthless rulers.

For the saying that political power grows out of the barrel of a gun is applicable to all societies, including ours. It means simply that ultimate control rests with the strongest force, which may be benign but is more likely to be evil.

In America, according to the Declaration of Independence, political power is derived from the consent of the governed. As our system has evolved, it is supposed that political power grows out of the will of the majority.

Nevertheless, even in the United States, if one traces political power back to its ultimate source, one will find that it comes from the barrel of a gun or whatever instrument for exercising force prevails.

Thus Mao is merely being realistic when he says that political power grows out of the barrel of a gun. Rather than excoriating Mao for his brutal candor, we should be heeding the wisdom of his observation and thanking him for opening our eyes to the realities of politics.

Conditioned by years of rule by ballots instead of bullets, Americans have lost sight of the fundamental fact of life that political power is, in the ultimate, based on force. In this regard, it is especially ironic to see clergymen involve themselves in politics, for in effect they are making alliance with those who govern by the use of aggressive force.

As for President Nixon's efforts to normalize relations with the political power on mainland China, it is to be hoped that he fully understands and keeps in mind what Mao is telling us when he says that political power grows out of the barrel of a gun.

When you are in a match with those who govern by aggressive force, you play by their rules, not by your own. And their basic rule is that the one with the strongest force, and the will and the skill to use it, wins.

That's not a sweet or pleasant thought, but that's the way it is in the real world.

[From the Lowell (Mass.) Sun, Aug. 4, 1971]

QUID PRO QUO

The admission of Red China into the United Nations is now a foregone conclusion. The question is only when and under what conditions.

The same can't be said for the future of Nationalist China's seat. By throwing that question to the membership—even while stating the U.S. would fight the ouster of Nationalist China—the administration probably has sealed the doom of Taiwan.

Red China and Taiwan both have said they don't want a two-China policy. For more than two decades we have chosen to ignore one of the largest countries in the world. The realities of current world politics make it necessary to recognize the mainland Chinese and, at the same time, insist we will fight to continue our relations with our friends on the off-shore island.

But, what does Red China intend to give the United States in return for our opening the door to the UN for them after all these years. Absolutely nothing, as near as we can see, except for another forum from which to castigate this country's policies.

For instance, all they want for easing the world's tensions is for the United States to withdraw all troops from Japan, Korea, The Philippines, Taiwan and Southeast Asia. That means, move our defense back to the Pacific Coast.

Perhaps they'd like to borrow the USS Missouri and arrange a proper surrender ceremony.

[From the San Diego (Calif.) Union, Aug. 6, 1971]

NATIONALISTS CAN BAR RED CHINA

Secretary of State William P. Rogers makes the point that the "realities of the world" require that both the Nationalist and Communist governments of China be represented in the United Nations. Thus he makes public what had been anticipated—that there is to be an alteration in the historic position of the United States of America opposing the admission of Red China to the U.N.

In Peking, meanwhile, Chou En-lai has let it be known that the Communists see their own "realities." They view themselves as the "sole legitimate government representing the Chinese people." If Nationalist China remains in the U.N., Chou declares, "we will not go there."

These mutually exclusive interpretations of reality arise from a failure to view the question of Chinese representation in the United Nations within the context of the U.N. itself. It supports the right of the Nationalist government to remain in the U.N. and to play a major role in its affairs as a member of the Security Council.

The charter states that the Republic of China, whose delegates signed the charter in 1945 and have represented China continuously and honorably in the U.N. ever since, shall be one of five permanent members of the Security Council. It is hard to see how the Republic of China could be removed unwillingly from the council without amending the charter.

Further, the powers given to the Security Council under the charter put the Republic of China in a powerful position to defend the principle that it is the bona fide representative of China in the U.N. New members are admitted to the U.N. "upon the recommendation of the Security Council." Such a recommendation must have the concurrence of all five permanent council members—including the Republic of China—if it is a "substantive" rather than a "procedural" question. Surely a recommendation in behalf of one nation which is conditioned upon the expulsion of another—itsself a member of the Security Council—would fall into the former category.

Further, any attempt to resolve this issue by an amendment to the U.N. charter would also encounter the requirement that all five permanent Security Council members concur in the amendment. Clearly, Nationalist China's veto power in the Security Council stands as a formidable roadblock to any legitimate formula for admission of Red China.

No amount of procedural shoe-horning can squeeze a Peking delegation into the U.N. as a representative of a single person in China so long as the rights of the Nationalist delegation under the charter are respected.

That is a reality which Peking and its friends must face in the jockeying for representation at the U.N. It is also a reality that could keep the widely touted "two China" policy from getting past the door at the U.N.

RED CHINA PAYS ITS BILLS

(By John Chamberlain)

WASHINGTON.—George Watt, a British civil engineer who spent three years in Red Chinese prisons, came to the U.S. "with a story to tell" about the difficulties of making money in Red China.

The Committee of One Million Against the Admission of Red China to the UN tried to get him before the Senate Foreign Relations Committee only to be curtly informed that there is a rule against hearing "foreigners" on the subject of foreign relations. This is sort of like excluding Nils Bohr from a hearing on atomic energy.

The exclusion of George Watt was a phony; he could have been heard by a special subcommittee or at a privately organized senatorial luncheon. But Sen. Fulbright apparently just doesn't want to know about the difficulties of doing business with Mao or Chou En-lai.

So let Mr. Watt pass on his story through the medium of this column. The man, immensely earnest though not without humor, was jugged on a spy charge in Lanchow in the far interior of China after completing the construction of a synthetic fiber plant.

He insists that the espionage case against him was entirely false, which is believable when you consider that he was sentenced for only three years. (If he had been spying the Red Chinese could only have assumed that his knowledge would have remained dangerous for a longer period.)

Mr. Watt did not, however, come to the U.S. seeking any personal vindication. He wanted simply to warn American businessmen to get cash on the barrelhead before performing services for Mao Tse-tung, who in Mr. Watt's opinion is just about as safe a contractual partner as Fidel Castro.

Mr. Watt went to China in charge of a Vickers-Zimmer Company crew of engineers who had been hired by the Red Chinese to build a fiber plant in the Red Chinese atomic development center. Vickers-Zimmer is an Anglo-German firm which specializes in doing business in Communist countries.

Mr. Watt did not particularly enjoy his stay for Vickers-Zimmer at Chernivog in the Ukraine, but at least the Soviet paid for the services they got. The Red Chinese, however, turned out to be an entirely different risk. They confiscated the Lanchow fiber plant the minute it was finished and demanded that Vickers-Zimmer directors fly at once to Peking to answer charges of cheating on the construction.

When the Vickers-Zimmer directors, scared out of their wits by the seizure of Mr. Watt in Lanchow, failed to appear in Peking, the Red Chinese declared that this "signified guilt." The Vickers-Zimmer directors were "fined" in absentia for a million dollars, which "absolved" Peking from paying the Britishers and the Germans for the construction job they had done.

The plant, incidentally, was worth three million pounds. The British taxpayer has been stuck with the loss, for the British government has a special set-aside fund to cover the risk of being defrauded by totalitarian states.

Mr. Watt says his own experience in China was no isolated case. Lurgi, a West German company, had its site manager, a Herr Von Xylander, sentenced for 10 years on a charge of spying. Von Xylander was subjected to two years of "interrogation," a word which covers a multitude of cruelties.

Watt himself, in a six-month period of interrogation, had his shoulder dislocated, and was stabbed in the hand. The sight of his right eye and the hearing in his left ear are still defective because of the "help" he received in answering questions. He was "tried" by an open air mob and was sentenced by a female judge who spat in his face.

After the trial, the judge led the mob in a cheer, the spot at Watt a second time. Before starting on his three-year sentence, Watt was beaten by troops until he lost consciousness. His worst torture was still to come: In prison, he had to read four volumes of Marx's "Das Kapital" through. This was called "remolding."

Any American civil engineers who want to volunteer to build plants in Red China? On the basis of the Watt experience, they can count on a good education in Marxist economics, both practical and theoretical.

[From the Washington Post, Aug. 13, 1971]

HILL STUDY: 34 MILLION DIED IN CHINA

A study published yesterday by the Senate Internal Security Subcommittee estimates Chinese communism has cost at least 34 million lives and possibly as many as 63 million in the past 50 years.

The author of the study, Richard L. Walker, director of the Institute of International Studies at the University of South Carolina, said: "A reasonable estimate would be that the figure approaches 50 million Chinese."

The study, titled "The Human Cost of Communism in China," was ordered printed by the subcommittee July 27, nearly two weeks after announcement of President Nixon's forthcoming "journey for peace" to Peking.

Sen. James O. Eastland (D-Miss.), subcommittee chairman, said in an introduction to the study that its publication "comes at a particularly opportune moment."

He said, "there is nothing new historically about accommodations or alliances of convenience between basically hostile powers," adding that "in certain situations, such arrangements are not only desirable but well-nigh unavoidable."

"But if we are to have relations with Red China," Eastland said, "let us do so with our eyes open."

He described Walker as "widely recognized as one of this country's foremost China scholars" and said he was requested by the subcommittee last fall, on the initiative of the late Sen. Thomas J. Dodd (D-Conn.) to prepare the study.

Eastland said the great merit of the study was that "while it does not deny the Communists credit for certain important economic and social accomplishments, it paints the picture whole by assessing and bringing to life the terrible human cost at which these accomplishments were achieved."

"The cost of progress achieved under Communist rule is too high for the conscience of the world to absolve its perpetrators," Walker said. "In terms of human life and human suffering and in terms of destruction of moral and cultural values this cost cannot be condoned by any rationalization."

"The high Chinese Communist Party leaders who sit down at convivial banquets with visiting Americans may be guilty of as great crimes against humanity and their own people as were Hitler and Stalin and their followers," he said.

"In the case of Chou and Mao," Walker said, "their commitment to their Communist faith has been one of more than a half-century, and in its name they have not hesitated to commit any act."

"For some strange reason," Eastland said, "most of the newspapermen who have traveled to China for the American press in the wake of Peking's invitation to the American Ping Pong team felt called upon to paint Communist China in the most positive hues and to ignore the massive evidence of inhumanity and aggression that has characterized Communist rule in China."

Walker said "the direct cost in human lives" of the Chinese Communist movement is difficult to measure but he drew on various sources in and out of China in offering estimates of the possible toll.

Moscow Radio, which he at one point calls "obviously not the most reliable of sources," nevertheless is quoted as charging that "in the course of 10 years, more than 25 million people in China were exterminated."

Walker said in the study, "it is probable that the Chinese forced labor camps have exacted a higher toll in human life than the mass executions."

[From the New York Daily News,
Aug. 21, 1971]

THE NATURE OF THESE ENEMIES

As for Communists, an interesting report on—The Nature of These Enemies—has just

been released by the Senate Internal Security Subcommittee of which Sen. James O. Eastland (D-Miss.) long has been the distinguished chairman.

It is entitled, "The Human Cost of Communism in China," and can be obtained at 20c a copy from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The key figure in the report, by China expert Dr. Richard Walker, is an estimate that the Chinese Reds, since driving Generalissimo Chiang Kai-shek's Nationalists off the mainland in 1949, have killed at least 34 million persons in one way or another. These victims opposed Communism or were deemed dangerous to Mao Tse-tung, Chou En-lai and their comrade butchers.

Communists, in countries they control, don't trifle with the opposition. They kill it off, fast or slowly—just as the Russian Reds have slaughtered an estimated 35-45 million persons to keep the Kremlin bosses in power.

President Richard M. Nixon knows these grisly facts. Let us hope that he will keep them firmly in mind when he goes calling on Chou En-lai in Peking some time soon.

To kid himself that these professional killers can or will change their characters in any important respect could be extremely dangerous, both for the President and for the American people.

[From the St. Louis Globe Democrat,
Aug. 17, 1971]

GRISLY TOLL IN RED CHINA

A study published by the Senate Internal Security Subcommittee puts Red China in a light which all Americans would do well to observe carefully.

Titled "The Human Cost of Communism in China," the study reveals that the first 50 years of the Chinese Communist movement have been extremely costly ones in terms of human life. It estimates that at least 34 million persons and possibly as many as 63 million have lost their lives as a result of mass political executions, purges, slave labor camps and terror tactics.

Author of the study, Richard L. Walker, director of the Institute of International Studies at the University of South Carolina, said, "A reasonable estimate would be that the figure approaches 50 million Chinese."

This is a grisly price to pay for progress achieved under Red rule. This awesome toll of humanity should be remembered by those who tend to feel politically compassionate toward the mainland Communists.

Mississippi Sen. James O. Eastland, subcommittee chairman, notes in an introduction to the study that its publication "comes at a particularly opportune moment." In declaring "there is nothing new historically about accommodations or alliances between basically hostile powers," and the Senator observed that in certain situations "such arrangements are not only desirable but well-nigh unavoidable."

But Eastland cautions that if we are to have relations with Red China "let us do so with our eyes open."

This is sound advice. There is no indication that the Peking government has melted in its rise to power. The Administration should be wary in any new dealings with Peking China.

[From the Richmond (Va.) News Leader,
Aug. 16, 1971]

HUMAN COST OF COMMUNISM IN CHINA

(By Holmes Alexander)

WASHINGTON.—In July, 1970, which was to be the last summer of his public and mortal life, the late Sen. Tom Dodd noted that Robert Conquest's superb work of research and expose, "The Great Terror," dealt only with the 20 years of Stalinist terror and did not cover the whole half-century of communism in Russia.

Dodd thought it would be useful for the Senate to ask Conquest to do a 10,000-word study of Soviet inhumanity to man, and to find an authority to do a similar study on Red China.

At Dodd's request, Conquest and Dr. Richard Walker (University of South Carolina) were commissioned to write the two pamphlets. The second of them is entitled, "The Human Cost of Communism in China," and gives this fatality list on page 16, with both high and low estimates of fatalities reported as follow:

	Low estimate	High estimate
(1) First Civil War (1927-36).....	250,000	500,000
(2) Sino-Japanese War (1937-45)...	50,000	1,250,000
(3) Second Civil War (1945-49).....	1,250,000	1,250,000
(4) Land reform (purging "feudal bullies").....	500,000	1,000,000
(5) Political liquidation (purging defeated leaders).....	15,000,000	30,000,000
(6) Korean war.....	500,000	1,234,000
(7) Great Leap Forward (modernization drive).....	1,000,000	2,000,000
(8) Subduing minority nationalities, including those in Tibet.....	500,000	1,000,000
(9) Cultural Revolution.....	250,000	500,000
(10) Deaths in forced labor camps and frontier development.....	15,000,000	25,000,000
Total.....	34,300,000	63,784,000

Professor Walker, director of the Institute of International Studies at the University of South Carolina, is too honest a scholar to call these figures anything except "estimates" (some come from tainted sources in Russia), but there is no historical doubt that the "People's Republic" is built on people's skulls.

As Chairman Mao said in 1927 when it all began, "A revolution is not a dinner party . . . To put it bluntly, it is necessary to create terror for awhile in every rural area." Defectors and fugitives are still escaping to tell of the continuing assassination and execution. The Communists in China and everywhere believe that the end of building a socialist state justifies the means, however barbaric.

If any or all of these are Chinese purposes, we must assume that they will be pursued with the opposite of a no-win policy, and that the human cost of Chinese communism is not yet accounted for.

[From the Jacksonville (Fla.) Times Union,
Aug. 15, 1971]

CHINA: MORALITY AND PRAGMATISM

President Nixon's forthcoming trip to Red China has given rise to much study and analysis of Mainland China.

Consider, on one hand, a study just published (and the timing probably was no coincidence) by the Senate Internal Security Subcommittee. The report was prepared for the subcommittee by Richard Walker, director of the Institute for International Studies at the University of South Carolina, and it isn't one which pulls any punches.

"There has been the same monumental inhumanity and the same commitment to political terror as a means of crushing the opposition," Walker wrote, as existed during the Stalin era in Russia.

Political liquidations and forced labor under unbearable conditions have taken the lives of "more than 30 million Chinese," Walker found.

"Those who wish to rationalize public assassinations, purges of classes and groups of slave labor as a necessary expedient for China's progress," he concluded, "are resorting to the same 'logic' which justified a Hitler and his methods for dealing with economic depression in the Third Reich."

The report concluded that the total of all progress achieved on the China mainland has been with a cost "too high for the conscience of the world to absolve its perpetrators . . ."

All this is quite true. It must not be dismissed, or mentally shoved aside, by anyone under the current emotional impact of "tearing down walls."

However, just as true—and just as much to the point—are the words, made public almost simultaneously albeit half a globe apart geographically and even further apart in viewpoint and motivation, of one Yuri Arbatov, who happens to be the Politburo's chief advisor on American affairs.

Arbatov wrote in Pravda, the official organ of the Soviet Communist party, a wounded assessment of what is going on.

First he pointed out that Red China's fierce propaganda attacks against the U.S., its unconcealed support of our enemies, should "have shocked and frightened bourgeois-Philistine America.

"But in fact something different happened. This America proved not at all so gullible, and it formed its opinion not on the basis of Peking's loud words but its deeds.

"These deeds convinced the pragmatic American bourgeois that China by no means presented a real threat to United States policy . . .

"(These deeds) engendered the hope that with Peking's help the United States would be able to end the Vietnam war on terms acceptable to the American bourgeois. . . ."

Arbatov went on to rant about the move as a threat to "the Soviet people" and to "world socialism," etc. But already he had made the valid point, as far as the U.S. is concerned.

Richard Nixon is not going to Peking to pin a "good conduct" medal on Mao; nor does in any way the decision, for two leaders of conflicting ideologies to talk, apply any moral approbation on part of either. The motive for the talk, on both sides, is pragmatic.

[From the Wall Street Journal, Aug. 3, 1971]

AN "OLD CHINA HAND" IS WORRIED

(By Bruno Shaw)

Having lived in China from the beginning of the Chinese Communist movement, witnessed the murder of countless Chinese farmers in Hunan Province at the hands of Mao Tse-tung in the mid 1920s and had a first-hand personal acquaintance with the leadership and the program of the Chinese Communist crusade, I am firmly convinced that if President Nixon persists in the folly of a visit to Red China in pursuit of world peace, he will go down in history as:

In China, a barbarian chieftain who was permitted to enter the Middle Kingdom bringing tribute to Peking;

In the West, as the Neville Chamberlain of our time. And Taiwan will become the disposable Sudetenland of the East, no matter what fine words are uttered by the politicians who are presently in charge of our destiny.

American journalists, in their eagerness to applaud the Nixon adventure, have used the same Mao Tse-tung phrase to describe its portent: "a great leap forward."

The fact is, of course, that Communist China's "Great Leap Forward" under the inspiration and guidance of Mao Tse-tung in the early 1960s was the greatest man-made disaster in the history of modern China. And its calamitous results compelled Chairman Mao to institute his Cultural Revolution to maintain his control of government and party; and in this dreadful aftermath of the Great Leap Forward, thousands of innocent Chinese people were slaughtered, and hundreds of thousands were exiled into hard-labor concentration camps in China's rugged northwest.

In his TV address to the nation on July 16, President Nixon said that he was taking this step to seek normalization of relations between the two countries with a "profound conviction that all nations will gain from a

reduction of tensions and a better relationship between the United States and the People's Republic of China."

What the President and his counsellors utterly fail to comprehend, apparently, is that the Chinese Communist revolution is not merely a revolt against oppressive economic and political conditions in China, but a crusade against the peace and security of the world. It is a repetition on a vastly broader scale, of the Thai Ping Rebellion of the mid-nineteenth century in China, led by a fanatical sect whose leader, one Hung Hsiu-ch'uan, inspired by a Protestant bible on which he had been doing some translation work, believed that he was called by God to transform his country. And he began by leading his fanatical followers on a crusade in which millions of Chinese were murdered—a crusade that lasted a full decade until, because he was lacking in organizational ability, it collapsed.

Mao Tse-tung was inspired by the Marx-Lenin bible. He is a far better master of organization and propaganda than was Hung Hsiu-ch'uan. And because he has had at his command far more effective weapons, he has been able to kill many more millions of his people in sacrifice to Marx-Lenin than did Hung in his muddle-minded service to God.

Mao Tse-tung, and his chosen successor Lin Piao, and Chou En-lai, are the leaders of this Communist crusade to remold not only the minds of the Chinese people by means of violence and terror, but the minds of all the people of the world. And these are the men whom the President of the United States is going to visit "with pleasure" for the purpose of "normalization of relations between the two countries." How much is an American President able to know of what goes on in the world about him?

In his essay on coalition government ("Selected Works") of April 24, 1945, Mao said very clearly: "We Communists never conceal our political views. Definitely and beyond all doubt, our future or maximum program is to carry China forward to socialism and communism. Both the name of our party and our Marxist world outlook unequivocally point to this supreme ideal of the future, a future of incomparable brightness and splendor."

But Mao Tse-tung also said, on Dec. 30, 1948, "The enemy will not perish of himself. Neither the Chinese reactionaries nor the aggressive forces of U.S. imperialism in China will step down from the stage of history of their own accord."

And how will "U.S. imperialism" be brought down from the stage of history? Mao has given us his prescription for this in his New Democracy, as long ago as 1945: "It is only the Communist ideology and social system that grow and spread in the world, with a mighty thundering force that can level mountains and overturn seas. . . . The world now depends on communism for its salvation, and so does China."

On Nov. 17, 1957, when Mao visited Moscow during the period of the Communist Sino-Soviet honeymoon, he made one of his customary "We desire peace, but . . ." speeches. "We desire peace," he said. "However, if imperialism insists on fighting a war, we will have no alternative but to take the firm resolution to fight to the finish before going ahead with our reconstruction."

In reading Mao Tse-tung's "Selected Works," one has the clammy feeling that all this has happened before, in our time. And it has. Adolf Hitler, who gave us his blueprint of the barbaric catastrophe he intended to inflict upon the world, on May 21, 1935, made one of his customary pledges of peace. "Nationalist Socialist Germany wants peace" he said, "because of its fundamental convictions."

But, alas, no one, it seems, paid much more attention to Hitler's "Mein Kampf," which was published as early as 1925, than

they are paying now to Mao Tse-tung's "Selected Works." Or gave much thought to the fact that in 1936, while Hitler was plotting his assault upon the world, Berlin was the site of that year's Olympic Games, not mere Ping-Pong matches. And in that year, we were told, "The problem of unemployment in Germany had been largely licked" and visitors to the Olympic Games, "especially those from England and America, were greatly impressed by what they saw; apparently a happy, healthy, friendly people united under Hitler."

Now again, as in the 1930s, dozens of books, hundreds of reports and columns and countless editorials in our leading newspapers have falsified and misled their readers about the Chinese Communists as they did then about the Nazis, and are assuring us that we can get along with Mao as they were assuring us then that we could get along with Hitler—and, after World War II, with Stalin.

There should not have been quite as much astonishment as there was about Peking's invitation to the Ping-Pong players, or about Mr. Nixon's ploy against his principal enemy here—the Democratic Party—in his "I will go to China" announcement. He did, after all, make a commitment to attempt just that in his inauguration speech on Jan. 20, 1969, when he said, "We seek an open world—open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation."

And the People's Republic of China is the only country in the world that has been so described by him and by other members of the Nixon administration. Actually, as we know now, he had been putting out feelers to Peking for some time.

Two things should be borne in mind in connection with the projected visit of the President of the U.S. to Communist China. One, that once having gone, there will be no turning back, and this great country will be involved, and become increasingly involved, in shady deals with the leaders of that present-day scourge, as we became involved with Stalin at Yalta, where the possibility of a free China was sold down the river, a further result of which was President Truman's invitation to the Soviet Union temporarily ("to fill a vacuum") to occupy North Korea on conclusion of the war with Japan—which Moscow did, and then, much to Mr. Truman's chagrin, refused not only to move out and let the legitimate government of Korea come in, but refused even to allow a representative of the U.S. government to cross the 38th parallel.

The basic motivation of the Chinese people on mainland China today is fear—a dreadful fear that shows in their eyes and in their trembling voices when explanations are demanded of them by People's Liberation Army representatives in their commune, their factory or their school.

I only hope that the action our President is taking will not lead one day to a similar look in our eyes. I would feel more assured that it will not, if he were to call off his trip for reasons of more important business—the need of trying to do something about conditions in all the deteriorating areas of life here at home.

[From the Fort Worth (Tex.) Star Telegram, Aug. 15, 1971]

SUBVERSION MAKES CHINA UNFIT FOR U.N.

(By Victor Lawren)

WASHINGTON.—Can the President of the United States successfully practice personal diplomacy as Richard Nixon is seeking to do with Communist China?

Sen. Peter Dominick, Colorado Republican, doesn't think so and cites these examples:

President Roosevelt did and Yalta was the result.

President Truman did and Potsdam came out of it.

President Kennedy did and we wound up in the rose garden in Vienna. Subsequently came the Berlin Wall and the Cuban crisis.

Dominick has been an outspoken critic of Red China and long before President Nixon's dramatic announcement that he would meet with Red leaders in Peking to discuss improvement of relations between the two countries.

The senator says he is determined to continue opposing admission of Communist China to the United Nations until such time as Peking demonstrates compliance or at least a willingness to comply with international law and the terms of the UN Charter.

The pattern of Red Chinese subversion in Latin America, Africa and other world trouble spots is well known. But not so well known, claims Dominick, is the role Red China is playing in the Middle East.

He points out that ever since Palestinian guerrillas have been active in the attacks on the Israelis they have taken arms, training and guidance from Communist China. In May, Palestinian Liberation Week was held in Peking and 10,000 Red Chinese showed up at a mass rally. On the same day, People's Daily published an editorial calling on the guerrillas to "firmly grasp the gun and recover their lost homeland through armed struggle—this is the only road chosen by the Palestinian guerrillas and people."

Dominick asserts, "We must once again ask ourselves if this is a government we want seated in a world organization dedicated to peace, when it openly and enthusiastically fans the flames of revolution around the world."

In the senator's opinion, to grant Red China a seat in the United Nations would simply be opening the doors to a new headquarters for espionage and subversion—a Red Chinese mission in New York.

"Of course, we all know that Peking would not be the first nation to spy on us from its diplomatic residence here, and one might say, at first glance, that this is not sufficient justification to deny admission to the United Nations," he explains.

"I would be inclined to agree, except that the government of which I speak has declared in every possible way its support for those who would destroy this nation from within, and it has contributed men and material to wars of liberation throughout the world."

Dominick says an object lesson is visible just over the border in Canada. Since establishment of the Communist Chinese embassy in Ottawa, Peking has dispatched Huang Hua as its ambassador to Canada. Huang is known to be a key Chinese operative in the field of subversion and espionage, whose activities span 35 years and much of the globe while engaged in helping to spread the revolutionary concepts of Mao.

There is no question but that President Nixon has a selling job before him to convince the American people the time has come to change their view on Red China.

A recent survey in six states showed 42 per cent opposed the admission of Red China to the United Nations, 40 per cent favored Peking's admission and 18 per cent were undecided. But when those who favored the admission were asked if they would favor admission even if it meant the elimination of Free China as a U.N. member, the percentages shifted dramatically—66 per cent opposed admission of Peking while only 10 per cent favored her entry. The remaining 24 per cent had no opinion.

[From the N.Y. Times, Aug. 17, 1971]

MAO'S RED SHADOW

(By J. Edgar Hoover)

Red Chinese intelligence in the United States, as compared with Soviet Russia's, has a major handicap in that Peking is not recognized diplomatically by this country nor

is it a member of the United Nations. This deprives the Red Chinese of a legal base from which to operate spies.

Peking is attempting espionage in a variety of ways. One is to endeavor to introduce deep cover intelligence agents into the United States, trained Peking agents who clandestinely enter this country using false identities and identifications and attempt under the cover of being an American to conduct spy operations.

Third countries are used as bases of attack against the United States. The New China News Agency, an agency of Communist China, has an office in Canada. Though claiming to be a legitimate news-gathering organization, it is obvious that the New China News Agency serves as Red China's chief propaganda outlet abroad and has the potential of supplying Peking with intelligence of all types.

Penetration of Chinese ethnic groups in the United States is also tried. The overwhelming majority of Chinese Americans are loyal to this country, and only a very small percentage are sympathetic to Peking.

The shadow of Mao Tse-tung can be seen and felt in the United States today. We can expect the subversive danger to grow as time passes. The only way to meet it is to be prepared. This the FBI is doing through its investigations and the training of its personnel. For example, we are giving instruction to FBI agents in the various Chinese dialects. In this way, our agents are capable of conversing in the native tongue, and the FBI will be able to handle present and likely future contingencies.

AFRICAN POLICY

Mr. BAYH. Mr. President, among the aspects of our foreign policy most neglected by the Nixon administration has been our policy toward Africa. Each year in the President's state of the world statement, that continent has been dispensed with in a couple of pages. These pages, like the administration's policy, lack positive programmatic content. Instead they are littered with pious rhetoric about racism in Southern Africa and simplistic homilies about how the independent nations of black Africa need little more than pull themselves up by their own boot straps. A few such words and a visit by a Secretary of State or Vice President is supposed to suffice as an African policy.

Because I felt that such a policy was inadequate, because I believed it important that we not ignore the people of black Africa, I asked Ulric Haynes, Jr., a deeply knowledgeable expert with wide personal contacts throughout Africa, to visit a number of African countries on my behalf and report his observations to me. On the basis of his report and discussions with others involved in our relations with Africa, I issued a statement on August 31, 1971. I 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 ON AFRICAN POLICY BY SENATOR BIRCH BAYH

Several weeks ago I asked my friend Ulric Haynes, Jr., a black management consultant from New York to go on a fact-finding tour of Africa on my behalf. Rick is a former member of the National Security Council staff and African affairs advisor to President Johnson. He visited the Ivory Coast, Ghana, Nigeria, Ethiopia, Tanzania, Kenya and Zam-

bia for discussions with the leaders of those countries. In the course of his travels he had meetings with President Julius Nyerere of Tanzania, President Kenneth Kaunda of Zambia and President Felix Houphouët-Boigny of the Ivory Coast. He also spent some time in the Republic of South Africa.

On the basis of Rick's report and my discussions with others interested in our relations with Africa, I urge the Nixon Administration to put African affairs higher on America's list of priority foreign affairs matters. I do not believe a visit to Africa by the Secretary of State is an adequate substitute for a vigorous and understanding policy. I don't think using an African trip as a platform for an attack on American black leaders, as Vice President Agnew did, does anything to help Africa meet the challenges of economic and social development. Nor does it help solve the problems of racism and continued colonialism in Southern Africa.

In light of current developments on the African continent, what is needed now is an extensive program of affirmative action in the conduct of our relations with the nations of sub-Saharan Africa. The U.S. must play a timely and positive role in the solution of world problems—not just when they suddenly confront us as major threats to our national interest—but before they reach crisis proportions. I can think of few better places to demonstrate that kind of foresight and leadership than on the African continent.

Let me, therefore, propose a twelve-point foreign policy program for Africa:

1. We should support the principles of the Lusaka Manifesto, which call for a dialogue between the independent nations of Africa and South Africa only if South Africa's non-white population is involved and if a subject is the elimination of apartheid.

2. We must reaffirm the principle of self-determination for all peoples under colonial rule or in so-called dependent territories.

3. In the context we should urge the Portuguese Government to begin the process of granting self-determination to its African subjects in Portuguese Guinea, Mozambique and Angola. Our government ought to enlist the support of the Vatican, Brazil and Spain in this persuasive effort.

4. In light of South Africa's flagrant disregard of the recent World Court decision on Namibia (Southwest Africa), the U.S. government should terminate all diplomatic and other actions which in anyway imply acceptance of South African control over Namibia. It should take vigorous steps to encourage a similar posture on the part of U.S. corporations in Namibia.

5. With regard to the role of American corporations doing business in South Africa, we should adopt a policy of "active engagement" rather than passive acceptance of the status quo. The objective would be the erosion of apartheid's limitations and the rapid upgrading of non-white South Africans' opportunities for training, advancement and increased income. Non-white Africans both in South Africa and elsewhere make it clear they want us to use the considerable economic leverage already available to us through our investments in South Africa for the purpose of helping effect an evolution in race relations. American corporations can and should use their presence and their influence to accelerate creative social change in South Africa.

6. To implement this policy, the Administration should convene a meeting in Washington of representatives of all American companies with operations in the Republic of South Africa. The purpose of that meeting would be to present them with guidelines for the equalization of wages and benefits for their non-white South African employees and for the improvement and expansion of company-supported social services. It is my understanding that the ex-

pertise necessary to establish such guidelines already exists in the Department of State and other governmental agencies.

7. We should now begin to assign non-white American Foreign Service Officers to the Republic of South Africa. The major purpose of this step would be to enhance U.S. contacts with South Africa's isolated and oppressed non-white majority population.

8. We must encourage more private U.S. investment in Black Africa by liberalizing and expediting existing procedures for investment guarantees.

9. Our aid programs in Africa must stress revenue-producing and job-producing industries. Most African countries desperately need to increase their foreign exchange earnings. Inability to earn adequate amounts of foreign exchange hinder development, contribute to internal instability and leave them vulnerable to external political and economic pressures.

As to jobs, Africa, like Asia and Latin America, is faced increasingly with truly massive problems of unemployment or under employment. It is becoming clear that the transfer of Western technology, which is capital-intensive rather than labor-intensive, does not fully meet the desperate need to create constructive, gainful employment. What is needed is the development of a new technology which can absorb these unemployed masses into the economy in a way that is beneficial to them and constructive for their societies. There are some promising examples in East Asia of how modern but labor-intensive agriculture and industry can lead to increased employment and higher standards of living. We would make a unique contribution to the future of mankind if we were to join with the developing nations in a serious program for the development and application of such a modern manpower-intensive technology.

Furthermore, we should show new leadership in encouraging and assisting African nations to undertake cooperative regional projects such as the development of rail and road networks, telecommunications networks, river basins, irrigation and power projects, and the protection of the continent's ecology. As the Congressional Black Caucus has recently pointed out, we should work in close collaboration not only with other donor nations and international organizations, but also regional bodies such as the African Development Bank and the Organization for African Unity.

10. We should facilitate the recruitment of black American professionals and technicians by those African nations especially desirous of having them. This would not only help meet African needs but would also provide a most constructive outlet for the interest and concern which many black Americans have toward Africa.

11. Africa's hopes for the future lie in the rapid development of far sighted and constructive political leadership. We could encourage that development by sponsoring a fellowship program for middle level African leaders—the young African professionals, and technicians who will lead their countries in the decades to come. Such a program could include study of the latest techniques of management, of the conduct of public administration and of international affairs.

12. Finally, it is important for America to unequivocally oppose "racism" wherever it exists in the world and in all its forms whether it be labelled "tribalism," "religious persecution," "oppression of ethnic or national minorities," "color prejudice" or whatever. In this regard our government must make the strongest private and public representations against flagrant violations of human rights in Southern Africa even when they occur under the guise of "antisubversion" activities or judicial prosecutions to

"suppress communism." As past experience shows, our failure to condemn such actions appears to condone them.

ONE HUNDRED MILLION VOTERS BY 1976

Mr. KENNEDY. Mr. President, one of the most glaring weaknesses of our American democracy is the lack of participation of our citizens in the most basic right of all in a democratic society—the right to vote. In the presidential election of 1968, only 73 million citizens went to the polls. This low turnout, representing only 61 percent of the eligible voters in the Nation, ranks the United States significantly behind most of other democratic nations of the world.

More than a year ago, the American Jewish Committee recognized the need for a strong national effort to improve voting participation. In an imaginative recommendation in April 1970, the committee suggested that, as part of the Nation's goals for the American bicentennial celebration in 1976, we should seek the participation of at least 100 million voters in the presidential election of that year. Since that proposal was made, the reduction of the voting age to 18 and the extension of the Voting Rights Act have brought the Nation closer to realization of the goal.

One of the largest remaining obstacles to achievement of the goal of increased voter participation is our archaic system of voter registration. A number of bills are now pending in the Senate to achieve the reforms we need, including a bill I have introduced to establish a universal voter registration system for Federal elections. It is my hope that the Congress will be able to act promptly in this area, so that we can eliminate as rapidly as possible the enormous inequities that exist under the present system.

Mr. President, in light of the new interest now being generated for increased voter participation, I believe that the recommendation of the American Jewish Committee will be of interest to all of us in Congress. I ask unanimous consent that it be printed at this point in the RECORD, together with an accompanying letter I received last week from Mr. Hyman Bookbinder, the Washington representative of the committee.

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

THE AMERICAN JEWISH COMMITTEE,
Washington, D.C., September 14, 1971.

Senator EDWARD KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have read with much interest your speech in the Senate on July 26 dealing with the establishment of a Universal Registration Administration. The proposal makes a lot of sense and should contribute substantially to the attainment of a more appropriate level of voter participation.

In this connection, I think you may be interested in a program proposal developed by the American Jewish Committee last year and submitted to the Bicentennial Commission. Briefly, the proposal calls upon the Commission to set as one of the nation's goals for the year of its 200th Anniversary the participation of at least 100 million voters in the Presidential election of that year. Though Commission officials commended us highly

when they received the proposal, there was no reference to it in the report they made to the President last year. However, we continue to believe that this 100 million goal is an exciting, yet realistic, goal for the nation.

Happily, one of the principal limitations on the size of the electorate has been eliminated with the adoption of the Constitutional amendment granting the right to vote in all elections to all citizens 18 years of age and over. The 100 million goal thus becomes even more realistic—if we take the necessary steps to assure massive participation in the electoral process by the newly enfranchised young people. Extension of the Voting Rights Act will similarly contribute to increased voter participation. Your universal registration proposal can mean even more than either of these two in actual numbers of citizens who could be added to the registration and voting rolls. It fits perfectly into the framework of our general proposal, a copy of which I am pleased to enclose herewith.

Getting many more Americans to vote is, of course, not the only step we must take to broaden citizen participation in the political process, but it most certainly is the most basic one of all. I am so pleased that you and your colleagues will be asking the Congress to take another bold step forward.

Sincerely,

HYMAN BOOKBINDER,
Washington Representative.

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A PROGRAM PROPOSAL FOR THE BICENTENNIAL COMMISSION: 100 MILLION VOTERS BY 1976

THE AMERICAN JEWISH COMMITTEE,
April 1, 1970.

The American Jewish Committee agrees with President Nixon that the 200th anniversary of the birth of our nation should be taken as an opportunity to make a dedicated effort to fulfill those national aspirations yet unattained. Recognizing the importance of the electoral process as the cornerstone of American democracy, we urge that one central goal of the Bicentennial be greater participation in the political process, with special emphasis on the fullest possible exercise of the right to vote.

The AJC urges the Bicentennial Commission to initiate at once a program involving both public and private efforts to best realize the objective of full electoral participation. As a symbol of this goal, we propose that we

seek to involve at least 100 million voters in the Presidential election of 1976.

In 1968, seventy-three million citizens voted their choice for President and Vice President, but there were an additional 47 million Americans old enough to vote who did not vote. This voting participation rate of 61 percent is substantially below that of most democratic nations.

We seek to increase the number of American voters, but we must seek more than an increase in numbers. There must be also an increased involvement in every phase of the political process if we desire an increased confidence in our political system.

One of the great guiding themes of our democracy is that government "derives its just powers from the consent of the governed." There is no greater single manifestation of that consent than the vote. Yet, the tragic fact is that in the 1968 Presidential election only 3 out of 5 eligible Americans registered their consent, or lack thereof, to the programs enunciated by candidates for the highest office in the land. More than one-half of the nonvoters in the 1968 Presidential election, moreover, reported that they were simply *not interested* in voting. At a time when the decisions of our government vitally affect all our people, the sense of alienation, disaffection or apathy that such non-participation conveys is a tragic commentary on our times. Quite simply, people who vote feel that they have a stake in and a sense of connection to the government. People who don't vote are saying that they as individuals do not count or, what is worse, that the democratic institutions do not count. Much greater efforts must be made, therefore, to persuade these nonparticipants that an individual's vote does count, and, at the same time, that it can be made more effective and meaningful.

The national participation rate of 61 percent is bad enough; the rate for state and local, including Congressional, elections is even worse. In most local elections less than half of the potential votes is cast. Every town, county, and city must be brought into this national effort to increase and deepen voter participation.

Not all of the voting gap is due to indifference, of course. Obstacles to voting, whether due to racial discrimination, residency requirements, or other factors, must finally be completely eliminated.

The 100 million goal

As a dramatic symbol of our concerns, and as an ambitious yet realistic undertaking, we recommend that at least 100,000,000 voters in the elections of 1976 be declared as a Bicentennial goal. The goal is clearly attainable:

If the present participation rate of 61 percent continues until 1976, about 8 or 9 million additional voters would participate that year as a result of population growth alone; if the 18-year-old vote is operative that year (a goal which AJC enthusiastically supports), this would add about another 5 or 6 million voters.

These two developments alone would increase to about 87 or 88 million.

Increasing the participation rate to about 70 percent from the present 61 percent would add another 13 or 14 million voters in 1976—thus reaching the 100 million goal. As the following will indicate, this should be possible if a concerted drive is conducted over the next six years.

Of the 47 million Americans who failed to vote in 1968:

About 8 million were actually registered but failed to vote;

About 8 million more were unable to register under state eligibility requirements, of whom 5 million were eliminated because of state residency rules;

About 31 million either did not even try to register to vote or were prevented from so doing, for one reason or another.

If 11 million of these 47 million had voted in 1968, the participation rate that year would have been 70%. Surely, this should have been possible.

RECOMMENDATIONS

We recommend that a broad array of programs, involving all the major groups in American society—government at every level, the educational system, the political parties, business, labor, the wide range of civic and social organizations, the media—be developed to:

1. Increase the number of people involved in the electoral process;
2. Encourage participation by a greater number of people in the larger political process, i.e., party primaries, caucuses and conventions; campaigning; voter-registration drives.
3. Enhance the quality of voter participation through a program of education in the essential processes of democracy and the great documents on which they are founded.

Closing the minority voting gap

Due primarily to the 1965 Voting Rights Act—but due also to greater voter consciousness and confidence in the electoral process—the Sixties saw an increase of over 1½ million Negro voters in the South. The significance of this trend is clearly evident in the fact that the number of black elected officials in the 11 Southern states rose from 70 in 1965 to more than 500 in 1968. In turn, this pattern has further increased interest in the electoral process and even higher registrations can be expected in the years ahead.

But the voting participation rate for Negroes, for Puerto Ricans, for Indians, for Spanish-speaking Americans remains substantially below that of the general populace. Renewal of the Voting Rights Act for another five years (and with the addition of a national ban on literacy tests) should provide the basis for continued gains in minority voting patterns. But rigorous enforcement by the Federal government must be pursued if the full effect of the law is to be realized.

Federal law alone, however, will not produce the level of black and other minority voting needed to close the gap. Every ruse to disenfranchise the minority citizen (*de jure* or *de facto*) must be eliminated: redistricting, use of at-large elections, obstacles to becoming candidates or delegates, rigged nominating and related procedures, lack of adequate polling facilities—to say nothing of continued use of harassment and intimidation to discourage registration or voting.

Youth—A special challenge

The American Jewish Committee is pleased to note that the likelihood of lowering the voting age to 18 has been greatly increased as a result of the Senate's action in adding this provision to the Voting Rights Act. If the House should refuse to go along—and it is our hope that it will go along—then the Congress should proceed immediately to initiate the Constitutional amendment process toward the same end.

Whatever else might be said about today's youth, it is more informed and more involved in the major issues of our times than any preceding generation. But it is not sufficiently involved politically. It therefore too often looks for and adopts extra-political and extra-legal ways to correct the social ills which it perceives. The very preservation of our democratic way of life may depend on the success we have in bringing our young people into the political process—not only in that final act of voting, but in the full range of political action.

While we work toward a lowering of the voting age, it is important to cite the fact that the youngest group of those now eligible to vote actually have the *lowest* participation rate. In 1968, the 21–24 age group had only half the participation rate as those in their middle-age. This regrettable fact, in-

stead of being used as an argument *against* lowering the voting age, reminds us rather that making the vote possible is only one-half the job facing us; we must make the vote seem relevant and significant.

Residency obstacles

In the 1968 Presidential election, about 5 million otherwise eligible voters were barred from voting because of state residency requirements. In this mobile society of ours, over 20 percent of all Americans move every year. It is therefore only right that new state residents be allowed to vote in a Presidential election, regardless of the length of time they have resided in the new state.

Similarly, in state and local elections there should be the least possible restrictions on the right to vote because of residency.

Facilitating voter participation

More important even than elimination of literacy tests is the elimination of illiteracy itself if full and meaningful participation is to be achieved. While there are of course other vital reasons for the total eradication of illiteracy in America—and this might well be a major Bicentennial program itself—greater political sophistication and discrimination requires the ability to read, to understand, to communicate.

Both government and the private sector should develop improved programs to foster better understanding of the rights and duties of citizenship and the significance of voting. Better use should be made of programs of adult education, literacy and community action which are administered, at the Federal level, by HEW, the Departments of Labor and Agriculture, and the Office of Economic Opportunity. At the State and local levels, there are innumerable activities that could appropriately add or extend citizenship education. There is almost no limit to what more could be done by the hundreds of national private organizations—religious, women's, veterans', student and youth, fraternal, etc.

The proposal for a National Election Holiday should be given careful consideration and, if found feasible, enacted in time for the election of 1976. Further study should be encouraged on most appropriate hours for registration and/or voting, location of voting facilities, greater use of absentee ballots, and every other aspect of the electoral process which could affect the level of participation. Both the business and the labor communities should examine what more they could do to increase participation.

Challenge to State and local governments

The Bicentennial Commission should urge every state and local jurisdiction to become part of this program. If the 100,000,000 goal is to succeed, every county in the nation should set a goal for itself—not only one for 1976, but interim goals for every year till then. Governors should charge each state Bicentennial Commission with particular responsibility for this program. As indicated above, political participation rates in many states and localities is shockingly low.

Challenge to educational institutions

The role of education in expanding and improving the electoral process is self-evident. From the grade schools through graduate work, there is an urgent need for improved curricula, for better materials, for easier access to people and information. Efforts should be made to involve the students actively in some aspect of the political process, as well as in the classroom.

The political parties have major responsibility

After all is said and done, of course, the prime responsibility in a free society must be that of the political instrument itself. Government can and should eliminate barriers. But it cannot force participation. We do not seek to achieve the 99% participation rates of totalitarian regimes—at the cost of our freedom. The parties in a democratic society,

moreover, must not be authoritarian or totalitarian themselves.

Each of our parties should be encouraged, during this Bicentennial period, to make an active effort to encourage young people, new voters, Blacks and other minorities, and all other groups that have hitherto remained pretty much outside of the political process, to participate in party activities, from the precinct level to the national committee level.

If each potential voter is to take that crucial step of voting on Election Day, he must not be permitted to feel that the final choices available to him were decreed by a handful of individuals, that his views and preferences had not been solicited, that the real issues of the day had not been truly involved in the selection of candidates.

Each party must examine its entire structure and its operations—to make sure that they are fully responsive to the needs and the desires of the citizens who support that party.

CONCLUSION

As the nation's oldest human relations agency, the American Jewish Committee is deeply committed to the democratic system. We are disturbed by evidences of alarming numbers of people who have abandoned faith in the ability of that system to provide justice and progress and security. Their disaffection, their alienation, their apathy is too frequently reflected in their failure to participate in the political process, especially in exercising their right to vote.

We urge the Bicentennial Commission to set as one of the goals in its general plan "to fulfill those national aspirations yet unattained" the fullest possible participation by all Americans in the political process which our Founding Fathers so carefully designed, including the power to effect changes in that process itself.

As a symbol of that greater participation, we have proposed the goal of 100,000,000 voters in the Presidential election of 1976. With such increase in numbers, moreover, we hope that at every step in the political process there will be greater and deeper involvement by more Americans. These goals will be achieved only if government at all levels, our private institutions, the media, and our educational institutions all play an active role. We are confident that, in such an effort, all of these institutions will indeed do their part. They should be challenged to do so.

PHILIP E. HOFFMAN,
President.

MEXICAN INDEPENDENCE DAY

Mr. ALLOTT. Mr. President, last Thursday, while the Senate was embroiled in debate concerning the draft, our Mexican friends were celebrating *Diez y seis de Septiembre*, the Mexican equivalent of our July 4 Independence Day.

And it was a good day for all of us to give thanks for the heroic service rendered to the United States by American citizens of Mexican, Puerto Rican, and Cuban extraction.

An article published recently in *Soldiers*, an official Army publication, calls attention to this service. 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:

AMIGAS—AMERICANS ALL
(By Philip R. Smith, Jr.)

In the U.S. it's July 4—the grand and glorious Fourth—Independence Day.

South of the border Mexicans celebrate *Diez y seis de Septiembre*—September 16—as their grand and glorious independence day. And Fort Sam Houston and Headquarters, Fifth U.S. Army at San Antonio, TX, will join Mexican-Americans in our Southwest again this year as in past years to mark the occasion.

The gesture of friendship, amity and goodwill between the two nations is particularly appropriate because from the surrounding area—and in fact from Mexico itself—have come many fighting men who added to the luster of the U.S. Army. It's even more appropriate since, in the latest gesture of friendship and amity between the two nations, some of the disputed lands along the Rio Grande have recently been returned to Mexico.

The Mexicans celebrate September 16 as the anniversary of their independence although the revolution begun on that day in 1810 with a proclamation by the priest Miguel Hidalgo y Costilla failed. Independence from Spain did not come until 11 years later. But ever since, the day has been to Mexicans what July 4 is to Americans. Last year Fort Sam Houston sent marching units, bands, floats—one carrying Miss Fort Sam Houston and a court of princesses—and mounted horsemen to the festivities as thousands lined the streets and cheered. Fort Sam will join the celebration again this year.

Although men from south of the border and their descendants have long made contributions to this Nation, it is a little known fact that Spanish soldiers aided the American cause even before our independence had been gained. Spain declared one of its perennial wars against Great Britain in 1779 and although the Spanish crown wouldn't consider joining another old enemy, France, in a concerted effort, Spanish troops actually did serve in what is now the United States.

Operating from New Orleans, Spanish troops captured the Mississippi River posts of Manchac, Baton Rouge and Natchez. They then went overland to take Mobile and force the surrender of Pensacola. Spain had earlier lost the area to the British in the many European wars. Spanish military posts were established on the west bank of the Mississippi all the way to St. Louis.

After the Revolutionary War ended in 1783 the young country encountered border problems with the Spaniards. However, Napoleon acquired the Spanish holdings and then sold the whole of Louisiana Territory to the United States in 1803. Spanish-speaking groups flourished in the old holdings and many Spaniards remained in the settlements, especially in and around St. Louis. Spain still held its Mexican possessions including much of what is now part of the Southwestern United States.

The fact that many Hispano-Americans in what had been New Spain served the United States has all too often been overshadowed by various frictions through the years between Mexico and the United States. Even at the siege of the Alamo some of those who died fighting for Texas were Mexicans. Not many today recall the deeds of Colonel Juan Seguin, one of the garrison who with his orderly and another Mexican made their way through the besiegers' lines to seek aid for the Texans. They fought their way through one road block and got messages out but no reinforcements could be sent in to aid the few who were holding the fort.

Later, during the Mexican War, a Mexican spy company was formed as part of General Winfield Scott's forces. All in all, some 2,000 men served him so well during the war that members of the company were offered \$20 each and a trip to Texas.

CIVIL WAR SERVICE

With the advent of the Civil War and with Texas in the Confederacy, many Mexican-Americans recalled their defeat at the hands

of the Texans and threw in their lot with the Union. Several volunteer companies were raised in New Mexico and in 1862 Colonel E. R. S. Canby commended Colonel Pina, Lieutenant Colonels J. I. and Manuel Chavez and other officers of the New Mexico Volunteers "for their zeal and energy."

Again, a spy company is mentioned in Union dispatches as having "rendered eminent service" by watching Confederate movements. However, other Mexican-Americans served in the Confederate Army and they were frequently mentioned for their heroism and general good military conduct. One Confederate officer sent in a report recommending forming companies exclusively of Mexican-Americans. Apparently nothing ever came of that suggestion and later many Mexican-Americans defected to Union units.

Of all the persons of Spanish descent who served the Confederacy, one of the most interesting was a woman. Born in Cuba, Madame Loreta Velasquez was living in New Orleans when the war broke out. Determined to fight for her adopted country, she made a wire frame that concealed her voluptuous figure and over it she wore a man's uniform, glued on a false mustache and became "Lieutenant Harry T. Buford."

She went from New Orleans to Arkansas where she actually recruited a company of volunteers. Then she enlisted in the Twenty-First Louisiana Regiment. She saw action in the battles at Bull Run, Ball's Bluff, Shiloh and Fort Donelson. Every now and then the intrepid lieutenant "disguised" himself as a woman and as Loreta Velasquez worked her feminine charms as a spy. Although her identity was exposed, she managed to get back to the Confederate lines and went on posing as a man, spying and carrying on various plots until the end of hostilities.

After the war many Spanish-speaking residents of New Mexico served with one of the militia organizations that specialized in putting down rustling and maintaining the peace. One battalion of this regiment served with regular Army troops in the Geronimo campaign. This unit also engaged in several other Apache campaigns.

With the Spanish-American war looming on the horizon, Governor Miguel A. Otero of New Mexico wired the Secretary of War: "In case of hostilities New Mexico tenders you a full regiment of cavalry, 95 percent Spanish-speaking, who will respond immediately on first call, and go where ordered. Can send more regiments if desired. It occurs to me that our volunteers would be very desirable in a Spanish-speaking country."

The Army accepted the offer and soon a unit called the Otero Guards had been organized in Las Vegas.

Lieutenant Colonel Theodore Roosevelt was another "Anglo" who recognized good fighting men. Some of his famous Rough Riders were men of the Otero Guards who served with other hard-riding, hard-fighting men of the Southwest.

After the operations in Cuba Teddy Roosevelt wrote: "In all the world there could be no better material for soldiers than that afforded by those grim hunters of the mountains, those wild rough riders of the plains. They were accustomed to handling wild and savage horses; they were accustomed to following the chase with the rifle . . . the captains and lieutenants were sometimes men who had campaigned in the regular Army against Apache, Ute and Cheyenne . . ."

After the war many of these men found life pretty tame back in the American Southwest. The Indians weren't troublesome and the militia wasn't needed in combating rustling or gunslingers. Some, of course, found an outlet for their energies and their skills as riders on the big cattle spreads or as peace officers. Then came the Mexican border troubles which reached a climax with the raid by Pancho Villa on Columbus, NM, in 1916. Many of the old Rough Riders and

others who had served in 1898 were still around and rode out when Black Jack Pershing led the punitive expedition into Mexico. They went with the others of Spanish descent when the New Mexico National Guard was mobilized in May 1916. Not long after the border incident was finished—inconclusively—the Nation was in the thick of World War I and again the ranks of units from the Southwest were heavy with Latin names, many of whom had served in the Spanish-American War.

In World War II the rosters of Reserve divisions from the Southwest were heavily laden with Spanish and Mexican names. The late Ernie Pyle, writing in his book "Brave Men," tells of some whom he observed with the 45th Division in Sicily—

"A large percentage of the battalion spoke Spanish and occasionally I heard some of the officers talking Spanish among themselves, just to keep in practice, I suppose. That New Mexico bunch missed more than anything, I believe, the Spanish dishes they were accustomed to back home. Their folks occasionally sent them cans of chili and peppers, and then they had a minor feast.

"They were part of the old New Mexico outfit, most of which were lost in Bataan. It was good to get back to those slow talking, wise and easy people of the desert, and good to speak of places like Las Cruces, Sonora and Santa Rosa."

In the 36th Division Company E, 141st Infantry, was composed of Spanish-speaking soldiers—Mexicans from Old Mexico as well as Mexican-Americans and some other Latin Americans. Many could scarcely speak English.

It was Company E that spearheaded the crossing of the Rapido River on January 21, 1944. The Germans holding the opposite bank had prepared well. Trees had been cut down to improve their field of fire and the trunks littered the bank. Nature aided the Germans with a low fog that morning; water filled the foxholes as rapidly as entrenching tools could bite into the soil.

Suddenly the fog lifted and the men of Company E were clearly visible to the defenders. Rockets and mortar and artillery shells rained down on the exposed troops as the Germans in their defensive positions shouted "Give up, Give up!" Even those in the American lines who didn't speak very good English knew what that meant—but not one of them gave up. Their line held despite the heavy fire and there in the shallow, water-filled foxholes the men of Company E hung on until the attempted crossing of the river was abandoned. German dispatches expressed amazement at the performance of the Spanish-surnamed Americans.

PUERTO RICANS, TOO

Not all of the Spanish names on Army rolls through the years were carried by men from the American Southwest. Many came from Puerto Rico which even today produces soldiers serving in Vietnam. Puerto Rico had formed a militia unit that fought against Sir Francis Drake in 1595, several years before the appearance of English settlements in Virginia and Massachusetts. Today's Puerto Rican National Guard units trace their origin almost 200 years before this Nation was formed. An Irish adventurer, one Marshal Alexander O'Reilly, is called the "Father of the Militia" because he accomplished a reorganization of the Puerto Rican units in 1759. A century later when the Spanish possessions in the Caribbean and South America were fighting for their independence, Spain disbanded the militia. When U.S. troops landed in the islands during the Spanish-American War many former members of the old militia served them as scouts and interpreters.

After World War I a U.S. Army National Guard unit, the 65th Regimental Combat

Team, was formed and today the Puerto Rico National Guard has a dual responsibility—to the United States and to the Commonwealth of Puerto Rico. In both World Wars and in Korea and Vietnam, many Puerto Ricans who had immigrated to the mainland—settling largely in New York, Florida and Washington, DC—served in many U.S. Army units.

Of the 30 or so U.S. recipients of the Medal of Honor whose names show their Latin backgrounds, Captain Euripides Rubio, Jr., a native of Puerto Rico, is one who typifies the gallant actions of Puerto Ricans. He was awarded the medal posthumously.

To name but a few of those who earned their Medal of Honor in World War II, there are Joe P. Martine of Taos, NM, awarded for action on Attu Island May 26, 1943; Jose M. Lopez of Mission, TX, awarded the medal for action near Krinkelt, Belgium, December 17, 1944; Marcario Garcia of Ville de Castano, NM, for action near Grosschau, Germany, November 27, 1944; Jose F. Valdez, Gobernador, NM, for an action near Rosenkrantz, France, January 25, 1945.

The tradition of service and of heroism continues today. In a speech to the Senate on May 6, Senator Joseph M. Montoya of New Mexico told of contributions of the Spanish-speaking Americans in Vietnam. He stated that while they represent only 11.8 percent of the total population of the five Southwestern states, they account for 15.8 percent of U.S. casualties.

When the citizens of Mexico and of those same Southwestern states celebrate anew the *Diez y seis de Septiembre*, San Antonio, Fort Sam Houston and Headquarters, Fifth U.S. Army will be joining their neighbors south of the border to honor a long tradition of independence.

RHODESIA

Mr. KENNEDY. Mr. President, from Angola, through Namibia and South Africa and Rhodesia, and on into Mozambique, the rigid humanity of legalized racism has distorted life for millions of black and white African citizens.

The United States is deeply concerned about the effect of those policies. Our Government has consistently pronounced disagreement with the refusal by those regimes to provide basic economic and human rights for all their citizens.

In 1965, the United States voted with other members of the United Nations to assert its opposition to the unilateral declaration of independence announced by the rebellious Rhodesian Government of Ian Smith. Since then, this Nation has complied with the economic sanctions against Rhodesia as an effective inducement for that government to consummate a political agreement with the United Kingdom.

I firmly believe that this Senate must reaffirm the United States commitment to oppose the very repugnant policies of the racist Rhodesia regime. We must therefore reject any effort to reverse our position. We must especially reject the current move to permit U.S. purchases of chrome ore extracted from Rhodesian mines. Buying Rhodesian chrome not only violates the U.N. sanction that we voted for in 1965, but it would also reject the judgment of the Office of Emergency Preparedness—OEP. According to OEP, current stockpiles of chrome ore exceed projected domestic needs to such an extent that the passage

of legislation now pending in the Senate would authorize disposal of 2,250,000 tons of excess stockpiled chrome ore. By using ore from the stockpile at current rates of consumption, the need for annual imports of chromite would be substantially reduced.

In the current issue of Atlantic magazine, John Grimond presents a clear perspective of U.S. and European involvement with Rhodesia. He explains why economic sanctions against Rhodesia must be continued. I believe Mr. Grimond's presentation is a concise and telling account of the Rhodesian situation and I commend it to this Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD the article entitled "Rhodesia," published in the Atlantic magazine for October 1971.

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

RHODESIA

Over the five and a half years that have elapsed since Prime Minister Ian Smith declared Rhodesia independent, the problem of this relatively insignificant British colony has proved as intractable as a wart on the face of John Bull. From time to time hopes have been expressed that this final blemish on Britain's colonial record could be charmed away, perhaps by foreigners. Would the independent states of Africa mount an army of liberation to free their black brothers in Zimbabwe (as they call it)? Might the United Nations shoulder the burden? Could the United States be persuaded to intervene? The answer to the first two questions never looked like yes; and a negative to the third came last year when President Nixon, by withdrawing the U.S. consul from Salisbury, showed that he would not deviate from the general line adopted by his predecessor—that of offering no comfort to Mr. Smith.

This attitude probably owed much to Secretary of State William Rogers, whose tour of a number of black African countries in February, 1970, resulted in a State Department announcement of increased support for the "smaller independent States south of the Zambezi"; this was a poke in the eye for the Rhodesians who had hoped that Rogers' visit to the North would show him the follies of black rule. But the general U.S. position was confirmed by the passage in President Nixon's State of the World report declaring that "the United States stands firmly for the principles of racial equality and self-determination in southern Africa." Since then the United States has not intervened.

"HISTORY IN ROCK"

So it was with a distinct feeling of *deja vu* that Rhodesians and Britons alike watched the latest round of Anglo-Rhodesian diplomacy that began to unfold in June. Edward Heath's Conservative government chose to retain the services of its predecessor's emissary, Lord Goodman, sending him to the Rhodesian capital, Salisbury, to prepare the ground for full negotiations.

The difficulty with negotiations is that in Rhodesia so little seems to change. It was Sir Robert Tredgold, a former chief justice and acting governor-general, who once asked, "Do you remember what old John Burns said of the Thames—that it was liquid history? I think we may claim that here we have history in rock."

That was in 1953. The rock has not crumbled since, nor are there many signs that Lord Goodman, though a formidable man, will succeed in cleaving it. Far from crumbling, it has been compressed and compacted by the combined force of trade sanctions, international ostracism, and the official opprobrium of the community of nations. The

effect of this has undoubtedly been to increase the isolation of white Rhodesians, from which they have found solace by progressing further and further down the road to apartheid. There is now a *laager* feeling, a feeling of encampment, in Rhodesia which drives the whites in upon each other, shuts them off from outside influences, and takes this already provincial country ever further away from the mainstream of European or African thought.

The inevitable effect of this isolationism is to create another *laager*, a black one. It is now difficult for a white man to meet and talk freely with Africans unless their friendship is long established. Whites and blacks work together; indeed, because of the skilled-labor shortage, blacks find that ever more frequently they are working side by side with whites in jobs that have hitherto been filled by Europeans. But blacks treat whites with deference, and there is little interchange of thoughts or ideas. Few whites speak either of the two main African languages of Rhodesia—Ndebele and Shona—though in Kenya or Tanzania, for instance, it is rare to find resident Europeans who cannot get along in Swahili.

Sir Robert Tredgold, referring to the paradoxes of Rhodesia, has written that "often the best personal relationships go with the most reactionary views. The Rhodesian law says 'Thou shalt not live with thy neighbour.' The people so often insist on liking him and getting on with him. Government policy says 'You must keep the other race at arms' length.' Whenever the people—white and black—get to know one another well, there grows a strong sense of our common humanity." In part this is still true, but as Sir Robert would admit, it is noticeably less true today than it was when those words were written in 1968. The trouble is that white and black now seldom get to know each other well.

This population figures to help to explain why. There are today 5,130,000 Africans in Rhodesia and 243,000 whites—more than 21 blacks for each white. Furthermore, the African population is reproducing at the rate of 3.8 percent each year—one of the highest rates in the world—which means that by the end of the century, the ratio could be 40 to one. Little wonder then that the whites feel threatened. When one understands that 79 percent of the Europeans live in the cities (40 percent of them live in Salisbury alone), whereas only 14 percent of the Africans live in the cities, then one sees that in the vast majority of this country of 150,000 square miles, the whites are pretty thin on the ground.

Rhodesians are aware of this, and it frightens them. More than anything else it is fear that motivates the white community. In consequence the approach of the ruling party, the Rhodesian Front, is to allay fear. It tries to do this first by ensuring that the top jobs are reserved for whites and second by dispatching the urban Africans to black townships and their rural counterparts to "tribal trust lands."

If all this sounds reminiscent of South Africa, it is because what exists in Rhodesia is almost the same as apartheid. It is true that in Rhodesia the Africans have been allotted 50 percent of the land area, whereas in South Africa they have been given only 13.7 percent. But in Rhodesia, the Africans constitute 96 percent of the population; in South Africa the corresponding figure is 71 percent. As in South Africa, the Africans in Rhodesia have been given the poorest and least fertile pieces of land. Residential segregation has not gone as far as in South Africa, but here too the trend is clear. Last year, details of the Residential Property Owners' (Protection) Bill were published. This bill would enable residents of a street to evict any "colored" (of mixed racial descent) or Indian family from the street simply by

collecting fifteen signatures; the names of the signatories would not be made public. Since Africans are already residentially segregated from other races, this bill, if passed, could almost bring to an end such residential integration as exists. It is not because of last-minute scruples of conscience that the government has reconsidered the bill, but it is now thought that there may be changes before it is brought before Parliament.

Disillusion with Britain and the trend toward the South African system, as well as a heavy dependence on the South African economy, have actually resulted in a desire in some quarters for integration with the republic next door. What is seldom understood by those who call for such a union is that in the course of time Rhodesia would almost certainly be turned into a *bantustan* (homeland for blacks only) by South Africa. Nothing would delight the government in Pretoria more than to have Rhodesia as a buffer state onto which it could unload some of its own black population, thus keeping the prize territory for itself. No doubt Prime Minister Smith is sufficiently shrewd to realize this.

His main preoccupation is to attract European immigrants, both to help redress the imbalance between the races and to fill the skilled jobs that the dictates of white supremacy forbid to Africans. Rhodesia boasts that net immigration of Europeans last year was 6340 (1300 more than the previous year) and that the figure of 2270 for the first three months of this year (450 up on the corresponding figure last year) suggests another increase in 1971. These figures are hard to verify, and there is suspicion that some emigrants are merely classified as residents on vacation, a device which would inflate the net totals. An anomaly arose at the time of the last census in March, 1969, when the white population was found to be 229,000. The same year's Annual Economic Survey gave the white population ten weeks earlier as 241,000. If both figures were correct, there had been dramatic emigration over a very short period.

Whatever the true figures, the trend among the young is clear. A survey of the intentions of two hundred sixth formers in February of this year showed that 50 percent wanted to leave the country, and of these, half declared that they did not want to return. John Bishop, who one month later carried out another survey among university candidates on behalf of the University of Rhodesia, found an overriding desire, particularly among the more intelligent young people, to leave the country. "They want to leave home, parents, Rhodesian society, the lot," he said. Statistics bear him out. Between 1961 and 1969 the proportion of whites in the most economically active age group, twenty-five to forty-four, dropped by 4.3 percent, while the proportion of those over forty-five increased by 3.9 percent. At the same time, the natural rate of increase among whites has dropped from 2.1 percent in 1959 to 1.1 percent today.

But for those who remain, life is still comfortable. Average earnings for non-Africans (Europeans, Asians, and those of mixed racial descent) are R\$258 per month (one Rhodesian dollar = U.S. \$1.40), which compares favorably with average disposable income in Britain of £51 per month and average earnings for black Rhodesians of R\$26 per month. And there is no difficulty in spending it. Salisbury abounds with shops, and though the stock of the boutiques does not always live up to the window dressing, Rhodesians do not want for much—if they are prepared to pay for it. For instance, one of the bookshops, Kingstons, can boast of a selection far superior to its namesake's in Zambia's Lusaka to the north. And in Rhodesia, South African tourists find to their delight that *Playboy* magazine (banned in

South Africa) scrapes past the censor five or six times a year, and most movies shown on Rhodesian screens would still be recognized by their directors. But the Rhodesia *Herald*, the nation's foremost daily paper, has now all but relinquished the role of critic and adviser that for some time it fulfilled, and the state-run radio and television give a somewhat one-sided view of world events.

MYOPIA

Such a state of affairs may cause myopia but, in the short run at least, no discomfort. Salisbury has much of the opulence of a small American Midwestern city—indeed, the city center, made up of blocks of high-rise buildings divided by avenues running east and west and streets running north and south, strengthens the resemblance. As in America, most citizens live not in the downtown area, which is given over to trade, business, and commerce, but in the suburbs, where rows of bungalows with scorched lawns and arid rose gardens pay tribute to the tenaciousness of the British character in the face of the tropical sun. Only the aquamarine of the ubiquitous swimming pool reminds the casual visitor to the suburbs that he is not in suburban England in an unusually hot summer. Only the few colonial features, such as the unimpeachably respectable atmosphere of Meikles Hotel, remind the casual visitor to the city center that he is not in North America.

Salisbury is in fact an African city in that it has 320,000 black inhabitants and only 105,500 whites. But no Africans live in Salisbury proper, except as domestic servants; they live in black townships suspended in the white hinterland like sea urchins in surf. The drab exteriors of the serried ranks of identical boxes betray nothing of what goes on inside, particularly at night when—work over—drinking, dancing, and discussion, all accompanied by music from the radio, may recapture something of the vitality of traditional African life. But this is not always the pattern. Too often city life for Africans, condemned to be commuters from a ghetto to a white man's city, lacks the *joie de vivre* that is to be found in the countryside. There, though poverty is more acute, life is less artificial, and the indignities of racial discrimination are less apparent. As it is, much of the extra money that comes from having a regular job often goes toward drowning sorrows at the beer halls, though some, it is true, is usually sent off to rural relations.

MONEY VS. SUBSISTENCE

How has the economy fared under sanctions? According to official statistics, the average real rate of growth since Rhodesia's unilateral declaration of independence in 1965 has been 4 percent. In 1970 it was higher than this, nearer 4.5 percent. That figure failed to meet the forecast of 7 percent, but it reflected no mean achievement, particularly in light of the famous words of Harold Wilson in January, 1966: "Sanctions might well bring the rebellion to an end in a matter of weeks rather than months." It is clear now that sanctions will never bring the rebellion to an end. But it is equally clear that they do have an effect, and this effect is not simply to make life harder for the African. Prime Minister Smith and his supporters are fond of making two points: that sanctions are merely an irritation to Rhodesia and that they hurt not the white population but the African. Neither of these is true.

There is in Rhodesia, as in most underdeveloped countries, not one economy but two. There is the money economy, which embraces all the white population plus some 14 percent of the African population, and there is the subsistence economy, which is exclusively African in composition. Sanctions affect only the money economy and hence leave over 85 percent of the African population untouched. It is true that the remaining 14 or 15 percent are more likely to be affected

than the white population simply because in times of economic recession it is the blacks who are laid off before the whites. But where the blacks are doing jobs that are so menial that no white would do them—such as being a laborer or messenger boy—black employment is secure. Therefore, while it is true that some Africans will have suffered through sanctions, the proportion is so small as to be negligible. Furthermore, an African who loses his job in the money economy finds it quite easy to slip back into the subsistence economy; this is not true of a white. Therefore, the degree of suffering involved for a black is markedly less than for a white. This is borne out by the attitude of Africans toward the continuation of sanctions: insofar as one can find out, most Africans are in favor of their perpetuation.

In the money economy the situation is more complex, though here too sanctions have had only a limited effect. As much as a third of the white work force is directly or indirectly employed by the government. Therefore, sanctions affect them only to the extent that they affect the government's ability to pay salaries, and this appears to be relatively little. The section of the white community hardest hit is undoubtedly the farmers—particularly those who grow the main export crop, tobacco. In 1968, a Rhodesian Tobacco Association survey found that only 5 percent of the growers could break even. The number of tobacco farmers had dropped by 1100 to 1700 between 1965 and 1970, and the value of the crop had dropped from R\$70 million to R\$27.4 million over the same period. It has been estimated that over one third of the total crop between 1965 and 1970 was stockpiled. Tobacco farmers are therefore kept in operation thanks only to massive subsidies from the government.

The other people potentially vulnerable to sanctions are those employed in the financial, industrial, and mining sectors. How have these fared? The reaction of Mr. Smith's Administration to the imposition of sanctions was to encourage largescale domestic industry, not simply to make the goods that Rhodesia could no longer import but also to provide employment. The government was also anxious to foster new projects to accelerate the economy's rate of expansion. This policy continued until 1969, but since then one critical problem has arisen—a shortage of foreign exchange. In spite of sanctions, much trade could and did continue, notably with South Africa but also with countries such as Germany and Japan. Therefore, some foreign exchange flowed into the country, but this was not enough to satisfy the needs both of existing enterprises and of the new projects for foreign exchange to pay for imported machinery.

However, the most important effect the sanctions have had has been to prevent the Rhodesian government from raising foreign currency loans on international markets. And since there is now a sharp demand for foreign currency which exceeds the supply from exports, the Rhodesian Reserve Bank is very concerned.

The mining sector has found little difficulty in exporting its products through South Africa or the Portuguese territory of Mozambique. Some difficulty has been experienced in marketing Rhodesia's asbestos, largely because this is of such a high quality that its country of origin can easily be determined. Chromium exports too have suffered, though earlier this year the United States government permitted the shipment of 150,000 tons of chromium ore from Mozambique where it had been blocked since before Rhodesia's unilateral declaration of independence (UDI).

The Nixon Administration is under strong pressure to resume importing Rhodesian chromium, since America is now buying over 50 percent of its chromium ore imports from Russia at a price of \$65 to \$70 per ton in con-

trast to the \$26 per ton that it was paying for Rhodesian chromium ore in 1965. One of the ironies of this situation is that it is rumored that some of the Russian ore in fact originates in Rhodesia.

Earlier this year the Nixon Administration permitted Union Carbide, a firm which favors closer relations with South Africa, to sell 150,000 tons of chromium ore—worth \$2 million—that had been mined before UDI and held stockpiled in Rhodesia since 1967, but there has been no general relaxation of the official American attitude toward sanctions. Indeed, David Newsom, the Assistant Secretary of State for African Affairs, hotly opposed a bill introduced in early July by Senator Harry Byrd (Dem., Va.) to allow Rhodesian chromium to be imported into the United States. Mr. Newsom said that Rhodesia's course since 1965 "has contributed toward a heightening of the black-white confrontation in southern Africa."

Nickel and copper exports remain high, and it is expected that Rhodesian mining will continue to prosper. The only other sector of the population to suffer from sanctions is the consumer. To him sanctions usually mean the irritation of not being able to find a spare part for the power mower; to her it means a restricted choice in the shops and, more inconveniently, an occasional shortage of the Pill. To the consumer, sanctions are just a great big bore—no more than that.

But sanctions could become more if, as the Reserve Bank fears, inflation prompted by consumer demand for goods catches on. This danger now looms for two reasons: first, the shortage of foreign exchange threatens to level off supply; and second, surplus funds (in the form of time deposits which have risen from R\$7.4 million in 1965 to R\$94.8 million in 1970) could lead to a consumer spending spree. To be sure, an inflationary spiral is something that many other countries in the world have to deal with, but Rhodesia under sanctions is particularly ill suited to tackle it.

STAMP

White opposition to the regime has almost entirely evaporated with the defeat of all the white candidates who ran last year for Pat Bashford's multiracial Center Party, leaving the Rhodesian Front with all the fifty "white" seats. Eight black candidates were returned by voters on the African roll, but their position in Parliament is totally powerless. Faced with such a substantial phalanx, they cannot hope to influence policy in Parliament. Indeed, all policy decisions seem to be settled by caucuses of the Rhodesian Front. This leaves Parliament in the position of being little more than a rubber stamp. It has even ceased to be an effective forum for discussion, partly because it sits for only some months of the year, partly because the press and radio devote so little of their capacity to airing critical opinions, and partly because the eight elected opposition members are not representative of the body of black opinion—after all, only 8192 Africans were allowed to vote, and fewer than half of these did.

Far more outspoken than the Center Party—which has declared itself loyal to "the sovereign independent State of Rhodesia"—have been the several churches. Through the letter columns of the papers, through statements (which have been reported), and through their own publications, church leaders of all denominations have castigated the government, although with very limited effect. Ironically the reaction of one Rhodesian to a pastoral message, issued by the Roman Catholic bishops of Rhodesia, called "A Crisis of Conscience" was to place advertisements in the press headed: "Rhodesians, wake up! Your political freedom is being challenged (not by Great Britain—they tried and lost the battle) but by a much more ex-

perienced adversary—the Roman Catholic Church. . . ." But most white Rhodesians are oblivious to the erosion of their freedoms from whatever quarter it comes: the freedoms they have lost have not been freedoms they have used.

The most provocative threat to the regime—an example of multiracial living—was snuffed out by the government earlier this year. Cold Comfort Farm was a multiracial cooperative that existed just eight miles from the center of Salisbury on land that was designated by law virgin white. It was able to exist because the ownership of the land was in the names of whites, but the society that ran the farm was multiracial. Last November the society's chairman, Didymus Mutasa, was taken into detention, without trial, and is now languishing in Sinoia Prison. Guy Clutton-Brock, the treasurer, had his Rhodesian citizenship removed and was subsequently deported to Britain. The farm was then closed down. Since the principles on which the society was run owed more to Baden-Powell than to either Marx or Mao, it was impossible to find a pretext for its closure that would stand up in a court of law. However, this is not necessary in Rhodesia—the signature of the Minister of Lands is sufficient.

The only other notable case in which the government has encountered passive resistance has been that of the Tangwena tribe and their leader, Chief ReKayi. Since 1965, successive governments in Salisbury have endeavored to drive the Tangwena from the land in the eastern highlands that they have occupied since the last century. The reason for this uncivilized behavior is that the white man wants the land for himself; the land was in fact declared "white" in 1930. The Tangwena, however, will not be moved—not, at any rate, by legal writs nor even by use of force. Several times in the past year the government has destroyed the houses of the Tangwena, but each time Chief ReKayi has brought his tribesmen back. Now he is remanded in custody, charged with four offenses under the Law and Order (Maintenance Act), but his followers are still in the hills waiting to rebuild their houses.

In Zambia's capital, Lusaka, are headquartered the two Rhodesian guerrilla groups, the Zimbabwe African People's Union (Zapu) and the Zimbabwe African National Union (Zanu). Some of their leaders are among the 144 detainees at Gona-kudzingwa and other camps in Rhodesia, but others organize incursions into Rhodesia from Zambia and Botswana. Though they do not at present constitute much more than a nuisance, they do from time to time have successful encounters with Rhodesian security forces. Certainly they are taken sufficiently seriously for the South Africans to have police permanently stationed in Rhodesia. If, as now seems possible, Zanu and Zapu manage to settle their age-old differences (which, though Zanu is Chinese-supported and Zapu Soviet-supported, owe more to clashes of personality than to ideological disagreements), their combined and coordinated efforts may prove more dangerous to the Rhodesians than their present fragmented ones. But the day of liberation for the Rhodesian African, however it is to come, still seems very far away.

JOHN GRIMOND.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

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

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

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous unanimous consent agreement, and the hour of 11 o'clock having arrived, the Chair lays before the Senate the pending business, the conference report on H.R. 6531, to amend the Military Selective Service Act of 1967; to increase the military pay; to authorize military active duty strengths for fiscal year 1972, and for other purposes.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the cloture motion.

Mr. MANSFIELD. When does the time start on the limitation of debate?

The PRESIDING OFFICER. At 11 o'clock; now.

Pursuant to the unanimous consent agreement, the time from now until noon will be equally divided and controlled by the Senators from Alaska and California (Mr. GRAVEL and Mr. CRANSTON), and the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, there is one significant and outstanding fact that we have been over several times here even though it has just become known. But whenever the record is open for debate on the subject the point should be emphasized again, so that it will be crystal clear in the record as to what that fact is.

The fact is that even in the brief span of time that we have operated without a draft law on the books, in round numbers 75 to 80 days, the percentage of high school enlistees in the Army has been steadily going down. Those that are not high school graduates, up until the draft expired, had been running on the average at 37 percent.

In the brief span of that 75 to 80 days, during July and August and part of September for which we have the records, that 37 percent has quickly grown to about 50 percent of enlistees who are non-high-school graduates.

That brings us immediately to the point mentioned so many times, the problem of getting enough young men who have had enough of a formal education, enough of a basic knowledge of mathematics and related subjects, to have the ability to grasp training in military technology.

All the services have many of these technical groups which have to be highly trained. That means the men have to be capable of taking the training, they have to have the background of schooling necessary, they have to have been intro-

duced to the necessary science and technology needed to make some kind of start. Those are the kinds of men the services have all used in crews to operate in the fields of electronics, radar, avionics, and so forth. The services all need crews for attack submarines, for Polaris missile submarines, for the carriers at sea and for airplanes—the Navy, the Marines, the Air Force, the Army, they all have aircraft and other highly technical systems.

So the rate of enlistment of the necessary kind of men has taken a toboggan slide. When we project the showing over these 2½ months over to a period of 6 months, it is unmistakably clear, and proof is abundant, that there will be a rapid deterioration in the services. They will have to abandon various units in order to take what is left of the crews and consolidate them, in order to keep some of our airplanes ready to go, and some of our submarines ready to operate.

Every day that we lose in those fields, will cost us not just a little more money but will eventually cost us—and is beginning to cost us now—billions of dollars.

Mr. President, I am not in favor of rushing any Senator, but with all deference to everyone, this bill has been before the Senate so long and so much, and every Senator has had his opportunity to speak for or against it, that it is time for the Senate to vote on it.

Bad as the problem is about the war, the Senate determined last week that this bill is not a vehicle for the contents of the Mansfield amendment.

There will be other doors opening—they are open all the time—and I assume the Mansfield amendment will be before the Senate again. My judgment is that it will be.

Mr. President, let us talk about the Senate a little bit, not just the membership, but the Senate. Today is September 21, and we are running far ahead of schedule, in many ways, over the past few years. All the appropriation bills have emerged from conference except foreign aid and the two Department of Defense appropriation bills. I refer specifically to the military construction appropriation bill on which there is no problem, as it passed both Houses and will come back here soon. But this appropriation bill for the Department of Defense cannot be marked up over in the House. It is lying there. The House is waiting on us to pass the authorization bill. They do not know what will be in the bill or what will be left out of it. They know what the committee has recommended but they do not know about the reductions, whether they will be sustained by the Senate, or whether the recommendations of the committee on weaponry will be sustained by the Senate.

As a member of the Appropriations Committee, I assure all Senators that there is no way to get at it, writing up the appropriation bill, until the authorization bill is passed. We have made some headway on it. The hearings have been held to give consideration to matters which do not have to be authorized but we cannot formalize the appropriations bill until it is known what the authorizations will be. Until then, we are stagnat-

ing. If we could conclude the bill today, no harm would be done to any Senator, and we would save the rest of the week and be able to get on to the Military Procurement bill. We already have an outline of a system to try to get the work moving. When we do start, we are going to have assistance from our leaders, as well as from the chairmen of the subcommittees, who are specially prepared to debate the items that come within their categories. We will have the minority and majority members of our committee coordinating.

The leadership on both sides of the aisle, the Senator from Montana, the Senator from West Virginia, the Senator from Pennsylvania, the Senator from Michigan, and also the Senator from Maine (Mrs. SMITH), the ranking minority member of the committee, all in a team, have already agreed on a broad outline of the activities and operations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 additional minutes.

Mr. STENNIS. Mr. President, I know that a lot of amendments will be offered. They are already piling in. They are going to concern the war in Vietnam again. I am not objecting to that, nor am I complaining about that. They will concern the ABM and much of the weaponry. They will concern the money matters for all of Southeast Asia and military aid. They will concern perhaps an overall ceiling.

I am not predicting the cost, but I would be greatly surprised, with the best of luck, if we are able to finish this bill with less than several weeks of debate.

I know that we need to get along with the draft bill. The Mansfield amendment matter will, I assume, come up again, and perhaps more than once in this session.

So, on this measure, I respectfully submit the facts. The arguments have been made over and over and over again. It is time to act. Anything less than action now would be a failure to move forward in the face of circumstances that should be given consideration.

Mr. President, I yield the floor and reserve the remainder of my time.

ORDER OF BUSINESS

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum, unless someone wishes to speak.

Mr. CRANSTON. Mr. President—
The PRESIDING OFFICER. Would the Senator withhold that request?

Mr. STENNIS. Mr. President, I withdraw that request.

Mr. CRANSTON. Mr. President, I yield myself such time as I need.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, President Nixon said last week that it would be "irresponsible" for the Senate to delay extending the draft.

He implied that such a move would endanger our security.

I believe that statement is utter nonsense.

The Nation has already gone nearly 3 months without draft law and, short of a national emergency which is nowhere in sight, we can go many more months without a draft.

The Defense Department has indicated that even with the draft, fewer than 30,000 men would be inducted between now and the end of the year.

I find it hard to believe that the security of the United States depends on that number of raw recruits.

Plainly we have plenty of time to debate fully the necessity of the draft—and the relationship of the pending bill to Vietnam—without endangering national security in any way, shape, or form.

Indeed, I am convinced that by making wiser and more prudent use of our manpower we can go forever without a draft and be better off economically, morally, and militarily.

But if the President feels that immediate extension of the draft is absolutely vital to the Nation's security, he can get that extension at once by accepting the original Mansfield amendment.

The 61 Senators who voted for that amendment include the bulk of the Senate opposition to the draft bill.

Among them lies all our hopes for a successful extended and lengthy discussion of the draft.

Were President Nixon to accept the original Mansfield amendment, most of the opposition to the draft bill would evaporate.

The delay and the debate would end; cloture would be voted at once.

I am confident that we can defeat the cloture motion today.

And, if we display the same determination on this matter this week and thereafter that President Nixon displayed last week, we can go on defeating cloture as long as cloture petitions are filed.

But without the support of pro-Mansfield amendment Senators, I repeat, our filibuster would not stand a chance.

We would lose even this very first cloture vote. The issue of extended debates and cloture votes to end them are also deeply involved in the matter. Some Senators who favor the draft and oppose the Mansfield amendment will nonetheless vote against cloture, and some Senators who oppose the draft and favor the Mansfield amendment will nonetheless vote for cloture.

The administration has already made one major concession in its effort to push its draft bill through the Senate quickly.

The President promised the distinguished Senator from Colorado (Mr. ALLOTT) that he would support the Senator's compromise proposal to increase military pay \$380 million more than the administration wanted.

As an advocate of an all-volunteer army, and as a man who worked closely with the Senator from Colorado in getting his original amendment approved by the Senate, I applaud the President's move, though I recognize that no one can guarantee the final fate of that compromise once it gets to the House.

But the significant fact is that the

President did make that important concession.

For an administration that is at present so vocal and active in its opposition to increased Government spending, to agree to boost spending by \$380 million is almost as big a concession, economically, as accepting the Mansfield amendment would be politically.

The root question is this: Just how big a concession would accepting the Mansfield amendment be?

The President has frequently declared his intention of withdrawing our men from Vietnam.

But he has never said he would withdraw all our men.

And there is talk of a residual force of 50,000 men with continued American involvement in aerial and naval combat, and perhaps even in ground combat through undefined support activities.

If that is really the President's plan, then, of course, he will not accept the Mansfield proposal that we withdraw all American Armed Forces from Vietnam within 9 months.

He will not accept it no matter how hard the Senate insists.

But in that case, we and the Nation will know where we stand.

We will know that despite the President's talk of winding down American participation in the war, we are not going to be getting out of the war for a long time to come, if ever.

If, on the other hand, the President truly intends to get all our men out and to get them out safely and systematically within a reasonable time, then he can accept the Mansfield schedule.

The difference between the explicit Mansfield timetable and the implicit timetable which, we are told, the President has in mind, is merely a difference of a few months.

The only concession the President would make would be to accept the Senate as a constitutional partner in the conduct of foreign policy, sharing full responsibility with him for ending our participation in the war.

I believe that if we in the Senate continue to hang tough, we can find out just how important the draft really is to the White House.

And we can make the Mansfield amendment the acid test that will reveal the President's true intentions in Southeast Asia.

Mr. DOLE. Mr. President, I wish to speak to the problem of the draft, one which has occupied the attention of the Senate throughout a long and arduous legislative process begun last winter and carried forward to culmination in the legislation now under consideration. This bill is the careful product of hearings, study, debate, compromise, passage by the House and Senate, and approval by a conference of both bodies. It is a well-considered, thoroughly studied, and vitally important bill. It meets a crucial national need, and it should be passed without further delay.

RESPONSIBLE APPROACHES TO ENDING THE DRAFT

The Senator from Kansas has long been an advocate and supporter of filling

the manpower needs of the Armed Forces through voluntary enlistments. Ending reliance on the draft is an extremely important national goal, but that goal must be achieved in a responsible way.

The draft system—and its replacement by something better—are issues too important to be treated unsystematically and in the heat of emotional appeals to the anxieties of the people. Responsible men in both the Congress and the executive branch have devoted months to serious and thorough investigation of how best to end the draft and with what better system it might be replaced.

Many Senators and Congressmen have labored conscientiously, conducting hearings and research, to address this question systematically and to offer constructive proposals. The President has submitted a comprehensive plan for an all-volunteer army by June 1973, and as the war winds down, we are on the verge of seeing the idea become a reality in carefully developed stages.

But a volunteer army will not come into being without serious thought and planning. A majority of both Houses of Congress confirmed this fact when they voted to extend the draft for another 2 years. To block the draft through procedural delay with no consideration of an alternative system, and with no regard for the consequences, is no solution.

It would be unfortunate if the intemperance of feeling peculiar to debate on Indochina were allowed to infect the very process of orderly legislation. The legislative process has run its course on this bill; the collective judgment has been rendered. To obstruct this bill further does no service to the American people, for the draft bill in its current state has ceased to be an appropriate vehicle for criticism of Indochina policy.

MAINTENANCE OF THE ARMED FORCES' QUALITY

In the context of this discussion, I would also like to point out that the delay or failure of this bill would seriously impair the quality of our Armed Forces.

Contrary to the speculation of some, the result of Congress' failure to provide the President promptly with continued draft authority is severe. In the interval between today and the creation of an all-volunteer Army—by June 1973 under the President's plan—Department of Defense studies confirm that the authority to draft is vital to maintain enlistments at the minimum level needed to meet today's defense needs; for our Armed Forces at the end of fiscal year 1972 will be trimmed by 245,000 and will still require about 2.45 million men. To maintain these forces will require 500,000 new men, almost half of whom will be needed by the Army. However, we know that volunteers will meet only half of these requirements. The other half under present circumstances is provided by draftees and men who enlist because they are subject to the draft. The increase in military pay and other expenditures recommended by the conference will increase voluntary enlistments significantly. But in the absence of a draft, even with the proposed pay increase, volunteers will meet only three-quarters of

our overall military manpower needs and less—or about two-thirds—of the manpower needed to support the U.S. Army.

The inescapable conclusion is that, if the draft bill dies, America's military strength will decline dramatically; the U.S. Army will lose the equivalent of about one combat division per month. By the fall of 1972, the Army's strength will level off at a total strength of about seven divisions—compared to the 13 divisions we need, and contrasted further to the 16 divisions we maintained prior to Vietnam. The other services will suffer comparable proportionate reductions in capability.

Such a drastic and precipitate collapse of American military strength cannot be advocated by responsible men. The effect on the entire spectrum of our strategic relations would be immediate and devastating—no less in London and Bangkok than in Moscow and Peking.

Certainly this cannot be allowed to come about because of impulsive impatience for ending the draft. The President is already committed to end this Nation's peacetime reliance on the draft by June 1973. In fact, under his plan, our forces will probably require inducting fewer than 60,000 between June 1971 and June 1972 out of over 2 million men coming of age during this period—less than 3 percent. In the following year, our reliance on the draft to meet military manpower requirements will be even less.

HAZARD TO MILITARY REFORM

The impact of no draft authority is not just a problem of numbers. Over the past 12 months, President Nixon has moved positively to improve the combat readiness of our forces and especially of those not assigned duties related to Vietnam. Studies conducted by the Department of Defense indicate that many of the problems associated with lagging Army discipline, morale, and poor performance are directly related to the drawdowns forced on our units here at home and in Europe. The rebuilding of these units has already been a contribution to overcoming the scars of Vietnam. Failure to continue with the draft will place the progress made thus far, and the improvements still required, in great jeopardy.

Thus, an undeserving victim of this irresponsible attempt to frustrate the legislative process is the American GI. The critics of the war do not hesitate to exploit him in his suffering and his hardships to suit their legislative ends, but they have not the slightest hesitation in threatening his security by forcing severe shortfalls, and they would dismiss his long overdue pay raise, lifting him at last above the poverty minimum, with a legislative wave of the hand.

The pay recommendations in the conference report are clearly adequate and fully responsive to service needs.

For enlisted personnel with under 2 years' service, the pay provisions in the conference report would eliminate completely the inequities in pay rates which have evolved since 1952. On a cumulative basis, 1952-71, the basic pay increases in the conference report repre-

sent an increase of 189 percent for the "under 2" category compared to 151 percent for career members.

A decision on applying the wage-price freeze to the military pay increases will be deferred until passage of the bill in its present form.

STRATEGIC BALANCE OF POWER

The prolonged delay or failure of the draft bill would have undesirable effects far beyond the well-being of our military institutions. It would reduce the capabilities of the United States to react to potential regional conflicts in areas of the world deemed critical to our strategic interests.

While strategic sufficiency is most popularly seen in the more publicized components of the sufficient defense capability, the very foundation of strategic deterrence is an efficient, mobile, well-trained force of men in place. Without conventional forces, a President in a crisis would be left with no choices except capitulation or strategic nuclear war. To degrade and diminish this element below the strategic minimums—at which level we have arrived—puts the balance of parity in jeopardy as surely as scrapping numbers of minutemen, or substantial increases in the Soviet ICBM force.

Because of the sustained drive by the Soviets to gain strategic parity and now apparently superiority in nuclear and conventional weaponry, the overall military balance is now measured in very small increments—the fine measure of sufficiency. The magnitude of the shift caused by shortfalls of 15,000 per month would cause this even balance to be tipped suddenly and dramatically. Sufficiency would, within short months, become strategic inferiority. The state of the global balance directly affects both America's options and potential adversaries' assessment of their opportunities. Every crisis area of the world would be immediately affected.

IMPACT ON AMERICAN FOREIGN POLICY

The effects upon the Middle East situation would be disastrous. The ability of the United States to react promptly and effectively with ground forces throughout the Middle East, as was done in Lebanon in 1958, has been an essential deterrent to Arab and Soviet adventurist temptations. The Jordanian crisis in September 1970—the Syrian invasion of Jordan, and the bold but discreet movement of U.S. forces in Europe and the Mediterranean—was a dramatic example of the stabilizing influence of American military power. This very capability—as well as our global power to deter—would immediately be called into question.

In Europe, where diplomacy is more fluid today than at any time in the last 25 years, unilateral slashing of U.S. military power would undercut the entire bargaining position—and very possibly the unity—of the Western Alliance. The result would be not detente—as some people think—but an imbalance of power on the continent, and overbearing pressures on Western Europe from the Soviet Union. The President's approach—keep-

ing our pledges to our allies and bargaining on an equal basis with the East—has proven its value in the Berlin talks.

Communist China's principal interest in normalizing relations with the United States is to seek a counterbalance to Soviet power. If the United States dismantles its military establishment and withdraws precipitately from Asia, China will have no interest in maintaining a dialog with the United States.

A deplorable consequence of the lapse of the draft will be the impact upon our allies and friends, especially in Europe. In going more than halfway for peace, in our discussions with the Soviets, the Berlin agreement, our pending discussions with the Chinese, our economic policies—we have depended upon and fully taxed the trust and forbearance of our friends that we would not fail them in maintaining the strategic balance upon which their very existence or independence in many cases depends. If this balance collapses through the lapsing of the draft, the consequences are likely to be of historic proportions.

Around the world, our allies and friends fear a new wave of isolationism in America. Thirty years ago we were isolationist because we thought we were better than everybody else; today many are isolationist because they think we are worse than everybody else—but the disastrous effect on peace and stability in the world would be the same. What would be more suggestive of a plunge into isolationism than such an impulsive and devastating blow against the very Military Establishment that underpins our capacity to contribute to peace in the world?

CONCLUSION

The enactment of a draft bill is indispensable to the maintenance of our security and the conduct of our foreign policy. In no recent period of history has the maintenance of a strong defense posture been more crucial as the underpinning of an effective diplomacy. The President's dramatic achievements thus far have been the achievements of a nation determined to remain strong, to defend its interests, and to bargain patiently and seriously to resolve conflicts. To undermine this posture in the eyes of our adversaries and our friends would be a blow to our hopes for an era of negotiation and a generation of peace.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I am happy to yield 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, the Senate debate on the proposed 2-year extension of the Selective Service Act began on May 6. The legislation was approved by the Senate 7 weeks later, on June 24. It already had been approved by the House of Representatives.

The conference committee to iron out the differences between the two Houses of Congress met on June 28—and reached agreement 4 weeks later on July 30.

The current debate on the conference report began September 13.

I favor full debate on vital issues—and this matter has been debated to the fullest.

It seems to me that the best interests of the Nation require that this question dealing with national defense and national security be disposed of one way or the other.

I voted against cloture on June 23—but 3 months have now passed and still no action has been taken by the Senate.

As the only way to bring the issue to a conclusion, I shall vote to invoke cloture as I see no advantage to our Nation in continuing the debate and the uncertainty.

Mr. STENNIS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. 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. GAMBRELL). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, what remaining time do I have left?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. STENNIS. I yield 4 minutes to the Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the pending draft extension bill represents the best consensus available on a difficult issue. This bill has been before the Congress since the first of the year. The will of the Congress is certainly embodied in the legislation now before the Senate.

The issue today is whether or not cloture should be invoked to terminate debate on the draft bill. I personally find it distasteful to support cloture, but I am convinced our national security will be weakened if the draft remains inoperative.

There are two central issues the Senate must consider. First, if the draft ends the chances of an all-volunteer armed force will end with it. While I remain unconvinced the all-volunteer force idea will produce a military force of the needed size and quality, such a goal will never even be tested without an orderly and gradual move in that direction. To insure that move has a chance to succeed, the draft is required for at least 2 more years.

Second, the draft is needed to bring in the quality of men needed to man the complex systems involved in the security of our own people—not Vietnam, not Europe—but the United States of America. Highly qualified men must man the Polaris submarines, the bombers, and the Minuteman missiles. These are complex

weapon systems and at present the services have only been able to obtain through the draft the high quality type man needed for these systems.

Mr. President, the warnings of the Joint Chiefs of Staff and the service secretaries should also ring through this Chamber as the vote draws near. Hear some of the warnings they issued last week:

First. Army enlisted strength will fall below minimum levels if the draft is delayed past September.

Second. In July, 36 percent of the men enlisting in the Army were in the lowest acceptable qualification category and 47 percent of those enlisting did not have a high school diploma.

Third. The Navy manpower pool of likely enlistees has plunged 35 percent in the past 2 months.

Fourth. Without the draft Admiral Zumwalt says the Navy can obtain only 62 percent of its needed enlisted force.

Fifth. The Marines estimate only one-half to two-thirds of the required force can be obtained without the draft.

Seven. Air Force enlistees indicate a shortfall of nearly 10,000 enlisted men for the first quarter of fiscal year 1972.

Eighth. ROTC enrollments are down and reserve and guard strength levels are declining rapidly.

In closing, Mr. President, I urge the Members of this body to bite the bullet and make the hard decisions necessary to provide this country with a military strength second to none.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, the Senator from Mississippi reserves his time.

The PRESIDING OFFICER. If time is not yielded, it will be charged equally against both sides.

Mr. STENNIS. Mr. President, I yield myself one-half a minute. There could not be clearer evidence that the debate is over, if no Senator wants to speak. That is an additional reason, I respectfully submit, for invoking cloture.

I reserve the rest of my time, Mr. President.

The PRESIDING OFFICER. Time is now being charged equally against both sides.

Mr. CRANSTON. Mr. President, this morning, in the Post, a very eloquent letter appeared by a distinguished former Member of this body, Senator Ernest Gruening. I would like to read that letter. I think it speaks very eloquently to the issue before us at this time. His letter reads as follows:

FORMER SENATOR GRUENING ON THE NEED TO END THE DRAFT NOW

The opposition to letting the draft expire, as it already has, on June 30, last, is based on dire predictions. One columnist labels the prospect of non-resumption of the draft as a "catastrophe" and forecasts that in that event the United States would become a second-class power in six months! And some of the same prophecies of doom have characterized the eloquences of draft supporters in the White House, the Pentagon and the Congress. Our nation has now been without a draft for two and a half months and the foundations of the Republic, however, impaired by economic problems, by mounting inflation, mounting unemployment, mounting pollution and mounting crime, have not

been noticeably impaired by the draftless interlude.

Is it not high time that the Congress faced the human aspects of the basic moral issues involved in human liberty? For a century and three quarters our country was free of a peacetime draft. It was imposed only in time of war, in times when our nation was seriously threatened—the Civil War and World Wars I and II. It was not until a quarter of a century ago that, for the first time, Congress adopted peacetime conscription, thus reversing a hallowed tradition. One which had long established the difference between America, the land of freedom and the Old World. Since then we have steadily become a more and more militaristic nation. Our military costs—so-called "defense"—have mounted to astronomical levels to the neglect of our vital domestic problems, solution of which would restore the strength, unity and well-being and confidence of our people previously enjoyed. Despite these war outlays, the people feel less secure than when we did not have the greatest Navy, Air Force and "defense" establishment on the earth.

It was the draft that made it possible for our leaders to deceive the American people into the longest, costliest, least justifiable and most unpopular war in our history. Even though the Tonkin Gulf Resolution based on spurious incidents has been repealed, the war goes on at costs not yet computable, and the resumption of the draft would be another potent factor in keeping the monstrosity going. It is at the root of our unprecedented domestic troubles.

We have been told by the White House for four and a half years that the war is about to be ended. "Winding down the war" is the phrase echoed on the Hill. Every so often the President announces the withdrawal of more thousands of troops. Why then is it necessary to draft more kids and send them in the opposite direction to engage in senseless slaughter?

The draftee is the victim of unique discrimination. Those in the various armed services, Army, Navy, Air Force, Marine Corps, who enlisted voluntarily know that they would have to go when they are ordered to go. The draftee on the other hand is subjected in the vast majority of cases to the involuntary servitude which our Thirteenth Amendment prohibits.

By now our young people know that our nation was lied into this war. (Some of us knew it before the publication of the Pentagon papers.) Quite properly then object to being compelled to fight in a war in which no vital American interest is in jeopardy, to kill people against whom they feel no grievance, participate in what has become a mass slaughter of civilians, and maybe to get killed or maimed in the process. But if they refuse to go, if they follow their consciences, they face imprisonment at hard labor with all the disastrous consequences for their future.

This is an infamous dilemma to which no citizen of a people that calls itself "free" should be subject. This issue transcends all others. It is crucial. Upon its solution will depend in large part whether our long great peace-loving society will return to what we have loved and cherished, or whether we shall slide further into the abyss into which misleadership has plunged us.

A heavy responsibility rests on every senator. He will have to decide whether or not he will sentence more young men to fight and possibly die or be maimed and kill others in an utterly discredited cause.

ERNEST GRUENING,
Former U.S. Senator From Alaska,
WASHINGTON.

Mr. GRAVEL. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Seven

minutes to the Senator from Mississippi and 10 minutes to the Senators from California and Alaska.

Mr. GRAVEL, Mr. President, the chief argument for the draft seems to be that we need it in order to defend ourselves. I think that is the case that has been made this morning.

I submit that the opposite is true. The draft impairs our defense ability. The existence of the draft does maintain our ability to wage war; not to defend ourselves. So when the Senator from Mississippi makes the point that we need the draft so we can get the young men who are first in mathematics and first in the natural sciences, so that those young men can be drafted and used to man our complicated defense structure, the Polaris submarines, the Poseidons, the Minuteman missiles, and other elements of our strategic defense, I submit that argument is folly. After you draft the young men, then it takes 18 months to 2 years to train them, and then their term of service is over, and all you have done is perform an educational exercise that does not add one iota to our defense, because obviously those people, since they are forced into the service, will not stay in the service, but will get out at the earliest opportunity.

So what, really, have you done? The question here is, How do you entice people into staying in the service after you have trained them? Obviously you do not do that with the draft. You do it with proper pay, and you do it with proper conditions of service. That, of course, is exactly the case which was made by the Gates Commission when it stated that the end of the draft would not impair our defenses one iota. So those who seek to make the case that we need the draft in order to maintain a defense posture, I think, miss the mark. What they are really saying is that our ability to wage war depends upon the draft.

That has been amply proved by events in Southeast Asia. In 1961, we had no draft calls. But in 1965, when the Chief Executive of this Nation decided upon waging war in Southeast Asia, he relied not on the Reserves or on volunteers, but on the draft. I think that case is amply made.

When we talk about the defense of this country, let us be sure we understand that of which we speak. The defense of this country rests upon a force of 134,000 men. That is the number of men required to man our submarines, our missiles, and our offensive and defensive strategy capability in the Air Force.

We have under arms today about 2.7 million men. That, of course, is a far cry from the 134,000 strategic forces necessary to our defense. Obviously, the difference is made up of a force which permits us, as a part of our foreign policy, to garrison the world. To garrison and defend Europe, when they do not have a similar resolve to defend themselves. To station men in Ethiopia, to station men in Spain, to station men in the Philippines, Korea, Thailand, Cambodia, Laos—all over the world, garrisoning the world in what some call defense. But it is a very false defense, because in this

approach of seeking to garrison the world with our troops, we truly impair our defense capability. Our defense rests squarely, first, on our strategic forces, the 134,000 men, and second, upon our economic ability to maintain a defense.

That economic ability is in jeopardy today, as demonstrated by the economic gyrations we are now going through in order to place our house in order. But I submit that by no amount of economic methods that we may be able to foist upon our economy will we be able to put ourselves in order, until we realize that spending in the name of false defense is wrong.

As I say, our strength rests, first, upon our strategic capability and, second, on our economic viability. In the third place, it rests on our moral fiber and upon the professionalism that we must have in our military services, a professionalism that has been sorely eroded by the draft, by a society and a government that at gunpoint impresses its young into service, to go away to wage a war.

The President of the United States does not need the draft, today nor in the future. The only reason I can think of for the draft is to populate the front ranks of those fighting and dying in Vietnam. That is the only reason why he wants the draft. That can be demonstrated very simply by looking at the figures representing those who are in the frontlines in Vietnam. The figures show that they are not volunteers, they are not the professionals; they are the draftees who are forced at gunpoint to go to die there, when we all recognize, including the President of the United States, that this is a war that is going to end within the next 6 or 9 months. That we should continue to press these young people into fighting a war that none of us have the stomach to fight, I think, is a tragedy, and one that tears at the fabric of moral justice; and that is what truly impairs the ability of this Nation to defend itself.

The only other point I would like to add to this dialog before the vote today is that we must grieve over the tragedy of the U.S. Senate and its inability to act.

What is the Mansfield amendment really all about? It is a statement indicating a clear recognition that this war is wrong and should be ended, but it should be ended some time in the future. This in itself, I think, is no great strength. Certainly, it is all we could get at one point in time in the Senate. But if the Senate votes to close off debate and agrees to a watered-down Mansfield amendment, certainly it has retreated from the high water mark of the 60-plus votes we had when this body showed a certain degree of resolve.

I do not know what has transpired in the meantime for the Senate to back down from that high water mark. Certainly, the events in the election process in South Vietnam would lead one to expect that we could demonstrate a higher resolve and move to a higher water mark than that. I do not know what it could be other than the fact that the President has now entered the contest and is using the full force of his office to do

away with the Mansfield amendment and to reinstitute the draft. If that is the case, then we have ample proof here today that the strong executive far outweighs any influence, any power, that the legislative arm of this Government may have. If that is the case, then I submit that if ever there was a need to have unlimited debate, to have the will of the minority impose itself upon this body, certainly that time in history is now.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, today I shall join with the distinguished Senator from Mississippi in his vote for cloture.

I am sorely disappointed to see the draft bill not have the language of the Mansfield amendment or similar language that would express the will of Congress, especially of the Senate, that we believe there should be a fixed date for the withdrawal of all our forces from Vietnam. This Senator supported all the amendments that would have set a fixed date for the termination of our involvement in Vietnam.

I was delighted to see that more than 60 Members of the Senate expressed themselves on the Mansfield amendment and that we went to conference with the draft bill containing language indicating that Congress is in favor of a fixed date for withdrawal.

I was sorely disappointed with the way the bill came back from conference. But I know the work that the distinguished Senator from Mississippi and the other members of the conference put forth in trying to hold that language. Still, because I felt that perhaps something could be gained in having a new conference in which the Senate would again go on record as determined to have a set date, this Senator voted to table the conference report. The Senate again, with substantial numbers, expressed itself on that proposition as feeling that at this time we could get nothing stronger than the language in the conference report.

I have always felt that we had to have a draft bill during this session, that we did need a continuance of the draft, because I have grave misgivings about whether we can have a volunteer army at this time. I think that, in a way, some of those misgivings stem from the question of whether this would be a volunteer army or a professional army. If we could get out of wartime mobilization, certainly we should be able to exist with a volunteer commitment to the Army.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. STENNIS. I yield 1 additional minute to the Senator.

Mr. CHILES. But until we can do that, I am afraid that it will be impossible to do so, and it will be necessary to continue the draft.

If we are going to have a draft, I think this is the time to put an end to the uncertainty as to when it is going into effect.

Major legislation pending in Congress is beginning to become backlogged, and I think the time has come to put an end to this.

During the early days of this session, I voted to maintain the present number required for cloture, after much study of that question, because I thought it was necessary that Senators be able to speak on the floor, to have an opportunity to alert the Nation to determine whether something is being pushed through Congress. I do not feel that is true on this question. I think we have been debating it long and hard. There has been ample opportunity for the public to express itself. There has been ample opportunity for the Senate.

So today I will vote for the cloture motion and for the draft bill, as soon as we can get that question before us.

The PRESIDENT pro tempore. Who yields time?

Mr. STENNIS. I thank the Senator from Florida.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. Four minutes.

Mr. STENNIS. I yield myself 3 minutes.

Mr. President, the Senator from Alaska has worked on this matter of manpower requirements, and he has in his mind the figure of 134,000 men in our strategic forces. But, as has come up in debate before, that figure does not include a great many of the forces I have been referring to as requiring trained men to maintain our submarines and aircraft and other items.

I am talking about draft-induced men, not 2-year selectees. We have the figures I have shown over and over, that these men are drafted-induced. I can assure the Senate that these figures have been checked out very carefully.

The 134,000 men the Senator from Alaska mentions as being in our strategic forces do not include the men who man our aircraft carriers, who support and maintain our tactical air force, and these are no less immediately important to American security than those who serve in our strategic forces.

I have been quite explicit, Mr. President, to point out to the Senate that it is not only our "strategic" forces with which I am concerned, but all those forces which require highly trained and highly skilled men to protect us here at home. A large number of these men serve in the "general purpose" forces of the Department of Defense, such as carriers, nuclear hunter-killer submarines, anti-submarine warfare forces, and so forth. To list just a few examples our general purposes naval forces, including our carriers, require 263,000 men in fiscal year 1972. The men who keep the aircraft flying, who keep the destroyers looking for enemy submarines beneath the sea, and who man our own nuclear hunter-attack submarines must be technically trained to a high degree.

As I have pointed out often, Mr. President, the only way to insure that men of high capabilities will enter the Armed Forces in the near future and be able to assume these demanding and important jobs is to continue the draft.

Once again I urge the Senate to approve the conference report on the selective Service bill.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. I yield myself 1 additional minute.

Mr. President, what is the business of the Senate for the remainder of this year? It is now September 21. We have the long military procurement bill I have described. Appropriations in the House cannot move until this procurement bill is passed. We have the President's economic package, including investment tax credits, tax relief for personal income, appropriations for foreign aid, and at least one Supreme Court nominee. One Supreme Court Justice has retired and another is in the hospital, and I hope he will leave the hospital. But certainly we cannot leave here without giving consideration to filling the vacancy on that highly important tribunal.

My plea today is that we move on now to the final vote on this bill, purely a question of procedure.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. One minute.

Mr. GRAVEL. Mr. President, I think it noteworthy that the three major issues of 1971 involved use of rule XXII; namely, the SST, Lockheed, and the draft.

That brings into focus the simple fact that this body—the Congress—in juxtaposition to a strong Executive, or any Executive, cannot work its true will or the will of the American people.

That is the reason we have recourse to unlimited debate.

The American people are against the draft in peacetime. I would hope that this body would sustain that will.

CLOTURE MOTION

The PRESIDENT pro tempore. The hour of 12 noon having arrived, under the unanimous consent agreement, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The assistant 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

CALL OF THE ROLL

The PRESIDENT pro tempore. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 226 Leg.]

Alken	Ellender	Metcalf
Allen	Ervin	Miller
Allott	Fannin	Mondale
Anderson	Fong	Montoya
Baker	Fulbright	Muskie
Bayh	Gambrell	Nelson
Beall	Goldwater	Packwood
Bellmon	Gravel	Pearson
Bennett	Griffin	Percy
Bentsen	Gurney	Proxmire
Bible	Hansen	Randolph
Boggs	Harris	Roth
Brock	Hart	Saxbe
Brooke	Hatfield	Schweiker
Buckley	Hollings	Scott
Burdick	Hruska	Smith
Byrd, Va.	Hughes	Sparkman
Byrd, W. Va.	Humphrey	Spong
Cannon	Inouye	Stafford
Case	Jackson	Stennis
Chiles	Javits	Stevenson
Church	Jordan, N.C.	Symington
Cook	Jordan, Idaho	Talmadge
Cooper	Kennedy	Thurmond
Cotton	Long	Tower
Cranston	Mansfield	Tunney
Curtis	Mathias	Weicker
Dole	McClellan	Williams
Dominick	McGee	Young
Eagleton	McGovern	
Eastland	McIntyre	

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Indiana (Mr. HARTKE), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PASTORE), and the Senator from Rhode Island (Mr. PELL) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Alaska (Mr. STEVENS) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

VOTE

The PRESIDENT pro tempore. Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate is, Is it the sense of the Senate that debate on the conference report on H.R. 6531, the extension of the Military Selective Service Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will now call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. MAGNUSON), the Senator from

Utah (Mr. Moss), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Indiana (Mr. Hartke) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pastore) and the Senator from Rhode Island (Mr. Pell) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "yea."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore) and the Senator from Indiana (Mr. Hartke) would each vote "nay."

Mr. Griffin. I announce that the Senator from Alaska (Mr. Stevens) and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Alaska (Mr. Stevens) and the Senator from Ohio (Mr. Taft) would each vote "yea."

The yeas and nays resulted—yeas 61, nays 30, as follows:

[No. 227 Leg.]

YEAS—61

Allott	Dominick	Montoya
Anderson	Eagleton	Packwood
Baker	Eastland	Pearson
Beall	Ervin	Percy
Bellmon	Fannin	Randolph
Bennett	Fong	Roth
Bentsen	Goldwater	Saxbe
Bible	Griffin	Schweiker
Boggs	Gurney	Scott
Brock	Hansen	Smith
Brooke	Hollings	Sparkman
Buckley	Hruska	Spong
Byrd, Va.	Jackson	Stafford
Byrd, W. Va.	Javits	Stennis
Cannon	Jordan, N.C.	Talmadge
Chiles	Jordan, Idaho	Thurmond
Cook	Kennedy	Tower
Cooper	Long	Weicker
Cotton	McGee	Young
Curtis	McIntyre	
Dole	Miller	

NAYS—30

Alken	Gravel	McGovern
Allen	Harris	Metcalfe
Bayh	Hart	Mondale
Burdick	Hatfield	Muskie
Case	Hughes	Nelson
Church	Humphrey	Proxmire
Cranston	Inouye	Stevenson
Ellender	Mansfield	Symington
Fulbright	Mathias	Tunney
Gambrell	McClellan	Williams

NOT VOTING—9

Hartke	Mundt	Ribicoff
Magnuson	Pastore	Stevens
Moss	Pell	Taft

The PRESIDENT pro tempore. On this vote there are 61 yeas and 30 nays. Two-thirds of the Senators present and voting having voted in the affirmative, the cloture motion is agreed to.

PARLIAMENTARY INQUIRIES

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STENNIS. In view of the Chair's announcement of the vote, what is the parliamentary situation now with reference to the time that each Senator may use in further debate?

The PRESIDENT pro tempore. The question is on the adoption of the conference report, and each Senator is entitled to 1 hour altogether.

Mr. STENNIS. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. STENNIS. That time cannot be yielded or transferred from one Senator to another. Is that correct?

The PRESIDENT pro tempore. Except by unanimous consent.

Mr. STENNIS. Mr. President, what is the pending order of business?

The PRESIDENT pro tempore. The Chair wishes to announce that time is running against Senators who take the floor.

Mr. STENNIS. Mr. President, I yield the floor.

VOTE ON CONFERENCE REPORT

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered. The PRESIDENT pro tempore. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll. The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PASTORE) and the Senator from Rhode Island (Mr. PELL) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Wyoming (Mr. MCGEE), the Senator from North Carolina (Mr. JORDAN), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Washington (Mr. MAGNUSON), and the Senator from Indiana (Mr. HARTKE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Alaska (Mr. STEVENS) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. BOGGS) are detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Kentucky (Mr. COOK). If present and voting, the Senator from Texas would vote "yea" and the Senator from Kentucky would vote "nay."

The result was announced—yeas 55, nays 30, as follows:

[No. 228 Leg.]

YEAS—55

Aiken	Dole	Miller
Allen	Dominick	Montoya
Allott	Eagleton	Packwood
Anderson	Eastland	Pearson
Beall	Ellender	Randolph
Bellmon	Ervin	Roth
Bennett	Fannin	Saxbe
Bentsen	Fong	Scott
Bible	Gambrell	Smith
Brock	Griffin	Sparkman
Buckley	Gurney	Spong
Byrd, Va.	Hansen	Stafford
Byrd, W. Va.	Hollings	Stennis
Cannon	Hruska	Talmadge
Case	Jackson	Thurmond
Chiles	Javits	Weicker
Cooper	Jordan, Idaho	Young
Cotton	Long	
Curtis	McClellan	

NAYS—30

Baker	Hatfield	Mondale
Bayh	Hughes	Muskie
Brooke	Humphrey	Nelson
Burdick	Inouye	Percy
Church	Kennedy	Proxmire
Cranston	Mansfield	Schweiker
Fulbright	Mathias	Stevenson
Goldwater	McGovern	Symington
Gravel	McIntyre	Tunney
Hart	Metcalfe	Williams

NOT VOTING—15

Boggs	Magnuson	Pell
Cook	McGee	Ribicoff
Harris	Moss	Stevens
Hartke	Mundt	Taft
Jordan, N.C.	Pastore	Tower

So the conference report was agreed to. Mr. STENNIS. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. THURMOND. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) laid before the Senate a message from the President of the United States submitting the nomination of Robert M. Duncan, of Ohio, to be judge, U.S. Court of Military Appeals, which was referred to the Committee on Armed Services.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER (Mr. BENTSEN). The Chair lays before the Senate the unfinished business, Calendar No. 355, H.R. 8687, which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 8687, to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, we have quite a few amendments that have been filed. So far as I can ascertain now, no one is ready to proceed with them. I had hoped that we could start on them. The committee, of course, has no control over what amendments will be taken up, or when. The vote just taken on the conference report was a surprise to some Senators and I believe that explains the reason why.

The Senator from Wisconsin has three amendments that he can be ready with tomorrow morning. There are members of the committee that have not yet had an opportunity to present some of their own overall presentations regarding items in the bill that they and their subcommittee are handling.

Further, subject to the situation with reference to our acting majority leader, I would say that if we could take a recess, unless there is other business, I will get in touch with other members of the committee and we could utilize some time this afternoon, but I will leave that to the acting majority leader.

Mr. PROXMIRE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, as the Senator from Mississippi knows, the vote on the conference report did catch some of us by surprise. I do not believe that anyone expected the vote so swiftly after cloture was voted.

There are a number of Senators who have amendments pending. I know that the Senator from South Dakota (Mr. McGOVERN) indicated that he would probably be willing and able to call up his amendment on the B-1 bomber tomorrow and that the Senator from Missouri (Mr. EAGLETON) may be able to call up his amendment on the main battle tank tomorrow. There are a number of other Senators who have amendments pending, as I have said, and would expect to call them up this week. But, as I say, they were caught by surprise and are embarrassed because they are not able to call up their amendments right away.

Mr. STENNIS. The Senator from Wisconsin has spoken to me about an amendment of his own regarding the F-14.

Mr. PROXMIRE. That amendment is an amendment by the Senator from Indiana (Mr. HARTKE). I would be happy to call up the amendment now. I am prepared. We have a speech ready on it. But I understand that the Senator from Indiana, who is the author of the amendment, wants to call it up again. I support that amendment, but I understand that the Senator from Indiana wants to wait for a day or so.

Mr. STENNIS. With all deference to everyone, the committee is ready and we invite these amendments to be presented. We will try to agree on control of time for debate, of course, and I think we can be ready to move on most of them. A great deal depends on attendance of

Senators here—rather, I should say on how many Senators will be absent, and when they are expected to return. I mention that because it can present problems.

I want to thank the Senator from West Virginia (Mr. BYRD) for his willingness to take the amendments under his wing, so to speak, with reference to arranging time for control of debate and getting them up. I certainly will do so for my part. The committee expects to back him up in every way and the committee also expects to back up Senators in every way.

Mr. BYRD of West Virginia. Mr. President, by way of explanation, permit me to say that the announcement of results of the rollcall vote on the conference report just taken was delayed beyond the normal limitation of 20 minutes. It was not delayed simply on the basis of one or two Senators not yet having voted; it was delayed because of certain extenuating circumstances, these being, first of all, that the vote on the conference report came with extraordinary suddenness following the vote on the cloture motion, and I believe that this may have been beyond the expectations of some Senators.

Additionally, the so-called hot line in one of the cloakrooms broke down so that Senators could not be notified expeditiously with respect to the taking of the sudden vote on the conference report, which came immediately following the approval of the motion to invoke cloture.

For these reasons, Mr. President, the vote was delayed for several minutes. I believe that the RECORD should show that expressly, because we do not intend to create a precedent here, but these were extenuating circumstances which I think justified deviating from the normal rule.

Mr. STENNIS. If the Senator from West Virginia will yield briefly, I agree heartily with him about the suddenness of the vote on the conference report, but the wisdom of the Senate in the vote that was set down for today should have been anticipated and not discounted. I am in real sympathy with wanting everyone to get here and have the opportunity to present their amendments. I hope they will state their position in the RECORD as to how they would have voted on the conference report.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 2 p.m. today.

The motion was agreed to; and (at 1:08 p.m.) the Senate took a recess until 2 p.m.

On the expiration of the recess the Senate reassembled and was called to order by the Presiding Officer (Mr. BROCK).

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 provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. RUPPE as a member of the U.S. Group of the

North Atlantic Assembly, vice Mr. ARENDS resigned.

The message announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes;

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; and

H.R. 9634. An act to change the name of the "Nebraska National Forest," Niobrara division, to the "Samuel R. McKelvie National Forest".

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; to the Committee on Commerce.

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; to the Committee on the Judiciary.

H.R. 9634. An act to change the name of the "Nebraska National Forest", Niobrara division, to the "Samuel R. McKelvie National Forest"; to the Committee on Agriculture and Forestry.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and prescribe the authorized personnel strength of the selected reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER (Mr. BROCK). The pending order of business is H.R. 8687.

The bill is open to further amendment.

BACKFIRE AT THE PENTAGON: THE LATEST GAP FLAP

Mr. PROXMIRE. Mr. President, the bleak history of the strategic arms race has been shaped by a variety of influences, with calm and dispassionate discussion too rarely among them. A peculiarly American phenomenon over the last 20 years has been the scare tactic of various defense gaps: the bomber gap of 1955, the missile gap of 1960, the ABM gap of 1967, the big-missile gap of 1969, and the presently fashionable R. & D. gap of 1971. Now it appears that a new gap has been born, and just in time to add a colorful stimulus to the annual autumnal rites in Washington known as the military procurement debates. This gap, whether by design or circumstance, neatly assists Pentagon arms advocates both in topic and timing: America is now in the midst of a supersonic bomber gap.

Recent news articles—in the New York Times, Time magazine, and elsewhere—

have reported that the Soviet Union has test-flown a swing-wing supersonic bomber that "has profound implications for the strategic power balance between the United States and the Soviet Union." The article implies that in one fell swoop, the new Soviet bomber now surpasses anything in the American arsenal, and that even a proposed new U.S. bomber, the B-1, would only partially offset this grave new threat. It is also stated that the United States is now at least 5 years behind the Russians in strategic bomber development.

DRESSING UP MINOR DEVELOPMENT

In what must be considered a classic example of "the Russians are going to get you if you don't watch out," a fairly minor Soviet weapons development has been dressed up and promoted as a major new escalation of the arms race that demands a prompt United States response in kind. This new Soviet bomber, dubbed the Backfire, is only the latest in a long line of Soviet prototype aircraft, few of which ever go into production. Contrary to the assertion made in the news story, the Backfire is not the first swing-wing strategic bomber ever developed. The United States designed, developed, and deployed the FB-111, a swing-wing strategic bomber, a number of years ago. This more advanced plane is now operational in the Strategic Air Command inventory, while it is doubtful that the Backfire will ever go into production. Even the French have developed a swing-wing strategic bomber, the Dassault Mirage G8. A first for the Soviets? Not the Backfire.

In the unlikely event that the Backfire goes into production, the threat it would pose to the United States would be minor indeed. Although the Pentagon refuses to comment, the unrefueled range of the Backfire has been placed by authoritative aeronautical sources at approximately 2,000 miles, putting it in the medium range class of bombers. This range restriction, much more severe than for the B-52 or FB-111, makes the Backfire of limited worth for use against the United States. This range is a tipoff that the Backfire is intended to be compatible with targets in Western Europe or Asia, especially China. Medium range bombers, such as the Backfire, "do not figure prominently in Soviet plans for an initial attack on the North American continent", according to Secretary of Defense Melvin Laird.

BACKFIRE NO GREAT THREAT

Additional evidence that the Backfire poses no great threat to this country is seen in the very design of the airplane. Its supersonic capability is virtually worthless in any strategic capacity against this country. When the Backfire flies at Mach 2, it will do so by putting its Kuznetsov NK-144 turbofan jet engines on reheat—afterburning. Such thrust augmentation entails a tremendous loss in range; each pound of thrust generated in this condition will consume two to three times as much fuel as in normal subsonic operation. A range-limited aircraft such as the Backfire could ill-afford such a flight mode if it were to be used against the United States. Afterburning jet engines also have a tremen-

dously greater infrared signature making the plane more vulnerable to interception by United States heat-seeking missiles. Furthermore, the only possible justification for making any bomber supersonic, as our Air Force agrees, is to enhance its penetration capability. As the Backfire can fly supersonically only at high altitude, this would be a dangerous and frivolous flight mode in an attack against the United States. The Russian bomber would try to penetrate U.S. airspace, if at all, only at low altitude in an attempt to avoid detection by U.S. radar. Supersonic speed is much more suitable against a less sophisticated air defense, such as that of the Chinese mainland.

Further perspective on this alleged Soviet weapons advance is gained by making a simple comparison with the FB-111, using public information from Jane's All the World's Aircraft, 1970-71, and other similar sources.

	USA/FB-111	USSR/Backfire
Range (miles).....	More than 3,800.	More than 2,000.
Payload (pounds).....	37,500.....	Less than 20,000. ¹
Maximum mach number.....	2.5.....	2.0.
Maximum low-level penetration mach number.....	1.2.....	0.85.
Lower of 2 in radar cross-section?	Yes.....	No.
Lower of 2 in infrared signature?	Yes.....	No.
How much of wing is variable geometry.....	All.....	Only outer section.
Ratio of thrust to weight at takeoff.....	0.55.....	0.42. ²

¹ Based on generous extrapolation of TU-22 Blinder payload of 12,000 pounds.

² Based on conservative assumption that the Backfire weighs no more than the Blinder.

This comparison clearly shows that the Backfire does not represent a major breakthrough in weapons technology.

TIMING INSIDIOUS

Perhaps the most insidious aspect of this whole question is the timing of the publicity given this gap. The United States has long been aware of the Soviet work on the Backfire. The authoritative Jane's All the World's Aircraft, in its 1970-71 volume, states that

Official U.S. sources are reported to have stated in the Autumn of 1969 that a new twin-jet variable-geometry ("swing-wing") medium bomber developed by the Tupolev design bureau was being flight-tested in the U.S.S.R. At least two prototypes are believed to have been completed by that time. Design cruising speed was quoted as Mach 2 and range as more than 1730 nm (2000 miles; 3,200 km).

In his 1970 defense posture statement, Secretary Laird predicted the development of a Soviet followon to the TU-22 Blinder but expressed no concern over this possibility, merely noting the limited potential of Soviet medium-range bombers against the continental United States. Thus, that the existence of the Backfire has been known for some time is a documented fact; that it should not be a cause for serious concern is confirmed by authoritative sources and by the very performance characteristics of the plane itself. To alarm the country over this bomber and to issue a call to arm on the eve of congressional debate over the military procurement bill is a suspicious and disturbing coincidence. The timing

and content of this disclosure seem more designed to stampede the Congress into buying a stable full of B-1's than to provide impartial information on Soviet military posture.

Calm, reasoned, and rational debate in the halls of Congress is essential if this Nation is to maintain the defense posture it requires. This process will be greatly facilitated by consigning the supersonic bomber gap to the graveyard of defunct and disproved weapons scares, a fate it richly deserves.

Mr. DOMINICK. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I want to ask one or two questions of the Senator. I gather that what the Senator is attacking in general is the question of whether the new Soviet bomber is an effective weapon; is that correct?

Mr. PROXMIRE. I am discussing whether the new Soviet bomber, No. 1, is a breakthrough and, No. 2, represents a threat to the United States as a bomber.

Mr. DOMINICK. Mr. President, I think the Senator from Wisconsin is aware, is he not, that for a number of years an effort has been made in the Soviet Union to develop a new bomber and that the intelligence agencies have been denying this. Yet all of a sudden out of the barn comes a new bomber which is appreciably faster than the old bomber. Is that correct?

Mr. PROXMIRE. I do not think that is entirely correct. As I pointed out as long ago as 1969, it was announced, and it was announced by the Secretary of Defense—and I do not think any intelligence agency refuted it—that the Soviet bomber being discussed, the Backfire, was not only in the research and development stage, but its prototypes have been produced and tested. So that should not come as a surprise 2 years later.

Mr. DOMINICK. I am not sure it did come as a surprise. I think the disagreement, as far as I could find out, was over the question of whether they would go forward with any increase in the bomber force.

Mr. PROXMIRE. I do not think that has been determined either. They may well go into production. However, that has not been determined (and if it does, it will not compare favorably with our current bombers and does not constitute a challenge to what we have in our inventory and does not represent a significant threat to the United States).

Mr. DOMINICK. I understand that we will not get into a debate over this plane today.

Mr. PROXMIRE. The Senator is correct.

Mr. DOMINICK. Mr. President, for a long period of time a number of people have been pointing out that the Soviets would be defending their bomber force. It would now look as though this is exactly what they are doing with this swing-wing bomber. It would also look as though, with refueling mechanisms which could obviously be put in, it could become much more than a medium range bomber.

Mr. PROXMIER. It conceivably could. However, without that, it has only half the range of our FB-111, as I have said. It is awfully hard for me to understand why, even if we assume that the Backfire is going into production, why this should by itself be an argument for our proceeding with the B-1. I do not think it contributes to the argument.

AIR FORCE MODERNIZATION

Mr. President, one of the most dubious defense programs we are pursuing today is the Air Force plan for a modernization of our continental air defense system against Soviet bomber attacks. The modernized system involves several new programs—an Airborne Warning and Control System—AWACS, the CONUS Over-the-Horizon back-scatter radar—OTH-B, a new surface-to-air missile—SAM-D, and an improved interceptor—presumably the F-15.

The cost of this program is officially estimated by the Air Force at \$5.7 billion, and unofficial estimates have already reached double that amount—more than \$10 billion.

Thankfully, the funds contained in this year's budget for the program are rather limited, and no production decision is required on any of the systems involved. For these reasons—and because the Armed Services Committee itself made clear that approval of this year's funds meant no commitment to the total program—I intend to offer no amendments and precipitate no fight on the bomber defense question this year.

FIGHT ON BOMBER DEFENSE

Next year, however, a production decision on AWACS will probably be sought, and the costs of other component systems are also likely to rise. I can assure my colleagues that there will be a fight on the bomber defense issue at that time, unless constructive action is taken first by the Armed Services Committee.

What I would like to do today, is to make clear why I think bomber defense is such a dubious proposition. There are essentially three reasons.

First, we have already decided that it makes no sense to protect the American population against large-scale Soviet missile attacks. An ABM defense of population would be only marginally successful in reducing casualties, and it would escalate the arms race tremendously. Accordingly, we are negotiating at SALT for a strategic arms limitation agreement which would outlaw ABM systems altogether or relegate them to a very limited role, either defense of a national capital area or protection of one's strategic deterrent.

Well, bomber defense of population is subject to the same arguments as ABM defense of population. And bomber defense without ABM defense makes no sense at all. Without an effective missile defense, even a perfect bomber defense would not save many lives, since the Soviets could simply strike U.S. cities with their missiles. A Soviet strike with missiles alone could kill over 100 million Americans. Their bombers could add less than 10 million, even if the United States

had no air defense at all. And it would cost \$5 to \$10 billion for a new system which would cut this figure only in half. The first, and most important, reason that I am against bomber defense improvements is that it makes no sense at all to spend \$5 to \$10 billion over the next 5 years to reduce the number of American dead, in the event of a nuclear war, from 110 million to 105 million.

NO STRONG U.S.S.R. BOMBER THREAT

The second reason I am against bomber defense improvements is the fact that the Soviets do not even have a strong bomber force at the present time. They have a force of 145 Bear and Bison long-range bombers and about 50 long-range Bison tankers—planes about 15 years old and inferior to all 500 of our B-52's in range, speed, and maximum weapons payload. They also have a handful of prototypes of a new swept-wing bomber to which the nickname "Backfire" has been applied. But the Backfire has been sitting around for at least 2 years, with no evidence that the Soviets plan to produce it. And even if they did, they would have a bomber inferior to the FB-111, which we have stopped producing because of its own limited range and payload. Particularly important is the Backfire's limited range, which makes it clearly a medium-range bomber with little capability for a strategic attack on the United States.

Finally, I am opposed also to arguments designed to gain approval of bomber defense systems through the back door. Unfortunately, the Air Force is beginning to resort to such arguments, perhaps recognizing the simple truth of the points I have just made. It is trying to justify AWACS, for example, as a system which could also be used for tactical command and control functions.

AWACS NOT USEFUL IN THIS ROLE

Actually, AWACS would not be very useful in this role. It is a terribly unmaneuverable system whose vulnerability would be increased further because it would radiate its presence for hundreds of miles around. It would surely be shot out of the sky as soon as an enemy attack began. This would be acceptable if AWACS were part of a bomber defense system, since its main purpose would be to provide warning of a strategic bomber attack from a specific area. But we cannot afford to lose \$50 to \$100 million airplanes every time a tactical air-to-air engagement takes place. And if they were lost, they would not be able to provide any tactical command and control assistance.

These, then, are the main reasons why I am opposed to a new bomber defense system for the United States. Perhaps the best in-depth statement of the case against such a system was provided in testimony earlier this year to the Armed Services Committee by Dr. Jeremy J. Stone, director of the Federation of American Scientists. I ask unanimous consent to have a copy of Dr. Stone's testimony printed in the RECORD at this point, so that it will be readily available to all students of this debate.

There being no objection, the state-

ment was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. STONE

At the outset, Mr. Chairman, the Federation would like to thank you, most sincerely, for this opportunity to testify on the question of bomber defenses. As we noted, in asking for this opportunity, we feel strongly that the Defense Department cannot be kept on its toes, and the Committee members cannot be truly well informed, unless more than one point of view is provided on matters of this kind. We hope to be able to present a responsible point of view—and some analysis—for your consideration.

One of our primary purposes today is to urge the Senate Armed Services Committee to require the Department of Defense to state the purpose of U.S. defense against enemy bombers, to explain how present and projected U.S. bomber defense programs fulfill that purpose, and to provide the Committee with alternative bomber defense purposes and related programs. In this matter, as in others, the Committee ought to be provided with a real choice between options that reflect different basic national security decisions that the Committee might want to make. The Committee should not be forced to make a "yes" or "no" choice to whatever single proposals the Defense Department wants to make. It must be provided with a live opportunity to choose.

Below we give some examples of the rationales DOD might put forward.

RATIONALES FOR CONTINENTAL BOMBER DEFENSES

Purpose I: Facade defense

Here the purpose is to prevent the Soviet bombers from getting a "free ride," to "complicate" the Soviet bomber penetration problem, and to avoid our own feeling of being "naked" against the Soviet bomber threat. In this case, funds are not invested to make or keep the bomber defense truly effective in destroying Soviet bombers.

This is, in our view, the posture in which the country has been for most of the last decade. The SAGE-BUIC bomber defense has been in existence and operation, but it has been no secret that a small number of Soviet missiles could disrupt its effectiveness. For Purpose I the United States could continue to fund the SAGE-BUIC air defense.

Purpose II: Defend America against full-scale attacks by Soviet bombers

In this case, it would be necessary to buy a defense against bombers that could not be destroyed in an initial missile attack. The bomber defense would have to be effective far beyond the U.S. borders because the Soviet Union might buy a very fast (supersonic) plane or long-range stand-off missiles. Finally, the defense would have to have the longest possible warning of bomber attack in order to get off the ground and in position.

The projected Air Force program seems to be designed to have these characteristics. With AWACS, command and control of interceptors is put in the air. A new, fast interceptor arising from a modified F-14 or F-15 would seek out incoming bombers. An Over-the-Horizon Radar (OTH) would detect the Soviet bombers and sound the alarm at the earliest possible time.

Purpose III: Coast Guard of the air

Here the purpose is to survey U.S. airspace and to announce unauthorized entry in U.S. airspace. No attempt is made to maintain the capability to destroy large numbers of incoming aircraft.

We believe that this posture could be maintained by phasing out SAGE-BUIC and using Federal Aviation Administration (FAA) surveillance capabilities, normal U.S.-based

fighter squadrons, combat training squadrons, and the Air National Guard.

Purpose IV: N-th country bomber attacks

For this purpose, parts of the existing SAGE-BUIC bomber defense might be maintained for defense against bombers of the People's Republic of China or, conceivably, against attacks of the Republic of Cuba. For this purpose, we would not need to fear widespread disruption of the bomber defenses. Alternatively, some kind of mobile emergency air defense might be purchased and added to the "Coast Guard of the Air" posture, in order to gain efficiency, or to save the large operating costs of the SAGE-BUIC system.

Undoubtedly the Defense Department could make further distinctions, but these will serve for the purpose today.

FAÇADE DEFENSE SEEMS WASTEFUL

The Federation opposes the idea of a Façade Defense. We believe for reasons of economy, that the SAGE-BUIC defense should be dismantled as rapidly as possible—insofar as its purpose is to defend against Soviet bombers. The Defense Department does seem to have conceded that the SAGE-BUIC bomber defense is, indeed, a façade as an anti-Soviet defense. For example, the Committee has been told by the Defense Department that:

The current bomber defense system, as the Congress is aware, has a limited combat effectiveness and is expensive to operate.—Posture statement, fiscal 1971.

Our present detection radars are ground-based and vulnerable to enemy missile attack. They might be eliminated before the bombers arrived, and our interceptors would be left blind. Also, our present ground-based system has a very poor low altitude capability.

—Secretary Seamans, Senate posture hearings, fiscal 1971.

Present air defense ground environment is vulnerable to missile attack.—DOD prepared statement, House Committee on Armed Services hearings: Air Defense of Southeastern United States, page 5564.

What is the significance of such rationales for this façade defense as preventing a "free ride"? This rationale simply means that the Soviet Union will be forced by our bomber defense to expend a relatively small number of missiles to disrupt the bomber defense and then, perhaps, the Soviets will also lose a small fraction of their attacking bomber force to the residual bomber defense. It is not a sensible defense policy to build and maintain a bomber defense just because the Soviet Union would then have to expend some missiles to destroy it (and a few bombers to penetrate it). The United States should not be in the business of providing expensive targets for Soviet missile attack—just to use up Soviet missiles.

The idea of using a façade bomber defense to "complicate the Soviet penetration problem" is similarly untenable. We should try—and we do try—to complicate the Soviet problem of destroying our offensive retaliatory weapons. This provides us with deterrence; it raises the risks to the Soviet planners that American retaliatory weapons will survive Soviet attack. But Soviet bombers are most unlikely to have our retaliatory force as their main target; after all, our bombers and our missiles are likely to be gone before the bombers can be sure of arriving. Hence Soviet bombers are usually assumed to have as their essential mission the destruction of our cities. Complicating the Soviet penetration problem in this case—without actually defending the cities—is not worth large investments. Making Soviet planners wonder how many cities they might get with their bombers does not provide significant additional deterrence. It is not the job of the Defense Department to build expensive defensive systems just so the Soviet Union will

have to employ more systems analysts to plan ever more sophisticated Soviet bomber attacks.

Finally, the notion of building and/or maintaining an expensive bomber defense simply to avoid being "naked" against the Soviet bomber attack is even harder to justify. This is the defense of the ostrich. We feel better, but we get no safer, and it is expensive building the hole that provides the psychic protection.

BOMBER DEFENSE WITHOUT A CITY MISSILE DEFENSE IS LIKE A CHAIN WITH A MISSING LINK

The Federation also opposes Purpose II, the bomber defense designed to protect population against full-scale Soviet bomber attack. We reason, as the metaphor goes, the "chain is only as strong as its weakest link." The major threat facing the United States, and the weakest link in our defense, concerns Soviet missiles. By themselves, Soviet missiles can devastate this country. And the extent to which our country is devastated by these missiles can be determined by the Soviet Union—unilaterally—by building more or fewer missiles.

On March 14, 1969, President Nixon said there was "no way" we could "adequately defend" our cities with a missile defense. He noted that to try to do so would be "provocative." Only two days ago, on March 9, 1971, Secretary of Defense Laird testified that "We continue to believe that an effective defense of our population against a major Soviet attack is not now feasible." (Posture Statement, Fiscal 1972.) If this is our position on missile defense, a heavy bomber defense is not justified. Whatever protection we might achieve against Soviet bombers could be overwhelmed by increases in Soviet missile numbers or yields.

These Soviet missile increases need not be very large either, because the Soviet bomber threat is not large. As the same posture statement reveals, the Soviet heavy bomber threat is "continuing its slow downward trend of the past few years." The Chairman of this Committee noted last year that the United States was faced with the "same old bombers," a threat that he said, correctly, was getting "thinner and thinner" every year. This is a force of 145 Bear and Bison long-range bombers and about 50 long-range Bison tankers—planes about 14 years old and inferior to our 500 retained B-52's in range, speed, and maximum weapons payload. In addition, the Soviets have about 730 medium bombers of the Badger and Blinder class with only a "one-way" mission capability against us.

Rough unclassified calculations of the ability of the Soviet land-based missile force to devastate portions of the earth's surface suggest a value for what is called NW^{23} of slightly more than 4,000; in other words, if we subtract from the megatonnage of the Soviet land-based missile force the "wasted" explosive force that goes into the ground or air, we get what we might call a surface-area-destruction-potential of about 4,000. One similar calculation for the Soviet bomber force suggests an NW^{23} of between 500 and 1300 with different assumptions on force loading. If this is so (and the Committee staff can perform its own illustrative calculations) then the Soviet threat to our population is between 90% missile and 10% bomber and 75% missile and 25% bomber (assuming equal probabilities of arrival on target). Hence only an 11% to 33% increase in the size of the Soviet missile force would be necessary to make up completely for an impenetrable U.S. bomber defense that neutralized all Soviet heavy bombers.¹

¹ This illustrative calculation assumed 276 SS-9's of about 25 megatons, 200 older missiles of about 5 megatons, 964 SS-11 and SS-13 missiles of about 1 megaton, and 145

In a single year, the Soviet Union could build 250 more missiles. In the six years it would surely take the United States to build a heavy bomber defense, the Soviet Union could therefore build 1,500 more missiles. This would be a 100% increase in Soviet missile destructive capability.

An effective bomber defense would be very expensive also, necessarily involving AWACS, and the Over-the-Horizon Backscatter radar, and new air defense interceptor. (In answer to a question of Senator McIntyre, General Glasser testified last year that all three were necessary to have a "meaningful and effective" air defense capability.)² The Committee knows better than the Federation what this would cost. But in 1969, Congressman Henry S. Reuss of Wisconsin argued that a ten-year cost estimate of AWACS/W-106X would be \$12.1 billion, the OTH-B program would cost \$100 million and related SAM-D missile interceptors, if desired, could cost another \$2.5 billion.³ Professional studies of high-risk electronic systems of this kind always suggest the likelihood of cost-overruns of 200% or 300%.⁴ The major work in this field, by Peck and Scherer, "The Weapons Acquisition Process," talks of an average cost-overrun of 320%, for major weapons systems. In short, ten year costs for a bomber defense that proposes to be effective would be a few tens of billions of dollars.

If ten-year costs of an average Soviet missile were \$10,000,000, the Soviet Union could buy the additional 1,500 missiles mentioned above and maintain them for ten years for \$15,000,000,000—our programmed, *much less* our actual, expenses for the bomber defense. In short, *even if our bomber defense were perfect*, for less than it would cost us to try to neutralize the Soviet bomber force, the Soviets might double their missile capability. Evidently, a large bomber defense can be the kind of strategic waste of resources which—when the Soviets make the mistake—delights our strategic planners. In fact, our Air Force has argued for years that its bomber force was useful in leading the Soviets to continue to divert Soviet resources from Soviet missiles into Soviet bomber defenses.

Bison and Bear with various payloads. MIRV will make no important difference to these calculations so long as the process follows the rule of substituting three warheads of one-fifth of the original megatonnage for one warhead of the original size. This seems a useful rule of thumb. For example, U.S. planners talk of Soviet replacement of a 25 megaton SS-9 warhead with three five-megaton warheads or of U.S. replacement of a 1 megaton warhead with three of 200 kilotons. In these cases, NW^{23} changes by only 2 percent.

² Senator MCINTYRE. On CONUS Air Defense, unless the AWACS, CONUS Over-the-Horizon Backscatter radar and CONUS Air Defense Interceptor are employed together, do we have a meaningful and effective air defense capability?

General GLASSER. No, sir. In order to have a truly meaningful and effective air defense, we not only have to have the over-the-horizon radars, which I indicated earlier will take care of the northeast and northwest accesses and off the eastern and western coasts [deleted] and this is expected to be handled by AWACS. [Deleted].—*Procurement Hearings, fiscal 1971.*

³ Congressional Record, H8556, Sept. 29, 1969.

⁴ This is the estimate suggested in the well-known study of Richard A. Stubbings, "Improving the Acquisition Process for High Risk Electronic Systems"—a study of 13 major Air Force/Navy aircraft and missile programs with sophisticated electronic systems. (This study is reprinted in: Committee on Foreign Relations, Hearings on Strategic and Foreign Policy Implications of ABM Systems, part I, p. 453-464, March 1969.)

Still worse, the bomber defense might not work at all. The Stubbings study to which we referred revealed that aircraft and missile programs with sophisticated electronic systems produced acceptable performance only 40% of the time. AWACS is definitely a high-risk electronic project and low performance in such systems is common.

Even if the system worked from an electronics point of view, the Soviet might be able to neutralize it with countermeasures. We believe, for example, that our Air Force would not be decisively hampered by a Soviet AWACS. There is no reason to believe that the Soviet Union could not deploy countermeasures comparable to those that we might think up. For example, an excellent question of Senator Dominick's revealed last year that AWACS might not be able to discriminate between decoys and bombers if the Soviets bought a sophisticated penetration aid such as our proposed SCAD.⁵ Even if AWACS worked, it might be neutralized.

Some statements presented to your Committee fall somewhere between arguments for a facade defense and arguments for an effective defense. For example, in the March 1970 hearings last year, Secretary Seamens said:

If our air defenses are allowed to deteriorate, the Soviets can use their bomber force not only as a deterrent, but to further increase their first-strike potential.

If "first-strike potential" means potential against our retaliatory forces—what that phrase usually signifies—then the statement is misleading. Bombers have little, if any, ability to neutralize our retaliatory forces *whether or not bomber defenses exist* so long as warning is available. And if the phrase "first-strike potential" means potential against cities then the statement only says that less bomber defense means, in principle, greater Soviet ability to drop bombs on us—which we concede but consider irrelevant in view of the enormous and open-ended Soviet missile threat.

In the 1966 Status of U.S. Strategic Power hearings of the Preparedness Investigating Subcommittee, Dr. Harold Brown—then Secretary of the Air Force—argued that a "moderate level" of air defense was necessary to "help deter an enemy attack" and to "limit damage if an attack occurs," (p. 182).

He argued that if U.S. air defenses were "very weak" the Soviet Union might use their missiles to "disrupt the launch of our retaliatory forces until their bombers could arrive" and destroy "most of our remaining weapons." This argument completely overlooks the existence of POLARIS submarines. It is significant that Dr. Brown argues that the Soviets "cannot succeed" in a first strike and explains why (on page 187) without any reference whatsoever to our bomber defenses. Indeed, if the security of our retaliatory weapons depended critically on our bomber defenses, the Nation would be in serious danger. In that case, the Soviet Union could first destroy the air defenses with the same attacks of missiles that were "pinning down" our missiles. In fact, if the Soviet Union wants to gamble on an esoteric and risky idea of "disrupting the launch" of our retaliatory forces, they might as well gamble that the air defenses are hopelessly ineffective anyway—a much better bet, I would guess, in the minds of most American strategists.

⁵ Question. *What capability will this radar have to discriminate between bombers and sophisticated penetration aids such as our own proposed SCAD?*

Answer. The techniques SCAD will employ include jamming, signal augmentation and possibly false target generation. It would be expected that if the design objectives of SCAD are achieved, it would be difficult for AWACS to discriminate against it under certain conditions.

But in any case, if the purpose of the bomber defenses is to protect our retaliatory forces, the Defense Department should make this explicit and provide not only clichés and one sentence explanations but detailed analysis to support the *necessity and effectiveness* of the existing program in fulfilling that purpose. Perhaps bomber defenses should then be put around the missile fields in a "hard point" bomber defense. In my view, however, it is self-evidently absurd to justify a bomber defense of the continental United States as a supplementary ("help deter") method of preventing an over-sophisticated and already thoroughly deterred attack on our retaliatory forces. No one would consider initiating a bomber defense on the basis of this rationale, why should the argument be used as a justification for rebuilding such a defense into a form that would do the job—no less expense is involved.

Dr. Brown also argued that the air defense would permit the Soviet Union to "feel free" to use all its missiles on our retaliatory forces, counting on its bombers to attack our cities. In fact, the Soviet Union can do that anyway. No bomber defense is perfect and no immediate over-riding Soviet interest exists in destroying our cities either promptly or to any fixed extent. The Soviets could rely upon the bombers which "got through"—as some surely will and upon submarine launched missiles that had not been on station at the time the war started and hence were unusable for counterforce purposes. Alternatively, the Soviet planners could wait a few months until they had a few extra missiles for use against cities as well as their "surprise attack" number of missiles. In short, this argument seems "manufactured".

It is significant that Dr. Brown gave a second explanation for a "moderate level" of bomber defenses and did not rely only upon deterrence of enemy attack. In arguing that air defense would "limit damage," he noted that they prevented "large numbers of enemy aircraft" from operating "freely" against U.S. targets thus preventing a "free ride." He went on to show that the air defense reduced Soviet bomber effectiveness against either cities or missiles by encouraging changes in Soviet tactics. But as we noted this simply encourages the Soviet Union to increase somewhat the weapons required for whatever purpose it has in mind.

I know, Mr. Chairman, that I speak for the Federation when I say that we do not believe that the defense of the United States should be based on the "complexities" of an enemy attack or on subtle arguments. It is possible to maintain an overwhelming retaliatory capability that does not depend on such hopes. And the United States is maintaining such a capability in our view. *Subtle arguments for large expenditures are symptoms of the security we have achieved.* Since every weapon system has some argument for it, the Committee should be cautious in accepting such arguments lest public funds be wasted.

Finally, General Ryan told the Committee, in last year's hearings:

If our quantitative reductions are not offset by significant improvement in quality, we expect the Soviets to re-evaluate their bomber options.

In effect, General Ryan is saying that we should build bomber defenses to discourage the Soviet Union from building a new bomber. Does he prefer that the Soviets put their money into new missiles?

These confusing official statements show how important it is to require the Defense Department to make explicit the goals it is trying to achieve with its bomber defense—and to relate its programs and arguments to that goal.

In summary, as far as purposes of air defense are concerned, we believe that the

Government could save large sums by explicitly accepting the premise that defense against Soviet bombers—without defense against Soviet missiles—is an absurdity adding little if anything to our defense posture.

We, therefore, see no reason to move ahead with a defense against Soviet bombers. Few arguments against a weapon system are as clearcut as the argument that bomber defense without missile defense is pointless. In the present circumstances, it makes no difference whatsoever to our foreign policy whether we have an impenetrable bomber defense or no bomber defense whatsoever. And considering the Soviet ability to buy fewer or greater numbers of missiles—in such proportion as we buy bomber defense—there is no reason to believe that American casualties in major nuclear war will be appreciably different whether we have an impenetrable bomber defense or no bomber defense at all.

FAS SUPPORTS COAST GUARD OF THE AIR CAPABILITY

We support the notion, Purpose III, of maintaining the "Coast Guard of the Air" capability which we believe would save several hundred million dollars a year over the costs of maintaining the present system. We have not had the opportunity to make an independent estimate of this saving but simply record estimates from Congressional Quarterly (June, 1968) that \$1 billion might be saved in this way and estimates this year of the National Urban Coalition that \$800,000,000 might be saved.

TACTICAL AWACS QUESTIONED

Whether or not further efforts are made to provide some capability against bombers from the People's Republic of China or from the Republic of Cuba is a matter on which we will not comment here. We recognize that AWACS might be useful for this purpose and that it might be useful also for tactical command and control, if not bomber defense, in wars outside the United States in which the United States might become involved.

Again, however, we believe that the Defense Department must be required to state precisely the purposes for which a tactical AWACS might be used abroad and the alternative methods that might achieve the same purpose.

If, for example, the Committee concludes that AWACS is not a desirable purchase for strategic defense, it is hard to believe that the very same system is necessarily the best possibility for tactical purposes. After all, in local wars, it is not necessary to have all our command and control off the ground—one might put the radar into the air but not the command and control. Why be so sophisticated—and expensive?

Second, in local wars, it is dangerous to put airplanes that cost \$40 to \$50 million over enemy territory. The other side is likely to be supplied with Soviet anti-air weapons of some sophistication, and we might lose these very valuable and vulnerable planes.

Finally since, outside the Soviet Union, all nations of the world are acutely aware of the fact that the United States can bomb them much, much more effectively than they can bomb us or our allies, adversary bomber attack may often be deterred and hence less important than command and control of U.S. fighters. Again, we may be buying the wrong system in AWACS.

In essence, the Defense Department may be making the "commonality" mistake it made with the F-111—trying to justify the same weapon system for quite different purposes when two (or more) different systems are called for.

Quite apart from effectiveness, many members of the Federation would undoubtedly argue that a tactical AWACS would encourage the United States to interpose itself in conflicts, associated with

bombers, that involve other parties. Once the United States had actively intervened by placing its bomber defense screen between the parties, U.S. continued involvement—with all that it entailed—would be unavoidable. As was the case with Fast Deployment Logistic Ships (FDLS), the Committee may wish to consider the political implications of this purchase—a purchase that might provide the Executive Branch with an option, and a temptation, to become the world's policeman against bomber threats.

Further, I would call the Committee's attention to the President's assertion yesterday that "in fact, I seriously doubt if we will ever have another war. This is probably the last one." Of course this is a speculative statement of the President's and it certainly does not mean that there is no case for preparedness. But it does underline the importance of requiring the Defense Department to provide reasonably plausible scenarios in which a tactical AWACS plays an important role for which other American weapon systems cannot substitute. This is not a time in American history when we can afford to buy unnecessary weapons. Today our domestic needs are not simply another priority but a threat to domestic tranquility. Our security is threatened not only by the Russians but by crises in our cities and in our rural areas.

In conclusion, Mr. Chairman, I would like to quote from an exchange between Senator William Proxmire of Wisconsin and Mr. Charles Schultze, the former Director of the Budget, before the Joint Economic Committee.

Chairman PROXMIRE. Let me ask you, why were the bad decisions not ferreted out as the defense budget went through the review process in White House deliberations?

Mr. SCHULTZE. Let's take the example of the new proposed so-called AWACS system, which is a complex downward-looking radar for a new continental air defense system. I do not remember the specifics of it very well, but I do recall when it was proposed it was looked at very carefully by the Budget Bureau and you will find that as a matter of fact when you compare various air defenses, it turns out this system is about the best you can get, as far as I can tell.

If you compare a number of alternatives, it is more effective at slightly lower cost than most. And this kind of thing the Budget Bureau did look very carefully at.

Quite frankly, however, what we did not look at so closely was, do you need an air defense system of this magnitude at all?

Chairman PROXMIRE. You did not look at it, you say?

Mr. SCHULTZE. Well, those are the—
Chairman PROXMIRE. That question was never brought out, was it?

Mr. SCHULTZE. They did not get looked at that way.

—June, 1969, Joint Economic Committee Hearings.

In short, Mr. Chairman, the Executive Branch cannot be depended upon to ask the fundamental "why?" questions about bomber defense or many other weapon systems. This is one important reason why my Federation of American Scientists is appealing to your Committee to ask these questions.

Mr. PROXMIRE. Mr. President, finally I would like to ask the Chairman of the Armed Services Committee, the distinguished Senator from Mississippi (Mr. STENNIS) some questions about the committee's own position on the bomber defense issue. The committee's report says,

in effect, "we are keeping our options open." But just what are our options, and what factors will influence our choice among them?

I ask the distinguished Senator:

First, if a SALT agreement is reached which prohibits large-scale ABM defense of population centers, will he agree with me that our bomber defense improvements should be stopped? If not, why should we spend \$5 to \$10 billion just to reduce civilian casualties from 110 to 105 million people in the event of a nuclear war?

Mr. STENNIS. Mr. President, this is a subject that I have been concerned about for many years. I have grave concern about it. It is one of the things on which we cannot say that it is all this way or all that way. I have not been able to say that we could abandon bomber defense. I could not begin to say anything about what our position will be next year if these facts do or do not occur at the SALT talks.

I want to make it clear that in the committee report we are not committing ourselves, as far as I am concerned, to anything next year. We are not promising this or promising that. We were just keeping our options open.

The next fiscal year is the big decision year. We will at that time do the best we can based upon all of the facts.

Mr. PROXMIRE. What concerns me is that if we should reach an agreement in which we would agree with the Soviet Union not to use the ABM to protect our cities against missile attack, it seems to me that to have the bomber defense under those circumstances would make little sense.

Mr. STENNIS. It would not be relevant if that should come about. I wish to add that I can speak only for myself.

Mr. PROXMIRE. Does the Senator agree with me that the Soviets have a far less offensive strategic bomber force than our own, and that the Backfire is a medium range bomber which poses little threat to the United States?

Mr. STENNIS. Generally, I agree with that. Based on what they are known to have now, I think their bomber forces are old and their capability is not as great as ours.

Mr. PROXMIRE. Does the Senator from Mississippi agree with me that AWACS cannot be justified for its alleged tactical applications?

Mr. STENNIS. I would not want to go too far, but with respect to AWACS, primarily it is not for tactical purposes and, as I recall, it has fairly limited potential in that field. Its primary justification would be for detection of bomber attack against the United States.

Mr. PROXMIRE. I thank the Senator. I appreciate the Senator responding to my questions and I apologize for having sprung these questions on him without warning. I thank the Senator for his courtesy.

Mr. STENNIS. I would not want to be hide bound next year on something I said today, or the implications thereof. My options are still open.

Mr. MCINTYRE. Mr. President, will the Senator from Wisconsin yield for a question or two?

Mr. PROXMIRE. I yield.

Mr. MCINTYRE. Those of us who are supporting the measure now before the Senate are faced with such an array of items that I wonder if the Senator could give me some idea of what amendments the Senator plans at this time to offer, and especially in that area of research and development, where I may be called upon.

Mr. PROXMIRE. This particular Senator does not have any particular amendments to offer. I have been working with other Senators who do have, but I know of no amendments in research and development. I have spoken with Senators who may have amendments aimed at the development of weapons systems, which may be controversial and which represent a waste of resources.

As soon as I have any information on this matter I will be happy to let the Senator know.

Mr. MCINTYRE. We appreciate that because I think the Senator recognizes from his study of the project, as it applies to military weapons, that any kind of notice we get will be helpful.

Mr. PROXMIRE. We will be happy to do that. I have no information now of any amendments that would relate to research and development.

THE CASE FOR DEFENSE RESEARCH AND DEVELOPMENT

Mr. MCINTYRE. Mr. President, on September 10, 1971, in support of the fiscal year 1972 military procurement authorization bill which is now pending, I spoke in some detail to the part of the bill which involves the research, development, test, and evaluation programs for the Department of Defense. At that time I indicated that it was my plan to provide further information and detail at an early date.

To refresh the memories of my colleagues, I will summarize the recommendations of the committee concerning the total amount of funds for research and development. The fiscal year 1972 authorization request for R.D.T. & E. amounts to \$7,950,767,000. The bill, as passed by the House, increased the amount requested by \$12.5 million, resulting in a total of \$7,963,312,000. The committee is recommending authorization of \$7,607,312,000, which is \$343.5 million below the amount requested and \$356 million less than the amount passed by the House.

To provide an insight into some of the detail that the Ad Hoc Subcommittee on Research and Development examined, I ask unanimous consent that a list of the hearings and briefings conducted by the subcommittee and the subcommittee staff be printed in the RECORD at this point.

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

RESEARCH AND DEVELOPMENT SUBCOMMITTEE SUMMARY OF FISCAL YEAR 1972 HEARINGS

No.	Date	Service	Program	Hours	No.	Date	Service	Program	Hours
1	Feb. 11	Navy	Surface effect ships	2.0	12	Apr. 6	Navy	Assistant Secretary for R. & D.	4.0
2	Mar. 2	do.	Advanced undersea surveillance	1.5	13	Apr. 20	OSD	Defense Communications Agency	2.0
3	Mar. 3	do.	Advanced mine development	2.0	14	Apr. 20	OSD	Defense Supply Agency	1.0
4	Mar. 10	do.	Destroyer helicopter system (LAMPS)	2.0				Deputy Director of Defense Research and Engineering	2.0
5	Mar. 11	do.	Advanced ASW detection	1.0	15	Apr. 26	Air Force	B-1	3.0
			S-3A	1.0	16	Apr. 28	do.	Minuteman	2.0
			Carrier ASW Tactical Support Center	.5	17	Apr. 29	do.	Assistant Secretary for R. & D. and Deputy for R. & D.	5.5
6	Mar. 22	do.	Undersea long-range missile system (ULMS)	2.0	18	Apr. 30	do.	Subsonic cruise armed decoy (SCAD)	2.5
			Advanced surface missile system	1.5	19	May 3	Army	Surface-to-air missile (SAM-D)	2.5
7	Mar. 23	Army	Prototype hardsite development	2.0	20	May 5	Air Force	Airborne warning and control system (AWACS)	2.0
			Technical support of the military man	1.5	21	May 6	OSD	Assistant to Secretary of Defense for Telecommunications	2.5
8	Mar. 24	do.	Advanced ballistic missile defense	1.0	22	May 10	Army	Heavy lift helicopter	3.0
			Terminal homing	1.5	23	May 19		Federation of American Scientists	2.0
9	Mar. 31	do.	Advanced helicopter development	1.0				Total hours	66.0
			Utility tactical transport aircraft system	2.0					
10	Apr. 1	OSD	Defense Atomic Support Agency	1.5					
			Advanced Research Projects Agency	3.0					
11	Apr. 5	Army	Assistant Secretary for R. & D. and Chief of R. & D.	5.0					

SUMMARY OF R. & D. SUBCOMMITTEE STAFF BRIEFINGS

1	Feb. 18	Navy	Visual target identification	1.0	25	Mar. 25	Army	Advanced forward area air defense	2.0
2	do	do.	Advance aircraft propulsion system	1.0	26	do	do.	Institute of the individual soldier	2.0
3	Feb. 19	do.	New ship design	1.0	27	Mar. 26	do.	Nuclear munitions	2.0
4	do	do.	Advanced surface craft	1.0	28	do	do.	Tactical automatic data processing system	2.0
5	do	do.	Navy special warfare	1.0	29	Apr. 7	Air Force	Tactical information, processing and interpretation	1.5
6	do	do.	Remote unattended sensors	1.0	30	do	do.	Hound Dog II	1.0
7	Feb. 23	do.	Long-range surface weapons	1.0	31	do	OSD	Joint tactical communications system (Tri-Tac)	1.5
8	do	do.	Aircraft propulsion evaluation	1.0	32	do	do.	Satellite communications	1.5
9	do	do.	Aircraft flight, test, general	1.0	33	Apr. 8	Air Force	Advanced radiation technology	1.5
10	do	do.	Modular guidance weapons improve	1.0	34	do	do.	Flight vehicle subsystem concepts	2.0
11	Feb. 25	do.	Advanced meteorological satellite equipment	.5	35	Apr. 14	do.	Advance surveillance technology	1.0
12	do	do.	Other exploratory development	1.0	36	do	do.	Satellite data relay system	1.0
13	do	do.	Strike warfare weaponry	1.0	37	Apr. 15	do.	Survivable satellite	1.0
14	do	do.	Satellite communications	1.0	38	do	do.	Aerospace defense program	1.0
15	Mar. 4	do.	Electronic intercept system	1.0	39	do	do.	Electronic warfare	2.0
16	do	do.	Other Marine Corps advanced development support	.5	40	do	OSD	Tri-Tac (second briefing)	2.0
17	do	do.	Other Marine Corps systems	.5	41	Apr. 19	Air Force	Advanced ICBM technology	1.5
18	do	do.	Special laboratory support	.5	42	do	do.	Advanced ballistic reentry system	1.0
19	Mar. 9	do.	Advanced antiradiation missile	1.0	43	Apr. 22	do.	Improved capability for operational test and evaluation	1.0
20	do	do.	SSBN defense	1.0	44	do	do.	Protective systems	1.5
21	do	do.	Blue Mail	.5	45	May 4	do.	F-5E	1.0
22	Mar. 11	do.	ASW management and technical support	1.5	46	May 6	OSD	Defense Special Projects Group	2.0
23	do	do.	ASW acoustic warfare	1.0				Total hours	54.5
24	do	do.	Laboratory independent exploratory development	.5					

Mr. McINTYRE. Mr. President, in addition to these hearings and briefings, other major programs with R.D.T. & E. funding requirements for fiscal 1972 were included in hearings conducted by the Tactical Air Subcommittee under the able chairmanship of my colleague Senator CANNON, and the Bomber Defense Subcommittee headed by my esteemed chairman, Senator STENNIS.

The Research and Development Subcommittee and its staff during this same period of time undertook to visit numerous research and development activities of the Department of Defense and a number of contractors involved in important Defense research and development programs. I found it of particular interest to observe some of these activities during visits to the Army Yuma Proving Ground, Ariz., where I observed a demonstration of the Cheyenne helicopter; and to the National Security Agency, Fort Meade, Md., where I was provided with an insight into the operations of that organization.

I ask unanimous consent that a list of the subcommittee staff visits be printed at this point in the RECORD.

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

SUBCOMMITTEE STAFF VISITS

ARMY ACTIVITIES

Harry Diamond Laboratory, Washington, D.C.
Yuma Proving Ground, Arizona (CHEYENNE Demonstration).

NAVY ACTIVITIES

Naval Research Laboratory, Washington, D.C.
Pacific Missile Range, Point Mugu, California.
Naval Missile Center, Point Mugu, California.
Naval Undersea Research and Development Center, San Diego, California.
Naval Electronics Laboratory Center, San Diego, California.
Naval Personnel Research Activity, San Diego, California.
Naval Facility, Bermuda.
Naval Underwater Sound Laboratory, Bermuda.
Naval Ordnance Laboratory, White Oak, Maryland.
Naval Ship Research and Development Center, Carderock, Maryland.
Exercise involving flight on P-3C engaged in exercise against a nuclear submarine.
Naval Air Test Center, Patuxent River, Maryland (HARRIER Demonstration).

AIR FORCE

Western Test Range, Vandenberg Air Force Base, California.
Space and Missile Systems Organization, Los Angeles, California.
Headquarters, Air Force Systems Command, Andrews Air Force Base, Washington, D.C.

OTHER

Defense Atomic Support Agency at Nevada Test Site.
National Security Agency, Fort Meade, Maryland.
Aerospace Corporation, Los Angeles, California.
McDonnell-Douglas, St. Louis, Missouri.
Lockheed Aircraft Company, Los Angeles, California.
Boeing Company, Seattle, Washington.

Takoma Boat Company, Takoma, Washington.

Mr. McINTYRE. Mr. President, the fiscal year 1972 R.D.T. & E. program consists of 475 individual programs, which include literally thousands of separate projects and tasks. Because of the constraints of time and size of the subcommittee staff, we were obliged to concentrate on programs which fell into the following general categories:

New programs proposed for initiation in fiscal 1972;

Programs for which large dollar amounts were requested for fiscal 1972; Programs which reflected substantial increases over the amounts provided in fiscal 1972; and

Programs determined to be of special interest.

The programs of special interest which were examined, and most of which are the subject of special treatment in the committee report, included the following:

Independent research and development—I.R. & D.;
Relevancy of research;
Augmentation of basic research;
Soviet threat to U.S. technology lead;
Chemical and biological warfare;
Federal contract research centers—FCRC;

Denial of funds for universities whose policies bar military recruiters from campus;

Behavioral and social sciences;

Proposed language covering 2-year limitation for obligation;

Need for uniform Department of Defense policy on forward financing;

Department of Defense laboratories; Prototype—new approach to weapons development;

Electronic warfare;

Defense Special Projects Group; and Augmentation of technology.

I have provided this long list of items, Mr. President, not to impress my colleagues but to inform those who are not knowledgeable of the internal workings of the R. & D. Subcommittee; of the depth and broadness of coverage which this subcommittee accomplished in reviewing the R.D.T. & E. programs proposed for fiscal 1972. The actions of the committee, which resulted in the net reduction of \$356 million from the amount passed by the House, may be grouped in the following manner:

[In millions]

Funds determined to be in excess of prior year program requirements and which therefore are available to support the fiscal 1972 program	-\$135.1
Funds determined to be in excess of fiscal 1972 requirements because of reasons such as delays, slippage, or unrealistic schedules	-70.5
Programs reduced for reasons which are addressed in detail in the Committee report	-219.5
Transfer of program requirements from procurement to RDT&E program for the AIM-7F Air-to-Air missile and the XM-803 Main Battle Tank, both of which are discussed in detail in the Committee report	+69.1
Total net reductions	-356.0

In the conduct of its hearings and discussions, Mr. President, the members of the subcommittee expressed uniform concern regarding the increasingly high cost of weapons system development. The subcommittee was troubled by the accelerating trend of cost growth, aggravated by continued inflation and complicated by the increasing complexity and sophistication of weapons systems. For my part, criticisms of unnecessary paperwork, gold-plating, excessive concurrency, and cases of over-selling, which have been directed to the Department of Defense, in far too many cases are valid and bear repeating. I consider it a tribute to the thoroughness of the work of all of the members of the subcommittee and staff that the subcommittee report was unanimously approved by all of its members. Moreover, despite the diversity of views on the part of the full committee membership and the length of debate which occurred on certain recommendations, these recommendations with minor exceptions won the unanimous approval of the full committee.

At this point, Mr. President, I would like to invite the attention of my colleagues to some of the significant considerations of the subcommittee. I should mention first that the actions of the subcommittee resulted in the reduction of items in the total amount of \$425.1 million and that the \$356 million is a net reduction from the amount approved by the House. In looking at the total of \$7.951 billion requested by the Department

of Defense, it is not apparent as to what accounts for the increase of some \$630 million above the amount appropriated for fiscal 1971.

If I may digress for a moment, I would like to refer to the statement made on September 10, 1971, by the distinguished senior Senator from Wisconsin in commenting upon the committee report on the military procurement bill. He stated that what most likely would happen in the conference committee would be an increase of from \$700 million to \$1 billion over fiscal 1971. He described this as a "colossal" increase. To provide a proper focus and place this statement in correct perspective, let us examine what constitutes this "colossal" increase. First of all, if we were to compute half the difference between the amounts approved by the House and reported by the committee it would be \$178 million. Adding this to the amount recommended by the committee would raise the total to \$7.785 billion, which would be about \$800 million above the amount appropriated for fiscal 1971. Continuing this academic approach, this increase may be identified substantially with eight separate programs. These programs, which I will itemize, comprise almost \$700 million of the \$800 million increase. In effect, all other increases in the program are essentially compensated by offsetting decreases aggregating about the same total. These eight increases are:

	Millions
B-1	\$295
Safeguard (including prototype hardware)	75
F-15	67
ULMS	59
Airborne warning and control system	58
International fighter	39
AX	20
Civilian pay raises pursuant to law	60
Total	673

There are no surprises in this list, Mr. President. These are programs which are known to the Members of the Senate and which, for the most part, are required to continue programs that have been approved in prior years. Yet, my esteemed colleague conveys the impression that the increase in terms of magnitudes of dollars alone is colossal. The point I wish to emphasize here, Mr. President, is that a meaningful and constructive opinion on any program of this kind must necessarily address the specific detail. Generalizations tend to obscure the facts rather than shed light upon them.

The major programs, measured in dollar magnitudes, which are included in the committee recommendations are the F-15, the B-1, Safeguard, the S-3A, the F-14, the ULMS, Minuteman, and AWACS. These will constitute the very backbone of our future defense capability. The B-1, ULMS, and Minuteman are vital elements in our strategic deterrent capability. Safeguard will insure the survivability of our strategic land-based missile deterrent. The F-14 and F-15 air superiority fighters will insure our Air Force and Navy tactical fighters supremacy in the future. The S-3A will provide a much needed improvement in the protection of our naval forces from undersea attack. AWACS is

the answer to a critical need in the defense of the United States against bomber attack, as well as an important contributor to tactical air operations. Other major developments included, which are designed specifically to meet unique operational requirements are: the AX close air support aircraft, the surface-to-air missiles SAM-D for defense of the field army, the advanced surface-to-surface antiship missile—AEGIS—and the utility tactical transport aircraft system—UTTAS.

The research and development program recommended by the committee will provide approximately \$1.3 billion or 18 percent for research and exploratory development combined, which substantially represents the technology base. A similar amount is provided for the advanced development program. The major portion of the program which supports the development of weapons systems that are planned for production and use by our operating forces amounts to some \$3.8 billion or 50 percent. This includes \$1.7 billion for engineering development and \$2.1 billion for operational development; \$1.1 billion, or 14 percent, is provided for management and support of all of the Department of Defense activities engaged in research, development, and related testing. This includes the pay of civilian personnel engaged in these activities as well as the day-to-day costs of operation and maintenance.

In summary, the major program increases, comparing the recommendations for fiscal 1972 to the program for fiscal 1971, involve the areas of advanced development and engineering development in which are included some of the major programs which I have previously identified. The increase in emphasis in these two areas is evidence of the determination of the Department of Defense to emphasize the development of sorely needed major weapons systems while at the same time bolstering major subsystem and component developments which are needed to support the next generation of weapons systems.

Earlier in my statement, Mr. President, I had enumerated items of special interest which the subcommittee considered. These included a number of general provisions which were enacted last year. The subcommittee questioned various Defense witnesses on the implementation and effects of these provisions and is satisfied that further action on these, except as specifically addressed in the committee report, is not required at this time. A major provision which the subcommittee proposed and which the committee approved is the language of section 201(B). The effect of this language, if approved by the Senate and enacted into law, will be to place a limitation of 2 years on the obligation of research and development funds appropriated pursuant to this bill. Because the research and development program is based on a principle of annual incremental funding, a period of 2 years is considered adequate to enable the Department of Defense to accomplish the research and development program in an orderly and timely manner. This lan-

guage will prevent the undue accumulation of funds by the Department of Defense, which in fact are in excess of approved research and development programs. This action will conform with those of the Congress last year on the Appropriations Act, which contained such a provision for the fiscal 1971 appropriation, and will provide a significant improvement in congressional control of Defense Department spending.

Mr. President, I hope that this lengthy presentation will be useful to my colleagues in their better understanding of this highly complex and technical research and development program.

Mr. President, it is with pleasure that I take this opportunity to express my appreciation to each of the members of the Research and Development Subcommittee (Mr. BYRD of Virginia, Mr. BENTSEN, Mr. DOMINICK, and Mr. GOLDWATER) for his full support in shaping the research and development program to the needs of the Department of Defense and the Nation. In recommending a reduction of \$356 million from the amount approved by the House, the subcommittee, as well as the full committee, is confident that the level of dollars recommended is the minimum needed to support the fiscal 1972 R.D.T. & E. program.

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

The PRESIDING OFFICER. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

CHANGES IN COMMITTEE ASSIGNMENTS

Mr. SCOTT. Mr. President, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution, as follows:

S. RES. 170

Resolved, That the Senator from Alaska (Mr. STEVENS) is hereby excused from further service on the Committee on Veterans' Affairs, and that the Senator from Maryland (Mr. BEALL) is hereby excused from further service on the Committee on Public Works; and be it further

Resolved, That the Senator from Alaska (Mr. STEVENS) be and he is hereby assigned to service as the ranking Minority member on the Committee on Rules and Administration; that the Senator from Maryland (Mr. BEALL) be and he is hereby assigned to service on the Committee on Commerce, and that the Senator from Vermont (Mr. STAFFORD) be and he is hereby assigned to service on the following committees: the Committee on Public Works, the Committee on Labor and Public Welfare, and the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the resolution (S. Res. 170) was considered and agreed to.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AGREEMENT WITH JAPAN CONCERNING THE RYUKYU ISLANDS AND THE DAITO ISLANDS—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the agreement with Japan concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 17, 1971—Executive J, 92d Congress, first session—transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

I am transmitting for the Senate's advice and consent to ratification the Agreement between the United States of America and Japan concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 17, 1971. The Agreement was negotiated in accordance with the understandings I reached with Prime Minister Sato during my meetings with him in November 1969.

I transmit also, for the information of the Senate, the following related documents:

Agreed Minutes,
Memorandum of Understanding concerning Article III,

Exchange of notes concerning the Voice of America facility in Okinawa,

Exchange of notes concerning submersed lands,

Letter from Minister for Foreign Affairs Kijichi Aichi to Ambassador Meyer concerning treatment of foreign nationals and firms,

Memorandum of Understanding on air services to and through Okinawa;

And the Arrangement concerning Assumption by Japan of the Responsibility for the Immediate Defense of Okinawa.

The enclosed report from the Secretary of State describes the Agreement and the related documents.

When Prime Minister Sato arrived in Washington on November 19, 1969, I observed that "whether peace survives in

the last third of the century will depend more on what happens in the Pacific than in any other area of the world." I took that particular occasion to emphasize this fact to the American people and to the world because of my strong feeling then, as now, that Japan, as one of the major powers in the Pacific area, will play a central role in determining what happens in that vital region.

Japan's phenomenal economic growth represents a most significant development for us and for the other nations of the Pacific. Japan is now the third largest producer in the world and has developed with us the greatest transoceanic commerce in the history of mankind. The potential for cooperation between our two economies, the world's most productive and the world's most dynamic, is clearly immense. For this among other reasons, Japan and the United States have a strong mutual interest in the peace and security of the Pacific area. This interest is recognized in our Treaty of Mutual Cooperation and Security, which both our countries recognize as a keystone of our security relationships in that part of the world. I think all Americans also realize that a close and friendly relationship between Japan and the United States is vital to building the peaceful and progressive world both of us want for all mankind. The problems involved in strengthening the fabric of peace in Asia and the Pacific will undoubtedly be challenging. But if Japan and the United States go separate ways, then this task would be incomparably more difficult. Whatever differences may arise between our nations on specific policy questions, it is essential that the basic nature of our relationship remain close and cordial.

When Prime Minister Sato came to Washington in 1969, there was still one great unsettled issue between the United States and Japan arising out of World War II: the Okinawan question. Almost one million Japanese on Okinawa were still living under foreign administration nearly 25 years after the end of the Second World War. This situation subjected the entire relationship with our major Asian ally to strain. It was clear that our continued administration of Okinawa was incompatible with the mature relationship which both we and Japan recognized as the only possible basis for lasting cooperation between nations, especially between two great world powers such as the United States and Japan.

The Prime Minister and I therefore agreed that our two Governments would immediately enter into consultations concerning specific arrangements for accomplishing the early reversion of Okinawa to Japan. We determined that it was essential for this to be done without detriment to the security of the Far East, including Japan. We further agreed that the consultations should be concluded as quickly as possible with a view to accomplishing the reversion during 1972, provided that agreement could be reached on the terms and conditions of the reversion and that the necessary legislative support in both countries could be secured.

In undertaking these negotiations, the United States recognized, as a matter of basic principle, that it was consistent with neither our national character nor our national interest to continue to administer a territory which has been historically connected with Japan and whose people desire to rejoin their mother country. Japan recognized that the presence of United States forces in the Far East constituted a mainstay for the stability of the area, and that the security of countries in the Far East was a matter of serious concern for Japan. More specifically, Japan recognized that United States forces in Okinawa played a vital role in the present situation in the Far East and agreed that the United States would retain, under the terms of the Treaty of Mutual Cooperation and Security, such military facilities and areas in Okinawa as required in the mutual security of both countries.

After intensive negotiations, agreement was reached on the terms and conditions for reversion and the Agreement which I now commend to the Senate was signed on June 17, 1971.

This Agreement is founded upon the common security interests which are reflected in the United States-Japan Treaty of Mutual Cooperation and Security signed in 1960 and in the Communiqué which Prime Minister Sato and I jointly issued on November 21, 1969. The Agreement stipulates that, even after reversion, the Mutual Security Treaty and related arrangements, such as the Status of Forces Agreement of 1960, will apply to Okinawa without modification. The same will be true of the Treaty of Friendship, Commerce and Navigation, signed in 1953.

The new Agreement provides that after reversion Japan will grant the United States the use of facilities and areas in the Ryukyus in accordance with the Mutual Security Treaty of 1960 and its related arrangements, such as the Status of Forces Agreement. This means that the United States will continue to have the use of bases in Okinawa necessary for carrying out our mutual security commitments to Japan and for maintaining peace in the Far East. Under this Agreement, these facilities will be provided to us on the same terms as those now available to us in Japan. After reversion, a sovereign friendly government will give us permission to maintain these facilities in the Ryukyus, as in Japan, in recognition of mutual security interests. This is the only sound basis for long-term cooperation and I am convinced that it will enable us effectively to protect our own security interests.

The Agreement and related arrangements also deal with other important matters. They provide for appropriate payment to the United States for assets to be transferred to the Government of Japan and for certain costs which will be involved in connection with reversion. They provide protection for United States business and professional interests in Okinawa after reversion. They transfer to Japan responsibility for the immediate defense of the Ryukyus, which will result in substantial savings for the

United States, in terms of both budget and foreign exchange.

In summary, then, I am strongly convinced that this Agreement is in the best interests of both countries. It meets United States security needs and it places our relationship with our major Asian ally on a more sound and enduring basis. It fulfills long-held aspirations of the Japanese people, including the people of Okinawa, for the reunification of these islands with Japan.

I believe the return of Okinawa to Japanese administration will be one of the most important accomplishments of our postwar policy in the Far East. It should enhance the prospects for peace and stability in that area, and it is essential to the continuation of friendly and productive relations between the United States and Japan. I therefore urge that the Senate give its early and favorable consideration to this Agreement so that reversion can take place during 1972.

RICHARD NIXON.

THE WHITE HOUSE, September 21, 1971.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

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

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. What time did the Senator indicate we were coming in tomorrow?

Mr. BYRD of West Virginia. Eleven o'clock.

Mr. STENNIS. We are not going to convene until 11?

Mr. BYRD of West Virginia. That was the order.

Mr. STENNIS. That will help us get ready. I thank the Senator.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session and, notwithstanding rule XXXVIII of the Standing Rules of the Senate, that the Senate proceed to the immediate consideration of certain nominations which were reported unanimously from the Committee on the Judiciary earlier today, such nominations now being at the clerk's desk.

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

The PRESIDING OFFICER (Mr. Brock). The nominations will be stated.

U.S. PATENT OFFICE

The legislative clerk read the nomination of Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office, vice Isaac G. Stone, resigned.

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

U.S. CIRCUIT COURT

The legislative clerk read the nominations in the U.S. circuit court, as follows:

James Hunter III, of New Jersey, to be a U.S. circuit judge, third circuit, vice William F. Smith, deceased.

James Rosen, of New Jersey, to be a U.S. circuit judge, third circuit, vice William H. Hastie, retired.

John A. Field, Jr., of West Virginia, to be a U.S. circuit judge, fourth circuit, vice Herman S. Boreman, retired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

U.S. DISTRICT COURT

The legislative clerk read the nomination of William Brevard Hand, of Alabama, to be a U.S. district judge for the southern district of Alabama, vice Daniel H. Thomas, retiring.

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

The legislative clerk read the nomination of Sherman G. Finesilver, of Colorado, to be a U.S. district judge for the District of Colorado, vice William E. Doyle, elevated.

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

U.S. ATTORNEY

The legislative clerk read the nomination of Robert A. Morse, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years, vice Edward R. Neaher.

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

Mr. BYRD of West Virginia, Mr. President, I had previously cleared with the distinguished minority leader, the distinguished assistant minority leader, and the distinguished majority leader, my request that these nominations be acted upon today by unanimous consent.

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

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia, Mr. President, I move that the Senate resume the consideration of legislative business.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. BYRD of West Virginia, Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 4 p.m. today.

The motion was agreed to; and at 3:40 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:59 p.m., when called to order by the Presiding Officer (Mr. Brock).

Mr. BYRD of West Virginia, Mr. President, I move that the Senate stand in further recess, subject to the call of the Chair, with the understanding that it not extend beyond 4:30 p.m. today.

The motion was agreed to; and at 4 p.m. the Senate took a recess subject to the call of the Chair.

At 4:30 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. Brock).

The PRESIDING OFFICER. The pending business is H.R. 8687, the military procurement authorization bill.

CERTAIN ACTIVITIES OF PUBLIC HEALTH SERVICE HOSPITALS

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 6.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals

and outpatient clinics which were to strike out all after the resolving clause, and insert:

That it is the sense of Congress that all Public Health Service hospitals and outpatient clinics, and the clinical research centers located at Lexington, Kentucky, and Fort Worth, Texas, should remain open and remain within the Public Health Service at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the entire fiscal year 1972. During this period, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communications, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation or other use, and which facilities, if any, should be closed.

Sec. 2. It is the further sense of Congress that the hospitals, outpatient clinics, and clinical research centers of the Public Health Service should be considered an integral part of the national health care delivery system.

And amend the preamble so as to read:

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coastguardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis on the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1970 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas; and

Whereas all resources of the Federal Government should be brought to bear on drug addiction and drug abuse; and

Whereas the Public Health Service hospitals, outpatient clinics and clinical research centers are valuable resources for treatment of drug addicts and drug abusers: Now, therefore, be it.

Mr. KENNEDY. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to Senate Concurrent Resolution 6 and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. KENNEDY, Mr. WILLIAMS, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. PELL, Mr. MONDALE, Mr. DOMINICK, Mr. JAVITS, Mr. SCHWEIKER, Mr. PACKWOOD, Mr. TAFT, and Mr. BEALL conferees on the part of the Senate.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 423

Mr. BYRD of West Virginia, Mr. President, on behalf of the distinguished Senator from Wyoming (Mr. McGEE), I ask that amendment No. 423 be stated by the clerk and made the pending question.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment (No. 423) as follows:

On page 16 strike out lines 9 through 23; on page 16, line 24, strike out "Sec. 504" and insert "Sec. 503".

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia, Mr. President, I have discussed this amendment with the distinguished Senator from Wyoming (Mr. McGEE), with the distinguished manager of the bill (Mr. STENNIS), with the distinguished senior Senator from Virginia (Mr. BYRD), and with the distinguished assistant Republican leader (Mr. GRIFFIN).

I ask unanimous consent, therefore, based on those consultations, that time on amendment No. 423 be limited to 2 hours, the time to be equally divided between the mover of the amendment (Mr. McGEE) and the distinguished Senator from Virginia (Mr. BYRD); provided further that time on any amendment to the amendment be limited to 1 hour, the time to be equally divided between the mover of such amendment in the second degree and the senior Senator from Virginia (Mr. BYRD).

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

ORDER TO LAY PENDING BUSINESS BEFORE THE SENATE TOMORROW AT CONCLUSION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent that at the conclusion of routine morning business on tomorrow, the Chair lay before the Senate the unfinished business.

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

ORDER THAT TIME ON AMENDMENT NO. 423 BEGIN RUNNING WHEN UNFINISHED BUSINESS IS LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent that time on amendment No. 423 begin running when the Chair lays before the Senate the unfinished business on tomorrow.

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

ORDER THAT SENATE PROCEED TO CONSIDERATION OF AMENDMENT NO. 426 UPON COMPLETION OF ACTION ON AMENDMENT NO. 423 ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of amendment No. 423 on tomorrow, the Senate proceed to the consideration of amendment No. 426, which has been proposed by the distinguished junior Senator from Wisconsin (Mr. NELSON).

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

Mr. BYRD of West Virginia. Mr. President, a few days ago an order was entered limiting time on Amendment No. 426 by Mr. NELSON to 2 hours, to be equally divided. Am I correct?

The PRESIDING OFFICER. That is correct, and there will be one-half hour on any amendment thereto, to be equally divided.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

The unanimous consent agreement reads as follows:

Ordered, That effective at the close of the morning business on Wednesday, September 22, 1971, the unfinished business, H.R. 8687, the so-called military procurement authorization bill, be laid before the Senate and that there be a limit of 2 hours of debate on the pending amendment No. 423, to be equally divided and controlled by the Senators from Wyoming (Mr. MCGEE) and Virginia (Mr. BYRD). Provided further, that on any amendment to amendment No. 423 there be 1 hour of debate, to be equally divided and controlled by the mover thereof and the Senator from Virginia (Mr. BYRD).

Ordered further, That following the disposition of amendment No. 423, amendment No. 426, to be offered by the Senator from Wisconsin (Mr. NELSON), become the pending business and debate thereon be limited to 2

hours, to be equally divided and controlled by the Senator from Wisconsin and the Senator from Mississippi (Mr. STENNIS). Provided that on any amendment to amendment No. 426, debate be limited to one-half hour thereon, to be equally divided between the mover and the Senator from Mississippi (Mr. STENNIS).

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 o'clock a.m. Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes. At the conclusion of the routine morning business, the Senate will return to the consideration of the unfinished business, which is the military procurement authorization bill. The pending question at that time will be on the adoption of Amendment No. 423. There is a time limitation on that amendment of 2 hours, to be equally divided, with an additional time limitation on any amendment thereto of 1 hour, to be equally divided.

Upon disposition of that amendment, the Senate will proceed to the consideration of the Nelson amendment, on which there is a 2-hour limitation.

There will undoubtedly be a rollcall vote on amendment No. 423 by Mr. MCGEE. So the Senate is on notice that a rollcall vote could occur at about 1 p.m. tomorrow, if all time on the amendment is used and not yielded back.

Upon the disposition of that vote, it is then assumed that there will be a rollcall vote following the expiration of the time on the Nelson amendment. So the Senate will further be on notice that there could be a number of rollcall votes on tomorrow.

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 37 minutes p.m.) the Senate adjourned until tomorrow, September 22, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1971:

DEPARTMENT OF DEFENSE

Dudley C. Mecum, of Massachusetts, to be an Assistant Secretary of the Army.

U.S. COURT OF MILITARY APPEALS

Robert M. Duncan, of Ohio, to be judge, United States Court of Military Appeals, for the term of 15 years expiring May 1, 1986.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 21, 1971:

U.S. CIRCUIT COURTS

James Hunter III, of New Jersey, to be a U.S. circuit judge, third circuit.

James Rosen, of New Jersey, to be a U.S. circuit judge, third circuit.

John A. Field, Jr., of West Virginia, to be a U.S. circuit judge, fourth circuit.

U.S. DISTRICT COURTS

William Brevard Hand, of Alabama, to be a U.S. district judge for the southern district of Alabama.

Sherman G. Finesilver, of Colorado, to be a U.S. district judge for the district of Colorado.

DEPARTMENT OF JUSTICE

Robert A. Morse, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years.

U.S. PATENT OFFICE

Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office.

EXTENSIONS OF REMARKS

FRESH FISH FOR ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1971

Mr. BEGICH. Mr. Speaker, while the fishing industry is one of the most important segments of the Alaskan economy, many Alaskans find fresh fish products unavailable in their local markets. Most fish caught in Alaska and available for distribution in the State are first shipped to the "lower 48" for processing. Needless to say, this is an unnecessary expense to the Alaskan consumer and an unfair practice to those Alaskans who enjoy fresh fish.

Recently, John Wiese, writer for one of Alaska's most distinguished newspapers, the Anchorage Daily-News, wrote an interesting article regarding the problem of making fresh fish available to Alaskans. At this time, I would like

to include into the RECORD the article Mr. Wiese wrote.

The article follows:

FRESH FISH FOR ALASKA

(By John Wiese)

A gripe that has persisted for fully half a century has been the unavailability of fish products for local retail distribution unless they had been first shipped to the lower 48 after being processed from stocks caught in Alaska waters.

A program instituted in Anchorage by the Whitney-Fidalgo people promises to substantially reduce some of the adverse effects of this situation.

In the past, with rare exception, items like canned salmon or crab meat or clams that grocers have stocked for urban Alaskan customers could not be obtained by the store keepers directly from plants where the products had been packed. This has been especially true with "name brands."

These items had to be ordered by the retailers through their established wholesale suppliers who shipped them north through Seattle. Obviously, convenience and cost suffered adversely.

Several reasons were always offered for this practice.

Processing plants in Alaska were not adequately equipped to make the relatively small sales represented in local consumption requirements.

Products are required to go through quality-control inspection procedures and these are arranged only in Seattle or Astoria or San Francisco or Bellingham. Changing this would cause undue costs.

Labeling or repackaging or otherwise finalizing the fish products was almost never done at the Alaska plants so the trip Outside is mandatory before they can be available for retail sales.

Whitney-Fidalgo has started an Alaska distribution facility in Anchorage that changes things. They are even warehousing a total of 3,000 cases of various types of canned salmon in Anchorage to be distributed to retailers and institutions in the state, according to Tom Doyle, superintendent of the firm's freezer and cold storage plant here.

The plan calls for a year-round operation from this plant which is located near Anchorage International Airport.

In addition to the canned products, fresh