SENATE—*Monday, September 27, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

O God of the years that are passed and God of the years to come, we pray for this Nation, its President, its lawmakers, its interpreters of the law, its custodians of the law, its diplomats and its Armed Forces personnel that they may have Thy grace and strength in full measure. Help them to search for Thy will and having found it, give them wisdom and courage to do it.

O Lord, strengthen all of the people in morality and righteousness. Teach us the lesson that it is only what we give in love and service to others which endures forever.

In the name of Him who went about doing good. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 24, 1971, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The 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.

AMENDING THE ACT OF SEPTEMBER 26, 1970 (84 STAT. 884)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 376, S. 1733.

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

The assistant legislative clerk read as follows:

S. 1733, to amend the act of September 26, 1970 (84 Stat. 884).

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

There being no objection, the bill was considered, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "To authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs", approved September 26, 1970 (84 Stat. 884), is amended by striking out "Secretary of the Interior" where it twice appears and inserting in lieu thereof "Secretary of Commerce".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–376), explaining the purposes of the measure.

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

EXPLANATION OF THE BILL

S. 1733, as introduced by Senators Jackson and Allott (by request), was submitted and recommended by the Department of the Interior.

The Act of September 26, 1970 (Public Law 91–427) provided for the joint administration of the "Crown of Thorns" starfish study and control program by the Secretaries of the Interior and the Smithsonian Institution.

Subsequently, on October 4, 1970, Reorganization Plan No. 4 established in the Department of Commerce the National Oceanic and Atmospheric Administration to provide coordination of oceanic activities of the Federal Government. Enactment of S. 1733 would place joint responsibility with the Smithsonian Institution for administration of Public Law 91–427 in NOAA through the Secretary of Commerce rather than the Secretary of the Interior.

This proposed amendment will not affect Interior's ability to participate fully in starfish programs affecting Guam, American Samoa, or the Trust Territory of the Pacific Islands, but will facilitate coordination in NOAA of the several research and control efforts which have been or are being conducted by diverse agencies and institutions at the national and local levels.

SENATOR CHILES OF FLORIDA CHAMPIONS HELP FOR LOW MAN ON INCOME LADDER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a thought-provoking article published in the Los Angeles Times for today, entitled "Senator Chiles Champions Help for Low Man on Income Ladder," written by Nick Thimmesch, be printed in the RECORD.

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

SENATOR CHILES CHAMPIONS HELP FOR LOW MAN ON INCOME LADDER

(By Nick Thimmesch)

WASHINGTON.—Florida's Democratic senator, Lawton Chiles, the man who walked himself into office last fall, has chosen to walk into the thorny welfare reform issue. Chiles is skeptical of the President's family assistance plan, believes it will increase the numbers of dependent people and doesn't like the way lower-income people have to pay fast-climbing Social Security taxes.

"Under the Nixon plan," says Sen. Chiles, "we broaden the welfare class so that one in four people will be on some kind of government program. His family assistance plan alone would cover 24 million people, 10 million more than we have now on welfare.

"When I was walking across Florida last fall, guys, black and white, came up to me and right away said, 'I don't get no government check. All I earn is $3,600 a year.' That kind of a man has pride. When he finds out how the family assistance plan works and his Social Security taxes are going up, he's not going to like it.

"Those guys who make $3,000 to $8,000 a year make this country go. I particularly don't like the way lower-income people have to pay Social Security taxes at the same rate as higher-income people do."

That sounds like good Populist talk, but Chiles' argument is a bit oblique. The family benefits under the President's plan, passed in the House as "H.R. 1," are paid out of general revenues, not the Social Security system.

But those people getting minimum Social Security benefits ($74 a month), according to Chiles, should be put under a new adult assistance program financed out of general revenues. Thus the low-income wage earner wouldn't have to contribute through his Social Security tax toward the $15 billion a year it costs to cover "minimum benefit" recipients.

Moreover, Chiles argues, under "H.R. 1," the workingman's Social Security taxes will increase to 5.4% in 1972 and zoom to 7.4% in 1977. If those $74-a-month people are paid out of general revenues, the aforementioned hikes in Social Security taxes would be cut in half—to the delight of the low-income guy.

Chiles also argues that low-income people shouldn't have to pay more in Social Security taxes than they do in income tax. For example, the head of a family of four, making $4,000 a year, presently pays $52 in income tax, but $216 in Social Security. Under Chiles' formula, the Social Security tax on this man would be cut to $70.

Chiles also notes that employers can write off Social Security contributions as an expense. Thus a sizable portion of the employers' Social Security tax burden is transferred to general revenues because the employers' corporate tax payments are reduced.

Now Chiles, a 40-year-old freshman with a wide smile and a willing manner, isn't going to get very far with his recommendation that those $74-a-month people be paid out of general revenues. The reason, simply, is that House Ways and Means Committee Chairman Wilbur Mills is against any use of general revenues to finance Social Security cash benefits.

Administration officials reply to Chiles' strong criticism that low-income people pay too much Social Security tax by pointing out that income taxes are nearly wiped out for such lower-income people. As Social Security taxes go up, income taxes go down at the bottom of the income scale. And the thinking persists that if a person will one day use Social Security, he should pay for it now, whatever his income.

Chiles has struck a sensitive nerve among the lower-income working stiffs, whose every dollar counts. He is to be admired for digging into the complex world of welfare payments, Social Security benefits and intri-

cate government financing. Many a senator or congressman comes down here huffing and puffing about how he is going to help the poor, the black and the alienated, leaving a trail of rhetoric. Lawton Chiles, whose father was a hard-working trainman, and who knows what hard work is himself, is trying to be practical and provide a square deal for the celebrated guy on the lower end of the income ladder.

SPEECH BY SENATOR MATHIAS, OF MARYLAND, BEFORE THE DEFENSE INDUSTRY EXECUTIVE SEMINAR

Mr. MANSFIELD. Mr. President, I asked unanimous consent that a thoughtful speech by the distinguished senior Senator from Maryland (Mr. MATHIAS), delivered before the Defense Industry Executive Seminar of the National Security Industrial Association, at the Sheraton Park Hotel here in Washington on September 23, 1971, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, my belief is that there is a good deal of merit in the speech by the distinguished Senator from Maryland. Like the thoughts of the Senator from Florida (Mr. CHILES), the thoughts of the Senator from Maryland should be given the consideration of the Senate because of its perception, its detail, and I think an understanding of what confronts this Nation today.

EXHIBIT 1

ADDRESS OF SENATOR CHARLES McC. MATHIAS, JR.

In January 1790, in his first annual address to Congress, George Washington put forward the philosophy that has guided our defense posture to this day.

"To be prepared for war is one of the most effectual means of preserving peace."

Now, 181 years later, as we face the bleak prospect that American strategic superiority may be ending, this sage advice could well serve as the keynote for this conference.

And so, let me express my profound gratitude to the National Security Industrial Association for giving me this opportunity to participate in the Defense Industry Executive Seminar and to discuss with you how best to maintain our strategic edge. For only by maintaining our own strength, can we hope to preserve world peace.

To say that this nation is beset by deep and serious troubles is to resort to understatement. On the one hand we are increasingly disturbed by the somber specter of Soviet military and technological advance: the steady development of her air force and missile system; the progress of her modern and expanding navy; the rapid advances of her technology. On the other hand we are overwhelmed with domestic woes: 205 million people seriously divided along lines of geography, age, income and race; a country still mired in a wasting and unpopular war, wracked by economic deficits and adverse trade balances; a military establishment seriously discredited and rent by its own internal difficulties; a citizenery filled with cynicism and suspicion rather than unity and trust.

I need not go on. Both the external threat and our internal weaknesses are amply evident. What is not so clear is the remedy. So while it is safe to say that our problems will be with us for many years to come, it is far less easy to suggest what we ought to do to deal with these problems.

Let me suggest three areas in which I see some prospects for decisive remedial action. First, we must get out of Vietnam. Second, we must restore the vitality and confidence of our armed services. Third, we must reduce the cost of military procurement in order to get maximum defense for the money.

Let us begin—as we always seem to begin—with Vietnam. I have for years urged that we get out of Vietnam and have initiated or backed innumerable measures in Congress to end that war. No matter how you view our involvement there, it seems fair to say that Vietnam has been at the core of much of the dissent and confrontation that has wracked this nation. Whether you believe, as I do, that Vietnam has been the source of many of our problems, or as others assert, that it has been only the symptom of a deeper national distemper, the point is moot for present purposes. I would only interject here that like Senator Jackson, Senator Montoya, and many other distinguished colleagues, I find it exceedingly bitter to contemplate that the 45,000 American boys killed, the 300,000 wounded, and the more than 100 billion dollars spent have brought us the one-man "democracy" we see in South Vietnam today—a democracy I find difficult to distinguish from that of the Soviet Union, where the people's vote serves only to confirm the party's choice.

I bring up the subject of Vietnam, not to explore the agonizing questions it raises, but simply to point out what a tremendous toll it has taken of our once unquestioned strategic superiority. Look, for example, at the role Russia plays in that war. The total Soviet-Chinese combined contribution to the war has probably never exceeded $3 billion per year. The Soviet share was never higher than $1.5 billion and is now likely less than that. By contrast, the war has cost us some $30 billion annually at the height of our involvement. This is more than ten times the combined annual cost to Moscow and Peking and more than twenty times the cost to Moscow alone. Nor does this include the inflation and the other economic and social effects felt here at home which are not felt by the Soviet Union.

Understandably the Soviets have taken full advantage of this situation. The money they have not spent in Indochina has been used to modernize and expand their armed forces. Their navy, is growing in quality and size and threatens to relegate our own to second place. Their air force and missile system are near parity with ours and exceed ours in some important respects. The preponderance of power we had only a few years ago simply no longer exists.

Equally disquieting, their vigorous research and development programs are threatening our technological superiority. And even if we now decide to spend what it takes, there is no way to make up the lead time. A Poseidon submarine begun today would not sail for five years. A new submarine class could hardly be operational before 1980.

Yet, however late the decision may be, we must hasten to end our involvement in Vietnam and apply our resources to the areas that count. Our war costs have diminished from $30 billion to something less than $8 billion yearly. But this is still an extremely significant sum.

Let me add here that I believe we can also effect some savings in Europe—not only through budgetary offset but possibly in terms of reduced troop levels. Unlike the situation in Vietnam, the presence of American forces in Europe has had a positive and pronounced effect on the strength and stability of Europe and on our strategic balance with the Soviet Union. Consequently any change in our troop levels must be approached with caution and effected only in full consultation with our NATO allies.

In no respect has the Vietnam war so sapped and subverted our strategic position as in its impact upon our armed forces. A deep and pernicious malaise has spread like a cancer through most of our military forces and has rendered them demoralized and near collapse. The Washington Post has recently carried a series of dramatic articles examining such military ills as the drug situation, the wanton violence, the racial strife and the loss of discipline and morale. Few other situations have caused such widespread commentary and concern in the press and elsewhere. And with good reason, for the problems plaguing our armed services have cast into doubt their reliability as our effective fighting force.

In an article in the *Rome Daily American* on September 7, Colonel Robert D. Heinl, Jr. reports the following:

"Under current contingency plans we have to be ready to fight at least one-and-a-half wars (until recently it was two-and-a-half.)

"Yet the hard reality, given the present collapse of their morale, discipline, self-esteem, and battle-worthiness, is that the armed forces, by private admission of numerous senior officers, are today not fit to fight half a war, let alone one-and-a-half—even if we had 33½ divisions and a thousand percent military pay raise, too.

"If the Russians were to march next week, the true state of affairs would become quickly evident, just as the condition of our divisions in the Far East became quickly apparent in July 1950 when we tried to stem the North Korean onslaught."

The far-reaching implications of this assessment upon the credibility of our commitments through the world needs no elaboration.

Clearly we must take whatever measures are necessary to restore our military services to an effective fighting force. It is my view that to do so we must move from a draft to a volunteer service. I do not propose this as a matter of principle but as a necessary expedient in response to a grave crisis. Examining our ailing military, one finds that the most consistent cause of the problems is the draftee himself. Some of the problems like drug addiction he brings with him. Others develop after he enters the service. What results—instead of a positive, dedicated soldier—is an unhappy, unwilling, and unreliable individual. While the development of this situation can be explained in a dozen ways, what is important here is the need to take immediate corrective measures. By an increase in military pay and an accelerated phase out of draft calls, we should aim for a smaller but better military service. Emerging from Vietnam, we have little cause to maintain almost three-million men under arms. Without prejudice to our defense needs or our strategic commitments, our forces can be reduced to 2.5 million men almost immediately and to 2-million men by the end of 1972.

The need for taking this decisive action is well presented by Colonel Heinl:

"An unwilling, demoralized draftee is, under today's conditions, a gap disguised as a soldier.

"To test that proposition we have only to look at our remaining forces in Vietnam: seditious, near-mutinous, avoiding combat, drug-ridden, murdering their officers, racially tormented, and unfit and unwilling (save among such brave exceptions as the chopper pilots and the advisors) to fight.

"In Europe (according to senior commanders who will speak frankly) disintegration and loss of military control, though less dramatic, are nearly as appalling.

"Given these awful givens, certain facts have to be faced. The Armed Forces, with some exceptions, need to be rebuilt from the ground up. Nothing less will do. The only serviceable building materials for the new armed forces will be men who want to be soldiers, sailors, or airmen. 'True Volunteers' is what the Gates Commission called them, and true volunteers alone will serve the purpose."

Our third major objective, and the one of most immediate concern to defense industries, is to reduce the cost of military procurement.

To resort to a sad cliche, the dollar does not buy what it used to. But nowhere is this fact more evident than in the field of military technology. This fact is taking on ominous dimensions. For if we continue the present trend we will price ourselves right out of the strategic race. This warning was made in very clear terms several weeks ago by the Senate Armed Services Committee in its report on the Military Procurement Authorization Bill now before the Senate. The importance of this problem to our future defense posture, in my view, would be hard to overstate.

Some salient facts: the savings of more than $18 billion dollars per year realized by our phasedown in Vietnam has largely been consumed by inflation. Though the military budgets for fiscal years 1968 and 1972 were about the same, ($76–78 billion), the 1972 budget buys about $20 billion less. I repeat: $20 billion less. It boggles the mind.

At the same time the costs of our modern weapons systems have increased astronomically. Let me quote from the Armed Services Committee Report:

"The purchase cost of modern weapon systems has increased by many times even within the last few years. It was to be expected that a new fighter aircraft for the mid-1970's would cost considerably more than the fighters of World War II vintage. It is striking, however, that fighter aircraft now being developed for procurement in the mid-1970's will cost five to six times more than comparable aircraft at the beginning of the 1960's. The cost of tanks is increasing over fourfold during the 1965–1975 decade. A burst of .50 caliber machinegun fire, our primary air-to-air munition until the end of the Korean War, costs about $20; we are now developing tactical air-to-air munitions costing several hundred thousand dollars per round—an increase by a factor of tens of thousands. The avionics package in some types of new military aircraft will alone weigh 2 or more tons and cost several million dollars. At over $1,000 per pound this is about twice as costly as gold."

Recognizing the skyrocketing costs of modern weapons, we must ruthlessly identify and eliminate all unnecessary expenditures so that we may obtain the maximum defense benefit for our dollar.

I have long been convinced that significant savings can be achieved by the expedient of producing the simplest weapon adequate to the job. From the simplest hand gun to the most sophisticated aircraft, there is persuasive testimony suggesting that we have loaded them with refinements both unnecessary and costly. I am pleased to note that the Armed Services Committee shares this view. Again to quote its report:

"We have produced some weapons too complex to be effective . . . Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity. When the Navy wished to arm its proposed new class of PF escorts with a modern 35-millimeter gun, it was necessary to use a gun of Italian make because none had been developed in the United States."

Another source of savings is the elimination of unnecessary overlapping or concurrency. According to the Armed Services Committee, a large degree of concurrency between development and production in some weapons programs has resulted in "commitment to production while great technological uncertainties still remain to be solved. Thus, when changes prove necessary in weapons design in the later stages of development, concurrency has maximized the cost of these changes." It is therefore gratifying to note that the Department of Defense has underscored the necessity of eliminating unnecessary concurrency.

Finally, yet another source of significant savings is the exercise of the greatest possible selectivity. We must be exhaustive in ensuring that we choose the right weapon for the job. We can no longer afford to permit considerations of inter-service rivalry to hinder the selection of the superior weapon or cause the development of redundant weapons for the same task. We must apply critical, selective criteria to every stage of development and be prepared to scrap even the most advanced program if the product proves to be less than satisfactory.

A recent example of this kind of critical examination is a detailed report on three aircraft now being funded for the task of close support: the Cheyenne Helicopter; the Harrier, a British built V/STOL aircraft; and the fixed-wing STOL aircraft, the AX. Among other things, this report recommends that the Cheyenne program be terminated, that the purchase of the Harriers be limited to 60 aircraft, and that the AX program should go forward. These recommendations, if carried out, will result in a $6 billion savings over the next ten years.

I mention this report here, not to unfold its details to you at this time, but simply to illustrate the kind of critical examination that must be focused on all of our defense procurement expenditures if we are to be able to afford the advanced technology essential to maintaining our strategic position in the world.

The Armed Services Committee has defined your challenge with dramatic clarity:

"If the geometric cost increase for weapons is not sharply reversed, then even significant increases in the defense budget may not insure the force levels required for our national security. . . . If we can afford a permanent force structure of only one-fifth as many fighter aircraft or tanks as our potential adversaries . . . because our systems are about five times more expensive than theirs. . . . Then a future crisis may find us at a sharp numerical disadvantage."

I cannot overemphasize how important it is that you in the defense industries face up to this challenge.

I sense a growing consensus among the American people—at all points of the political spectrum—not that we spend too much on defense, but that far too much of what we spend on defense is wasted. I do not believe there is a single American who does not want a strong and a secure America. But there are a great many Americans who cannot understand why the defense budget should eat up an increasing amount of our public money while buying a proportionately decreasing amount of security. There are a great many Americans who cannot understand why we seem able to expend billions upon billions of dollars in the name of defense, and never seem able to spare even minimum amounts of money for our immense domestic needs.

There are a great many Americans, beginning with the late Senator Robert A. Taft, who have begun even to question the credulity of our defense and military establishment, and who will no longer accept without intense and exhaustive scrutiny their assurance that this expenditure is essential, that piece of hardware vital.

The American people will no longer underwrite mammoth defense budgets that do not buy them what they pay for—real strength and security.

Nor can the country forever afford excessive defense budgets that not only bring us far less strength and security than they should, but do so at the expense of domestic peace and welfare.

Billions for defense, but not one cent for waste—that is what the American people demand and deserve.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Mississippi (Mr. STENNIS), I ask unanimous consent that I may be recognized at the conclusion of the morning business and the morning hour.

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

Mr. BYRD of Virginia. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON TUESDAY THROUGH SATURDAY

Mr. BYRD of Virginia. Mr. President, for the RECORD, I would like to ask of the distinguished majority leader that the Senator from Virginia be recognized for 15 minutes on tomorrow, Tuesday; 15 minutes on Wednesday; 15 minutes on Thursday; 15 minutes on Friday; and if the Senate is in session on Saturday, for 15 minutes on that day also.

I plan to speak on one subject; that is, section 503 of the military procurement bill.

I do this because the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) has stated that he will seek to reverse the decision of the Senate last week.

I plan to speak, if the leadership gives me that permission, each day this week. If I can get away from my office in the afternoon, after the legislative session is over, I also plan to speak in the afternoon because I think the more the American people can know about this subject, the better off everyone will be.

I make that request of the leadership.

I make a second request, that it is my intention to stay on the floor virtually every minute that the military procurement bill is under consideration. The nature of man is such that it is somewhat more graceful, every once in a while, to leave the floor for a few minutes. If I am out of the Chamber, I would like to ask that the leadership of both sides of the aisle protect me on any unanimous-consent requests concerning section 503, because I shall object to any unanimous-consent requests in that regard.

Mr. MANSFIELD. The distinguished Senator from Virginia has that assurance. He can rely on it.

So far as the 15 minutes recognition

each day is concerned for the rest of this week, that is fine, too, with one proviso: we have three Senators who have time on Wednesday morning next, and I would assume it would meet with the approval of the Senator from Virginia that if he speaks that morning, he will follow the Senators for whom agreement has already been made.

Mr. BYRD of Virginia. Absolutely. Anytime. I thank the distinguished majority leader.

The PRESIDENT pro tempore. Does the Senator from Virginia mean to speak for 15 minutes today?

Mr. BYRD of Virginia. Today? No. I do not want any time today.

Mr. MANSFIELD. I have asked for time after morning business has been finished as well as at the conclusion of the morning hour.

The PRESIDENT pro tempore. Tomorrow?

Mr. MANSFIELD. Today.

The PRESIDENT pro tempore. Very well.

Mr. MANSFIELD. Mr. President, has the request of the distinguished Senator from Virginia been granted yet?

The PRESIDENT pro tempore. Not yet because it is not certain——

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I be recognized for not to exceed 15 minutes on tomorrow; on Wednesday for 15 minutes; on Thursday for 15 minutes; on Friday for 15 minutes; and if the Senate is in session on Saturday, for 15 minutes on that day.

The PRESIDENT pro tempore. At what period? At the beginning? I do not understand the Senator.

Mr. BYRD of Virginia. Under the normal procedure, Mr. President.

The PRESIDENT pro tempore. The Senator from Montana stated that there was an agreement on Wednesday for other Senators to speak.

Mr. MANSFIELD. For Wednesday only. My understanding is that, under the usual procedure, the Senator from Virginia can be recognized.

Mr. BYRD of Virginia. Yes, Mr. President under the usual procedure, before the Senate goes into the morning hour for the conduct of morning business.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now proceed to the consideration of routine morning business, for not to exceed 15 minutes, with each Senator being limited to 3 minutes.

Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. I do not seek recognition.

The PRESIDENT pro tempore. Is there any morning business?

The Senator from Virginia is recognized.

SENATOR COOPER'S ANNOUNCED INTENTION TO RETIRE

Mr. BYRD of Virginia. Mr. President, today in the Baltimore Sun, there is published an article written by Marquis Childs entitled "Cooper of Kentucky—Senate Will Be Less for His Leaving."

It is an excellent article which points out how beloved the Senator from Kentucky is among his colleagues in the Senate and the very valuable service that he has rendered over the years to the people of Kentucky and the United States.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

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

COOPER OF KENTUCKY—SENATE WILL BE LESS FOR HIS LEAVING

(By Marquis Childs)

WASHINGTON.—The recent bombing of North Vietnam, the most massive in three years, is a manisfestation of America's continuing involvement in a war deeply dividing the nation. On no one does this weigh more heavily than on the senior senator from Kentucky, a Republican, John Sherman Cooper.

Mr. Cooper's opposition to the bombing goes back to 1964. While voting for the Gulf of Tonkin resolution in August of that year, he said on the Senate floor that to be granted such broad powers the President was obligated immediately to search for ways to negotiate an end to the fighting and perhaps even to refer the question to the Geneva powers.

The following year and again in 1966 he drove hard for a stop to the bombing of the North. The weight of his influence had not a little to do with Lyndon Johnson's decision to negotiate and halt bombing in the North. The thousands of tons of bombs rained down north of the border buffer zone a few days ago is a grim commentary on the power that persists once the guns start firing.

In his opposition to the war and in every field Mr. Cooper's record is in many respects unique in its scope and in the independence it reflects. After his re-election in 1966 he said he would not seek another term and he has repeated this several times.

Usually when an elected officeholder makes such an announcement the scramble to succeed him becomes a stampede. Petitioners from Kentucky, and among them are Democrats as well as Republicans, urge him to run again next year. They agree he could win with virtually no campaign.

Some of Mr. Cooper's close allies in the Senate despair over the way the power of the executive overshadows Congress, and they point to the resumption of heavy bombing as proof. Mr. Cooper disagrees. It may be his Kentucky heritage of grit but he does not give up for all his bruising encounters with power.

During the congressional recess he flew to Helsinki, Finland, to get a reading on the strategic arms limitation talks. After lengthy conferences with the American delegation he brought back the word, now on the front pages that an agreement limiting defensive weapons is likely before the end of the year.

Mr. Cooper joined senator Philip A. Hart (D. Mich.) to knock out funds for the anti-ballistic missile in the defense budget of 1969. They lost by a single vote. A second attempt the following year was defeated by 52 to 47. The Senate's present intention in light of a probable agreement is not to challenge the funds for the ABM this year.

In 1958 in partnership with John F. Kennedy then a Senator from Massachusetts, Mr. Cooper initiated the consortium of a half-dozen nations supplying aid to India and Pakistan. It worked well until the rivalry between Moscow and Peking accentuated the enmity between the states that share the subcontinent. Mr. Cooper was ambassador to India in 1955 and 1956 between different terms in the Senate.

At times, voting for civil rights measures, he runs afoul of his comparatively conservative constituency. His was one of three votes against the measure giving the attorney general greatly broadened powers to wiretap. Addressing the Louisville Chamber of Commerce a little later on pollution, as he finished a voice from the back of the hall boomed out:

"We want to know why you voted for crime the other day."

The senator, who has served longer in the Senate than Henry Clay, longer than any Kentuckian except Alben Barkley, can tell that kind of anecdote with the dry humor that is out of his roots in his home town of Somerset.

When he goes back, people line up to talk to him not just about politics but about their personal problems. For all his years in Washington, New Delhi and in New York at the United Nations he is still the man from Somerset.

The other day Mr. Cooper had his 70th birthday. His knowledge and experience give him a remarkable perspective on the political scene both at home and abroad. If he goes through with his intention of retiring is this experience to be lost? The young today would reject anyone over the age of 25 or maybe 30. That loud, arbitrary cut-off denies the wisdom of men such as Mr. Cooper who have come through the struggle of our times bloody but unbowed.

THE MONETARY SITUATION OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, yesterday, the Washington Post published the text of a talk made just recently by Secretary of the Treasury John Connally to the representatives of nations meeting in London.

So far as I know, that is the first time the text of Secretary Connally's talk has been published. It seems to me it was an excellent talk, conciliatory yet firm. He pointed out the difficult position in which the United States finds itself today. He cites the need for other nations to recognize the plight of the United States.

Mr. President, I ask unanimous consent that three tabulations I have prepared to show the financial situation of the United States be printed in the RECORD.

The first is a tabulation of the U.S. gold holdings, total gold reserves, and liquid liabilities to foreigners; the second is the deficits in Federal funds and interest on the national debt, 1961–72 inclusive; and the third tabulation is the Federal finances, fiscal year 1971, showing the outlays and the deficits.

I also ask unanimous consent that following the tabulations there be printed in the RECORD the text of Secretary Connally's talk in London to which I have already referred.

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

FISCAL TABLES

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods, in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1965	13.7	15.5	29.1
1970	10.7	14.5	43.3
August 1971	10.2	12.1	[1] 49.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961-72 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt Interest
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.2
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972 [1]	150.0	180.0	−30.0	21.2
12-year total	1,314.6	1,471.9	157.3	168.4

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

TABLE 3.—FEDERAL FINANCES, FISCAL YEAR 1971

[Billions of dollars]

	Revenues	Outlays	Deficit (−) or surplus (+)
Federal funds	133.6	163.8	−30.2
Trust funds	54.7	47.8	+6.9
Unified budget	188.3	211.6	−23.3

Source: U.S. Treasury Department.

TEXT OF CONNALLY TALK TO RICH NATIONS IN LONDON

(NOTE.—Treasury Secretary Connally's tough stance in London on September 15 was greeted variously as "uncompromising," "hardnosed," and "intransigent." The Washington Post has obtained a transcript of Mr. Connally's dramatic remarks, which is published in full below.)

Let me first express my deep gratitude to you for the opportunity to meet here today and to you as Chairman of this Group. We are grateful today to the Chancellor of the Exchequer, Chancellor Barber, for his hospitality, and to this nation. I also am indebted to each individual and to each of the nations represented here for the concern, for the obvious interest, which they are displaying in a common problem that we have.

I further want to congratulate Dr. Ossola for what I think is a very fair and objective analysis of the meeting of the Deputies, outlining the problem. Because he made such a full report, I will not go into a great many of the elements of the facts that he set forth. I doubt that it would be news to you. I think that, with his evaluation and his statement of the points under consideration, the parameters of the problem are fairly well in focus.

There are several points which I think need emphasizing, however. I would start with the basic problem that Minister Ferrari-Aggradi also alluded to, in which he characterized our statement of our position with respect to our balance of payments as overly ambitious. I want to take exception to that, in the sense that we have tried, in the development of the figures to which Dr. Ossola referred—namely the swing of the $13 billion—not to be overly ambitious, or not ambitious at all as matter of fact, but rather factual in trying to set forth the magnitude of the problem that we think we are confronted with.

I think it is important to note that in the development of these figures there was no provision made for a net outflow of long-term capital to developed countries. There was an assumption that there would be none as matter of fact. It may be indeed a rash assumption but nevertheless that was the assumption that was made. There was, indeed, no provision for short-term capital flows at all in the calculation that produced the $13 billion figure, and I won't spend further time on the defense of that particular figure. Obivously, in the development of a figure based on so many varied items, and in any attempt to arrive at a single figure, there is of course some statistical difference that might arise and that might be questioned.

I also want to allude to one of the first statements that Minister Ferrari-Aggradi made, as I want to refer to one of the last that he made, and I'll refer to the latter first. He pointed out that we were gathered here in a spirit of friendliness and cooperation that has characterized our relationships, particularly between the United States and all of the countries represented at this table, as well as with many other countries of the world over the past 25 years. And it is certainly in that spirit that we are here, in a spirit of friendliness as well as cooperation, to solve what understandably is a mutual problem. But I must again remark on Minister Ferrari-Aggradi's statement that the world economy has become adapted to a U.S. deficit. I think that is right but, unfortunately, we cannot continue to operate on that basis. We've done it for quite some time and, as disappointing as I know it is, we simply can't accept that premise anymore, that we can run a continual deficit, and so we think that some change has to be made because the external position of the United States is no longer acceptable.

I think again one of the problems that plague this conference and the people with whom we have talked—it has been alluded to a number of times—is that to achieve the United States' goal of this tremendous swing in a relatively short period of time is going to be very difficult—the inferences are that it is almost impossible. Well, I might point out that we recognize full well that statistically there is no way (even if action were taken today) in which we could correct that imbalance in the next calendar years.

But it is important, it is essential, it is absolutely essential, that a formula be developed in the very near future which would anticipate that the balance of payments would be corrected in a relatively short period of time. That's the important thing; the development of a formula that would produce a small surplus (or small margin of safety I should call it—it's not a surplus at all) because again when you project the figures that we have in dealing with as many uncertainties that we necessarily must have in the development of a precise figure, I don't think that the $13 billion provides for any surplus at all but rather a margin of safety, and a very small one as well.

Now with respect to controls on capital, I think it's rather ironic and perhaps anachronistic that we are here talking about reestablishment of the International Monetary Fund system and international monetary stability at the same time that we talk about esablishment of capital controls. This appears to me to be somewhat inconsistent. Frankly, we don't necessarily propose to maintain our controls on capital permanently any more than we propose to maintain the surcharge, the import surcharge, permanently, and I think I ought to make it abundantly clear that the President described the import surcharge as a temporary surcharge. And it is temporary. In my judgment it is not a permanent contribution to the elimination of the disequilibrium that exists today in the United States balance of payments.

Now, at what point the surcharge might be lifted I am unable to say today, simply because I am unable to speak for so many nations in the basic decision that has to be made to rectify or to help rectify the monetary problems and the trade problems that surround the United States. We also have to talk about two other things, it seems to me, in addition to the strictly monetary matters that so concern us all and with which the IMF is particularly and peculiarly concerned.

It is our very great hope—it is more than a hope, it is a very determined objective—that in this period of uncertainty we might also raise the question of burden-sharing among the nations of the world.

We must also raise the question of elimination of restrictive trade barriers—by whatever name they are called or in whatever form they exist. This is by way of saying that the United States is not in any sense interested in going to a system of protectionism, nor are we interested in building a wall around the United States.

On the contrary, I think that our past behavior has indicated, and this should be ample evidence to everyone present in this room, to every nation represented here as well as elsewhere, that we are forward-thinking and outgoing in terms of international trade. We believe in it, we fostered it, we spent much of the resources of our nation to promote it and to bring it about over the last 25 years and it is not now our position that we want in any way to digress or to step back from the international trade that has been built up over this period of time, because we think it's to the interest of all the countries.

Now let me at the same time point out that we do not think that any nation ought to look on foreign trade and experts as a means of balancing their budgets at home or solving their domestic problems. Every nation has a responsibility to conduct its own affairs within its own boundaries to the degree where, through fiscal and monetary matters, they can provide for the prosperity and the well-being and the employment that is so essential to their own ambitions and their own goals. But no nation should, over any period of time, assume that the export markets should be used, or can be used, for the purpose of providing prosperity at home to the detriment of other nations around the world.

So it is with this view that the United States in 1969, when this administration came into power, recognized that we had many problems at home—and we are not here trying to say that we have not been guilty of ineffective action in some areas. Obviously in the latter part of the 1960s the United States was facing a period of high prosperity, high employment, tremendous economic expansion and a growing rate of inflation.

There is no question about it—this administration when it came to power recognized this fact and instituted fiscal and monetary—primarily monetary—policies that resulted in the tightest money, in the highest rates in the history of the United States of America. As a result we developed a very high percentage of unemployed in the country, which reached the point of unacceptability. Now obviously progress against inflation was being made as a result of these policies that

were in effect. Nevertheless we went through a traumatic time in 1970 and the earlier part of 1971.

Progress was being made but it was not sufficient. Because not enough progress was taking place, the President on August 15th, needed to impose an important surcharge and suspend the convertibility of the dollar. He also imposed very stringent restraints on the domestic economy he put the entire economy under a wage-price freeze.

As chairman of the Cost of Living Council, I am here to tell you that in spite of the hundreds of requests that we have had for exemptions under that freeze, the Cost of Living Council has yet to make its first important exemption. We have been, we have tried to be, consistent, we have tried to be stringent, we at the same time have tried to be reasonable. When I hear talk about how we must all suffer, we must all sacrifice—indeed we all see things obviously through our own eyes and we are all the product of our own experience—so, looking through my eyes at least, I can over the past 25 years see where perhaps the United States has sacrificed something. Over the past several years I can readily see where we have sacrificed something. We sacrificed it in many ways.

The point I am making is simply not to elicit your sympathy to the point of inducing tears on our behalf, which I seriously doubt that I could extract from you this afternoon, but rather to tell you that we are indeed sincere, we are determined that we are going to whip inflation in the United States. I must say that I think in all candor the actions which we have taken have been by far the most stringent actions to control inflation of any industrialized nation in the whole world and we intend these policies to continue. The President had made it abundantly clear that they will continue. So we think we have taken the actions that indeed each nation must take in order to get its own domestic house in order.

Now as to the impact of the surcharge—let me put that in perspective as well. I think that there are two other points which should be made when speaking of the import surcharge. One, let me assure you that it was not, and will not be, used as a political weapon. I know there has been considerable talk here amongst the various individuals about the fact that, well, there has not been any hope of getting the surcharge off until after the elections next year. I assure you it was not put on with that in mind and I assure you that will not determine the time that it is eliminated.

Secondly, let me try to put it in perspective in terms of its impact. It's difficult to evaluate, again in terms of producing a precise figure that can be absolutely defended. But suffice it to say that you well know if it is not applicable to non-dutiable items it is not applicable to those items that are not under a mandatory quota system of any kind in the United States. As a matter of fact our people estimate that it will probably reduce imports by $1.5 to $2 billion total value below what then would other wise be. That will be about the extent of the reduction—if indeed the surcharge is kept on for a year.

Now I might point out that some of the countries represented at this table could absorb the full impact of this surcharge and still have a very, very strong trade position—now I am not recommending that they do it, I am not insinuating that they should, I am merely trying to put it into perspective and see that it does not get completely out of hand.

I feel very much the same way about the discussion of the price of gold that has been referred to in the public press on many occasions—it is referred to constantly here. I think I need say nothing more about that except that I think everyone here is very familiar with my government's position with respect to that point.

I want to again emphasize that I know the Group of Ten was not organized for the purpose of considering problems other than those strictly monetary in character but I know of no better existing group to concern itself with other problems. Let me point out to you again that I don't want to inject items into the discussion here that are not soluble here, but they at least and indeed are soluble in the councils of the nations which we represent. And that is simply that we again think we have a right to ask that there be a greater sharing of the defense burden among the nations of the world who can afford to do so. Now it is significant that 8.9 per cent of the total GNP of the United States is wrapped up in this figure. It is significant that 36 per cent of the total United States' budget is in the defense area and I submit to you that there's not any industrialized nation in the world that is even close to it.

"Now, I don't want to pursue that, other than to say that if indeed this poses a problem in dealing with it as a particular and a separate item, then at least it should be discussed and it should be considered in the overall realignment and the realignment suggested ought to take care of this item as well.

Another and equally pressing item which I'll again repeat is that I think, in a consideration of the entire problems that are now on the table, largely as a result of what has been going on for the last 25 years, and considering the most recent proximate cause of the actions of the United States, that we ought to look at restrictive trade practices wherever they exist in the world, if indeed we are interested in promoting international free trade and if indeed we do want a fair and equitable trading system and a stable international monetary system.

I think finally, Mr. Chairman, without covering any other items—obviously there are a great many additional things that could be discussed and a great deal of elaboration that I could give to each one of these points—but without doing so at this point let me conclude by simply saying that I suppose we of all countries would be most grieved to see a deterioration in the expansive world trade policies that have been built up in the last quarter century. Without in any sense being immodest I think the United States can at least claim some small part of the credit for the development of those policies.

I know that nothing is quite as old as what happened yesterday or the day before or last week or last year, so I won't spend any time on that except to say that I would hope that our past actions might be interpreted in the minds of all as an indication of the type of interest that we have in the future and the type of future that we think is in the best interests of all the trading nations in the world. We will cooperate, we will help. We have not come here with any precise plans or details worked out, simply because it's obvious here that there are going to have to be, very frankly, considerable negotiations between countries.

If indeed we are going to turn the situation around, it seems to me we have to first have a basic agreement on the parameters of the problem. We think we have been very conservative in pointing them out but this has to be established. Then if indeed we are going to get some redress for out deficits then somebody has to make it up and it has to be done some way.

We are certainly in no position to arbitrarily say which nation shall do it and how much each shall do. This is a matter that has to be decided by the nations here represented and I think we need first to establish these two things: one, the magnitude of the problem which we think is very clearly established and, secondly, at least the acknowledged willingness on the part of nations to assume their share of the burden.

I am grateful for your time, I am grateful for the opportunity and appreciate the attentive reception I have received. Mr. Chairman, thank you very much.

JEWISH WAR VETERANS CALL FOR TOTAL WITHDRAWAL FROM VIETNAM

Mr. CHURCH. Mr. President, perhaps nothing in recent months has underscored the dwindling support for our open-ended military involvement in Indochina than that displayed last month at the 1971 national convention of the Jewish War Veterans of the U.S.A. During its gathering, this major national veterans' organization, through its convention delegates, approved a resolution supporting a total withdrawal of our Armed Forces from Indochina by December 31, 1971.

This, of course, is in line with the amendment offered to the Selective Service Act by the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD). Unfortunately, his amendment was diluted in the course of a conference of House and Senate Members on the bill and, as a result, the Senator from Montana is reintroducing his amendment today in an effort to make it a part of the military procurement authorization bill H.R. 8687.

I commend the JWV for its position, and I ask unanimous consent that the approved resolution, which speaks for itself, be printed in the RECORD.

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

VIETNAM

As much as any war in the history of the United States of America the Vietnam conflict has been a vortex of frustration, vituperation, division and hopelessness.

Through four administrations, Presidents from the entire spectrum of political attitudes and both major political parties have agonized over the United States participation in the war.

There is little to be gained from extensive arguments over how, why or who is responsible for the decisions that resulted in our country becoming mired in the bottomless pit of Indo-Chinese geo-politics. Hindsight will contribute nothing to the solution of the Vietnam quagmire.

The Jewish War Veterans of the U.S.A., cognizant of all the foregoing, calls upon the President of the United States of America to announce the total withdrawal of all U.S. armed forces from Indo-China by December 31, 1971.

MORE PRAISE FOR SENATOR LEN B. JORDAN

Mr. CHURCH. Mr. President, on September 13, I had printed in the CONGRESSIONAL RECORD a sampling of news articles and editorial opinion from newspapers throughout Idaho commenting upon the announced retirement of my colleague, Senator LEN JORDAN. I pointed out at the time that it is a mark of the respect which Senator JORDAN enjoys in our State that his planned retirement has brought expressions of regret from newspapers of all political persuasions.

Since my first insertions in the RECORD, numerous other articles have come to my

attention in the form of editorials, news articles, and letters to the editor.

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

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

[From the Twin Falls (Idaho) Times-News, Aug. 29, 1971]

LEN JORDAN

Len Jordan has had a long and distinguished career in government. If there is one man in Idaho who is close to being respected by everyone it just has to be Senator Jordan.

His decision to retire came as a bombshell because it was generally believed he would seek another term. The announcement of his plans, however, made nearly 14 months ahead of the election, was typical of the thinking of this man. This step, he said, would enable others seeking the post to have adequate time to make their plans.

Senator Jordan will be missed in the Senate. His years as a member of that body have been highlighted by cooperation with anyone interested in the betterment of the State of Idaho.

He will be a hard man to replace. We hate to see him retire but feel that he has earned that right.

We are proud of Len Jordan. We wish him well.

[From the Meridian Valley News-Times (Idaho) Aug. 26, 1971]

WIDE OPEN RACE FOR SENATOR JORDAN'S SEAT

The announcement by Senator Len Jordan that he will not be a candidate for re-election has opened the gate for a fast rush of would-be replacements.

Replacement will be no easy task in this case. Senator Jordan has compiled a long and excellent record, both as governor and in the U.S. Senate. Although basically of a conservative nature, he has kept abreast of modern changes, and has not hesitated to take a firm stand on whichever side he thought was right. Measured by his senatorial record alone, he must be rated as one of Idaho's better political figures.

The choice of his successor, therefore, is of great importance to our state. Some of those who have already announced that they are "definitely interested" are far short of what Idaho needs.

That is particularly true of those who are out of step with the national trend toward conserving our natural resources.

There are others whose eager candidacy for Senator Jordan's seat is based solely upon a greedy desire for one of the state's most powerful offices. Some of them, representing both parties, have already been coldly dismissed by voters in past elections—and have done nothing since to warrant any new trust.

Our state has been indeed fortunate to have two such respected and effective U.S. Senators as Len Jordan and Frank Church. We should be calmly insistent that only an equally qualified person be elected to the important post.

Our sincere salute to Senator Len Jordan, and our sincere hope that Idaho will find a worthy person to take his place in the U.S. Senate.

[From the Burley (Idaho) South Idaho Press, Aug. 30, 1971]

JORDAN'S RECORD RANKS WITH THE FINEST

Much has already been said and written concerning Sen. Len Jordan's retirement from the U.S. Senate. Before the esteemed senator relinquishes his seat in January of 1973, a good many more laudatory salutations will have been heaped upon this distinguished record of public service. It ranks with finest in the history of Idaho.

As a young man Jordan and his wife, Grace, and family ventured forth into the depths of Hells Canyon on the Middle Snake to work out a livelihood in the cattle business. It was there that he learned to love this mighty river and perceive of its vast potential, the fate of which would prove an integral part of his public career. The experiences, hardships and success of these years have been told in several books written by Grace Jordan and are familiar to many Idahoans.

The first venture in politics came as a legislator from Idaho County where Jordan later entered business as an auto dealer and a seed grower on the famed Camas Prairie in Grangeville. His first term in 1947 as a legislator was so striking and impressive that his Republican colleagues were smitten by the man. He served in the House of Representatives of a Democratic stronghold, one of the few Republicans to ever achieve such a distinction.

Consequently, when Gov. C. A. Robbins retired in 1950, due to the two-term restriction on gubernatorial tenure, Rep. Jordan was singled out as the leading contender.

He won the party nomination and the election, serving from 1951 to 1955 during one of the most hectic periods in Idaho history. His leadership thwarted the Hells Canyon high dam and the Columbia Valley Authority which would have integrated and divided Idaho's precious water and rights thereto into a Northwest river authority directed by an all-powerful federal commission.

Many outstanding accomplishments were attributed to Jordan's administration in Boise. The institution of the Idaho Highway Commission was one which lifted the state's road building responsibilities from the arena of politics and boondoggle. For the first time, Idaho started to build highways out of necessity rather than expediency and the record of accomplishment is still being written. Jordan also acted on his own conscience when he closed both Albion Normal and the Lewiston Normal colleges. Cassia County was greatly affected by this decision but it is generally admitted by the professional educators and public generally to have been a wise decision.

During the Eisenhower administration, Len Jordan served on the International Joint Commission for water resources where he acquired far-reaching understanding with Canada and its vast river and lake system in the Western provinces. Tiring of the Washington scramble, Jordan returned to Idaho, ventured once more into business. The death of the late Sen. Henry Dworshak brought his wisdom and leadership to the fore once more. The party leadership sought him out to fill this important vacancy. He was appointed by Gov. Smylie in 1962 to fill the unexpired term. He was elected to his present term in 1966.

In the Senate he has been categorized as a solid conservative. He had led the onslaught against appropriation of Idaho water to the Southwest and still spearheads this state's position on this aggrandisement by thirsty Arizona and California. Jordan is undoubtedly one of the best informed leaders the state has at present on the Snake River, its tributaries and the vital importance Idaho's constitution attaches to its free-flowing rivers.

For Idaho, it will be imperative that Len Jordan's successor understands and cherishes its land and waters. Much is to be said about a successor. Meanwhile, the South Idaho Press extolls the integrity and esteem of a fine gentleman who has served his state well. While it has not been announced yet, but it would be this writer's guess that Len Jordan will return to Idaho and his livestock interests in the Council area where he can always be close to that spectacular view of the Middle Snake and mediate about the river which has been so closely entwined in his life.

[From the Eastern Idaho Farmer, Idaho Falls (Idaho) Aug. 26, 1971]

SENATOR JORDAN'S DECISION

U.S. Senator Len Jordan isn't going to be a candidate to succeed himself.

Probably this announcement came as a surprise to everybody in Idaho. But it was no surprise to the members of his family who urged him to pursue this course: to quit at the peak of a long and distinguished public service career in Idaho and Washington; while in possession of physical and mental health.

All of the accumulating evidence of recent months indicated that Senator Jordan would seek to return to his Senate seat in 1972. His re-election was almost a foregone conclusion. Bill Hall, editor of the Lewiston Tribune, has often commented that no Democrat could expect to compete with Senator Jordan for votes in north Idaho. We suspect that judgment is well supported by the political facts of life in Idaho.

But Senator Jordan, aside from purely personal reasons, has a longer range viewpoint. If he were re-elected, his next six-year term would undoubtedly be his last. The age factor would be all pervading at the end of another term. And that, as Senator Jordan is well aware, would make him in his final term as something of a "lame duck" Senator.

Perhaps that would not impair Senator Jordan's ability to serve the nation and Idaho effectively, but it certainly wouldn't help, either.

Like so many other Americans, Senator Jordan is gravely concerned at the growing disaffection with the entire governmental structure and the men and women who manage it. He felt deeply the recent action of Bonneville county voters in recalling two legislators. He probaby feels that if that is to be accepted as evidence of the public's reaction toward anyone identified with the "Establishment," what's the use? The long, arduous and exhausting hours of effort—the Senate was in session 12 and 14 hours each day for some time before recessing—it is easy to arrive at the conclusion that enough is enough.

Senator Jordan, over the years, has provided Idaho with gifted and able guidance in many areas of public service. It is unfortunate that the clock cannot be turned back to permit him to carry on. But that, of course, cannot be.

We applaud him for making this retirement announcement so long in advance of the time when it could no longer be delayed. There's time and opportunity for everyone inclined to try for that Senate seat to get at the task of being elected to succeed him. It's obvious already that's going to be quite a chore for quite a few aspiring citizens of Idaho. The reward is there: membership in the most exclusive group in the entire world; one of 100 holding a seat in the Senate of the United States of America.

[From the Boise (Idaho) Idaho Statesman, Sept. 5, 1971]

PRAISE GIVEN SENATOR JORDAN

EDITOR, THE STATESMAN:

Under the quiet dignity of Sen. Len B. Jordan as he represents Idaho in the austere halls of Congress of the United States there smolders a determination to serve the people of his state and nation in accordance with his conscience for what is right and best for his country.

During the years of his tenure in the U.S. Senate, the magnitude of the stature of Senator Jordan has become increasingly evident. Political partisanship has receded, giving way to stalwart statesmanship. His presence in the U.S. Senate has afforded Idaho the privilege of having firm, steady, representation, a keen sense of analytical disposition of world affairs, state, national or international.

In the course of crucial global developments, we need such men in Congress who

possess stability of character and indisputable ability. Men, who in the face of partisan pressure, can stand alone if necessary in determination of what in their own conscience is right. Senator Jordan has emerged from the doldrum, unreasoning pressure of political partisanship to take his predestined place among world statesmen. That, as U.S. senator from the Gem State of Idaho.—GLADYS KNIGHT.

COUNCIL.

[From the Blackfoot (Idaho) News, Sept. 2, 1971]

NEW GRASS . . . CROSSING OVER JORDAN

(By Perry Swisher)

What United States Senator Len B. Jordan will do with his time when he retires I don't know. What I hope is that he will spend part of it with young Idahoans in the places where it is professed they are obtaining a higher education, and that he will be invited to do so.

Senator Jordan is the first Idaho senator to retire voluntarily, so he has no precedents to go by. He is bone-tired, I realize. But rest, too, can be overdone by a man with his lifelong habits.

Len Jordan has never stopped learning. Because of that trait, and because of the decisions he went through the process of making in the Senate, he knows more than most of us can hope to know about some of the basic ingredients of national questions. I think of the conflicts between environment and the technological society, between weapons systems and nonmilitary programs, between national security and reducing international tensions, between the powers of the President and the powers of Congress and the effect of both on the character of the judiciary.

There are students, including future officeholders and future lawyers and present voters who would listen to him and who would be heard by him. I thought of this last night while eavesdropping over an hour and a half interval on an incredible outpouring of bigotry from two ex-GIs who had taken their locally-acquired prejudices to the Far East with them, merged them with the professional Southern white-supremacy rationales that permeate the Army, and added the nonhuman category of "gook" to their litany of hate. Both are students at ISU, but neither seemed to carry on ordinary conversation without demeaning most of mankind, most of the top brass since and including Eisenhower, all races except their own, all holders of public office and virtually all teachers.

Degrees are routinely awarded to the like, certifying them to be educated. But they are nonlearners, surely more receptive to the world around them when they were five years old than they are now. One, who grew up on a wheat ranch, of all places, * * * aid as being on a "crutch" in contra-distinction to himself, and both are attending a public institution in the ignorant belief that when they pay their student fees they are "paying their own way."

In the area of self-knowledge, and the reconciliation of unlike people, Senator Jordan shines. I cannot recall any other major Idaho officeholders who reacted as positively as he did to the experience of entering into a public responsibility quite unprepared for the scope of the office he'd won. He'd had as little exposure to the duties of governor when he became governor 20 years ago as the voters had had exposure to him. In that mutual cloud some bad things happened, but Jordan's return to elective office as a senator showed that he learned as few of us do. I had a front-page editorial fit when he was proposed for the office, judging him only by his initial posture as governor. I've eaten a lot of words, editorially and politically, but none so often and so deservedly as that tirade.

Such intemperance—I like to think it has modified, but that is probably a conceit—is endemic among the young in their examination of public affairs, and not just among the activists. The presence in academic forums and Student Union bull sessions of someone of Jordan's demeanor and experience would help to provide some of the self-assessing insight that is tabu in public schools and accidental on campuses.

In crossing over Jordan, a young student would come out a little wiser on the other side.

[From the St. Maries (Idaho) Gazette-Record, Sept. 9, 1971]

A WONDERFUL JOB FOR US

Idaho has lost respected and effective representation in the U.S. Congress with the announcement by Senator Len Jordan that he intends to retire at the end of his present term of office.

The Senator has devoted many years and much effort to public service. No one begrudges him the fact that he wants to get away from the pressures and furor of service in the senate.

Instead, we can be thankful that we have been represented by a man such as Senator Jordan.

Again and again, Senator Jordan has shown that he has been guided by his principles in deciding how to vote. For example, he resisted great pressures in the Supreme Court nomination vote.

The senator has always believed that steady, hard work is required in the U.S. Senate. He has been willing to do that work—and as a result, has become one of the most respected members of the senate.

We are sorry to see the Senator leave—and we wish him the best of everything.—RMH

[From the Lewiston (Idaho) Morning Tribune, Sept. 4, 1971]

A SCRAP FOR JORDAN

(By Chris Carlson)

WASHINGTON—Sen. Len B. Jordan, R-Idaho, is first and foremost a competitor. Paradoxical as it seems, Jordan's competitive sense played a prominent role in his recent decision to retire from the Senate in 1972, though he easily could have been re-elected.

"I like a good scrap. I've never run from anything," Jordan said in a recent interview, and immediately began talking about the Middle Snake. Almost lost among the speculation of who is going to succeed Jordan, was a statement Jordan made on the same day in Boise about the Middle Snake.

In the statement, Jordan tore into Sen. Bob Packwood's Snake National River Bill on which hearings will be held Sept. 16 and 17 before the Senate Interior Committee. Jordan acknowledged that announcing his retirement frees him to concentrate on getting the Snake River moratorium passed.

PREMATURE

Jordan charged no one really knows what a national river is, that it is premature to prohibit dam-building forever, and that upstream water-uses will be adversely affected if Packwood's measure became law.

He scoffed at Packwood's reference to the Snake as a free-flowing river, pointing out that the Snake has and will continue to be a "working river" because of numerous dams and upstream irrigation uses.

"Obviously a working river like the Snake with its numerous impoundments and diversions cannot be called free flowing any more than the water in a kitchen tap can be called free flowing as long as a valve may be used to increase or diminish the flow," the Idaho Republican said.

He expressed worries about what would happen to up-stream users in "ciritical water years and talked to the news conference about the "basin of origin" rights he believes Idaho should begin to assert over the Snake. He termed Packwood's bill the Idaho Water Export Act of 1971. He also discussed the impending power crisis and the possibility there may have to be another hydroelectric dam on the Snake.

In short, Jordan's statement of renewed support for the Snake River moratorium was tantamount to a polite declaration of hostility against Packwood and his bill, and for the next 14 months, Jordan will concentrate all of his considerable energies on this one last "scrap."

Another factor in Jordan's decision to retire was the example of Sen. John Williams, R-Del., who retired in 1970. Williams was one of Jordan's closest friends, but the crusty Delaware senator has always been an advocate of senators retiring when they reached their 70s. Despite having been in the Senate since 1946, Williams stuck to his words.

"I truly tried to talk him out of retiring because the Senate needs men like him," Jordan said. "The time to step aside is when you're on top, and John Williams is the example," Jordan added.

"I've never crowded my credit to its limits, and I've never wanted to crowd my political fortune to the point where a next term was likely to be the last," the former governor said, and pointed out that such crowding can make one a "lame duck" for six years.

Even this factor, though, is an aspect of Jordan's competitive spirit. "I've been independent since I was 16 and I've always been a competitor even when I was in high school." Jordan graduated in 1915 from the Enterprise (Ore.) high school, and after serving in World War I as a second lieutenant at the age of 19, he entrolled at the University of Oregon where, despite working and playing football, he graduated Phi Beta Kappa in 1923.

Competitors who excel, as Jordan has, always do want to go out while still ahead.

Two other factors which Jordan did not reveal at his press conference were his desire to do something else, and the long-term best interests of his constituents.

"There's much I still want to do without the 10 to 12 hours a day demand the Senate places on my time," Jordan said. He wouldn't elaborate, but he hinted his future plans might include a book—on the Middle Snake, of course.

Jordan also said he had been looking at the future from his constituents' point of view. "No one knows what the future holds. My constituents are entitled to full efficiency, and while I've never felt that I was impaired in any way, I recognized the possibility something could happen."

MONEY RETURNED

He also reported he had been thinking about his decision for several years and acknowledged turning back a large contribution in 1969 from someone who was pleased with his vote against the nomination of Judge Clement Haynsworth to the Supreme Court. He added, though, "I've always been wary of any kind of support that might be interpreted as a reward."

Jordan also emphatically denied that his general displeasure with certain of the administration's recent moves, such as Lockheed, had any role in his decision, and reaffirmed his loyalty to the President.

Though there were numerous factors in Jordan's decision, the dominant factor appears to be his strong feelings on the Middle Snake. The months ahead should see Jordan at his peak, in the midst of a fight for what he thinks is best for the Snake, and best for Idaho.

[From the Idaho Falls (Idaho) Post-Register, Aug. 25, 1971]

JORDAN SURPRISES GOP IN QUITTING

Sen. Len B. Jordan's announcement Tuesday that he will not seek another term in

the Senate in 1972 apparently caught many Republican leaders flatfooted. One top GOP county official said it is anyone's guess as to who will replace the top Republican in the state.

Dane Watkins, chairman of the Bonneville County GOP Central Committee, appeared astounded at the senator's announcement. "He is the leader in the state as far as the GOP is concerned. I can't think of anyone offhand to replace him.

"He has been a real stalwart that people have been able to look up to. He has done a good job for the state and the nation as a real statesman. It's going to be difficult to fill his shoes."

Watkins said the local GOP organization used Jordan as a position of strength in election campaigning, since he often lent his prestige to area issues. Jordan's resignation could, he said, weaken the position of the party.

Since former Gov. Don Samuelson's defeat in 1970, Jordan had assumed the top GOP position in the state. His seniority in the Senate gave him more strength in committee work and floor votes, Watkins said.

The senator's recent work in Congress included funding for the Ririe Dam flood control project in eastern Bonneville County, a bill for a seven year moratorium on dams on the Middle Snake River, pending legislation establishing a national recreation area in the Sawtooth and White Clouds area; and setting up controls on mining of public lands.

In his conservative position, Jordan generally supported President Richard M. Nixon's programs, both foreign and domestic, but most of his efforts were accented upon problems within the state. He joined Democratic Sen. Mike Mansfield in a futile fight to save passenger train service in East Idaho. He opposed the President in rejecting funding of the SST project.

Other positions taken by the Senator in recent years were support of Vietnam veterans benefits, and refusal to force the President into a speeded up withdrawal from Vietnam as proposed by the Hatfield amendment, and co-sponsoring a bill to prohibit pornography in the mails.

A rancher himself, Jordan supported various farm legislation for Idaho agricultural area.

Jordan grew up in Enterprise, Ore., near the Hell's Canyon area which divides Oregon and Idaho.

In 1933 the Jordan family moved to Idaho in the Snake River area below Hell's Canyon, after a Portland bank offered him a ranch if he would manage the property and get back the bank's investment. In 1941 he paid the bank with interest, sold the ranch and moved to Grangeville, where he was engaged in seed growing and crop farming. He also managed a grain elevator, established a farm implement business, a real estate agency, and auto dealership, and took part in a variety of civic enterprises.

GOVERNOR

He entered politics in 1946 as a Republican member of the State Legislature, and in 1950 successfully sought the governorship. As Idaho's governor, from 1951 to 1954, he concentrated on governmental reform in state agencies, and showed particular interest in promoting States in conservation and development of water resources in the Snake-Columbia Basin.

After serving four years as governor, he was appointed by President Dwight D. Eisenhower to head the U.S. section of the International Joint Commission negotiating with Canada on agreements for the St. Lawrence Seaway, the Columbia Basin Treaty and Libby Dam. In 1956, Jordan also led a team of U.S. engineers and economists on a survey of American water development assistance in Afghanistan.

In 1962, following the death of incumbent Republican U.S. Sen. Henry Dworshak, Jordan returned to public life. He was appointed to fill out the unexpired portion of Dworshak's term by then-Gov. Robert E. Smylie. Jordan was elected in a special election held that year, and was decisively re-elected in 1966 in a race with former Congressman Ralph Harding.

In the Senate, Jordan has continued a long interest in natural resource matters through service on the Senate Interior and Insular Affairs Committee. He belongs to the following subcommittees of this body: Minerals, Materials and Fuels; Public Lands; Water and Power Resources. Related assignments have included membership on the Public Law Review Commission and the Lewis-Clark Trail Commission. Other committee appointments have included the Senate Finance Committee, the Joint Economic Committee, and the Select Committee on Standards and Conduct also known as the Ethics Committee.

He has also taken an active interest in young people and forests, and is a supporter of the Volunteers In Forest.

Jordan has also served on the Interior and Insular Affairs Committee, the Public Land Law Review Commission, Finance Committee, and the Veterans Committee. He is a former member of the Atomic Energy Commission Affairs Committee, and recently resigned his seat in favor of 2nd District Congressman Orval Hansen.

Jordan has been described as a conservative politically, but has generally been considered a moderate one. He has generally supported the foreign policies of the Nixon Administration and some domestic policies. However, he has also shown his own independence, and in 1969 helped in the successful Senate fight against confirmation of President Nixon's U.S. Supreme Court appointee, Judge Clement Haynsworth of South Carolina.

His wife, Grace, is a well-known author and writes a weekly newspaper column.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. JOHN C. WATTS, late a Representative from the State of Kentucky, and transmitted the resolutions of the House thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 2260. An act to amend further the Peace Corps Act (75 Stat. 612), as amended;

H.R. 10090. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes; and

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the one hundred and 25th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON DISPOSAL OF SURPLUS FEDERAL REAL PROPERTY

A letter from the Secretary of the Interior transmitting, pursuant to law, a report on the disposal of surplus Federal real property for park and recreation purposes, for the fiscal year 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in Accomplishing Objectives of the Work Incentive Program—WIN," Department of Labor, Department of Health, Education, and Welfare, dated September 24, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION PERMIT AT SWAN TAVERN, COLONIAL NATIONAL HISTORICAL PARK, YORKTOWN, VA.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession permit at Swan Tavern, Colonial National Historical Park, Yorktown, Va. (with accompanying papers); to the Committee on Interior and Insular Affairs.

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. ERVIN (for himself, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CHILES, Mr. ELLENDER, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of North Carolina, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. RANDOLPH, Mr. SPONG, and Mr. WILLIAMS):

S. 2581. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action. Referred to the Committee on Government Operations.

By Mr. NELSON (for himself and Mr. PROXMIRE):

S. 2582. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for school buses, to require certain safety standards be established for school buses to require the investigation of certain school bus accidents, and for other purposes. Referred to the Committee on Commerce.

By Mr. MILLER:

S. 2583. A bill to amend the Labor Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation.

Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE:

S. 2584. A bill for the relief of Jean George "Ioannis" Taglis. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ERVIN (for himself, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CHILES, Mr. ELLENDER, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of North Carolina, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. RANDOLPH, Mr. SPONG, and Mr. WILLIAMS):

S. 2581. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action. Referred to the Committee on Government Operations.

THE IMPOUNDMENT PROCEDURES BILL

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to require the President to notify the Congress whenever he impounds or authorizes the impounding of appropriated funds, and to provide that the President shall cease such impounding at the expiration of 60 calendar days unless the Congress shall approve his action by concurrent resolution.

The bill also establishes a procedure whereby the Senate and the House of Representatives can approve each impoundment reported by the President.

The Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, conducted hearings in March of this year on the constitutional issues raised by the practice of Executive impoundment of appropriated funds. The bill which I introduce today is, I believe, the most practical and reasonable solution to the issues raised during the subcommittee's hearings.

Earlier this year I introduced a similar bill, S. 2027, which provides that the Congress can disapprove an impoundment within 60 calendar days after the President reports his action to the Senate and the House of Representatives. This new legislation, while retaining many features of S. 2027, would provide that the President must cease a specific impoundment unless he receives the approval of the Congress. The difference is one of negative and affirmative approval, which is all the difference in the world.

The new bill requires the President to notify each House of the Congress by special message of every instance in which he impounds funds or authorizes such impoundment by any officer of the United States. Such a special message must specify the amount of impounded funds, the specific projects or governmental functions affected by the impoundment, and the reasons for such impoundment of funds.

The bill further provides that the President shall cease the impounding of funds set forth in each special message within 60 calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with a procedure set forth in the bill.

Finally, the bill provides that the approving concurrent resolution shall be privileged business, and it specifies rules of procedure which will provide for ease of consideration and a reasonable period of debate. The concurrent resolutions would not be referred to committee.

This bill would establish effective congressional oversight of Executive impoundment, which is yet another in a long line of developments in the operation of our National Government which erode the powers of the legislative branch and contribute to the steady deterioration of the constitutional principles upon which this Nation rests.

Impounding—or reserving, freezing, withholding, sequestering, depending on semantic choice—is not a new concept, and when undertaken for lawful purposes, it may be quite useful in effecting economy. Various procedures have been used over the years, the most common being the reserving of funds to prevent deficiencies in a Federal program, or to effect savings. Impoundment also sometimes occurs when Congress, for some special reason such as war or economic uncertainty, passes appropriations as nothing more than ceilings or expenditures, leaving it to the executive branch to expend part or all of the funds at its discretion. Moreover, impoundment may occur as the result of a specific congressional mandate. Under any of these forms of impoundment, the executive branch is permitted—or required—to withhold funds under certain specified conditions.

However, unfortunately impoundment often occurs under circumstances where the executive branch, for reasons of its own, desires to avoid expending funds which the Congress has explicitly directed to be spent for some particular purpose. It is this situation which poses a threat to our system of government and which so patently violates the separation of powers principle.

Neither I nor my colleagues in the Congress who are concerned over this problem desires that the executive branch expend the taxpayer's money foolishly. On the contrary, it is well known that I advocate a balanced national budget and ever greater economy in the Government. Nor is this a partisan problem, for impoundment has occurred under Democratic and Republican administrations. It is as objectionable under one as under the other.

Perhaps the most disturbing feature of this Executive practice is the fact that impoundment enables the President to effect an item or line veto. Such a power clearly is prohibited by the Constitution which only empowers him to veto entire bills. Thus, by impounding appropriated funds, the President is able to modify, reshape, or nullify completely, laws passed by the legislative branch, thereby making legislative policy through Executive power. Such an illegal exercise of the power of his office flies directly in the face of clear constitutional provisions to the contrary. The bill I introduce today will in effect give the Congress a chance to override this illegal type of veto.

In this era, the powers of the executive branch have become dominant in the operation of the governmental structure. The "power of the purse" is one of the few remaining tools which Congress can use to oversee and control the burgeoning Federal bureaucracy. Congress is constitutionally obligated to make legislative policy, and is accountable to the citizens for carrying out that obligation. The impoundment practice seriously interferes with the successful operation of that principle and places Congress in the paradoxical and belittling role of having to lobby the executive branch to carry out the laws it passes.

I send the bill to the desk, and ask unanimous consent that its text appear in the RECORD following these introductory remarks.

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

S. 2581

A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by any officer or employee of the United States, he shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the Senate and the House of Representatives on the same day, and shall be delivered to the Secretary of the Senate if the Senate is not in session, and to the Clerk of the House of Representatives if the House is not in session. Each such message shall be printed as a document of each house.

SEC. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—

(a) withholding of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(b) delaying the expenditure or obligation of funds beyond the close of the fiscal year in which expenditure or obligation was intended by Congress in appropriating such funds.

SEC. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with re-

spect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b) (1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the Senate (House of Representatives) approves the impounding of funds as set forth in the special message of the President dated ——, Senate (House) Document No. ——.

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c) (1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

By Mr. NELSON (for himself and Mr. PROXMIRE):

S. 2582. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for school buses, to require the investigation of certain schoolbus accidents, and for other purposes. Referred to the Committee on Commerce.

SCHOOL BUS SAFETY

Mr. NELSON. Mr. President, Senator PROXMIRE and I are introducing today the School Bus Safety Act of 1971 which has been introduced in the House of Representatives by Representative LES ASPIN and six other Members of the Wisconsin delegation.

The bill establishes standards for the design and construction of schoolbuses. At the present time, there are no such Federal standards.

On September 18, 1971, a schoolbus carrying a Gunnison, Colo., high school football team careened down Monarch Pass, Colo., and crashed, killing a coach and eight junior varsity players, and seriously injuring the driver.

The Department of Transportation Accident Investigation Division has not yet been able to pinpoint whether the tragedy occurred because of mechanical or structural defects or driver error. The real issue, however, is the structural and mechanical quality of the bus, which was almost new. It had logged only 3,500 miles on the road.

In addition, it has come to my attention that the Department of Transportation Office of Defects Investigation has been studying the brake systems of that particular model bus for some time, but that no action has been taken to insure that the brakes are safe.

A number of things occurred in that accident which we believe might have been averted had the standards which we are calling for today been implemented.

The roof of the bus collapsed to the level of the seats and separated along the roof line when the bus rolled over. The windshield shattered. Most of the occupants were ejected from the bus on impact. There were no seat belts. For some reason, it appears that the driver could not get the gears to mesh. The strain was too great for the brakes.

Mr. President, an estimated 240,000 schoolbuses transport some 18 million children 2 billion miles a year in the United States at a public cost of $825 million.

A total of 42,000 schoolbus accidents occurred in 1970. The Department of Transportation blames mechanical breakdown for 3 to 5 percent of the accidents annually, with defective brakes as the most common cause. Driver error is blamed for about 50 percent of the accidents. In 1970, 140 persons—75 of them pupils—died in accidents involving schoolbuses.

It is important to note that more than 15,000 schoolbuses have been recalled in the past 4 years for possible brake or other mechanical defects, such as worn throttles, burned-out clutches, weak tail pipe hangers, broken mirror mounts, radiator and electrical problems.

A 1968 schoolbus accident in Huntsville, Ala., which resulted in one child's death, was traced to brake failure, prompting an investigation of such defects by the Department of Transportation.

The National Transportation Safety Board issued detailed recommendations following its investigation of the Huntsville accident and another Alabama schoolbus crash, urging the National Highway Safety Administration—of the Department of Transportation—to adopt a schoolbus structural strength standard. The NHTSA has not acted on the recommendation. It has proposed a State program standard for pupil transportation, which should go into effect in the near future.

Most of the Department's school bus standards, however, cover operational rather than structural features.

This bill would get at the root of what we believe to be a major problem: The design and manufacture of the equipment. Even if schoolbus crashes occur—and they will—schoolbuses should be built to provide a protective rather than a hostile environment in an accident.

Significant research has been conducted on schoolbus designs which we believe should be utilized to improve construction of the equipment. An entirely new concept in design may be one answer. This bill calls for an experimental prototype bus to be built within 3 years after the bill's passage.

There is a need for more thorough inspection and testing of the buses before they leave both the manufacturers' and the dealers' hands. The bill requires that every manufacturer and dealer certify that each schoolbus has been individually inspected and test driven and that it conforms to the Federal safety standards.

There is a need for more accurate data on just what causes accidents. The bill requires the Department of Transportation to investigate each schoolbus accident that results in a fatality, and to publically report findings.

Most importantly, the bill requires the Department of Transportation to issue schoolbus design standards dealing with but not limited to: Emergency exits; interior protection; floor strength; seat anchorages; crash worthiness; vehicle operating systems; windows and windshields; fuel systems; exhaust systems; and flammability of interior materials.

The vehicle Equipment Safety Commission, a 10-year-old interstate compact agency, issued minimum requirements for schoolbus construction and equipment in January of this year. The State of Maryland this past summer became the first State to adopt a safety standard aimed at strengthening schoolbus structures. The standard is based on the Vehicle Equipment Safety Commission regulation and affects schoolbuses manufactured after December 31, 1972.

This bill is a vehicle for the Department of Transportation to adopt similar standards nationwide. Schoolbus tragedies and equipment are not bound by State lines.

The bill calls for simple amendments to the National Traffic and Motor Vehicles Safety Act of 1966.

Schoolbus mechanical or structural defects should be eliminated on the drawing board and the assembly line, before such vehicles embark on their precious journeys.

By Mr. MILLER:

S. 2583. A bill to amend the Labor Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation. Referred to the Committee on Labor and Public Welfare.

Mr. MILLER. Mr. President, I introduce, for printing and appropriate reference, a bill to amend the Labor-Management Relations Act, 1947, to provide for

the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation.

The Subcommittee on Labor of the Senate Labor and Public Welfare Committee recently held hearings on several bills designed to provide a mechanism for the settlement of labor disputes which threaten the national health or safety. I am pleased that the committee has taken the step of holding these hearings and I am hopeful that they will go on to report a bill to the Senate. All of us, I believe, feel a sense of frustration when we have to deal with emergency situations caused by labor disputes on an ad hoc basis. Surely we can develop a more workable system of settling these disputes which would be equitable to all the parties involved, and above all to the general public.

In my opinion, however, existing law or any new mechanism the Congress might establish must be able to deal with emergency disputes which affect a major region of the Nation. The bill I am introducing would accomplish that objective, and I would encourage the Labor and Public Welfare Committee to consider this aspect of the problem in connection with its discussions of the other legislative proposals before it.

Mr. President, under the Taft-Hartley Act, the President is given the authority to seek, and the courts to issue, a strike injunction where a strike or lockout affects all or a substantial part of an industry engaged in interstate or foreign commerce if the strike or lockout will imperil the national health and safety. Thus, if the President and the courts find that there is a national emergency, the 80-day strike injunction may be issued. The effectiveness of the provision has been demonstrated several times.

The bill I am introducing today would broaden this authority to make it applicable where there is a strike or lockout creating not a national emergency, but one affecting a major region of the United States.

There are numerous examples which could be given authority such as that contained in my bill would have prevented substantial hardship to a particular region of the country. Last year the tieup in the motor transportation industry in Chicago seriously affected many businesses, both large and small, in the Midwest, causing many of them to either close down or lay off workers, because they were not able to obtain supplies, materials, or equipment necessary to operate at full strength or to ship their finished products.

A more recent example is the west coast dock strike which has tied up all shipments from west coast ports since July 1. This strike has hit particularly hard at agricultural producers in several regions of our Nation. The Department of Agriculture estimated that a $15 million loss in July alone in agriculture exports to Asia was due to the strike, with buyers going elsewhere to meet their needs. More recently Secretary Hardin estimated that $215 million worth of farm products would have moved through west coast ports in July and August if the strike had not been underway. It is quite clear that our farmers are losing some of their export markets, because of the strike, particularly the important Japanese market. Japan is the world's largest cash wheat market and usually buys 50 percent of her wheat from the United States. Most of this moves through Pacific coast ports, although some shipments have been moving through gulf ports. The importance of the Japanese market is easily understood when it is considered that 4.5 million metric tons of corn, 2.3 million metric tons of wheat, and 1.9 million metric tons of milo, among other commodities, were exported to Japan in 1970. In that year Japan accounted for a record $1.2 million of U.S. agricultural exports. Furthermore, the labor situation at the gulf and Atlantic ports appears to be deteriorating, and a work stoppage appears likely on October 1. If these ports are also closed down, the farmers of this Nation will be in serious trouble indeed.

I commend the President for his recent meeting with the negotiators in the west coast dispute and hope that his efforts to bring about a settlement will be fruitful. I also second Agriculture Secretary Hardin's statement that he is "getting mighty tired of seeing American farmers left holding the sack time and again because of work stoppages that prevent farm products from flowing to market." If we don't stop putting roadblocks in the way of farmers producing a crop and moving it to market when it is ready then the whole national economy will suffer from the hardship felt by a basic industry.

Mr. President, the bill I am introducing would change the Taft-Hartley Act to authorize the same procedures in the case of national emergencies. It seems quite clear that if the President had the authority in my bill, he could have invoked the Taft-Hartley Act and put a stop to the west coast strike. I hope the Senate Labor and Public Welfare Committee will give this measure their earliest and most favorable consideration.

I ask unanimous consent to have printed in the RECORD the press release issued by the Department of Agriculture containing Secretary Hardin's statement on the dock strike and an article from the August 28, 1971, Wallaces Farmer concerning the impact of labor disputes on farm exports.

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

[From the Wallaces Farmer, Aug. 28, 1971]

LONGSHOREMEN MAY STRIKE: LABOR DISPUTE COULD HURT FARM EXPORTS

(By Al Bull)

When you rely on someone else for your food supply, you want him to have plenty of extra food and to be dependable.

The United States with excess productive capacity in agriculture has had the extra supply. And it's always been available—almost always.

This dependable supply helped attract customers for our grains. The biggest single customer is Japan which must import feed and foodstuffs on a regular basis.

Now, transportation problems—strikes and the threat of strikes—are giving the Japanese some second thoughts about the dependability of U.S. supply.

Here's how Nobuo Nikki, who deals in Japanese-American trade, outlines the effects of the threatened shipping strike on Japan:

"The impact from strikes is getting far more serious in Japan each year, simply because her requirements of the imported agricultural product increase every year at a fast pace.

"Our monthly import requirements for the present are 400,000 tons wheat, 650,000 tons corn and grain sorghum for feed purpose, 120,000 tons corn for industrial usages, and 250,000 tons soybeans. Under normal circumstances, roughly 60 or 80% of these requirements is being supplied from the United States with most of it being shipped out of Gulf ports except for wheat.

Those agricultural products are used for human consumption and animal feeding. So we cannot stand idle against a possible labor dispute. We must always take protective measures.

"Here are some of the assumptions behind our recent actions. The International Longshoremen's Association and management groups are far apart on thorny problems of work rules and job security plus guaranteed working hours. The U.S. government will not intervene by invoking the Taft-Hartley Act. A strike will be called about Oct. 1, and will continue at least 30–45 days.

"On such assumptions, we started to make various arrangements as early as late May.

"First, we released practically all of the large grain carriers which were scheduled to arrive at Gulf ports during October and November. These were large grain carriers under charter by Japanese interests for the sole purpose of maintaining uninterrupted movements of grains between Gulf ports and Japan.

"Secondly, we made a drastic change in the traditional pattern of feed grain purchase.

"In the case of corn, we covered our October and part of November requirements heavily from outside the United State. We bought 250,000 tons from Thailand, 90,000 tons from Argentina and South Africa, and 75,000 tons from U.S. Lakehead instead of Gulf.

"Because of our bitter experiences in the past, we did not schedule a single bushel of corn from the Gulf ports during the possible strike period this year.

"In the case of milo, we bought 150,000 tons from Argentina, 50,000 tons from Australia, and 15,000 tons from South Africa. Altogether this 215,000 tons of milo is not sufficient if the strike is prolonged. We may have to buy some U.S. milo for shipment from Pacific Coast ports in spite of extra cost involved.

"It is more expensive to haul grain from South America to Japan. This is particularly so when we try to get supply for the late season position when their stocks of grain are being depleted. But, we cannot let our ever increasing numbers of livestock and poultry starve.

"Thirdly, in the case of soybeans, the picture is different. There is no substitute crop or supply source in the world. Japan, therefore, was forced to take additional soybeans to be shipped out of the Gulf prior to Sept. 30, on top of normal September purchase.

"As a matter of fact, Japan bought a total of 370,000 tons of soybeans for shipment from Gulf during September, which is about 150,000 tons more than normal requirements for this shipping period. Those extra purchases will overload our handling and storage facilities when they arrive in Japan.

"We also bought considerable volume of soybeans for shipment from the Chicago Lakehead during October. It reached about 150,000 tons, which is about 120,000 tons more than normal. The longer haul means higher ocean freight cost, but we have no other choice.

"These are only some of the direct consequences of fear over the possible dock strike this year. Indirect effects of threats of strike and actual stoppage of work cannot be measured.

"We place the greatest importance on regular continuity of supply. In this respect, a more or less chronic threat of strikes by the International Longshoremen's Association and railway unions in U.S. brings serious danger of loss of some of your market for agricultural products. Your competitors would certainly welcome a chance to take your established place in the traditional market.

"For the importing countries, the threat of a strike results in a profound impact, regardless if strike is called or averted at the last minute.

"Such being the case, I would like to urge that the U.S. government consider enacting legislation to deal with those transportation strikes which have serious adverse consequences on both American national and international interests."

"DOCK STRIKE DOING IRREPARABLE DAMAGE TO FARMERS," HARDIN SAID

WASHINGTON, August 16.—"The West Coast dock strike is doing irreparable damage to U.S. farmers," Secretary of Agriculture Clifford M. Hardin said today. "Farmers are losing valuable cash markets for exports every day. Foreign buyers are turning to other sources, and it will be hard for us to win them back," Secretary Hardin said.

"This strike is running rough shod over farmers," the Secretary declared. "It is high time that the principal parties in this strike think about farmers for a change—and worry how farmers are going to keep up their income and meet their mounting costs," Secretary Hardin said.

"If this West Coast dock strike drags on through the rest of the month there will be $215 million worth of farm products that would have moved through West Coast ports in July and August, which didn't," Secretary Hardin said. "About $40 million of that will be in fresh fruits and vegetables—these are perishable products that can't wait for a strike to end, and 90 percent of that business will be lost."

Secretary Hardin said: "Wheat farmers are getting hit; our wheat is sitting there all tied up while our competitors are walking off with our markets. Livestock farmers are also losing sales."

Japan is our largest export customer and it depends heavily on Pacific Coast ports for its imports. "Already the Japanese are developing new sources of supply through investments in less developed countries because they can't depend on our farm products moving when they need them," Hardin said.

"I'm getting mighty tired of seeing American farmers left holding the sack time and again because of work stoppages that prevent farm products from flowing to market," the Secretary said. "We are working as hard as we can to build up foreign markets for farm products so that we can ease up on acreage controls in this country and help farmers do a little better.

"This year we have managed to set a new record on farm exports of $7.8 billion. This is $1 billion higher than a year ago. And the increase is in cash. It is one of the bright spots in our national export picture. It is made possible mainly because our farmers are so productive and efficient," Secretary Hardin said.

"If we don't stop putting roadblocks in the way of farmers producing a crop and moving it to market when it's ready, then agriculture will be in worse trouble," Secretary Hardin declared.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2470

At the request of Mr. TAFT of Ohio, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 2470, to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers.

SENATE JOINT RESOLUTION 147

At the request of Mr. DOMINICK, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of Senate Joint Resolution 147, proposing an amendment to the Constitution with respect to the election of the President and the Vice President of the United States.

AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENTS

AMENDMENT NO. 439

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

Mr. PACKWOOD submitted amendments, intended to be proposed by him, to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

MILITARY PROCUREMENT AUTHORIZATIONS BILL, 1972—AMENDMENT

AMENDMENT NO. 440

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

ITS TIME TO FLY BEFORE WE BUY

Mr. PROXMIRE. Mr. President, as debate on the military procurement bill continues, there are going to be many disagreements among us. Do we need the B–1 and the F–14? Should we disengage now from Southeast Asia? Should we continue to maintain 300,000 men under arms in Europe? Such issues have—and will continue—to divide us.

It is well and good that there should be disagreements on these issues. It is through debate on such questions that decisions are made in a democracy such as ours.

But while we debate such specific issues, we should not lose sight of some basic goals which should unite us:

The need to provide our combat troops with reliable weapons which will not let them down; and

The need to get a dollar's worth of defense from a dollar of defense spending.

PERCEPTIVE COMMITTEE POINTS

Unfortunately, we have not been achieving these basic goals. And there is no better testimony to this fundamental fact than the excellent "basic considerations" section of the Armed Services Committee's report on this bill. Let me quote for a minute from the report:

First, with respect to the reliability of our weapons:

It is striking that in many cases we have developed and produced aircraft of extraordinary capabilities without demonstrably reliable and effective air-to-air munitions, bombers without long-range air-to-surface missiles, submarines without reliable and effective torpedoes or antiship missiles, and surface escorts without any surface-to-surface missile of any kind. Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity.

Second, with respect to the value we are getting for our defense dollar:

If the geometric cost increase for weapons systems is not sharply reversed, then even significant increases in the defense budget may not insure the force levels required for our national security. . . . If we can afford a permanent force structure of only one-fifth as many fighter aircraft or tanks as our potential adversaries—because our systems are about five times more expensive than theirs—then a future crisis may find us at a sharp numerical disadvantage.

Mr. President, these are eloquent words well spoken. We simply must develop more reliable weapons than we have been turning out. And we must start getting better value for our defense dollar.

I agree with the committee that there are no "easy solutions to these difficult problems." But I do feel that there are some basic steps we can take, steps which are a prerequisite to any real solution, and steps on which we should be able to agree.

The place to start, it seems to me, is with some basic reforms of our present weapons procurement system. Everyone agrees that procurement is now a mess. And everybody is agreed on one aspect of the solution. It is summed up in the phrase "Fly Before You Buy." We must start doing a better job of testing our weapons before we buy them.

BETTER TESTING IS NEEDED

I want to talk today about the deficiencies of our testing programs. I want to analyze the reasons for their past failure and I want to propose a small, partial solution the implementation of which is a prerequisite to any real improvements.

My solution is in the form of an amendment to the bill now before us. I will describe the amendment in more detail later, but I will say now that it has two main provisions. First, it calls for organizational changes within the Department of Defense designed to increase the priority given to all testing programs. Second, it calls for changes in the nature of these programs themselves, changes designed to make this testing more realistic and to insure that it takes place at a time when it can influence important procurement decisions.

But before discussing my solution, I want to talk about the problem. I want to look first at the deficiencies of our testing programs, as demonstrated by the weapons systems we have provided to our troops in Vietnam. And I want to talk about the reasons for these deficiencies, as analyzed so brilliantly in the

report last year by the Fitzhugh Commission, whose own recommendations on the testing issue have been ignored completely. In fact, it is really these recommendations which my own amendment is designed to implement.

I. THE VIETNAM EXPERIENCE

We need to look no further than the war in Vietnam to document the present deficiencies in our testing programs. Very few of the weapons we have used in Vietnam were tested with even minimum adequacy before they were deployed. Even worse, in some of the few cases where adequate tests were conducted, the results were ignored by the superiors to whom they were reported. It is a simple fact that we have provided our boys in Vietnam with very unreliable weapons—weapons that exposed them to unnecessary risks, led to many unneeded deaths, and often let them down in combat.

First. The M–16. Perhaps the most famous example is the M–16 rifle, the case history of which has been brilliantly investigated in 1967 and 1968 reports of a House Armed Services Subcommittee. Due to the courage and perseverance of a few dedicated officers, the M–16 was realistically tested for combat usefulness, but the results of those tests were ignored—perhaps willfully—by higher echelons of the Army. The M–16 was thoroughly tested at Fort Ord in 1965 and found to be extraordinarily and dangerously unreliable due to several simple and easily remedied defects introduced by the Army arsenals. The test findings were directly submitted to the highest level of the Army prior to deployment of the M–16. Unfortunately, the Army proceeded with deployment of the weapon and as everyone knows today, many Americans died needlessly with jammed M–16's in their hands.

Second. The Sheridan tank. A second example, also investigated by a special House Armed Services Subcommittee, is the deployment of the Sheridan tank to Vietnam. Despite plenty of indications in artificial engineering tests that the vehicle, the cannon, and the missile were all unreliable and that the system would be dangerous to use due to the flammability of the caseless ammunition and the excessive noise of the engine, the Army rushed the vehicle to Vietnam without performing stringent operational tests of the system. In combat, all the previously suspected faults were confirmed in spades and new ones were also uncovered, such as the need to tighten all chassis bolts after firing a few rounds.

Third. Aircraft vulnerability. As far as aircraft are concerned, not a single modern helicopter or fighter deployed to Vietnam was ever specifically tested in advance for vulnerability. The UH–1, the CH–47, the F–4, the F–105, and the F–8 all proved dangerously vulnerable to even .50 caliber bullets because they had been neither designed nor tested to minimize combat vulnerability. Finally, after 3 years of continuing losses, the Air Force installed expensive and by no means adequate protection kits on their F–4's and F–105's. The Navy's F–8, meanwhile, proved so dangerously vulnerable to fire and hydraulic failure that it was eventually removed from most bombing missions. All told, we have lost several thousand helicopters and aircraft in Vietnam, fully 1,000 to 2,000 of which need never have been lost if they had been adequately tested for vulnerability. And despite this experience, there has been little or no increase in live firing tests of aircraft component vulnerability, though there has been a massive increase in paper studies of the problem.

Fourth. Air-to-air missiles. And we have no more dismal record anywhere than in the area of air-to-air missiles, where there have been artificial tests galore to confirm the success of major missile programs, while the results of the few realistic tests conducted have been completely suppressed and ignored. Two classic examples which have consistently let our pilots down at the moment of victory have been the Sparrow and the Falcon. Each missile has cost the taxpayer over $1 billion. Each was reported to be highly successful on the basis of inadequate engineering tests. And each missed its performance expectations by about a factor of 10 when used in the skies over North Vietnam. Here, too, we have learned nothing from our experience. We are about to embark on production funding of the Phoenix missile at 10 times the cost of the Sparrow on the basis of far less testing than the Sparrow received before combat revealed its hopeless inadequacy.

Fifth. Air-to-surface munitions. Our experience with air-to-surface munitions has been similiar. Consider the Navy's Walleye, a much-touted television guided missile when it was first introduced. Combat experience in Vietnam soon demonstrated that Walleye delivery—because of the time required to set up and fire—exposed pilots to much greater risk that experienced in ordinary dive bombing techniques. Experience demonstrated also the inaccuracy of the Walleye against small fixed targets such as bridges, which it was unable to hit under combat conditions, despite being designed with them in mind. In fact, the Walleye's inaccuracy led to its being banned from use in close support of ground forces due to fear of injuries to friendly troops. The Air Force has had a similiar experience with its laser-guided bombs, which have required such dangerous delivery tactics that they have not been used except in areas where there have been no medium and high-altitude defenses. The most regrettable thing once again is that all these deficiencies could have been revealed through realistic peacetime testing, without risking pilots' and ground troops' lives.

Sixth. All-weather avionics. Finally, in our fascination with fancy avionics gear, we deployed the A–6 and then the F–111 to Southeast Asia in the hope that they would allow us to hit targets at night by the use of radar. Without knowing in advance through realistic testing how few targets could be accurately acquired and hit by radar, we risked thousands of air crewmen's lives in combat against targets which proved to be hopeless. And now, with the evidence of combat behind us, we still refuse to conduct realistic tests at home and still continue to buy and support the expensive A–6 and F–111 for combat use abroad. In fact, we are in the process of adding $112 million to this bill for 12 more F–111's which the Air Force itself never initially requested.

Mr. President, this is a very dismal record. In fact, it is a tragic record. It is high time that we did something about it.

II. THE FITZHUGH COMMISSION ANALYSIS

Mr. President, many voices have been raised in recent years about the need for an improvement in our testing programs. Concern has been expressed by the Office of Management and Budget, the General Accounting Office, and scientific advisory committees of all kinds. And the Pentagon itself has talked a great deal about the new "fly before you buy" policies it has installed.

Unfortunately, very little has actually been done. Do not get me wrong. I recognize that there have been some changes in the right direction. But this administration's milestone policy for weapons system developments is itself a very minor change, which reduces rather than eliminates concurrency. And it is too early to tell how far the administration will go in its much more significant new "prototyping" policy.

And virtually no change has been made in our testing programs, which are the real key to a "fly before you buy" policy. In fact, the conclusions and recommendations of the most thorough study yet conducted of our testing deficiencies have gone largely ignored. I refer to the study conducted last year by the Fitzhugh Commission—the President's Blue Ribbon Defense Panel—as part of its overall review of Defense Department operations.

I expressed my disagreement last year with a number of the committee's recommendations. But I can find no fault with its treatment of the testing issue. The commission devoted several pages of its report to this problem. In addition, the conclusions and recommendations in the report were supplemented by a 200-page staff study.

A. THE EXISTING MESS

Let us look first at the commission's description of the existing state of our testing policies.

The commission began its discussion of the testing issue by making a distinction which is far too often overlooked—the distinction between engineering tests, on the one hand, and operational tests, on the other.

Engineering tests, the commission noted, are designed to determine whether or not a system will meet its technical requirements. And engineering tests were "not a major problem area." There were some deficiencies—due largely to the failure to fully test systems until they were committed to production—but generally the Commission found that we did get around at some point to tests which determined whether a system's technical specifications would be met.

Operational testing, however, was in far worse shape. The commission described operational testing as follows:

> Operational testing, on the other hand, is done to determine to the extent possible whether systems and materiel can meet operational requirements. It must provide advance knowledge as to what their capabilities and limitations will be when they are sub-

jected to the stresses of the environment for which they were designed (usually combat). Operational testing must take into account the interface with other systems and equipment, tactics and techniques, organizational arrangements, and the human skills and frailties of the eventual users.

Operational testing, in other words, concerns itself with such things as the maintainability and reliability of a system under combat handling conditions, its survivability in the face of hostile fire, the techniques a resourceful enemy would employ to counter it short of its destruction, and the soundness of the tactics worked out for its use.

It is easy to understand the importance of such testing. These considerations are really much more important than a system's ability to simply meet its technical specifications. In fact, a system's specifications are going to be rather worthless unless they have been established with operational requirements and limitations clearly in mind.

NO DATA AVAILABLE

The commission found, however, that very little operational testing was conducted in many areas, and that system designers often had no operational testing data on which to rely in establishing specifications:

Unfortunately, it has been almost impossible to obtain test results which are directly applicable to decisions or useful for analyses. Often test data do not exist. When they do, they frequently are derived from tests which were poorly designed or conducted under insufficiently controlled conditions to permit valid comparisons. It is especially difficult to obtain test data in time to assist in decision-making.

Moreover, the commission found that the little operational testing and evaluation—O.T. & E.—conducted was conducted by the individual military services, with little coordination at a Defense Department-wide level:

The most glaring deficiency of OT&E is the lack of any higher-than-Service organization responsible for over-seeing Defense OT&E as a whole. . . . Currently, there is no effective method for conducting OT&E which cuts across Service lines, although in most actual combat environment, the United States must conduct combined operations. The interactions among Services become extremely important during combat, and critical military missions transcend Service boundaries and responsibilities (for example, Close Air Support, Reconnaissance, and Air Supply). Because of the lack of joint OT&E, it is not only very difficult to detect certain kinds of deficiencies and to predict combat casualties in advance, but it is also difficult to make decisions relating to overall force composition.

THE FEW DOLLARS AVAILABLE GET LOST

The commission criticized also the limited funding available for O.T. & E.:

Funding throughout the Department of Defense has been and continues to be inadequate to support much necessary OT&E. Also, the funding of OT&E is confused, both at the OSD level and within the individual Services, and neither in OSD nor in any Service is there a single agency responsible for insuring that OT&E is adequately funded. In fact, there is no agency that can even identify the funds that are being spent on OT&E. . . . Because funds earmarked for OT&E do not have separate status in the budget, or in program elements, they are often vulnerable to diversion to other purposes.

Such, in brief, is the bleak picture which the commission painted of operational test and evaluation in the Defense Department today. Very little O.T. & E. was done in the first place. What little there was was not subject to departmentwide coordination. And part of the inadequate funding could be easily diverted to other purposes.

B. The Proposed Solution. In considering possible steps to remedy these deficiencies, the commission noted that earlier attempts had been made to deal with the problem but had not gotten very far.

A Directorate of OT&E was established in 1966 within the Office of the Director of Defense Research and Engineering (ODDR&E) under the Deputy Director (Administration and Management.) Although establishment of this organization was an acknowledgement of the need for attention to the operational aspects of testing and evaluation, the authority and resources of this Directorate were very limited initially and have decreased since. It has had little, if any, influence, on OT&E.

The commission's staff study went even further in describing the failure of the D.D.R. & E. directorate:

There is extremely little productive relationship between the Assistant Director (OT&E) and Service OT&E personnel and agencies. Sometimes the latter were not aware that there was such an organization within the OSD.

Equally unsuccessful was a 1968 attempt to establish better operational testing programs through the auspices of the Joint Chiefs of Staff:

In 1968, the Deputy Secretary of Defense requested the JCS to consider the establishment of a small Joint Test and Evaluation Agency. The JCS replied that such an agency was unnecessary, and expressed the belief that there already existed within the organization of the JCS, the Services, and the other agencies the capability to plan, conduct, and evaluate the results of operational tests, including tests involving joint forces. However, it is evident that this capability does not exist and that the *ad hoc* testing on which the JCS relies produces very little useful data in support of decision-making.

The commission made several recommendations to deal with the "dismal" situation it had described.

FLY BEFORE YOU BUY

First, it recommended basic changes in our policies for the development of new weapons systems, a move away from the present concurrency of development and production to a new "fly before you buy" system. It advocated establishment of "a general rule against concurrent development and production, with the production decision deferred until successful demonstration of developmental prototypes." This basic change was a prerequisite if operational testing was to play any real role in individual weapons system production decisions.

NEW ASSISTANT SECRETARY

Second, it made three recommendations which dealt directly with the operational testing issue:

The responsibility for Defense test and evaluation policy should be assigned to [a new] Assistant Secretary of Defense (Test and Evaluation).

A separate program category should be established for Test and Evaluation.

The responsibility for overview of Defense test and evaluation effort should be assigned to [a new] Defense Test Agency. In addition, the Agency should be responsible for design or review of test designs, performing or monitoring of tests, and continuous evaluation of the entire test and evaluation program.

The commission advocated an organizational solution—a new Assistant Secretary of Defense, separate funding, and a Defense Test Agency under the new Assistant Secretary—because it saw the problem as being largely organizational in nature. Operational testing had received short shrift, the commission believed, because of the organizational interests of the people who had been put in charge of it in the past.

NO INDEPENDENT WATCHDOG

At the departmentwide level, responsibility had been lodged in the Director of Defense Research and Engineering, the man responsible for developing new weapon systems. Putting responsibility there, the commission believed, invited failure. It amounted to asking weapons developers to be their own watchdog:

In connection with testing and evaluation, it should be emphasized that responsibilities for any evaluation function should be exercised independently. When they are subordinated to or combined with responsibilities for the development of the item or subject being evaluated, the requisite objectivity is seriously jeopardized.

A similar problem existed in the services themselves, where O.T. & E. was found to be either under the control of weapons developers or denied the access to higher echelons necessary to assure any real impact. The commission's staff study summed up service O.T. & E. as follows:

There are three major reasons for the conclusion that Service OT&E has been of uneven quality and generally much less successful than would be desirable. First, OT&E in the Services has lacked much of the independence that encourages objectivity and high level action when the results of OT&E call for it. Second, throughout the Services there has been very little guidance from high levels as to what is desired from OT&E activities. Third, there has been too little support and encouragement. Third, there has been too little support and encouragement of OT&E from high levels within the Services.

THE HOUSE SHERIDAN TANK INVESTIGATION

Further evidence of the pressures preventing adequate performance of the O.T. & E. function are contained in the findings and conclusions of the excellent House Armed Services Committee study of the Sheridan tank fiasco I referred to earlier. Let me quote two of the committee's findings:

6. In its rush to develop the Sheridan and M60A1E2 tanks equipped with the Shillelagh guided missile, the Army ordered mass production of these weapons and their related equipment before there were adequate assurances that the designs were suitable, and, in some cases, even before the production or funds requests had been officially approved. The fear of a loss of program funds appears to have been the principal reason why the Army's top management level approved the mass production against the advice of qualified user and testing agencies and personnel who had persistently attempted to convey the true facts of their sadly lagging development efforts.

15. The facts as developed by this subcommittee make almost unavoidable the conclu-

sion that so much time and money had been spent in developing the Sheridan/Shillelagh system that the developers felt irrevocably committed to production. Under such circumstances the project manager became more of a captive than a manager of his project, and might understandably feel that a failure of the project to reach fruition could be interpreted as demonstrating his own lack of managerial skills and thus affect his Army career. Such a condition must inevitably result in management of doubtful quality and questionable management concepts.

Because test and evaluation responsibility was lodged in the wrong places—both at a departmentwide level and within the services—the Fitzhugh Commission recommended an organizational change to correct the problem. The recommendation was approved unanimously by the members of the commission. In fact, one of the members was moved to write a concurring statement underlining the urgency of the change. I quote from the statement of Dr. George J. Stigler:

The vast, horrendously expensive, weapon systems which now consume so large a part of the budget of the Defense Department may be our saving or our downfall. The great difficulty is that presently we do not know. Operational testing is almost nonexistent in the weapons acquisition process. The recommendation of the report that systematic operational testing be introduced deserves highest priority.

III. THE PENTAGON'S RESPONSE

Despite the clear-cut evidence that a change in our operational testing policies was urgently needed, the Department of Defense chose to ignore the Fitzhugh Commission's recommendation. It chose to keep departmentwide responsibility for O.T. & E. under the control of the Director of Defense Research and Engineering. It created a new subordinate office under his control to replace the office which had first been created in 1966 and which had proven itself ineffective ever since. Clearly this is only a token change. Our weapons system developers are still policing themselves, and there is no evidence that they are about to start doing a better job than they have.

The Armed Services Committee, in its own report on this bill, lamented the Pentagon's response:

The Secretary of Defense testified that he had decided not to accept the President's Blue Ribbon Panel recommendation of establishing an Assistant Secretary of Defense for Operational Testing and Evaluation; instead a subordinate office has been established under the Director of Defense Research and Engineering. The Blue Ribbon Defense Panel pointed out what it considered weaknesses inoperational test and evaluation—lack of testing independent of weapons system developers, service opposition to independent operational test and evaluation, lack of funds and facilities, and lack of high-level attention and management. While the Committee hopes that the modified approach will succeed in correcting these weaknesses, other steps along the lines suggested by the Panel may be necessary if the present modified approach does not prove successful. Insufficient operational test and evaluation in the past has meant that we have produced some weapons too complex to be effective. Evidence of this tendency was illustrated by testimony concerning the failures of our air-to-air munitions.

Mr. President, I fully share the Armed Services Committee's concern.

CONGRESS MUST ACT

I think, in fact, that the time has come for the Congress to assist the Pentagon in constructive fashion in this area. I think we need to do so by means of direct legislative guidance—guidance which is firm enough to produce results, yet flexible enough to permit sound administrative initiative by experts in the Pentagon itself.

I do not think the Pentagon can solve the problem by itself. There are just too many pressures working in the direction of preserving the status quo. Only if the Congress truly demonstrates its interest will the problem be brought under control.

I would like to introduce at this time an amendment I have drafted to meet these objectives. I ask unanimous consent to introduce my amendment at this time.

Let me describe briefly what my amendment does.

TEST SYSTEMS UNDER DEVELOPMENT

First, it directs the Department of Defense to submit all major weapon systems under development to operational—as well as engineering—tests. The precise nature of these tests is left for experts in the Pentagon to work out—as should be the case. All the amendment does is to prescribe in general terms the kinds of factors the tests should explore:

The maintainability and reliability of a system under combat handling and operating procedures;

The combat survivability of a system;

The extent to which a system can be rendered ineffective by a resourceful enemy through the use of tactics and countermeasures; and

The soundness of the tactics developed for the system's combat use.

The importance of these factors is self-explanatory. It is because we have not tested for them in the past that we have had such poor results with our systems in Southeast Asia.

Second, my amendment requires that these tests be completed and a report on their results submitted to Congress before procurement funds have been expended on a system in an amount greater than 10 percent of the R.D.T. & E. funds which have been appropriated by the Congress for that system. In other words, my amendment requires that we test before we buy, before we are totally committed to a system.

Rigorous operational tests conducted early in a system's life—that is a goal we can all agree on. My amendment will move us closer to that goal. And it will not put the Department of Defense in a straightjacket. Let me explain briefly the flexibility built into my amendment.

For one thing, the testing and reporting provisions I have just described can be suspended by the President at any time by declaration that a national emergency exists which would make their applicability dangerous to the security of the United States.

PROSPECTIVE ONLY

Moreover, these testing and reporting amendments are prospective only. They do not apply to systems already in production. And they do not require us to rip up any contracts now in existence or about to be entered into. The look instead to the future in an attempt to prevent the mistakes of the past.

And there is nothing to prevent future exceptions either. If the Department of Defense feels that any given system should be exempted from the general rule, all it needs to do is ask Congress to grant such an exception. I recognize that exceptions may be necessary. And I can say in all candor that I would weigh carefully the merits of any requests for exceptions which might be presented.

Up till now, however, "fly before you buy" has been the exception and concurrently the basic rule. We must turn this around. We must get a handle on the real costs and capabilities of our systems before, not after, we get in the kinds of messes we have on the C–5A and F–14. And the only way we can get such a handle is if we in Congress establish a "fly before you buy" rule and require the Defense Department to justify all exceptions to it.

Mr. President, my amendment has two other provisions which I would like to describe briefly.

AN INDEPENDENT WATCHDOG

One of these provisions directs the Secretary of Defense to appoint an official, who shall report to him directly and not through anyone else, to supervise all operational testing programs in the Department of Defense. This is essential, in my opinion, if we are going to get vigorous leadership and new initiatives in the operational testing area. We must put responsibility for this important function in an independent, objective place. It cannot remain the responsibility of our weapon system developers themselves, as the Fitzhugh Commission so ably recognized.

Where it is to be placed, however, is up to the Secretary of Defense. He could appoint a new Assistant Secretary, as the commission recommended, or he could decide on some other organizational solution. The choice—and flexibility—is his. The only requirement is that he designate a single individual, with direct access to himself, to supervise all operational testing programs. Surely such testing is important enough to warrant such independence and access.

ANNUAL PROGRESS REPORT

Finally, my amendment requires the Secretary of Defense to report to the Congress annually on the funds spent for and steps taken to improve operational testing in the Department of Defense since the preceding year. This report could form the basis of a continuing dialog between the Department of Defense and the Congress about this important subject. Operational testing has many roles to play. Tests of already developed systems can tell us what new systems are most worth developing. Tests of such systems can tell us the reasonableness of the tactics which new systems are planning to use. And tests of such systems can help us make wise decisions about the precise mix of systems in our total force structure. Right now we are not testing our new weapons before they enter production and we have no data for use in making these other kinds of decisions. We do not even know how much we are spend-

ing on operational testing, and some testing funds—according to the Fitzhugh Commission—are being diverted to other uses. This annual reporting requirement will keep us abreast of the changes being made to correct things.

That, Mr. President, is my "test before you buy" amendment. I made its text available to the Armed Services Committee last week and I understand that the Defense Department is now preparing comments on it. The precise terms of my amendment are subject to negotiation and I will not call it up for a vote today. I introduce it so that as many constructive comments as possible can be made in advance of a vote, while changes are still possible.

My own feeling, however, is that changes are required less in the terms of my amendment than in the operational testing policies of the Department of Defense.

The complex and expensive weapon systems we are now developing may some day be either our saving or our downfall in combat. Which it might be we do not know. And we will not know unless we change our testing policy.

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

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

AMENDMENT NO. 440

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

"SEC. 505. (a) The Congress views with concern the present lack of emphasis on operational testing within the Department of Defense. In order to ensure that systematic operational testing is introduced into the weapons acquisition policies of that department, it is hereby required—

"(1) that the Department of Defense shall conduct operational tests of all aircraft, missiles, tracked combat vehicles and other weapons (excluding naval vessels) under development for which funds are authorized annually for the purpose of determining the likely effectiveness of such systems under actual combat conditions. These tests shall examine as thoroughly as is practicable:

"(A) the maintainability and reliability of each such system under anticipated combat handling and operating procedures;

"(B) the combat survivability of each such system;

"(C) the extent to which each such system could be rendered ineffective by a resourceful enemy through the use of tactics and countermeasures;

"(D) the soundness of the tactics developed for each such system's combat use, with specific emphasis on the human limitations and personal safety of the military personnel who will be called upon to use it; and

"(E) any other factors in the combat environment likely to affect the operational effectiveness of each such system;

"(2) that the Secretary of Defense shall appoint an official, who shall report directly to him without any intervening authority, to administer the operational testing program prescribed in subsection (a) (1) of this section and to establish other operational testing programs to assist the Department of Defense in is long-range planning programs; and

"(3) that the Secretary of Defense shall report to the Congress annually, at the time the budget for the Department of Defense is submitted to the Congress, regarding the funds spent on and the steps taken to improve the effectiveness of operational testing programs in the Department of Defense during the preceding year, together with planned programs and funding for operational testing during the coming year.

"(b) The tests required by subsection (a) (1) of this section with respect to any weapon system shall be completed and a comprehensive report of the results thereof shall be submitted to the Congress by the Secretary of Defense prior to the expenditure of procurement funds (including expenditure for long-lead items) on any such system in an amount greater than 10 percent of the research, development, testing, and evaluation funds which have been appropriated by the Congress for that system. The Secretary of Defense shall certify in each such report that the system in question has been tested for operational effectiveness in accordance with the criteria prescribed in subsection (a) (1) of this section and that the tests were adequate to demonstrate and did in fact demonstrate that it will meet the combat performance specifications which have been established for it.

"(c) Subsections (a) (1) and (b) of this section shall not apply to any system for which procurement funds have been appropriated or for which contractual arrangements which could not be performed if those subsections were applicable have been entered into the Department of Defense either prior to or within six months after the date of enactment of this section. The President may suspend the application of these subsections at any time by declaring that a national emergency exists which makes their application dangerous to the security of the United States."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 347

At the request of Mr. BAKER, the Senator from Kansas (Mr. DOLE), and the Senator from New Hampshire (Mr. MCINTYRE) were added as cosponsors of Amendment No. 347, to S. 1437, to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

AMENDMENT NO. 430

At the request of Mr. ALLOTT, the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. GURNEY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Idaho (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Oregon (Mr. PACKWOOD), the Senator from Rhode Island (Mr. PELL), the Senator from Vermont (Mr. STAFFORD), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Amendment No. 430, to H.R. 8687, the military procurement authorizations bill.

SENATOR ERVIN LISTS WITNESSES FOR FIRST WEEK OF FREE PRESS HEARINGS

Mr. ERVIN. Mr. President, I wish to announce the list of witnesses for the first week of hearings on freedom of the press being conducted by the Senate Subcommittee on Constitutional Rights.

On Tuesday, September 28, at 10 a.m. in room 318 of the Old Senate Office Building, the subcommittee will hear from Senator JAMES PEARSON, of Kansas; Congressman CHARLES WHALEN, of Ohio; Mr. Harding Bancroft, executive vice president of the New York Times; and Mr. Norman Isaacs, of the Columbia School of Journalism.

The subcommittee also invited Mr. Earl Caldwell, a New York Times reporter, to testify on September 28. Although Mr. Caldwell expressed his desire to appear and had planned to attend, upon the advice of counsel he has decided not to testify. Mr. Caldwell is a party to an important case now pending before the Supreme Court. I regret Mr. Caldwell's decision but appreciate his dilemma.

Representative OGDEN REID, of New York, the ranking minority member of the House Subcommittee on Foreign Operations and Government Information and former president and editor of the New York Herald-Tribune, and Dr. Frank Stanton, president of the Columbia Broadcasting System, will present testimony before the subcommittee on Wednesday, September 29. On this day the hearings will be held in room 1202 of the New Senate Office Building, beginning at 10 a.m.

On Thursday, September 30, the subcommittee's witnesses will be Mr. Walter Cronkite, of CBS news; Prof. Philip Kurland, of Chicago Law School; and Mr. James J. Kilpatrick, columnist and television commentator. This final day of hearings of the first week will be held in room 318, Old Senate Building at 10 a.m.

Additional days of hearings on freedom of the press will be held on October 12, 13, and 14 and on October 19 and 20. On these days, as is the case for the first week of hearings, the subcommittee will be hearing from Americans with considerable experience and knowledge in the area of freedom of the press.

In addition, Mr. President, I wish to call the Senate's attention to an editorial in the New York Times commenting upon one of the problems which the subcommittee will be considering in the course of its hearings. This problem has developed as the Government issues increasing numbers of subpenas for newsmen and their notes in connection with judicial and legislative investigations.

As the New York Times editorial of September 26, 1971, suggests, balancing the interest of the press and the interests of the administration of justice is not an easy task. The case of United States against Earl Caldwell, now pending in the Supreme Court, illustrates the difficulty in reconciling these conflicting interests.

The New York Times editorial cautions that—

> To do their job, reporters develop sources among radicals or in the underworld or among persons who, though entirely conventional, fear loss of jobs or other harassment if publicly identified. Such relationships would be destroyed—to the detriment of the public—if at the whim of prosecutors, reporters could be forced to become police informants. Only proof of the most overriding and pressing public necessity could justify subpena of information gathered by newsmen in the performance of their duties.

Many of the witnesses scheduled to appear during the Constitutional Rights Subcommittee's hearings on freedom of the press will comment upon the subpena controversy. I am confident that the hearings will contribute to a greater understanding of the issues involved.

Mr. President, I believe that the New York Times editorial of September 26 effectively sets forth the questions which must be considered in weighing the Government's interest against those of a free press. I commend its reading to all Senators and ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times, Sunday, Sept. 26, 1971, editorial]

THE PUBLIC SENTINEL

In recent years, press and Government have appeared to be increasingly on a collision course. The Justice Department's attempt's to restrain publication of the Pentagon papers and the House Commerce Committee's effort to examine the unused film prepared for a Columbia Broadcasting System documentary both ended in failure, but both were significant efforts by Government to constrict the traditional freedom of the press. Grand juries investigating criminal cases have increasingly resorted to the practice of subpoenaing reporters and their notes in an effort to use the press as an arm of the law.

In the light of the wide uneasiness stirred by these developments, the Senate Subcommittee on Constitutional Rights chaired by Senator Ervin of North Carolina has decided to hold public hearings this week on the present status of the press's liberties. These hearings are certain to bring forward at least three distinct viewpoints with regard to the rights of the press under the First Amendment.

One view is that when the authors of the Bill of Rights wrote that Congress shall make no law abridging freedom of the press, they meant exactly that—no law. In numerous opinions, most recently in his concurrence in the Pentagon papers case, the late Justice Hugo Black vigorously and eloquently argued this absolutist construction. It is a position which commands the support of the American Society of Newspaper Editors and of many civil libertarians.

A conflicting view is that the press's right to publish or broadcast news and opinion is not overriding and that there are competing claims which should take precedence. Thus, the Solicitor General argued in the case of the Pentagon papers that the Government had a right to prevent the publication of documents which it deemed prejudicial to the public interest. Similarly, local prosecutors have contended that newsmen have no right to protect the confidentiality of their news sources if they have knowledge of a criminal act.

In a "friend of the court" brief filed the other day on behalf of The Times and several other newsgathering organizations in a case pending before the Supreme Court involving Times reporter Earl Caldwell, Prof. Alexander M. Bickel of the Yale Law School sets forth an intermediate position which this newspaper believes is both reasonable and realistic. In essence, he argues that, although the reach of the First Amendment is broad and strong, it is not all-encompassing. A free society's vital interest in an enterprising, uninhibited press has to be reconciled with society's other interests such as the effective administration of justice.

The crucial question is what are the terms on which this necessary accommodation should take place. Such an accommodation is not impossible. Indeed, much of the time of appellate courts is taken up with the sensitive, unremitting work of defining and interpreting means of cushioning valid but conflicting interests. Where a grand jury's right to know contradicts a reporter's right to protect his sources, the problems in need of resolution are comparable to those involved in reconciling freedom of the press and the right of every individual to a fair trial—an area in which considerable progress toward rational guidelines has been made.

The press obviously cannot serve society effectively if it prints only what Government officials say or what private persons want known about their activities. Nor is it likely to serve society effectively if it recognizes no responsibilities in respect to the individual's right to fair trial or if it claims for its agents an absolute immunity from their obligations as citizens.

To do their job, reporters develop sources among radicals or in the underworld or among persons who, though entirely conventional, fear loss of jobs or other harassment if publicly identified. Such relationships would be destroyed—to the detriment of the public—if at the whim of prosecutors, reporters could be forced to become police informants. Only proof of the most overriding and pressing public necessity could justify subpoena of information gathered by newsmen in the performance of their duties.

The First Amendment was not written to protect anyone's career or profits. Those are private concerns. The Constitution protects the press because the press serves a high and essential public interest. When it does its work with courage and enterprise and integrity, the press acts as a sentinel guarding every citizen against tyranny, corruption and injustice. Government itself is also one of society's sentinels but with different and far stronger powers. Citizens are best served when press and Government operate independently in their different ways to defend the public interest.

ADDITIONAL STATEMENTS

JUSTICE HUGO F. BLACK

Mr. McGEE. Mr. President, since its inception as a nation the United States has been extremely fortunate to be blessed with a wealth of leadership capability at all levels of government. Amidst this wealth of talent which has driven this Nation to levels never before achieved by mankind in his continual search for a free and just society, there have been few men who have risen to towering heights. However, one of these men who achieved this distinction was Hugo LaFayette Black, a Supreme Court Justice for the past 34 years.

This Nation must, therefore, mourn the passing of Justice Black. It must mourn the loss of Justice Black not only because he was a man, but also because he was a towering intellectual force in shaping the course of American constitutional law for more than three decades.

As we mourn the passing of a great man, we can all be grateful that Justice Black responded to the call of a higher sense of duty to this great Nation. Justice Black did not just fulfill the duties of his office. Justice Black displayed the courage and foresight which will continue to play a vital role in the constitutional law of this Nation for many decades in the future as it had in the past.

In Sunday's edition of the Washington Post, staff writer Alan Barth wrote:

He shaped the course of American constitutional law as powerfully, perhaps, as any other single jurist of the 20th century.

I join in agreement with Alan Barth in paying this tribute to a great man.

I ask unanimous consent that Mr. Barth's article be printed in the RECORD.

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

BLACK CHAMPIONED NEW DEAL, CIVIL RIGHTS

(By Alan Barth)

Hugo LaFayette Black has long been recognized as one of the authentic giants in the history of the United States Supreme Court. He shaped the course of American constitutional law as powerfully, perhaps, as any other single jurist of the 20th century.

A police court judge, a prosecuting attorney, an influential lawyer in private practice in his native Alabama, a formidable champion of the New Deal in the United States Senate, Black was President Franklin D. Roosevelt's first appointment to the Supreme Court, serving as an associate justice for 34 years, from his installation in October, 1937, until his retirement this month at 85.

The imprint of his rural Southern background was always strong upon him—in his Populist impulses, in the style and intonation of his speech, in a modesty of manner, in colloquialisms of expression that belied his erudition and, above all, in an awareness of and sympathy for the problems of ordinary men and women.

Many who resisted the imperatives of the civil rights movement called Hugo Black a traitor to the South because he played a leading role in the 20th century emancipation of the American Negro. Many called him a radical because he believed in according freedom of expression to odious opinions and in assuring all the protections of due process of law to odious defendants. Those who admired the Justice attributed these beliefs to an inveterate commitment to the ideas of human equality and individual liberty.

Through the whole of his career, he was at the center of controversy. It never seemed to ruffle his poise or disturb his dignity; and he rarely sought to justify or explain his views except in his formal written opinions as a member of the Court.

WROTE WITH LUCIDITY, FORCE

He wrote with extraordinary simplicity, lucidity and force. In a number of great causes—the right of indigent defendants to be given the assistance of counsel at public expense, for instance, and the right to equal representation in legislative bodies—dissents written by him in his early years on the Court came, in time, to win majority acceptance.

Although largely self-educated, he brought broad reading and great learning to his work as a jurist, often illuminating his opinions with apt references to history. Passionate in his convictions and often bitingly and even aggressively incisive in his expression of them, he nevertheless held the warm affection of almost every one of his colleagues on the Court. Over a 20-year span, he and Felix Frankfurter carried on an unrelenting intellectual conflict over the meaning and application of the due process clause of the 14th Amendment—a bitter battle between Titans—without any diminution of respect and regard on either side.

When Justice Black retired on Sept. 17 from the Supreme Court citing health reasons, he had served longer than any other justice except Chief Justice John Marshall and Justice Stephen J. Field. The record for length of service was held by Justice Field, who retired in 1897 after serving 34 years, six months and 11 days. Marshall was on the Court for 34 years, four months and two days.

One-fourth of the justices who have sat on the Court and one-third of the chief justices had served during Black's long tenure. At 85, he ranked as the third oldest sitting justice in the history of the Court. Justice Oliver Wendell Holmes stepped down in 1932 at the age of 91 and Chief Justice Roger B. Taney died in office in 1864 at 87.

YOUNGEST OF EIGHT CHILDREN

Hugo Black, born Feb. 27, 1886, in Clay County, Ala., as the youngest of eight children in the family of William Black, a farmer of Scotch-Irish descent. The circumstances of his childhood were neither privileged nor penurious. The family lived when he was very young in a log farmhouse with a privy at the rear. Soon after he was born, however, his father abandoned farming, moved to Ashland, a town of about 350 people, and became co-owner of a store.

The move to Ashland was made primarily to enable the children to attend school. Hugo contributed to the family finances by picking cotton and setting type for a weekly newspaper. He had time for sports; and he was encouraged in a natural bent for reading. Politics was a pervasive part of his environment. Although his father was a conservative Democrat and Hugo himself never strayed from the party, he was exposed during his youth to egalitarian ideas and the agrarian radicalism that William Jennings Bryan brought into the Democratic Party.

One of the ablest of Black's biographers, John P. Frank, says of this period: "The anti-monopoly and rate regulation philosophies of the Populists and most of the rest of their social outlook on government and business have been a part of Black at least from young manhood. In terms of most of his social values, Black was an incipient New Dealer before he ever left home."

ATTENDED MEDICAL SCHOOL

At 17, when he had graduated from a slightly glorified community high school called Ashland College, Black went to medical school for a year. At the end of that time, bypassing any undergraduate college education, he entered the University of Alabama Law School.

There followed a year of law practice in Ashland, and in 1907 he went to Birmingham, rented a desk in an attorney's office for $7 a month, joined just about every fraternal organization in the city and did such odd legal jobs as he could get his hands on.

His first real case was a damage suit for 15 days' pay for work done by a Negro convict leased to a steel mill and kept overtime on the job. He won an award of $137.50 for his client. He won, also, appointment as a part-time police court judge for the city of Birmingham. This meant handling an enormous caseload of unfortunates, mostly black, charged with drunkenness, disorderly conduct and other petty offenses. Black brought both compassion and efficiency to the task.

In 1914, Black became county prosecutor. The most spectacular aspect of his career in this office grew out of his discovery that the police department of Bessemer, a Birmingham suburb, was running a third-degree torture chamber to get confessions from black defendants. He presented evidence to a grand jury, persuading it to change the use of third-degree tactics "in a manner so cruel that it would bring discredit and shame upon the most uncivilized and barbarous community." Hugo Black never forgot what he learned in Bessemer.

After a brief tour of military service in World War I, Black engaged in private practice in Birmingham. Although he had few corporate clients, he achieved exceptional success as a personal injury lawyer and as counsel for labor unions.

In 1925, he ran for the U.S. Senate. Without organization support and with almost no financing beyond his own pocketbook, he reached every part of Alabama in his Model-T Ford, won the nomination and was elected.

Black's 10-year Senate career was marked by great vigor in two areas. He became a tough, formidable, implacable investigator, looking relentlessly into merchant marine subsidies, airline subsidies, utility lobbies and lobbying in general. Legislatively, Black was the sponsor of the bill that became the Fair Labor Standards Act, a major New Deal measure more commonly known as the wage-hour law.

Black was a stalwart champion of FDR's policies and programs in the Senate. When impatience with the Supreme Court's frustration of his major social reforms led the President to propose a Supreme Court reorganization scheme—generally referred to as the court-packing plan—Black supported it vigorously. He opposed the President, however, in regard to the National Industrial Recovery Act on the ground that it gave too much price-fixing power to business.

SUMMONED BY ROOSEVELT

Justice Van Devanter's retirement in 1937 gave Mr. Roosevelt his first opportunity to nominate a Supreme Court Justice. As John Frank tells the story, the President summoned Sen. Black to the White House and, taking an appointment form from a desk drawer, said: "Hugo, this is a form for the nomination of a Supreme Court Justice. May I fill in your name?" Black answered: "Mr. President, are you sure that I'll be more useful in the Court than in the Senate?" To this, the President answered: "Hugo, I wish you were twins because Barkley says he needs you in the Senate; but I think you'll be more useful on the Court." Black's nomination went to the Senate where it was promptly confirmed 63 to 16.

Not long after the confirmation, an anti-New Deal newspaper published stories showing that Black had been a member of the Ku Klux Klan. In fact, in September, 1923, at a time when he joined a variety of organizations in an effort to promote his fledgling law practice, he became a member of the Birmingham Klan unit. In June, 1925, when he declared his Senate candidacy, he resigned, believing that a Klan member ought not to run for public office.

Disclosure of this Klan membership to a national audience—it had been no secret in Alabama—produced a furor. There were wide spread demands for Black's resignation or impeachment. Republican Sen. George Norris came to his defense. "Actually," he said, "Justice Black is being subjected to all this criticism because he is a liberal, because he wants to bring the Supreme Court closer to the people—not because he is a Klansman."

MADE RADIO STATEMENT

Black himself retained his characteristic calm. Importuned by newspaper reporters, he declined comment until his return from a trip abroad, and then made a brief statement to the American people over the radio: "The insinuations of racial or religious intolerance made concerning me are based on the fact that I joined the Ku Klux Klan about 15 years ago. I did join the Klan. I later resigned. I never rejoined. I never have considered and do not now consider the unsolicited card given me shortly after my nomination to the Senate as a membership of any kind in the Ku Klux Klan. I never used it. I did not even keep it. Before becoming a senator I dropped the Klan. I have had nothing to do with it since that time . . . I have no sympathy with any group which, anywhere or at any time, arrogates to itself the un-American power to interfere in the slightest with complete religious freedom."

Early in his long tenure on the court, Black became a leader and forceful spokesman for a changing group of justices who were called judicial activists. Felix Frankfurter was the most powerful and vocal exponent of those who were called advocates of judicial restraint. The labels are liable to be misleading.

Frankfurter and his adherents believed in marked judicial deference to the judgment of legislatures, while Black and his associates placed emphasis on the obligation of the judiciary to check headstrong legislative acts impinging upon individual rights protected by the Constitution. "The essential protection of the liberty of our people," he said, "should not be denied them by invocation of a doctrine of so-called judicial restraint."

CLASHED WITH FRANKFURTER

On the other hand, Black believed that a true sense of judicial restraint required judges to stay strictly within the boundaries of the Constitution's language. "Judges," he put it, "take an oath to support the Constitution as it is, not as they think it should be. I cannot subscribe to the doctrine that consistent with that oath a judge can arrogate to himself a power to 'adapt the Constitution to new times.'"

Black and Frankfurter clashed repeatedly on this issue in a series of cases decided by the court in the 1940s, especially in regard to interpretation of the due process clause of the Fifth and Fourteenth amendments.

In Frankfurter's view, due process of law "conveys neither formal nor fixed nor narrow requirements. It is the compendious expression for all those rights which the courts must enforce because they are basic to our free society. But basic rights do not become petrified as of any one time, even though, as a matter of human experience, some may not too rhetorically be called eternal verities. It is of the very nature of a free society to advance in its standards of what is deemed reasonable and right. Representing as it does a living principle, due process is not confined within a permanent catalogue of what may at a given time be deemed the limits or the essentials of fundamental rights."

To Black, this seemed to give altogether too much leeway and discretion to judges. Nothing in the Constitution, he contended, justified a transient majority of the Court in deciding at any given time what constituted "eternal verities" or rights "basic to our free society" or "standards of what is deemed reasonable and right."

The authors of the Constitution themselves, he insisted, had expressly fixed these standards in the Bill of Rights; and courts had authority to do no more than apply the prohibitions of the Bill of Rights to legislative enactments or to prosecutorial practices. "I deeply fear for our constitutional system of government when life-appointed judges can strike down a law passed by Congress or a state legislature," he wrote, "with no more justification than that the judges believe the law is 'unreasonable.'"

Black argued throughout his career on the bench that the due process clause of the 14th Amendment was designed to make the articles of the Bill of Rights (originally applicable only to the federal government) binding as well upon the states. This view was set forth by him an a major dissenting opinion in a case called *Adamson* v. *California* decided in 1947.

He never succeeded in persuading a majority of the Court to accept this view. One by one, however, through a process of selective incorporation, the Court has ruled over the years that the 14th Amendment protects against infringement by the states the liberties accorded by the First Amendment, the Fourth Amendment, the Fifth Amendment's privilege against self-incrimination, the Sixth Amendment's rights to notice, confrontation of witnesses and the assistance of counsel, and the Eighth Amendment's prohibition of cruel and unusual punishments.

PLAYED A DOMINANT ROLE

These decisions, taken together, wrought a revolution in the criminal law of the United States—a revolution in which Justice Black played a dominant role. In sum, they assured to criminal defendants in every part of the country almost all of the protections guaranteed in the country's federal courts.

Nevertheless, it was in regard to First Amendment rights—the freedoms of con-

science, expression and association—that Black did his most important work and expressed himself with the greatest force. In this area particularly, he believed in taking the Constitution altogether literally. He was, in short, an absolutist or strict constructionist.

"My view," he wrote, "is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that government shall not do anything to people, or, in the words of the Magna Carta, move against people, either for the views they have or the views they express or the words they speak or write. Some people would have you believe that this is a very radical position, and maybe it is. But all I am doing is following what to me is the clear wording of the First Amendment that 'Congress shall make no law . . . abridging the freedom of speech or of the press'."

Black applied this absolutist attitude not only to all political expression, no matter how "subversive," but to all forms of censorship and to all kinds of laws punishing libel. "So far as I am concerned," he said, "I do not believe there is any halfway ground for protecting freedom of speech and press. If you say it is half free, you can rest assured that it will not remain as much as half free."

DIFFERED WITH HOLMES TEST

He had scant patience with Justice Oliver Wendell Holmes' "clear and present danger" test adopted by the Court and argued vehemently against it in a dissenting opinion in the *Dennis* case that found leaders of the Communist Party guilty of "advocating" overthrow of the government.

"Freedom to speak and write about public questions," he declared in another opinion, "is as important to the life of our government as is the heart to the human body. In fact, this privilege is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, the result is death."

Black took an almost equally absolutist position with respect to the First Amendment's stricture against any law "respecting an establishment of religion or prohibiting the free exercise thereof." He was the author of powerfully argued opinions of the Court limiting the use of public money for aid to church-related schools and forbidding the recitation of prayers or Bible readings in public schools.

In these decisions, he called effectively upon his knowledge of history to show that such limitations upon any government encouragement of religious worship, far from being hostile to religion, were, in fact, essential to the maintenance of religious liberty.

MARRIED MINISTER'S DAUGHTER

In 1921, when he was almost 35 years old, Hugo Black married a minister's daughter, Josephine Foster. Their marriage of 30 years ended with her death in 1951. It was, according to family friends, a marriage of singular happiness and companionship, yielding two sons and a daughter.

After six extremely lonely years as a widower—made more difficult for him by the anti-libertarian trend of the McCarthy era—Black married Elizabeth Seay DeMeritte, herself widowed and a still youthful grandmother. She was the daughter of a close friend of the Justice and was serving, at the time they became engaged, as his secretary.

Black's home in Alexandria is a place of singular charm and extraordinarily suited to his personality, spacious though without pretension, Georgian in style, informal, inviting. Books are its most conspicuous feature and especially in the comfortable second-floor study where the Justice and his law clerks did a great deal of their work.

There is a tennis court on the ample grounds of the house—a tennis court on which Black and his wife played constantly, indefatigably and remarkably well until a cataract operation in 1967 slowed him down considerably. Any ball hit within his reach was pretty likely to come back to his opponent.

The simplicity of the Justice's private life matched the simplicity of his judicial philosophy. What he loved, he loved passionately; what he believed in, he believed in deeply. He loved America and the concept of freedom that constituted the essence of the American idea. And he believed in the utility of freedom, in the survival value of a free society.

THE SOURCE OF LOYALTY

No one has expressed this faith better than he expressed it himself in his James Madison lecture on the Bill of Rights: "Since the earliest days, philosophers have dreamed of a country where the mind and spirit of man would be free; where there would be no limits to inquiry; where men would be free to explore the unknown and to challenge the most deeply rooted beliefs and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss and deny. The Framers knew, better perhaps than we do today, the risks they were taking. They knew that free speech might be the friend of change and revolution. But they also knew that it is always the deadliest enemy of tyranny. With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of governmental control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one."

VACILLATING POSITION OF COMMUNIST NEGOTIATORS

Mr. DOMINICK. Mr. President, an article published in the Sunday Washington Post concerning the Vietnam peace talks and the vacillating position of the Communist negotiators is worthy of the attention of all Senators. Columnists Rowland Evans and Robert Novak have analyzed what they call "the deliberately misleading, ambiguous triple-speak emanating from the peace negotiators at Paris who represent both Hanoi and the Vietcong—and they conclude that spokesmen for the Communists have one plan for the "unofficial peaceseekers" who drop into Paris quite regularly these days, and another for the official U.S. negotiators. The column reports what is called a surprising confession of mental anguish experienced by Washington Post Paris correspondent Jonathan Randal in trying to get at the true position of the Communist negotiators on any part of the latest peace plan.

This is an objective analysis by two respected journalists which places the blame for lack of progress at Paris where it belongs—in the laps of the equivocating Communist negotiators. Mr. President, I ask unanimous consent that the article entitled "Hanoi's Whipsaw in Paris," be printed in the RECORD.

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

HANOI'S WHIPSAW IN PARIS

(By Rowland Evans and Robert Novak)

The whipsaw now being used so effectively by Hanoi to undercut President Nixon's negotiating posture at the Vietnam peace talks in Paris, already near rock-bottom, has now severed the last strand of credibility here in what the Communists seem to be saying in Paris.

Indeed, the deliberately misleading, ambiguous triple-speak emanating from the peace negotiators at Paris, who represent both Hanoi and the Vietcong "provisional government" in South Vietnam, rung a surprising confession of mental anguish from the Washington Post's Jonathan Randal at the Sept. 16 briefing by Hanoi's Nguyen Thanh Le.

Pressing Le for an explanation on the stark contradiction between what South Dakota Sen. George McGovern said he had learned about the Communist settlement plan a few days earlier, and what chief Hanoi negotiator Xuan Thuy had said to U.S. Ambassador William Porter on Sept. 16, Randal exclaimed to Le:

"Do you understand why we no longer understand anything? Do you understand the confusion in our minds? Either things are not clear or I am a fool, and if I am a fool I am ready to withdraw from active life."

Randal, the Post's chief correspondent in Paris, is no fool. His mental anguish accurately reflected the growing credibility gap between what the Communists have been telling such unofficial peaceseekers as McGovern, a Democratic presidential candidate, and what they have been telling Porter and the U.S. government.

Ever since the unveiling on July 1 of Hanoi's seven-point peace plan, peace-bloc leaders in the U.S. Senate such as McGovern have been hounding President Nixon to set a date for U.S. troop withdrawals, as demanded by point one of the peace plan. If he would only do that, they proclaim, the Communists would release U.S. prisoners of war in a percentage ratio equal to U.S. troop withdrawals.

Thus, emerging from his own negotiating sessions with Xuan Thuy and Thuy's Vietcong colleagues on Sept. 10 and 11, McGovern said: "There is no doubt in my mind whatsoever that our prisoners will be released if we withdraw our forces. Mr. Xuan Thuy . . . confirms the July 7 New York Times statement by Mr. Le Duc Tho (a Hanoi politburo member) that such an arrangement can be carried out before consideration of a new government in Saigon"—which is demand number two of the Communist peace plan.

It has been the official U.S. position since July 1 that Hanoi in fact was demanding U.S. agreement on *both* points one and two as preconditions for the release of American POWs. But always, in *ex parte* negotiations with U.S. politicians and interviews with the press, the Communists had gone far out of their way to encourage the view that troop withdrawals alone would lead to prisoner release. By seizing on just such wisps of encouragement, as McGovern did in his Sept. 12 press conference and many other politicians have similarly done, unofficial negotiators have led the American people to believe that Mr. Nixon was deliberately stalling the July 1 Communist peace overture.

Thus, McGovern said on Sept. 13: "It is not the other side (the Communists) which links point one and point two in the seven-point program. Those two points . . . are linked by the Nixon administration but not by the (Communist) delegates with whom we discussed this matter yesterday."

That was Sept. 12. Just four days later, reporter Randal made his confession of mental anguish. Its root cause was Nguyen Thanh Le's flat assertion in the press briefing: "There are two fundamental problems: the military (withdrawal of U.S. troops) and the political (an end of U.S. support for the present government in Saigon), which *are tied to one another.*"

In other words, no prisoner release until Mr. Nixon (1) sets a date for total with-

drawal and (2) agrees publicly to end U.S. support for the present government in Saigon. That's not what McGovern thought he was told, but it stands as the official Communist position until the whipsawing starts on something else.

TOWARD A MULTINATIONAL ECONOMY

Mr. RIBICOFF. Mr. President, at a time when the highest degree of statesmanship is needed to find solutions to the current world monetary and trade crisis, the role of the multinational corporation becomes increasingly crucial.

On September 20, the Wall Street Journal published on its editorial page an unusually perceptive article by Mr. Samuel Pisar on the great changes taking place in the world economy as a result of the rapid rise of the multinational corporation and the internationalization of production.

Mr. Pisar, who has testified before my Subcommittee on International Trade of the Committee on Finance and also before the Joint Economic Committee, brings a unique blend of theoretical insight and practical experience to the subject of international trade. Already the author of a book which has been described as "the bible" of East-West trade, Mr. Pisar, I am delighted to say, is continuing to speak out on the basic philosophical issues involved in maintaining order and prosperity in the world economy.

I commend Mr. Pisar's timely comments to all those who are concerned with the broad international implications of the events now taking place in the international community in the wake of President Nixon's new economic policies.

I ask unanimous consent that Mr. Pisar's article be printed in the RECORD.

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

TOWARD A MULTINATIONAL ECONOMY

(By Samuel Pisar)

The world economy is clearly entering a new stage.

Awakened from the inspirational vision of the Marshall Plan, a defensive American digs in behind primitive economic weapons, a prosperous Europe scatters in unseemly disarray and a dynamic Japan contemplates its destiny with apprehension.

Washington is afraid of the yen, Paris is afraid of the mark. All Western capitals are at once afraid of the dollar and afraid for the dollar—fearing it as the harbinger of galloping inflation, craving it as the fuel of continued prosperity.

While governments are groping for reasonable adjustments, a simple truth begins to emerge from the confusion: Traditional tools of national policy cannot cope with the unprecedented intensity of international business life that characterizes our era. The state itself is no longer a meaningful economic entity, capable of mastering the new opportunities and risks which have come upon the horizon. Everywhere, West and East, inexorable forces are pushing toward a unified global economy, in virtual disregard of political frontiers and ideological boundaries.

I make this statement from the vantage point of a day-to-day participant in American commercial and financial dealings with Western Europe's Common Market and Eastern Europe's Comecon Market.

WITNESSING A TREND

In the West we are witnessing the uninhibited rise of the multinational corporation and the progressive establishment of a worldwide production and distribution system governed by the imperatives of economic advantage alone. The proliferation of Eurodollars, the emergence of eminently respectable speculators juggling the currencies of the finest firms, the dissemination of technology, the rapid growth of communications and the increasing mobility of management are all instruments of this trend and a foretaste of what the future could be like.

In the East, a comparable trend staggers the imagination. Within the last decade the bulk of China's foreign trade has been literally redirected from his former socialist allies to the capitalist world. Small wonder that America has come to be viewed by China as a little less imperialist, Russia as a little more revisionist. The Soviet Union itself, moved by an instaliable appetite for the latest industrial technology, is involved in external business transactions on a larger scale, in terms of volume, variety and geography, than at any time since Lenin's death.

In the rest of Eastern Europe Communist state firms and capitalist private firms are forging joint ventures for mutual profit in a dogma-shattering development which raises the promise of transideological enterprise.

Whether we like it or not, the "American Challenge" postulated in Europe four years ago has not been met. Nor has it remained still with folded arms. Feeding upon itself like a sorcerer's apprentice it has detached from its American moorings and surfaced on all continents as something infinitely more complex without allegiance to any sovereign nation or political doctrine—a new, stateless, multinational challenge.

At its worst, it takes on the sombre guise of I.O.S. and roams the globe in disregard of national law, fiscal supervision or prevalent business standard. At its best, it spells the majestic initials of IBM, observes the honored practices of the market-place, but shows growing impatience with petty parochial constraints.

For most nation states, the hundred odd multinational corporations that constitute the contemporary aristocracy of economic power are objects of an erratic love and hate affair. They are ardently courted for their unmatched capacity to create jobs, to bring industrial innovation, to expand exports, to develop effective management and to pay sizeable tax bills. They are vehemently despised for their propensity to overwhelm local competition, to make crucial decisions anonymously and from afar, and to remain faithful only to the logic which furthers their own growth on a universal scale.

History teaches that every major challenge generates a response, often creating a new epoch. The spreading power of the international enterprise and the receding power of the national state unleash chain reactions whose magnitude and direction we can hardly divine, much less control. For the long term these reactions across the entire planet from East to West and from North to South.

Meanwhile, if the corrosion of the old trade and monetary structure continues unchecked, if no determined effort is being made to erect a durable framework appropriate for the present and the future, it is because those who wield political authority within states and blocs, in the capitalist as well as the Communist world, are impaled on the horns of a dilemma: Should the burgeoning international economy be sliced into pieces that can once again be held in the grasp of national and ideological control, or should it be allowed to surge forward along its fertile but elusive course?

Ultimately, the solution to this dilemma will come from the concrete new reality of global business life, rather than the sterile processes of conventional diplomacy. Since time immemorial, the great merchant communities have found either the wisdom to accept, or the means to create orderly ground rules needed for their own protection and perpetuation. Now that the need has become multinational, the same pragmatic spirit may safely be counted on to prevail. If political power is unable to lead, it will have to follow economic power in the creation of a supranational system of rules and institutions without which the emergent world market cannot thrive. It is not too far fetched to expect that even Communist countries, acting out of practical self-interest, will be tempted to join in this endeavor.

AN URGENT TASK

The remarkable postwar structure founded on a mixture of American magnanimity toward the West and apprehension toward the East, has served well for a quarter century. Now it has been irrevocably consigned into honorable retirement, together with the tired, abstract debate of protectionism versus free trade. In approaching the urgent and concrete task of construction that lies ahead, those who have the primary political responsibility and the necessary legal authority, here and abroad, would do well not to overplay the cards of nationalism or dogma.

In the finely balanced universe of multilateral economic relations it is much easier to shatter than to build. The economic war of nerves that is now being waged on a worldwide scale must produce no victors and no vanquished, otherwise all are courting disaster. True statesmanship calls for a closely measured and sensitively negotiated settlement which would leave all parties in viable economic condition and allow the unprecedented vitality of the world market to carry man to a new threshold of prosperity and peace.

The challenge is transnational and transideological. It is not superhuman.

Mr. Pisar is an international lawyer based in Paris. He is the author of "Coexistence and Commerce" (McGraw-Hill).

SENATOR WINSTON L. PROUTY

Mr. DOMINICK. Mr. President, the passing of Winston Prouty is deeply mourned by all of us. He was a member without peer of the Committee on Labor and Public Welfare championing the rights and needs of the elderly, the need for better higher education for all, and elimination of poverty. He came to the Senate with years of experience at the State level, fighting for these same goals.

Every American, regardless of party or allegiance, notes with regret the loss of a great champion of our liberties and the safety of our country. America has lost a statesman, the Senate has lost a beloved colleague, and the State of Vermont has lost a distinguished son. I have lost an admired and respected friend.

NATIONAL AUDUBON SOCIETY DEFENDS BALD AND GOLDEN EAGLES

Mr. McGEE. Mr. President, for a number of reasons, there seems to be a strong tendency to look for the simple answer, to overgeneralize, to categorically believe and accept an opinion until it becomes sanctified as fact.

Even in this highly technological society in which we live, where painstaking and carefully controlled study is the hallmark of science, there are still many situations in which the occurrence

of one action persuades some that an immutable law has been established.

This has been the case in the unqualified belief that bald and golden eagles destroy a major portion of the lamb crop of sheepmen each year.

Mr. President, a recent summation by the National Audubon Society of scientific studies seems substantially to refute the sheepmen's claims. In fact, data collected in Texas suggests that eagles subsist off jackrabbits and rodents who are in competition with sheep for range grass. Other studies estimate the loss of lambs to be significantly below Department of Agriculture estimates which are secured by questionable statistical methods.

The studies strongly suggest to me that eagles have been conveniently blamed for much more loss of lambs than has actually been the case. I intend to investigate this entire matter further, during hearings before my Appropriations Subcommittee on the Environment.

I ask unanimous consent that an article written by Mr. C. Boyd Pfeiffer, summarizing the Audubon Society report, and published recently in the Washington Post, be printed in the RECORD.

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

AUDUBON SOCIETY STUDIES SHOW SHEEP LOSSES EXAGGERATED—EAGLE SHOOTERS ARE MOSTLY MISGUIDED

(By C. Boyd Pfeiffer)

The national furor raised recently over the illegal shooting of eagles continues to mount. Helicopter pilot James Vogan of Murray, Utah, described the wholesale slaughter of both golden and bald eagles by airborne bounty hunters in sworn testimony to a Senate subcommittee.

The killings were supposedly made because of losses by western sheep ranchers whose flocks were depredated by the birds. Now the National Audubon Society has rebutted ranchers' claims of serious economic damage by the eagles.

The 66-year-old conservation society, with chapters in 40 states, released a summary of scientific studies that contradict claims by federal and state agriculture agencies that 8,400 lambs and 200 sheep were killed by eagles in Wyoming during the past year.

It was in Wyoming that at least 570 bald and golden eagles were shot and two dozen others poisoned since last September in illegal operations financed by sheep ranchers, according to testimony.

Shooting or otherwise molesting bald eagles has been illegal since 1940, with golden eagles currently also protected by law.

"Department of Agriculture estimates of livestock losses to predators are secured by the unscientific and unreliable method of circulating a questionnaire to ranchers," the Audubon Society said.

"Ranchers think that it is in their interest to pad their loss figures for tax deduction purposes, and also to back up their demands for federal subsidies."

State legislator John F. Turner of Moose, Wyo., a graduate wildlife ecologist, points out that some ranchers may mistakenly believe that eagles seen feeding on carrion of sheep, ewes and lambs were their killers.

"Both bald and golden eagles take carrion readily," he emphasizes. "The bodies of stillborn lambs and of lambs and ewes that have died of malnutrition or disease are commonplace on overgrazed ranges of the western sheep country.

"Sheepmen also prefer to blame their losses on wild animals rather than admit to mismanagement of their flocks and to overgrazing."

In its summary of scientific findings, the Audubon Society cited four separate studies as disproving claims that eagles are a major sheep rancher problem:

Dr. Wallace R. Spofford, of the Cornell Laboratory of Ornithology, went to western Texas for the National Audubon Society in 1963 and 1964 specifically to study eagle-sheep relationships.

Dr. Spofford, a foremost authority on eagles, concluded that there weren't as many eagles in Texas as the ranchers claimed, and that the resident eagles were feeding chiefly on rabbits and rodents. Rabbits and rodents, it was noted, are competitive with sheep for forage.

Jerry McGahan, doing graduate research under Dr. John Craighead of the University of Montana, analyzed eagle pellets from 38 golden eagles' nests within a 1,260-square-mile area of southern Montana foothill country. He found that 80 per cent of the prey species were rabbits, with the remaining 20 per cent principally marmot, blackbilled magpie and blue grouse.

In one area of investigation, where approximately 28,000 sheep were grazed and 18,000 lambs produced, not one sign of sheep was found among the 702 remains items. The remains of one lamb, which could have been taken as carrion, were found at the foot of a nest in another area.

Biologist Leo G. Heugly, in research supervised by the Cooperative Wildlife Research Unit of Colorado State University, and financed in part by the society, spent upward of 1,000 hours on west Texas ranches trying to observe eagles capture prey during lambing seasons in 1967, 1968 and 1969.

During this entire period, he did not witness any eagle killings of lambs, although on three occasions apparent eagle kills occurred where his vision was obscured. As a result, Heugly calculated the actual loss of lambs due to eagle predation at between 1 and 2 per cent, or only about 5 per cent of all range mortality.

An even smaller estimate of lamb losses to eagles emerged from a 1968 field study sponsored jointly by the National Audubon Society, the National Wool Growers Association, and the U.S. Bureau of Sport Fisheries and Wildlife.

The field investigation was carried out by Texas Technological College with Drs. Robert L. Packard and Eric G. Bolen as project leaders. In a western Texas area where 249,000 lambs were reared, they estimated the loss of lambs to eagles as between .06 and .30 of 1 per cent. This survey like the others found rabbits and rodents to be the principal food of golden eagles, while bald eagles were found also to feed extensively on fish.

Now the National Wildlife Federation has announced a $500 reward for information leading to the conviction of anyone shooting a bald eagle anywhere in the United States.

With the announcement it was emphasized that the bald eagle, America's national bird and symbol, is already in serious trouble from hard pesticides and a rapidly diminishing habitat. The southern race of bald eagles, found in the eastern U.S., is already classified as an endangered species, and the total bald eagle population in the 48 contiguous states may total no more than 4,000 birds.

The furor over illegal killings, the research cited and the reward for the conviction of eagle killers should focus attention on the eagles' plight. Heed to the message just might keep the bald eagle a living—rather than extinct—symbol of freedom and our country.

COMPENSATION FOR DISPLACED GERMANS

Mr. TAFT. Mr. President, as a result of World War II, many people of German ethnic background were displaced from their homelands in Yugoslavia, Russia, and Hungary. They were temporarily placed in territories then belonging to the Third Reich—consisting of present-day Austria, the Federal Republic, and Democratic Republic of Germany.

Those who were relocated in the Federal Republic of Germany and those who remained in Austria, received some measure of compensation from the Federal Republic of Germany. Compensation, however, was not extended to those displaced persons who left Austria to emigrate to the United States and became citizens of this country.

I can see no justice in the denial of compensation simply because people chose to emigrate to the United States. Their brothers and sisters who lost property under the same circumstances and who remained in Germany and Austria have received their compensation.

The basic right of compensation stems from losses sustained in being forced to flee from their homes during and after World War II. The fact that they chose the United States as the land in which to settle, rather than Germany or Austria, should not alter their original right of compensation.

The Federal Republic of Germany considers itself successors to the Third Reich and was required by the Four Power Control Commission to pay for the property losses. I do not believe that the Federal Republic of Germany should be absolved from its obligations to make proper compensation on the basis that the claimants have settled in the United States and become American citizens.

American citizenship should not be equated with second-class citizenship and I would hope that our State Department would address itself forthrightly to this question.

PUBLIC HEARINGS FOR REVENUE RULINGS NEEDED

Mr. PROXMIRE. Mr. President, Taxation with Representation, a public interest tax lobby, has written to Secretary of the Treasury Connally urging that the public be given an opportunity to be heard before the Internal Revenue Service issues revenue rulings which could cost the taxpayers over $5 million in lost revenue. Mr. President, I wholeheartedly support that request and have written to Secretary Connally urging him to adopt it.

Literally, billions of dollars of revenue have been lost because of little known revenue rulings which were issued by the Internal Revenue Service without any public hearing. In at least two instances, Congress had to pass legislation to stem the loss of revenue; the so-called "electrical rulings of 1964" cost the taxpayers over $400 million in lost revenue and the 1966 "production payment rulings" cost the taxpayers about $200 million a year until Congress acted in 1969.

Requiring public hearings before reve-

nue rulings can be issued which could cost the American taxpayers over $5 million would have a very salutary effect on the rulemaking process. Although I have no doubt as to the integrity of the experts in the IRS who draft these revenue rules, bringing the process out into the open will alleviate the doubts expressed by others as to the propriety of the contacts with those seeking revenue rulings. But, even more important, public hearings would give those experts who do not have an ax to grind an opportunity to present facts which could influence the decision of the IRS. Full and fair discussion in public is the best insurance the taxpayers have that their interests will be adequately protected.

As a matter of fact, rumors have been floating through Washington that improper pressure has been brought to bear on Treasury Secretary Connally by some copper companies who are applying for a revenue rule that could cost the taxpayers about $175 million in lost revenue. Whether this is true or not I cannot say, but I can say that making the hearings on the revenue rule public, with appropriate safeguards for protecting proprietary information, would go far toward scotching these rumors.

I ask unanimous consent that the letter from Taxation With Representation be printed in the RECORD.

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

TAXATION WITH REPRESENTATION,
Arlington, Va., September 24, 1971.

Hon. JOHN B. CONNALLY,
Secretary of the Treasury, Room 3330, Main Treasury, Washington, D.C.

DEAR MR. CONNALLY: I am writing to suggest the need for a public hearing regarding a matter now under consideration in the Internal Revenue Service.

As you probably know, our organization is a nonprofit, nonpartisan body whose goal is to insure that the general public is represented by skilled professionals when tax issues are under discussion in Congress and in the Executive Branch. Obviously, our activities are impeded when the Treasury fails to provide an opportunity for public comment on pending tax issues.

It has come to my attention that the Internal Revenue Service now has under consideration a series of requests for revenue rulings regarding the U.S. tax treatment of losses resulting from expropriation by the Chilean Government of copper properties owned by three United States firms. The salient facts, as I understand them, are as follows:

1. These ruling requests present questions regarding the applicability of Sections 165, 166, and 1231 of the Internal Revenue Code to the losses suffered as a result of the Chilean Government's actions.

2. If the Internal Revenue Service rules in the fashion requested by the copper company applicants, the revenues of the United States Government will be reduced by approximately $175,000,000. The earnings of the three firms involved will be increased by roughly the same amount.

3. The legal arguments for and against issuance of the requested rulings are highly technical and the issues are not free from doubt. In addition, equity considerations are involved because the U.S. firms in question have traditionally conducted their foreign operations through subsidiaries that have paid little or no U.S. tax.

These circumstances pose, once again, a recurrent problem in the administration of the Internal Revenue Service's rulings program. The problem, in substance, is whether the Internal Revenue Service should—through the rulings process—enjoy virtually unlimited discretion to adopt, without public hearings, interpretations of the tax laws that result in huge changes in tax liabilities. Other prominent instances in which this problem has arisen are:

1. The "Electrical Rulings." In 1964, the Internal Revenue Service ruled, without public hearing, that amounts paid by antitrust violators in satisfaction of treble damage claims are fully deductible as ordinary and necessary business expenses. (Revenue Ruling 64–224, 1964–2 Cum. Bull. 52). The resulting revenue losses exceeded $400,000,000. Corrective legislation was not enacted until 1969.

2. The "Production Payment Rulings." Starting in December 1966, the Internal Revenue Service issued, without public hearing, a series of unpublished rulings approving so-called "carved out production payments" and "ABC transactions" by oil and hard minerals producers. By the time that corrective legislation was enacted in 1969, the resulting revenue losses were approximately $200,000,000 per year.

In my view, the Internal Revenue Service should provide an opportunity for public comment and hearing whenever it has under consideration a request for a revenue ruling that presents a novel issue, may affect a substantial number of taxpayers, or is likely to result in annual changes in tax liabilities exceeding some specified amount—say $5,000,000. This is particularly the case when, as with the proposed copper rulings, the arguments on both sides of the issue are closely balanced. In cases of this sort, public hearings are needed for the following reasons:

1. The Dollar Amounts Involved. The general public, particularly wage earners, must pay higher taxes to compensate for the tax losses resulting from revenue rulings such as the proposed copper rulings. When these tax losses seem likely to be substantial, the public should be given an opportunity to comment before the rulings are issued.

2. The Likelihood of Improper Pressure. When huge dollar amounts depend solely on the decisions of tax administrators, the danger of improper pressure increases. I understand, for example, that you have already been importuned by the affected copper companies to influence the decision of the Internal Revenue Service with respect to their pending ruling requests. These pressures are likely to be abated to some extent if the issues are aired at a public hearing.

3. The Need for Congressional Scrutiny. As outlined earlier, Congress has repeatedly found it necessary to reverse revenue rulings by legislation. A public hearing would give Congress an opportunity to exercise its oversight powers before, rather than after, major tax losses occur. Under Section 6405 of the Internal Revenue Code, Congressional review of tax refunds in excess of $100,000 is already required; similar review seems appropriate in the case of revenue rulings likely to give rise to substantial revenue losses.

4. The One-Sided Nature of the Debate. Under present procedures, the only persons able to comment regarding a pending revenue ruling request are the officers of the firms involved and their attorneys. Disinterested individuals have no opportunity to comment because they have no knowledge of the pendency of the ruling or have only inadequate knowledge of the technical arguments being made. This means that the Internal Revenue Service does not have the benefit of hearing both sides of the issue, as is customary in the case of proposed regulations.

I therefore request that the Treasury schedule a public hearing regarding the proposed copper rulings now under consideration by the Internal Revenue Service. This can be done by publishing in the Internal Revenue Bulletin or Federal Register a notice containing a statement of the pertinent facts and the questions presented by the pending ruling requests. Identifying details could be deleted to prevent the disclosure of confidential company data, as is now done routinely in the case of published rulings.

Whether a hearing of the sort here requested is required by either the Internal Revenue Code or the Administrative Procedure Act is a question outside the scope of this letter. It may be that hearings regarding important revenue rulings are—or should be—required by statute. My point at present is simply that a hearing regarding the proposed copper rulings should be granted as a matter of common sense and Treasury discretion.

In closing, I wish to emphasize that our group expresses no opinion on the merits of the proposed copper rulings. Our group does not take organizational stands, and we frequently sponsor testimony that expresses opposing viewpoints on tax issues. Accordingly, I am not here expressing an opinion as to how the Service should rule in this particular case. However, I certainly do feel that the public and Congress should be given an opportunity to comment before the Service rules on an issue of this magnitude.

In view of the public and Congressional interest in this matter, I am furnishing copies of this letter to interested members of Congress and to the press.

Sincerely yours,

THOMAS F. FIELD,
Executive Director.

TUSCARORAS AND NORTH CAROLINA SIGN "SCROLL OF FRIENDSHIP"

Mr. ERVIN. Mr. President, during the past summer the people of North Carolina and the Tuscarora Indian Nation formally made peace with one another, officially ending an Indian war that began 250 years ago and which resulted in the Tuscaroras leaving their native North Carolina and settling in New York.

A scroll of friendship, which I understand marks the official conclusion of the Tuscarora Indian War of 1711–13, was presented by Chief Edison Mount Pleasant to Mr. Wade Lucas, a distinguished North Carolinian, at a ceremony in Lewiston, N.Y., on July 10. Mr. Lucas represented the Honorable Robert W. Scott, Governor of our State, at the ceremony.

The scroll, made of white doeskin and reportedly the only one of its kind, is now on display in the North Carolina Department of Archives and History, at Raleigh. It conveys the good wishes of the Tuscaroras to the people of North Carolina.

Mr. President, in this day of strife and turmoil both at home and abroad, it is refreshing to see two groups of people express their friendship and extend to each other their good wishes for peace. And in this period of history when wars seem to drag on for years, it is most pleasing to see that the Tuscarora Indian war finally has been concluded as a matter of record.

The immediate cause of that war was the settlement by English and Swiss pioneers of the region around the present city of New Bern, N.C., in the early 1700's. The conflict began on September 22, 1711, when the Tuscaroras allegedly

massacred 130 persons in the vicinity of New Bern.

Not all of the Tuscaroras of that far removed time were hostile to the white settlers. Many of them remained neutral during the war and, as a reward, they received a large tract of land in what is now Bertie County, N.C.

The North Carolina colonists defeated the Tuscaroras in two battles with the help of Col. John "Tuscarora Jack" Barnwell of South Carolina, who besieged the Indians until a truce was arranged early in 1712. Under the terms of the truce, the Tuscaroras were to surrender their claims to land settled by the colonists, and within a few years the Tuscaroras had moved to New York, where they joined with their distant relatives, the Iroquois.

Mr. President, the events surrounding the making of peace between the people of North Carolina and the Tuscarora Indian Nation were reported in two articles published in the Raleigh News and Observer. I ask unanimous consent that they be printed in the RECORD.

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

[From the News and Observer, July 12, 1971]

INDIANS "MAKE PEACE" WITH N.C.

LEWISTON, N.Y.—A good-will emissary representing the state of North Carolina presented the Tuscarora Nation a can of tobacco Saturday, then sampled it himself in a peace-pipe ceremony marking his honorary entry into the tribe.

"I feel deeply honored to be a Tuscarora; said Maj. Wade Lucas after he shuffled about in two friendship dances with a dozen other Indians and whites.

Presenting a can of tobacco to Chief Edison Mt. Pleasant, Lucas referred to North Carolina's historic ties with the Tuscaroras. "This tobacco was grown on the same land that your forefathers once lived on," he said.

The Tuscaroras settled in this area near Niagara Falls in the early 1700s after white settlers displaced them from their Carolina lands.

After passing the peace pipe to Lucas and several other honorary tribe members, Chief Mt. Pleasant explained that the pipe's smoke carries men's words to the Great Spirit, thus giving divine sanction to oral agreements made by the smokers.

In another National Outing ceremony, Lucas, an aide of Gov. Robert Scott, certified Chief Arnold Hewitt and Chief Elton Green as honorary Tar Heels. In return, the chiefs gave Lucas a doeskin scroll conveying good wishes to the people of North Carolina.

The Tuscaroras also adopted a second Southerner, Gen. Donald Ramsey of Tennessee, and a local resident, J. Paul Hewitt, chairman of the Niagara County Legislature.

Records of the N. C. Department of Archives and History in Raleigh show the Tuscaroras owned large sections of land between the Neuse and Pamlico Rivers prior to going to war with the whites in 1711, the year a large number of whites were massacred near New Bern.

Distantly related to the Iroquois Indians of upstate New York, the Tuscaroras joined them in 1766 and have lived there ever since.

[From the News and Observer, Aug. 6, 1971]

TUSCARORAS SEND SCROLL TO SCOTT, NORTH CAROLINA

An unusual scroll of friendship, believed to be the first of its kind, will be formally presented to Gov. Bob Scott "and the people of North Carolina" at 11 a.m. today.

The scroll was brought back to the state by Wade Lucas of Erwin, retired Raleigh newsman and state employe, and Malcolm Fowler of Lillington, Harnett County historian.

It will be accepted for Scott and people of the state by Lt. Gov. Pat Taylor.

The document, written on white doeskin, is signed by Chief Arnold K. Hewitt, chairman of the Chiefs Council, Tuscarora Indian Nation, located near Niagara Falls, N.Y.

Chief Hewitt presented the document to Fowler and Lucas, who has been made an honorary chieftain of the Tuscaroras with the request it be placed on permanent display in the North Carolina Department of Archives and History in Raleigh.

The Tuscaroras, whose forefathers were forced to leave colonial North Carolina in the early 1700s after being defeated in the Tuscarora Indian War (1711–1713), expressed their friendship for Scott, whom they have never met, and people of the state. They ended their statement with this paragraph:

"May the Great Spirit always smile upon the land of our forefathers."

NOTHING COULD BE FINER THAN TO BE IN CAROLINA

Mr. MOSS. Mr. President, of all elective offices which I do not seek, the mayoralty of the fine city of Winston-Salem, N.C., would stand out as No. 1. I have nothing but admiration and respect for the wood people of Winston-Salem, and their city is the most charming and pleasant.

But the Twin City Sentinel, the medium through which the citizens of Winston-Salem receive a considerable portion of their news, has taken a dislike to some of my activities, and as we are all too well aware, a hometown political figure does have need for support in the news media.

It is my belief, and the mail I receive from all parts of the country, even from some residents of North Carolina, supports this belief, that the United States can no longer afford to subsidize the growth, export, advertising, promotion, and grading of a plant which will result in thousands of deaths this year from lung cancer, heart disease, and noncancerous lung diseases such as chronic bronchitis and emphysema. We cannot face our young people and tell them of the virtues of our form of government, when the left hand and right hand seem to be working at cross purposes. We spend large sums of money to educate our citizens on the injurious effects of smoking tobacco and more money to care for the ill and disabled from smoking while at the same time we subsidize the growing, grading, and selling of tobacco.

I do not want to harm the hard-working farmers who are struggling to make a decent living. I have offered legislation and amendments, and I will continue to offer legislation and amendments, which would lessen the hardship brought about by the discontinuance of tobacco subsidization.

And those who cry loudest about my harming the poor tobacco farmers are the very ones who last March pushed through an amendment to the Agricultural Adjustment Act which effectively eliminates the guaranteed minimum half-acre allotment for burley tobacco. The allotment for flue-cured tobacco, which is the predominant type in North Carolina, currently average about 3.5 acres. How long will it be before this allotment is reduced? And what efforts are being made to help the poverty stricken farmer who will eventually find his allotment cut off? I submit that I am the only Member of this body who is constructively working for adjustment assistance for these people. And if the Committee on Agriculture and Forestry would open its ears and eyes and schedule hearings, we might have something to offer these people.

On another front, I have been criticized for going too slow in tobacco. Many have said in frustration over the snail's pace decline of smoking that we should legislate absolute prohibition of the use of tobacco—make the product contraband. But human and governmental experience prove such action repugnant and costly beyond results and fortified with other drawbacks and evils to our society—not the least of which is loss of personal freedom of choice. Free men should choose not to smoke, because of the terrible health penalty to themselves personally and the burdens of care and loss thrown upon society.

Education, persuasion—economic and personal—are alternatives to the most harmful aspects of the habit; these are the courses we must pursue.

Mr. President, I ask unanimous consent that two editorials published in the Twin City Sentinel be printed in the RECORD.

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

SENATOR MOSS' VENDETTA

Before the passage of last year's subsidy limiting the bill, the federal government each year paid out millions of dollars to cotton and wheat farmers, much of this amount for commodities produced but almost as much for commodities *not* produced. In other words, some farmers grew rich simply by agreeing to keep their cropland out of production.

By comparison with most cotton-producing magnates the average flue-cured tobacco farmer is a rather penurious fellow. Very few tobacco growers have accumulated great wealth, and those who have did not do so with the connivance of the government. Not only has the tobacco program cost the government relatively little in tax dollars, it has, generally speaking, been free of the scandalous surpluses which for many years plagued the growers of other basic commodities.

Nevertheless, Sen. Frank E. Moss, the Utah Democrat whose career in Washington has been one long vendetta against the tobacco industry, is again promoting legislation that would bring an end to all tobacco supports for all time.

We might note that Sen. Moss would not ban the growing of tobacco—only the payment of subsidies.

This being the case, Moss obviously would not accomplish his primary purpose, which is to break the back of the tobacco industry. We would merely find ourselves once more in an era of uncontrolled production. Each farmer would grow as much as he pleased and market it where he could. This, in turn, would hurry the shift to large corporate style farming: The small and less efficient farmers would quickly give way to producers who can afford to invest heavily in land and mechanical harvesters.

We would have more tobacco than ever. And the government would have to spend more than ever in an effort to find a place to store it.

What kind of logic is this?

Why doesn't Sen. Moss simply be honest about what he wants and introduce a bill flatly outlawing the production of tobacco?

The reason, no doubt, is that he understands the futility of it. The government would be about as successful stopping the smoking of cigarettes as it was in stopping the traffic in bootleg liquor during prohibition.

These are some of the problems that arise when we set out to legislate morality. Yet Sen. Moss will not rest until he has closed the door of every tobacco factory in the country and seen every once-lush tobacco field choked with ragweed and Johnson grass—even if it means that the government has to spend more to bring this about than it now spends on supporting the production of tobacco.

So far the tobacco industry has had to accommodate itself pretty much to Sen. Moss's wishes. But there comes a time when even a moral crusade exceeds the bounds of common sense. We believe Sen. Moss's crusade has now reached that point.

THE PAST AS PROLOG

Sen. Frank Moss of Utah seems sincere in his emotional crusade against tobacco. His stance is partly political, of course. Taking a strong stand against tobacco in some parts of the country today is as safe as arguing against animal vivisection in Edwardian London: no risk at all. But, as a working premise, let's give Frank Moss credit for sincerity.

Part of his feeling is undoubtedly moral. Tobacco is the old devil sotweed, evil in conception (pleasure), wickedly resilient in its ability to survive against learned opinion and crusaders like Sen. Frank Moss.

To read, for example, that cigarette smoking levels have not been affected by the ban on television and radio advertising must have hit critics like Moss right where they live. After all of the speeches and sermons and antismoking campaigns, after a broadcast ban so stringent that the name of our own city could scarely be uttered on one televised sports show; after all the effort of tobacco's foes—nothing. Perhaps this is what threw the good senator from Utah into his latest fit: The abolition of all federal support and subsidy programs for tobacco, as he proposed earlier this week.

Morality plays a role in this new campaign, too, but a muted role. Sen. Moss emphasizes, in fact, not the moral aspects of the federal tobacco support programs, but what the boffins call the socio-economic aspect.

Being a man of the frontier, the last refuge of rugged individualism, it was only natural for Sen. Moss to integrate his prejudices: Price supports for tobacco are bad, but federal "handouts" of any kind in support of a crop that is unnecessary is wickedly sybartic. Let tobacco stand on its own economic feet with Big Brother in Washington giving it a periodic boost with taxpayers' money. If tobacco can survive in an unsupported, free market O.K. If it cannot, then Frank Moss won't shed too many tears.

Federal support, however, is not confined to tobacco.

Indeed, this form of support accounts for about $53 million out of the billions spent each year by Washington to tidy up the markets in this country.

So Sen. Moss's southern colleagues might tender him a modest proposal: They will vote to abolish federal handouts for North Carolina or Virginia or South Carolina if Moss will vote to abolish federal handouts for Utah. The exchange would certainly work a hardship on North Carolina's citizens, but it would literally wipe out the great state of Utah. For Sen. Moss, though he wouldn't admit it even under sedation, represents a western state that is little more than one big federal reclamation project.

There are good reasons for Utah's peculiar situation. The states brought into the union through Mexican cession were primitive, unpopulated territories at the mercy of old, established commercial and political interests in the East. The important thing was to become as well-developed, as stable and as strong as the older states, and to do it by tomorrow.

This urgency, once it locked in on the logical theme of parity among the states, transformed the undeveloped West.

Capital improvements such as schools and sewage plants and secondary roads built at great state and community expenses back East were built by the U.S. Army in the West—the Army functioning then as a military force as well as a kind of Peace Corps for the settlers.

Army engineers laid out roadways, while railroad crews (at railroad expense) built primary roadbeds in exchange for rights-of-way and replenished water towers. Most of the environs of Salt Lake City in and around old Ft. Douglas were planned and, in part, built by War Department surveyors and horse-soldiers. Even fertilizer was purchased with federal funds and freely distributed to farmers in the western states (ironically, some of the fertilizer distributed in Utah was tobacco, then popular as a fertilizer-fungicide).

And when all else failed, the Army simply bought up cattle at inflated prices and passed out free meat to every man and woman in need. A 19th century tobacco farmer in North Carolina could have starved to death as far as Washington was concerned. But not the western farmer. While the cavalry killed Indians and outlaws to protect him, while federal agencies gave him seedlings and supplies and tools, War Department survey crews planned his towns for him, and federal soldiers helped build them.

And when it came time to graduate from penny-ante charity to the Big Dole, Washington began building great hydroelectric systems, dams to harness and redirect the rivers, as well as primary highways between towns often not even worth a secondary roadway—plus Indian reservations to keep the few surviving Utes out of the frontiersman's hair.

National monuments that would make Russian war memorials look small abound in all directions in Utah, together with federal maintenance crews for all of them. Man-made lakes and reservoirs (compliments of Uncle Sam) are everywhere. Missile plants (Utah has three of the biggest, which may be one reason Sen. Moss remained in the Air Force Reserve), air bases, military reservations, Indian reservations, federal reclamation projects, federal soil banks (even in places where crops wouldn't grow anyway), federally financed sewage systems, hiking trails, roads, etc. The list of federally financed projects is endless.

And when Utah's great smelting and copper industries went to war in 1917 and 1941, federal subsidies and grants tripled their capacities in each instance, compliments of the united taxpayers of America.

Private growth through federal charity is certainly not as heinous as child-molesting or dope-peddling. We are all guilty of it; and to our credit we don't much like it. We would rather get along without price supports for this crop and subsidies for that one and federal grants for something else.

But out where the skies are not cloudy all day, they won't even *admit* that they are wards of the federal government.

Sen. Barry Goldwater preaches "less government" and wheedles still another big federal spending scheme for Arizona. Sen. Moss rants about federal support for tobacco—and has a fit whenever the hard-pressed Pentagon tries to phase out an unnecessary Utah air base or military post or missile facility.

This recitation is not meant to denigrate the men and women who struck out westward in the 19th century, particularly the hard-working, harried Mormons who settled in Utah and pioneered crop irrigation and dry-farming in the United States. Anyone who numbers Mormons among his friends is aware of their energy, self-reliance and generosity toward others.

But we shouldn't assume that pioneer fortitude accomplished super-human feats on the frontier. With few exceptions—among them the naturally fertile valleys along the Colorado and San Juan rivers, and along the Pacific seaboard—western settlements remained stricken, primitive, *mean* places until federal subsidies ushered in the new prosperity.

The great accomplishment of the western pioneer, in fact, was that he endured the wild country *without* conquering it. He stayed. Though miserable, he endured. Nothing can change this heritage of courage and self-reliance; and nobody wants to. The pioneer who moved westward against enormous odds was part of *our* heritage, too.

But when politicians, for reasons partly or wholly self-serving, exploit the folklore of Rugged Individualism to strip one group of citizens of benefits enjoyed by similar groups—and when they do it with such blatant hypocrisy—someone ought to remind them of these older facts of life.

There is nothing bad about working for parity among states. Developed states should help newer states develop. This is the nature of federal government. Besides if we hadn't spent our hard-earned money building Utah, we'd have probably squandered it on wild women and strong drink.

But in a nation like ours—desperately in need of the civility between persons and the comity between states that make for true union—we all ought to remember how interdependent we Americans are, how much we rely on one another for aid and comfort.

Too interdependent, really, for men in public life to condemn and intimidate—and, it would almost seem in Sen. Frank Moss' case, even to hate—legitimate industries that have always contributed their fair share (and sometimes more) to the American commonwealth.

BRITISH EXPULSION OF SOVIETS

Mr. CHILES. Mr. President, the events of this past Friday offer a message that must be of deep concern to all of us.

With a stunning, very firm announcement the British Government made known its intent to expel 105 Soviet diplomatic representatives from the country for continued and somewhat blatant spying and even planned sabotage. Adding to the severity of the situation is the fact that two letters on these Soviet activities—written last December and again last month by Sir Alec Douglas-Home, British Foreign Secretary, to Andrei Gromyko, Soviet Foreign Minister—were never even answered or acknowledged.

Meanwhile, on Friday, Secretary of State William P. Rogers was playing host to Andrei Gromyko in an atmosphere of conviviality as the SALT talks continue in an effort to find a common ground of understanding.

The message I think these contrasting events offer is one of warning, a signal to us that in our great enthusiasm and

hope for establishing grounds for lasting peace, we must remain alert; we must maintain the security of our Nation. We keep talking about how things are going fine, about how much progress is being made. Well, I want very much to believe this, but at the same time I am absolutely sure we must know positively at each point along the way the well-being of our Nation and its people is being fully protected. So perhaps we need to remember the many faces—the changing faces—of the Russian bear.

Because of the significance of the British action, Mr. President, I ask unanimous consent that the text of the British Foreign and Commonwealth Office statement on the expulsion and a news account of the move—both published in the Washington Post of Saturday, September 25, be printed in the RECORD.

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

BRITISH EXPEL 105 RUSSIANS FOR SPYING

(By Alfred Friendly)

LONDON, September 24.—In an astonishingly tough move, accompanied by an angry official statement, the British government announced today that it was expelling almost one-fifth of the huge number of Soviet diplomatic representatives here because of their persistent espionage activities.

The government acted in part on the basis of information about Russian spying and intended sabotage disclosed by an officer of the KGB, the Soviet secret police, who recently applied for asylum here. The officer, reported as high ranking, is believed to have defected earlier this month.

In its sweep and magnitude, the British expulsion order appears to be unprecedented in a peacetime situation. It ordered 90 members of the total 550 Russian officials here to leave the country within two weeks, and barred another 15, not now here but holding reentry visas, from returning.

Furthermore, the British Foreign Office told the charge d'affaires of the Soviet embassy, the allowable number of total Russian officials here would be reduced from now on by the number of persons expelled and barred. That is, the combined size of the Russian embassy, trade delegation and Soviet-owned commercial establishments would be cut back by 105 places.

As of now, the number of Soviet officials here is higher than in any other Western country, including the United States.

According to British newspapers which broke the story of the turncoat KGB official before the Foreign Office announcement later in the day, the defector was described as a "considerable catch" and a triumph for British intelligence agents whose "blandishments" induced him to divulge material of the highest importance.

The Foreign Office statement said he "brought with him certain information and documents, including plans for infiltration of agents for the purpose of sabotage."

The aide memoire that Sir Denis Greenhill, permanent undersecretary of the Foreign Office, presented to the Russian Embassy charge, related a history of continuing Russian espionage, continued official British complaints about it to the Soviet Union, and continued lack of correction of the situation.

A matter that "repeatedly caused friction in Anglo-Soviet relations," the document said, was "the scale of intelligence-gathering activities by Soviet officials in the country."

The subject has been raised by the foreign secretary, Sir Alec Douglas-Home, with his Russian opposite number, Andrei Gromyko, first in conversation and then in two letters, last December and last month.

"These letters have not been answered or even acknowledged," the aide memoire said. "Meanwhile, inadmissible activities by Soviet officials in Britain have continued."

The document noted that Sovet officials on the staffs of the embassy and the Soviet trade delegation in Britain "far out number" British officials in the Soviet Union, but that Britain had never tried to bargain on relative numbers or to negotiate "fixed relationships" in representation.

"Evidence has, however, been accumulating," Sir Denis's note continued, "that this tolerance has been systematically abused."

In an icy paragraph, it said: "The Soviet government can hardly fail to be conscious of the contradiction between their advocacy of a conference on European security and the security of this country which * * * scale of operations against the Soviet officials and agents controlled by them have conducted. Her Majesty's government would like to see this contradiction resolved before the preparation of a conference on European security begins."

After ordering the permanent reduction in the size of the Soviet delegations here, the aide memoire went on to say that for every additional man caught in espionage and expelled, the future size of the mission would be reduced by one.

For more than a year, American officials here have known how seriously disturbed the British have been about Russian espionage. Striking evidence of the alarm and anger came today in the unusual freedom and detail with which British sources spoke of the developments.

Government officials expatiated on the importance and power of the Russian KGB and on its practice of securing for its operatives foreign posts with diplomatic immunity.

In Britain today, they said, large numbers of these men, masquerading as diplomats and commercial representatives, were conducting their espionage.

Soviet representatives in Britain, it was pointed out, had steadily increased, growing in 10 years from 1950 from 138 to 249 and to 550 in the following decade.

Three years ago, the British imposed a ceiling, about double the size of the 78-member British delegation in the Soviet Union, but this was circumvented when the Russian officials here put their wives to work.

In any event, the ceiling did not apply to employees of Soviet commercial establishments and to inspectors of Soviet contract work in the United Kingdom.

The constant increase could not be accounted for by any growth in 20 years of Anglo-Soviet trade which, in fact, had stood still or declined in the last few years.

CONSTANT ACTIVITY

So blatant had been the activity of Soviet spies here in the last 10 years, informed sources said, that no less than 27 Soviet officials had been expelled outright, and several more offenders had been withdrawn by the Russians themselves in anticipation of their expulsion.

During the same period, the investigation of Russian spying had resulted in the conviction of 12 British subjects, caught up in the operations. The British intelligence services knew of many more where the evidence was insufficient to bring legal action, the sources said.

In particular, they added, the KGB's Scientific and Technical Directorate had concentrated on commercial espionage, carried out on a vast scale and using ruthless techniques such as blackmail.

The targets were information on electronics, transformers, Zena diodes, semi-conductors, computer circuits and confidential commercial information about items that were on the official embargo lists. The Russians also tried to get full technical details on the supersonic Concorde airpline and the Olympus 593 engine.

British experts characterized Russian assurances that their official had been instructed not to engage in illicit activities as "worthless."

CONVICTED BRITONS

To substantiate their complaints, British sources recalled the details of three British citizens who had been convicted of working with the Russian spies and statements by the courts of the "serious harm" they had done to British security.

Also, apparently for the first time, records were made available on the background of five Soviet representatives here who had been expelled for blatant espionage.

As if to underline its sense of outrage and to document its case, the foreign office today published the two letters which Douglas-Home sent to Gromyko on Dec. 3, 1970, and Aug. 4 this year.

BRITISH STATEMENT: "PLANS FOR INFILTRATION"

LONDON, September 24.—The following is the text of the British Foreign and Commonwealth Office statement on the expulsion of 90 Soviet officials.

On the instructions of the secretary of state, the permanent under secretary, Sir Denis Greenhill, asked the Soviet charge d'affaires to call today and handed him an aide memoire containing the following points:

(A) The Soviet embassy are asked to arrange for a number of Soviet officials, all of whom have been concerned in intelligence activities, to leave the country within two weeks.

(B) The numbers of Soviet officials in the various categories (embassy, trade delegation and other organizations) will in future be limited to the level at which they will stand after the withdrawal of the persons referred to.

(C) If a Soviet official is required to leave the country in future as a result of his having been detected in intelligence activities the ceiling in that category will be reduced by one.

(D) A further number of Soviet officials, not now present in this country but holding re-entry visas which are still valid, will not be permitted to return to Britain.

2. The number of Soviet officials in Britain and the proportion of them engaged in intelligence work has been causing grave concern for some time. The size of the Soviet embassy was limited in November, 1968, following the case of Chief Technician Britten, but the numbers in other categories have continued to grow. The total is now over 550, which is higher than the comparable figure for Soviet officials appointed to any other Western country, including the United States.

3. In the last 12 months several Soviet officials have been withdrawn at the request of the FCO after being detected in intelligence activities; others have left the country of their own accord after being so detected before their withdrawal could be requested. In addition a number of Soviet officials have applied to come to Britain in various capacities but have been refused visas because they are known to be intelligence officers.

4. Further evidence of the scale and nature of Soviet espionage in Britain conducted under the auspices of the Soviet embassy, trade delegation and other organizations has been provided by a Soviet official who recently applied for and was given permission to remain in this country. This man, an officer of the KGB, brought with him certain information and documents, including plans for infiltration of agents for the purpose of sabotage.

5. British policy is to strive for the best possible relations with the Soviet Union. This was re-stated only this week in the speech made by Sir John Killich on the presentation of his credentials as ambassador to

the Soviet Union. In this spirit, the foreign and commonwealth secretary has tried repeatedly to find a way of solving the problem of Soviet espionage by persuasion.

He raised the matter privately with Mr. Gromyko during the latter's visit to London in October, 1970, and at his request he wrote him a personal letter on the subject, dated 3 December 1970. Having received no reply or acknowledgement, Sir Alec Douglas-Home wrote to Mr. Gromyko again on August 4, 1971. This letter also has been neither answered nor acknowledged. During all this time, Soviet officials have continued to engage in espionage against this country on an undiminished scale.

6. Her majesty's government have thus had no alternative but to take the action announced today. They sincerely desire to improve both Anglo-Soviet relations and East-West relations in general and they hope that the Soviet government will recognize this. The purpose of today's measures is to remove an obstacle which in recent years has seriously hampered the development of closer Anglo-Soviet understanding.

FLEXIBILITY ON THE PRICE OF GOLD

Mr. PROXMIRE. Mr. President, when Secretary of the Treasury Connally met with the finance ministers of other major industrial nations in London on the 15th of this month, the issue of a change in the dollar value of gold proved to be one of the major sticking points. At that meeting, U.S. representatives refused to consider an increase in the dollar price of gold as part of the mechanism to bring about the exchange rate realinement desperately needed to strengthen the U.S. balance of payments.

TREASURY MODIFIES STAND

The Treasury has now modified its stance, and is willing, according to press reports, to consider dollar devaluation as part of a compromise to resolve the ongoing crisis provided it did not continue to tie gold to the dollar. A large part of the credit for this ostensible change in the U.S. position must go to my colleague from Wisconsin, Representative HENRY S. REUSS. Congress has long been regarded as unwilling to exercise its statutory authority to alter the dollar value of gold, and Representative REUSS had long been one of the stanchest opponents of any increase in the dollar value of gold.

In a speech given on the House floor last Tuesday, however, Representative REUSS announced that the United States should be willing to devalue the dollar by a modest amount if free dollar gold convertibility is not restored and if the physical quantity of monetary gold reserves now in the system does not increase.

Representative REUSS' position, which I do not necessarily support, is this: Since this action would not bring windfall profits to gold producers or hoarders, would not be inflationary, would not fuel speculation based upon the expectation of another price rise in the future, would not reinforce the importance of gold as a reserve asset, and would not break faith with other countries, he maintained that a small increase in the dollar price of gold—which would be entirely costless to the United States—is the minimal concession that the United States can make toward an agreement to bring about exchange rate realinement and strengthen the international monetary system.

WIDER MARGINS

The following day, last Wednesday, the Senator from New York (Mr. JAVITS) suggested that the margin between the rates at which the International Monetary Fund buys and sells gold might be widened to permit a small increase in the price of the metal. The Javits position would also signify that the United States should be willing to compromise, within reason, on the price of gold if that is an essential ingredient for an agreement that will benefit the United States.

Yesterday the Washington Post in an editorial endorsed the Reuss position on gold. On the same day, the New York Times also adopted the same substantive position. This morning's newspapers announced that the Treasury has now apparently modified its adamant stance against any increase in the price of gold and that agreement has been reached on an agenda of issues to be resolved between the United States and other major industrial nations. It is important that the financial and monetary leaders meeting here this week understand that we in Congress believe an early solution to the current international monetary impasse is imperative and that we might be willing to consider appropriate concessions by the United States on the price of gold if—and I repeat the if—other countries are also willing to make similar necessary concessions.

I ask unanimous consent that the two editorials and an analysis by Hobart Rowan, published in today's Washington Post, 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. Sept. 26, 1971]

THE DOLLAR AND THE CROSS OF GOLD

Old myths may not die, but they do fade away, and recent events have given welcome evidence of the fading of the once-popular myth that the dollar has value only because it is convertible into gold. President Nixon suspended international convertibility of the dollar into gold without evoking any visible public protest and no one is branding Congressman Reuss a traitor or a threat to the American way of life for suggesting that the U.S. devalue the dollar in terms of gold (raise the dollar price of gold). The average citizen seems to have decided—quite rightly—that the role of gold in the international monetary system is a technical and arcane matter that has little to do with the size of his paycheck or the price of potatoes.

But in foreign capitals emotions about gold run higher. The Europeans and the Japanese feel keenly that the U.S. now has a moral obligation to devalue the dollar in terms of gold. The issue will be hotly debated, officially and unofficially, at the International Monetary Fund meetings this week.

At first it is difficult to understand why our trading partners ar so hung up on gold. Most of them would agree, at least in principle, that gold is an anachronism on the international monetary scene and should play a diminishing role in the future. International monetary reserves must expand to meet the needs of international transactions; it no longer makes any sense to have international money bound up with the erratic increases in supply of a rare metal, which is produced in only a few countries and whose flow into industrial uses fluctuates unpredictably.

Moreover, our trading partners agree that the dollar should be revalued with respect to other strong currencies, especially the yen and the mark. To reduce its massive balance of payments deficits the U.S. needs to make its exports more attractive to foreigners, especially compared with Japanese and German products, and to make foreign goods less attractive to Americans.

There are two ways to accomplish such a realignment of currencies values. One would be to raise the dollar price of gold by, say, 10 per cent or from $35 an ounce to $38.50. If other countries acquiesced, this would be equivalent to devaluing the dollar 10 per cent with respect to all other currencies. This sounds so easy that one might wonder why President Nixon did not do it on August 15. Actually, he had at least four good reasons. First, such a move would be unfair to countries that keep most of their reserves in dollars and would be a windfall to those, notably France, that keep most of their reserves in gold. (The old argument that it would be politically undesirable to give a free gift to gold producers like South Africa and Russia no longer carries much weight, since the commercial price of gold is currently well above the monetary price of $35 an ounce.) Second, raising the price of gold would constitute a uniform revaluation of the dollar against all other currencies, while differential revaluations are clearly in order. A 10 per cent devaluation of the dollar would be too much against the pound and too little against the yen. Third, the President cannot raise the price of gold himself. He has to go to Congress, and quite apart from the need for speed and secrecy, it was not clear in August—and perhaps is still not clear—that the gold myth had faded entirely in the halls of Congress. Finally, and perhaps most important, raising the price of gold would reemphasize the role of gold in the international monetary system at precisely the moment when it ought to be diminishing, and might enable the system to creak along for a few more years at new exchange rates, rather than undergoing needed overhaul.

For these reasons the United States has so far refused to devalue the dollar in terms of gold. Instead, it simply announced that it was not selling gold for dollars any more, and put pressure on the major trading countries, by invoking the temporary 10 per cent surcharge, to allow their currencies to float upward on international money markets. With some resistance the major countries have permitted the revaluation of their currencies against the dollar, although not by as much as the U.S. thinks desirable.

But now comes the moment of truth—the attempt to reach agreement in the IMF on a new set of exchange rates. In this process the United States wants to ignore gold, leaving the hypothetical price at $35 an ounce, while reaching agreement on a new set of rates at which other currencies are exchanged for the dollar.

Other strong currency countries do not appear to be resisting realignment in principle, although they have reservations about the amounts necessary. They are insisting, however, that part of the realignment be accomplished by raising the dollar price of gold and part by allowing especially undervalued currencies like the yen to appreciate more than the others.

The reasons for this insistence on the gold price are psychological and emotional rather than economic. If the U.S. raises the gold price it will appear to have confessed error, by admitting that the gold price was wrong and implicitly accepting partial blame for the monetary crisis. Although the effect on their trade will be the same, other countries do not want to appear to be doing all the adjusting and tacitly accepting the onus for

the problem. They want the U.S. to "meet them half way" by agreeing to at least a modest rise in the price of gold.

We concur with Congressman Reuss that the U.S. should give in gracefully at this point—softening the high-handed bully image it has projected in the last few weeks—and should agree to a minimal increase in the price of gold as part of a general realignment in which some currencies appreciate against the dollar by more than the minimum amount. The U.S. should not, however, actually resume paying out gold, because to do so would be to reduce the chances of near-term reform of the monetary system.

Of course, announcing a price at which nothing is to be sold is a curious kind of make-believe, but it may have the desired effect. It would say to the world that the U.S. cares very much both about currency realignment and about monetary reform, and that we have gotten over our emotional hang-up about gold. It would say clearly that the U.S. wants to eliminate gold (or at least drastically reduce its important) in the international monetary system, but that when the time comes to do so the U.S. is not going to be unnecessarily stubborn and traditional about the rate at which gold is converted to dollars. We think such a move would help to put gold in its proper—and not very important—place on the monetary scene and contribute to an atmosphere of international accommodation in which basic reform of the monetary system can proceed.

[From the New York Times, Sept. 26, 1971]

A NEW WORLD MONETARY SYSTEM

The International Monetary Fund is opening its 1971 meetings in Washington under the shadow of the worst threat to the economic and political unity and stability of the non-Communist world since World War II.

The crisis was brought to a head by President Nixon's decision last month to cut the dollar loose from gold—in effect, ending the Bretton Woods system created before V-J Day. Under that system all other currencies were pegged to the dollar, and the dollar was tied to gold at the fixed rate of $35 to the ounce.

In fact, however, this crisis has been brewing for a long time—at least since the early 1960's when redemption claims against the United States overleaped this nation's gold reserves. The world slid onto a paper dollar standard, which gave this country the unique power to use its national currency without limit to cover deficits in its balance of payments. When those deficits reached flood proportions this year, Mr. Nixon slammed shut the gold window.

The President's immediate purpose is to end the deficits that have weakened the dollar and undermined the competitiveness of American goods in world markets. But foreign governments have been shocked by the severity of his specific moves and by his chauvinistic rhetoric, despite Mr. Nixon's insistence that he does not want to build a wall around the American economy.

Angry and confused as they are, however, other governments are anxious to take the President at his word. The last thing they want is a trade war, which can hurt them even more than the United States. The I.M.F. meetings can provide a forum for action on both sides to cool the immediate animosities.

But the deeper issue facing the finance ministers and central bankers is how to replace the shattered Bretton Woods monetary system. That system entered its time of troubles not just because it depended for liquidity upon huge and continuous deficits in the United States balance of payments but also because it was wedded to fixed exchange rates. Nation after nation has been driven to protectionist measures, export subsidies, and capital controls because exchange rates were inflexible.

The task facing the I.M.F. this week is to make a beginning toward creating a new system that will solve the two key problems of exchange-rate flexibility and an adequate growth of secure monetary reserves.

The way the immediate dollar crisis is handled will, in large measure, determine whether and when a new and more stable international monetary system can emerge. The first priority should go to an acceptable realignment of the dollar and other currencies—one that will remove the threat of trade war and beggar-my-neighbor actions by many countries. The United States must be prepared to make its own contribution to easing this danger by dropping its 10 per cent import surcharge as soon as a satisfactory structure of exchange rates is worked out.

Whether the dollar should be devalued in terms of gold as part of this process, or whether other currencies should do all the adjusting upward, is an issue that transcends national prestige or even the immediate impact on each country's economy. It bears directly on the future of the world monetary system—and whether it is to be based on gold or on created reserves, such as Special Drawing Rights, the so-called "paper gold," which would provide more stable growth for the world economy. If foreign governments are willing to move toward making S.D.R.'s the fundamental reserve medium, the United States should accept a moderate devaluation of the dollar in terms of gold—although it should continue to refuse to buy or sell gold.

Whatever the transitional steps, the basic need is for the world to begin moving off both gold and the dollar standard toward a monetary system that will insure all countries greater security and equilibrium.

[From the Washington Post, Sept. 27, 1971]

OPTIMISM ON MONEY ISSUE: U.S. SHIFT MAKES IMF ACCORD LIKELY

(By Hobart Rowen)

Highly placed and authoritative sources said last night that the major freeworld nations, including the United States, had moved closer to an eventual agreement over disputed international monetary issues than anyone had imagined likely.

The willingness of the United States government to discuss a modest increase in the price of gold and to place the abolition of the controversial 10 per cent import tax surcharge on a fixed agenda for discussion are the key elements in the more hopeful mood.

On the European side, compromise has been expressed in willingness to put forward for discussion "other measures" apart from realignment of exchange rates which would help resolve the U.S. balance of payments problem. Most of these relate to existing trade barriers.

Thus, just prior to the initial meetings this morning of the International Monetary Fund, a new degree of restrained optimism about the future has replaced the tension which has existed since President Nixon announced his New Economic Policy on Aug. 15. This hope, to be sure, can be overstated because the relaxed mood relates to a willingness to negotiate difficult questions not to an actual agreement on their substance.

According to one report circulating last night, the political repercussions of Treasury Secretary John B. Connally's rigid stand at a London meeting of major nations Sept. 15 and 16 had been filtered back to President Nixon through Secretary of State William Rogers. A continuation of the monetary stalemate, it was suggested by State Department officials, would unduly strain political relationships in the western world.

Another important element in the modified American position, it was reported last night, was a high-level meeting last week at which technical monetary experts told both Connally and White House aide Peter Peterson that there is a good case for a small increase in the price of gold as the easiest way to achieve the kind of overall realignment of exchange rates sought by the United States.

Support of this move by Rep. Henry S. Reuss (D-Fis.) and the prospective support by Sen. William Proxmire (D-Wis.), who is chairman of the Joint Economic Committee of Congress, may have helped defuse the idea that a gold price increase would be a Republican campaign liability in 1972.

In any event, there were smiles last night on the faces of high officials of the Group of Ten nations, the IMS, and most European officials at the initial reception for the governors and other officials and guests at the forthcoming meeting of the Fund and the World Bank. A key source said that "movement" by the United States was the main reason for the new ebullience.

"The ministers (of the major nations) showed that they were much wiser than their deputies," one European official said at the reception last night.

This was a reference to yesterday's communique issued by the Group of Ten industrial nations, which instructed their deputies to study solutions to the "magnitude and the method" of a realignment of currencies, temporary use of wider margins around par, the abolition of the U.S. surcharge, and "other measures" to improve the U.S. balance of payments.

"Method" was said to be the most important operative word, indicating American willingness to discuss the question of a gold-price increase, since this is one way that a realignment of currencies can be accomplished.

A Saturday meeting of the Group of Ten deputies had failed to come up with even this definition of the problems.

Helping along in the more optimistic appraisal of the monetary crisis was the press conference given yesterday by Secretary Connally. He took a decidedly less adamant position against an increase in the price of gold, although he restated, for the record, the formal position of the United States which opposes an increase. But for the first time, he said that he recognized that "gold is primarily a political problem," and that the United States wanted to help its friends solve their political problems.

EDUCATION: PRESENT AND FUTURE

Mr. TAFT. Mr. President, Dr. Warren G. Bennis, who began as president of the University of Cincinnati, September 1, 1971, pointed out two main problems of higher education today in his first major address, which was given before the Greater Cincinnati Chamber of Commerce on September 9. Dr. Bennis has emphasized the overwhelming size of our universities and student apathy toward education as critical problems which are overshadowed only by financial problems and student unrest.

Dr. Bennis is the 18th president of the university. He replaced Dr. Walter C. Langsam, who retired on August 30. Dr. Bennis came to Cincinnati from New York State University at Buffalo, where he served as academic vice president. We are fortunate in having such a distinguished educator to carry on in the tradition of Dr. Langsam.

I associate myself with the views of Dr. Bennis, commend them to the attention of Senators, and ask unanimous consent that they be printed in the RECORD.

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

EDUCATION: PRESENT AND FUTURE

(By Warren G. Bennis, President, University of Cincinnati Greater Cincinnati Chamber of Commerce, September 9, 1971—12:30 P.M.)

I want to say at the very beginning how great it is to be in Cincinnati. How great it is to be at the University. I think it is particularly apt that Bill Whittaker introduced me. After accepting the University post April 6 this year we flew here from California where we were. We spent several days here and managed to eat and greet with members of the Board and go to a Cincinnati Reds game. Upon our return to Buffalo, the first telephone call we received the morning of April 8 was from Howard Barnett of Cincinnati Bell, who's in the audience, with probably the most thoughtful thing he could do which was to tell us that the 'phone directory was going to press the next day. Would we like a telephone, one line or two, would the following number suit us? And sure enough if we hadn't gotten in that day we would not have been in the directory this year—which may in fact be something of a mixed blessing, by the way. But I know it represented a phenomenal amount of friendliness that I've felt from the very first day we arrived in Cincinnati on April 6: The friendliness, and a respect for institutions, and a constructiveness that I've never felt or experienced in any city in which I've lived. As a matter of fact, we received from the chief of police to the Cincinnati Reds to the Mayor's office. Not even including in that 300 the number of letters I received from insurance agents, real estate people, and movers.

We did love Buffalo; we lived there four years and before that Boston. But I must say that it is nice to live in a city for a change which does not define summer as three weeks of bad ice skating. I'm also delighted today that not only has my wife been invited, but that I have the opportunity, which I rarely get, to address my in-laws and I'm just so pleased that they're here. What Bill Whittaker didn't say is that "Wigs" Williams has had over a hundred patents to his name. On our way driving from Cincinnati to Buffalo we stopped, on July 8, and had dinner with the Williams in Cleveland. The headlines of the paper that night—the Cleveland Plain Dealer, I believe, stated that Cleveite which was the company that Brush Development sold or was acquired by, I should say, that Cleveite "gets largest industrial contract ever granted in Cleveland." That contract was a billion and a half dollars for an invention based on sonar and the torpedo which Wigs himself developed. He also is the man who, when I asked his permission for his daughter's hand in marriage, asked a lot of difficult questions and had a lot of overly frank things to say, I believe. My wife had just given him—I think by mistake—a copy of my very first book which had just come out, actually the week we had decided to get married. It was a young man's book—a first book—dense with jargon and difficulties. And Wigs said, "You know I want to thank you for that book because every once in a while when I get overworked and too tired I like to take a sleeping pill before I go to bed, I no longer require that. I just open up your book and I'm off in seconds."

I just want to mention one more thing which is partly related to Bill Whittaker's comment about economists, and economics. I don't think many economics courses, Bill, and this is even a more serious worry, ever teaches its students anything about that bottom line.

And having written all too many books which have gotten dusty on bookshelves, and then trying my hand, actually trying to administer a large university; having taught management for years at M.I.T.; having been called an expert on organizational change; then when I remember getting to Buffalo and trying to adopt some of my ideas to my administration there as academic vice president, I remember that not only my ideas I had written about seemed not to work, but that my faculty and students who were always close readers of their administrator's material they were continually discovering embarrassing discrepancies between what I said in those books and what I did. And so I began keeping a double entry bookkeeping system of my theories on one side and my practice on the other which someday I will publish posthumously. And these are the books (holding up several) and I have almost a dozen of them which I filled at Buffalo. These are related to the Wall Street Journal editorial which I haven't read concerning the gap, and I think an unfortunate gap, between theory and practice; between men who make history and men who write it. And I continue to face that in my own work—continue to face that in the University.

I was reminded of an incident that happened to me before I left M.I.T. to go to Buffalo. I was then a professor, leading a comfortable life in the Cambridge-Boston area which I now refer to as the Holy Roman Empire because its limits and achievements are well known and finished at the moment, I think. I was contemplating a move to what I then considered the far West. I had a heck of a time deciding what I wanted to do and couldn't make up my mind. I went through a very irresolute Hamletic period and decided I would visit a friend of mine at the Harvard Business School who is the world expert on decision theory, decision process, particularly mathematical models. And I went over and had lunch with him, really to ask him if he could give me any help, to apply one of his models on my dilemma about whether I should leave M.I.T. and go to Buffalo and whatnot. He looked at me after I discussed the thing for awhile and said, "Hell, don't ask me. I was exactly in the same jam you are about a year and a half ago—a very attractive offer from a west-coast university—didn't know what to do so I thought I would visit my dean. Thought maybe he could give me some advice." And the Dean, George Baker, at the time, was there, and my friend told him the problem. George Baker said to my friend, the great decision-maker, "Why don't you use one of your models on yourself?" The fellow said, "Yeh, but this is important!"

It seems to me that a question on everybody's mind with whom I have spoken since coming to Cincinnati, although sometimes it isn't stated as directly as this, is: "What kind of man in his right mind would take on a role of being a University president today?" In fact, Robert Hutchins, the man who at the age of 29 became president of the University of Chicago, told me when I saw him this spring in Santa Barbara that any man who would want to accept the job, by definition, is not qualified. And he also pointed out to me that I once likened the role of University president in an article I wrote to something a little bit rougher than a hockey referee. So it is an interesting question and, talking to somebody at Harvard on the selection committee, I asked him what criteria they were using for presidential selection. "What we want," he said, and I almost think he was serious, "is a Messiah with a good speaking voice," "and the stomach of a goat."

But I think the reasons I wanted to not only be a university president, but come to Cincinnati, are basically three and I'd like to repeat them to you. They were all in my mind when I received that call from Arthur Schubert that morning of April 6. They gave me a lot of time to think it over. Art said, "Could you give us an answer" I said, "uh" Art said, "Take your time. Take your time." I said, "I'd like to talk it over with Clurie." He said, "Sure. Could you call me back in an hour?"

It was pretty clear. I did go out and find Clurie. We were staying at the Beverly Hills Hotel and she was out in the garden with the kids and I brought her back and she couldn't figure out what was on my mind. And there was no question in my mind because I'd thought about Cincinnati a lot. And I felt (my first reason) Cincinnati, (and may even feel more strongly about it now) may be one of the few urban centers in this country that has the capacity, determination, and the resources to make it as one of the finest American cities—that is to walk into the 21st century, not to back into it as so many cities have done, or are doing.

And, second, because I felt that the tradition of UC in particular, and especially its tradition of having roots in the city (the cooperative program being one example), roots in the community with its great potential, could become one of the foremost and hopefully the most eminent urban university in this country.

Third: because I believe we're entering a period of time in American higher education when we no longer have to—and really shouldn't—copy the obsolete models of other great universities systems. We're at a time when different patterns can emerge—when we can do things in a way that we don't have to copy Oxbridge, or we don't have to copy Harvard, Yale, or M.I.T. We're at a whole new point in time which I think gives us great advantage. We have to roll our own, I'm saying.

I remember when I first came to Buffalo I was told by the then president that "we want to make Buffalo the Berkeley of the East." And I didn't like that for two reasons—first. who wants to be Berkeley? And second, I don't like the Avis syndrome. I don't like being number two. I'd rather be whatever we can be, the best we can be and not to try to copy or be an anemic carbon copy of other places.

The interesting thing, by the way, about this was that some people began calling us the Berkeley of the East. Then when I was out in Santa Cruz over a year ago (California Santa Cruz), they were calling themselves the Buffalo of the West. A month later I went to the University of Maryland to give a speech and they were referring to themselves as the Santa Cruz of the East. We don't want to be the anything of anything else. We have to be our own unique kind of university that develops and uses the resources and history and the people within which it can flourish.

And, finally, I should say about this question which many people have asked me is that I cannot think, without being corny or using cliches, I cannot think of a more interesting or challenging or exciting thing for a person to be doing these days than to try to head up and lead a major institution, particularly an educational institution. I am personally sick and tired and weary of administrators of universities, or mayors of cities, who kind of look as if the whole world were upon their shoulders. "My God, how tough it is!" The "phone keeps ringing all night—how burdened they are. But I do remember what Harry Truman said—and I mean it—that "if it does get too hot in the kitchen, somebody ought to get out."

I see a table of UC vice presidents here. I want to remind Ralph Bursiek, George Rieveschl, Frank Purdy, I'll even extend this down the line, Kenneth Wilson, the registrar's here, John Goering, and others, that if you ever see me looking overly burdened and not having enough fun on the job, tell me to take off a week, will you? I'll do the same for you.

This is all by way of introduction. I want to talk about what that title was—a hopefully leave time for questions.

Having said what I've just said about my own hopes and optimisms, how I think we have a great chance to do something in Cincinnati, that no other university, city university, urban university, can rival, my eyes are open.

Higher education is in a very difficult situa-

tion. The situation is difficult for a whole lot of reasons, some of which are obvious. I think, as a matter of fact, that higher education deserves to some extent the mess it's in. And I think in other ways we have to do some very hard thinking and review of where we have been. And I think it's all too easy for educators and people to blame the Vietnam war or the economy—external facts. It's always far easier to blame on somebody out there than it is to take a look at what's going on inside. I don't want to do that. I don't say they're unrelated. Certainly the draft had an impact on the mood of students. No question about that. But I do think we have some serious problems and I want to mention a couple of them. I do think, in a way, higher education is at a point—at a crossroads. It is in a crisis. That's what my book is about and this is not a plug for my book which won't come out until maybe spring or a year from now. But I'd like to have the cover of the book use the Chinese symbol for crisis, if I use the title University Crisis, for the Chinese symbol for crisis has two idiographs. One is danger and the other is opportunity. And I'm more impressed with the opportunities. But I want to mention before I get to those and talk a little bit about what's ahead. I want to mention to you two real problems which I don't think have been given the emphasis they deserve and which are not necessarily *the most* important because it is a multi-causal. I don't believe in a one-cause theory of history or anything else. But what I want to mention to you has been somewhat overlooked; to say this I'm not really ignoring the question of student disruption or mass civil disobedience that we faced. I'm not going to mention today the financial problems that we have that are substantial. I'm not going to mention the other things like we occasion here and there, weak leadership, and so on and so on.

I want to mention two problems and then go on to talk about some of the opportunities. If you had asked me at a cocktail party what the three basic causes of university disruption are I would say the following: "One: size. Two: size. Three: size." Size and scale. American higher education in a curious way is cursed by success.

When I was going to the university, thanks to the GI bill, one out of nine high school graduates, one out of nine eligible people went to college. When I went to college—when most of you went to college—I'm sure it was still considered hard to get into, difficult to stay there and a great tribute to go. At least it was in my family and I think it was the same in a great many other families—one out of nine. Today, we have a situation where by 1980 I suspect—it's true already in the state of California—at least 70% will go on to college. We have 9 million students registering this fall and the figure will be at least 12 million by 1980. We've grown big. We had 200,000 faculty members in 1945 we have 650,000 faculty members today.

Jane Earley, one of the UC Board members, told me the other day that when she joined the UC Board the budget was $3 million. This year, I think I'm right on this, it is $120 million. M.I.T., where I am an alumnus, had a budget in 1939 of $3 million with a $25,000 grant from government. (Doesn't that sound quaint?) Today, M.I.T.'s budget is $210 million of which 80% was granted by federal government.

In 1940, there were two universities in this entire country which had enrollments of 20,000 or over. There are over 60 today with that dubious distinction, including UC which is large. In 1970 we graduated 1 million students, for the first time, with baccalaureate or advanced degrees. When Stanford was founded in the last decade of the 19th century there was considerable speculation whether California had need of a second university, in addition to the University of California at Berkeley. The University of Michigan enrolled, last year, just under 400,000 students. It had 3,712 students in 1900 and that made it one of the largest institutions of that day. And I think one of the interesting things here is that only since about 1955 have there been more students in the public rather than in the private institutions. 1955, I think, was the turning point year. Sixty or seventy percent will be in universities in 1975 or '80; one percent in Latin America; twenty percent in western Europe; compared with 1¼ percent at the time of the Civil War in this country. So in a way what we're facing is a huge scale increase. Psychologically speaking college may become simply high school with ashtrays. That is, everybody's expected to attend.

Now what are the consequences of just this one fact—size and scale? There are several I want to review with you quickly. One: It is obvious from study after study, including one done by a research committee in the state of Ohio appointed by the State Legislative committee, that student disruption is highly correlated with size of institution over and over again. I'm not saying that smaller places did not have it, but size was a very pivotal factor. Also, of course, this leads to a kind of impersonalization—a sense of "where do I find myself?" In the freshman class at UC this year of over 6000, where's their home base? Where's their sense of community? Where are their peers? What people do they learn from when their classroom is over? Which I think is the way most of us remember learning took place.

Another thing about scale, which I mention to you because I think people are often fooled by this, this is a day and age of percentages and sometimes these percentages mean such large numbers that we can be fooled. I was on a TV program a couple of years ago in Buffalo, and I used the Fortune magazine poll for January 1970 to review some statistics on attitudes of students. I pointed out at that time that three percent of the students are what's called revolutionary—that they'd use violence. (Yankelovich poll in Fortune). But five percent had radical thoughts, radical ideology, but would not use violence. I received a postcard saying "What in the world's wrong with you administrators at Buffalo? Can't you deal with three percent of your student body, for Gods sake?" Three percent of 25,000 students is not trivial. Three percent of 9 million students is not trivial. Somehow we're living in an age when we just can't use the percentage because of the phenomenal scale. This reminds me of an American Airlines ad a couple of years ago which I was delighted to see George Spater remove when I told him about this story. The American Airline ad read "We lose only one percent of our luggage each year." When I asked George Spater how much is one percent of the luggage he said, "about 100 million pieces."

I leave an even more fundamental aspect of size and scale in the lack of what I see as a commitment. Commitment to go on to the university on the part of our students was pointed out by an American Council of Education report which Sol Lenowitz, former chairman of the board of Xerox, was conducting. His published report and mind you this is not a scientific finding gave the task force of ACE. (I believe Task Forces never really do any good, by the way). His task force reported that between forty and sixty percent really don't want to be there. They felt forced to go—"involuntary servors."

Now a lot of people as widely disparate as Mr. S. I. Hayakawa and Mr. Kingman Brewster made the same kind of remark—and I'm joining that duo for the moment. I think there is—and I'm going to develop this a bit more—a kind of an education craze in our society. It is egged on by ambitious parents, by employers (I'm not excluding many of the people I'm looking at) who, I think, use excess credentialism when they could hire people who may not have had all that college background, by counselors in high schools, and by, I suppose in some way, the draft. Also by the fact that there are a whole bunch of high school kids all dressed up and no place to go. So where do they go? The university

I want to develop this point a bit more because it leads me to the second major problem as I see it. By major I mean one that doesn't get looked at enough. Let's take this question of education and jobs. Part of the reason for the educational craze that has hit this country since the end of World War II, and it has always been part of our system, is predicated on the assumption that a college education is a necessary requirement for job achievement and success. And this is not untrue. I know it may sound strange to you to have a university president say he doesn't think all those people ought to be in college, but that is what I am saying. Job achievement and success *are* predicated on education. As a matter of fact, in America a college graduate of 25 can expect an income fifty percent larger than that of a high school graduate of the same age. So one thing about going to college is it helps in recruitment. But people pick, by and large, in recruitment—it's not necessarily the fact that persons get more proficient, more competent with a university education.

In fact, a major study just completed last year points out that there is no positive correlation between proficiency—measure it any way you want, grades scored or anything else—and later performance on the job. Actually, there is zero correlation. There are certain areas where there was even a strong negative correlation. In the area of teachers for one, but there were others, too. The better students were in college, the worse they were when they got out. OK? The only positive finding relating to the amount of education to anything else was job dissatisfaction. The longer you went to school, the more you were dissatisfied on the job.

The subtitle of this book, Education and Job, melts my heart because it is something I wish I had written. The subtitle is: "The Great Training Robbery." And I think it adds a major indictment of many of our education processes.

I wrote in my book, just finished this summer, that if I had to guess at the number one cause of student unrest it would be related to this. Students get trapped in the four years of college induced by the carrot of employment opportunities. They are pushed and plodded by the education craze, by mindless counselors, over-certification standards set by employers and ambitions of parents. I think that this accounts for forty percent of the students enrolled today and about ninety percent of the problems facing our universities. What's more important to me is that I don't think for many people this age (between 18 and 21) that they have reached that time in life where they are capable of a certain extent of contemplation of inquiries of ideas, of not acting directly on the world but by trying to understand the world.

I don't think necessarily that for many students going to a university for four years is good training. I don't think it develops character, or inner strength, or conviction because they don't face real life. There is a lovely line in Dr. Zhivago, when I think he was saying about himself, "life is for living, not to prepare for living." And we have to think about this, particularly those parents of you in the audience who have to shell out enough money for four years of college, which has become the norm. Indeed, this has been changing over the last year or so, for many students now spend eight years in a university if they go into graduate school.

The fourth basic danger, one that I don't

think I have to say much about, because we faced it all over the country, has been the loss of public trust, the loss of public confidence and high evaluation of the university. Fortunately, I think UC has, to my great delight and even surprise, been less hurt by this than other major universities. I know there were some chancy days back there when the University closed, and I heard a lot about it. I know what kinds of decisions the Board, Faculty, Students, and Administrators had to make. It was not easy for them. I read some of the letters to the editor, but still and all the kind of crisis you faced here at Cincinnati was a spring zephyr compared to what was happening in places like Buffalo or Stanford or UCLA. To me the most serious problem affecting the University is how do we regain that public trust because to make an analytic point sharp which I don't think many of the universities understand, particularly faculty, is this: While the universities are tremendously rich today in their terms of management and control of financial resources and property, we are not self-supporting. We get our money from the likes of you and other people who think that the ideas generated there, the people graduated from there are worthy of your support and esteem. The minute we lose the public support and esteem and high evaluation we cannot have much of a free university, and it is as simple as that.

These three areas have not been uncovered enough and it is the loss of public trust which I will certainly make every effort here at Cincinnati to try to develop and continue. I know that Dr. Langsam, while I am on the subject, has done simply an heroic job in this area, and I hope to do my best to not fill his shoes because I couldn't do that, but simply to continue in many of the paths he has taken.

My voice got a little melancholy as I was talking about those three things. I'm probably thinking what we are going to do about them and I'm not going to tell anybody what we will do about them.

I would like to move on to some of the positive opportunities that we might see in the seventies. I'm talking now of my hopes about all of American higher education not just UC, although I know we will be at the leading edge of this. Let me put these in terms of propositions and say a few words about them and then open up to some questions from you. I am only going to mention three or four because there is not much time for more and maybe it's all we can digest at one sitting anyway.

I said this in the Educational Creed which both of our local newspapers so kindly published. I said it is time to up-grade and talk about what must be done now; it is time to up-grade the art of teaching, and to create an environment in which learning is as important for the professor as it is for the students. That is in the Creed and it is pretty terse so I want to develop it a little bit. We know quite a bit about teaching, incidentally. We know practically nothing about learning. The learning and teaching process is still at the level of a craft, even a college industry. And I do know that it is very difficult to be really actively involved in learning if you are sitting in a lecture room of 1400 people. Particularly when you can not hear too well because of the speaker service, or the professor is not to alive, or what not, and then you get questions on multiple choice tests that go something like this: "Describe the Universe and give three examples." Secondly, about teaching, it is interesting that the Ph. D.'s who make up most of our teaching staff spend ninety percent of their time in graduate school learning how to do research, and luckily in some cases ten percent teaching or getting in some practice teaching.

It is not quite the thing to do to do teaching. Whereas in real life when they leave the University and get their Ph.D., it turns out they spend ninety percent of their time teaching, or I hope they do, and ten percent of their time doing research. Which seems to me a very strange kind of education for people who are going to do something opposite of what they get much experience in doing. I think one of the problems here is, and one I am sure you are all familiar with, is by and large our faculty are professional first like psychologists, economists, philosopher, astronomer, zoologist, anesthesiologist, exologist, whatever. He's a professional first, and an educator maybe third or fourth, possibly second in some cases. I'd like to reverse that priority. I'd like to see our professors become educators first and competent professionals second, I think that's a very important emphasis. I might also add that, this will be interesting to you I believe, that faculty and researchers have a great capacity to study everything: Natural environment, industrial enterprise, business organization, federal government. They study the French villagers, the Zulie, and the number seven with great intensity. But oddly enough most of us have never really studied the university or ourselves which leads me to say that in most universities across the land it is interesting that we don't evaluate a thing like teaching. We rarely systematically evaluate teaching of a professoriate, and even when we do it's shoddy and we rarely use it for promotions or merit increases. So to end my first point about trying to elevate the centrality in teaching and learning I have a new slogan that I hope will replace "publish and perish" because this has been mainly the reward of most faculty. I want to replace "publish and perish" with a new slogan which is "teach or travel."

The second general point I want to make, and even with some faculty here today I can say it that way—I think it will travel back. The second general point I want to make about the future or the near present is also from the Educational Creed but I want to read that and say a few more things about it. It went like this: "trained individuals from the creative, professional and intellectual endeavors of the most disparate kind" (by the way, note to the Cincinnati Enquirer did I say desperate?) I meant to say the most disparate kind ought to be welcomed to the colleges and universities on a part-time basis or full-time basis to broaden and enrich the academic world. Trained individual without the usual academic credentials but with unique experiences to communicate to the young, with an ability to reflect on their lives. Neil Armstrong, a man that Walter Langsam had his eye on for at least a year and a half, or two, and like a good angler kept him in view most of the time, pulled him in in the last month of his office. It is a great appointment if for no other reason than it is bringing into the University people who have different backgrounds and who have not necessarily as yet in their lives been corrupted by the academy. And they make splendid teachers usually. Oddly enough my experience has been that people from outside of the academy have this funny respect for us which they don't lose and they take teaching very seriously and they are marvelous people to have around because they really care about teaching.

I'll tell you why I feel so strongly about this because it has to do with a story that partly includes my in-laws and wife. In 1966, a man called me from New York and said that he had just read an article in Fortune that included a couple of paragraphs from a book of mine that had just come out on changing organizations. And this man was a great admirer of my boss and teacher who had just died the year before—Douglas MacGregor. I had taken over Doug MacGregor's chair at M.I.T. He said I read about you and I was always a great admirer of Doug's can I come up and see you, I was living in Boston then, I said sure; he said can I come up tonight, I said well my in-laws were there but I think they would like company come on up. So it turns out this fellow comes up, he just sold within the last year the Avis Motor Company, a rental company to I.T.T. He made it big and famous advertising: "We're Number Two But Trying Harder." He had made his millions, he was then 44, a marvelous man, young and vital, handsome and all the rest and filled with ideas. In fact he was the man who came to dinner and stayed three days and he really charmed and enchanted us. My wife was taking notes as he talked he was so interesting. I then called Howard Johnson who was then president of M.I.T. I said, "Howard we've got to bring this man to M.I.T. He's phenomenal. He ought to be in the Business School where I am." Howard tried his best, but we were not able to swing it because he didn't have the credentials. "What's he written?" the faculty asked. I then suggested he go out somewhere else and he did. He got a post for six months actually as a kind of consultant observer to the Salk Institute in La Jolla, California. And he wrote a book about the place and about organizations reflecting his experience at Avis. As a matter of fact, there were two Cincinnatians in my office in Buffalo the day that book arrived in the galley proofs. It is called *Up The Organization*, the man is Bob Townsend. Now he won't have anything to do with the universities you see, hell, he didn't want them then why should he want them now. There are a lot of Bob Townsends. I don't mean with that particular career, but there are a lot of men in mid-career, there are a lot of people with unique experiences that we really need and could and want to bring in, like Neil Armstrong and Bob Townsend and plenty of others.

The third general point I want to make is something like this: You read this a lot in your Alumni Bulletins but I am going to say it anyway. I truly, deeply, passionately believe that the University has a commitment and responsibility for the life long learning of its students—I mean Alumni. I wasn't on the reception line for all the time because we couldn't fill up the place and start on time, but I met a lot of UC alumni and I'm partly talking only to you but I really mean this in a more general sense. Somehow or another we've been satisfied with the idea that students come in only four sizes 18, 19, 20, and 21. And I must tell you that I am far more interested and concerned about old folks, as people 30 and over, and for a lot of reasons and I wish I had time to develop them. One reason is that it may be that people really won't understand the grand inquisitor or the Greek plays before they have some life to live, before they have a chance to spend a year abroad which I have always found more useful than any single year of my education in the greatest of universities.

The Army where I spent four years, I think, was capable of making me a man and making me open to higher education. That's why I think the G.I. Bill is so great. Not just because a lot of people could get to go but because people really wanted to go and because they had some living under their belts.

I think also that in this age of ours of rapid obsolescence of jobs, and increased longevity, that it is really silly to think about one career, one job for life. We've got to start thinking about two, three, four careers. The Killian Report done at M.I.T. indicated that M.I.T. engineers, and this was done in 1963, were obsolete eight to ten years after they graduated from M.I.T. It's probably less now if we just extrapolate the rate of increase of a certain kind.

I noticed in this morning's *Enquirer* that Xerox is now offering to some of its employees a year's leave, sabatical if you will,

if they are interested in doing an important project on social welfare, or some socially involved problem. I'd like to see more and more, and I think this is happening—industries and other organizations providing these same kinds of educational leaves.

To alumni in particular now—I think you must ask whenever you are asked to contribute your dollars this old fashioned question, "What have you done for me recently?" I don't think we have done very much, and I am not talking about UC, because UC has probably done more than most universities and has more support from its alumni. I am talking in general. We have a responsibility, I think, to our graduates and not just our recent graduates and this goes for faculty, too. Because I think they have to keep getting renewed by what I like to call repotted, at least once every seven years or so. The corollary of all of this is that maybe more high school graduates should go to work and gain experience rather than just go on to the university. One college in the East is now making it mandatory for all students to work two years before they come. I think it is a good idea. What they do is give deferred admission. Very few colleges give deferred admission; it's now or never. One is accepted at M.I.T. or Amherst or UC and most of the time one must go. I don't even know our own policy at UC. I just know that some people shouldn't go at the time they are going, and if they had an opportunity for deferred admission, they might put it off a couple of years.

I want to end with just a very short paragraph that is the last page of my book which, thank God, I finished on my vacation the last two weeks in August. I knew very well that a year's work might go down the drain if I didn't have a chance to finish it. This is not edited, and is probably in a rough shape, but I would like to read you the last few lines in that book as an ending. "What the University might look like in the coming years," based on suggestions throughout the book, "will be a student body of all ages and all programs.

A University vigorously related to the community it serves. Teaching as facilitation rather than rate and regurgitation. Teachers from all arenas of experience, different combinations of general education and professional training." For example, do you know that we don't have any courses on health taught by the Medical School faculty in undergraduate work? I think they want to. We don't have any courses on crime taught by our law professors, and I think they want to. But isn't it interesting that we so segmentalize the University that the only law you can get is, and imagine not getting law as an undergraduate today, is if you are a pre-law student. The only kind of medicine you can get, and that would be organic chemistry or biology, is if you are pre-med. I think we have got to bring the professional schools into the general education area they are too important not to do so.

"Combinations of general education and professional training are shifts in the ecology of learning away from solely the classroom teaching situation and into a variety of problem areas and learning centers and augmented, and this is something faculty are very resistant to, but augmented by electronic media. Experimentation with university without walls and an end to the obsession with bricks and mortar as the key element in education."

"Education should contain for various students more voluntarism, more options, less time for some and more time for others who want to fuse education more organically with their lives. The university has played a very great role in the making of our civilization. It can play a similar role in the creation of a new civilization which has to be created in the new conditions of our time The university will do so if it becomes a responsible university working in and for a responsible society. Only in that way can we restore or can we deserve the public trust upon which a free university depends."

COUNCIL OF BETTER BUSINESS BUREAUS, INC.

Mr. MOSS. Mr. President, the revised Council of Better Business Bureaus, Inc., has again demonstrated its commitment to changing its traditional role as an apologist for industry. This development is most pleasing, and I commend the CBBB and its initiative. Of course, particular credit must go to Elisha Gray for his work as the guiding force behind rekindling of concern for the consumer by the CBBB.

The Federal Trade Commission is currently engaged in a trade regulation rule proceeding which would eliminate the doctrine of the "holder in due course." Currently, consumers buying merchandise on credit find that they have no recourse should the merchandise prove defective. They are not even able to withhold payment, because the original merchant has assigned the liability to another party. The third party in such cases is not at all interested in the consumer's problems with the dealer or retailer; the third party only wants to collect, and under present law he is not responsible for defects in the product.

At a recent Federal Trade Commission hearing on this trade regulation rule, the CBBB testified that—

Holder in due course does not fairly protect the consumer and should be completely eliminated from the laws of this land so far as consumer product contracts are involved.

Traditionally, the holder in due course doctrine has allowed fly-by-night operators and shady dealers to bring in the operating capital necessary to dupe the public. Unfortunately, those who buy "paper" have not been sufficiently concerned with the parties from whom they buy; thus many consumers have suffered severely.

To the Council of Better Business Bureaus I offer my congratulations for another significant step in its efforts to protect the American public.

Mr. President, I ask unanimous consent that the statement of Dean W. Determan, vice president, Government and Legal Affairs, Council of Better Business Bureaus, Inc., be printed in the RECORD.

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

STATEMENT OF DEAN W. DETERMAN, VICE PRESIDENT, GOVERNMENT AND LEGAL AFFAIRS, COUNCIL OF BETTER BUSINESS BUREAUS, INC., BEFORE THE FEDERAL TRADE COMMISSION ON PROPOSED TRADE REGULATION RULE: PRESERVATION OF BUYERS CLAIMS AND DEFENSES IN CONSUMER INSTALLMENT SALES, SEPTEMBER 20, 1971

My name is Dean W. Determan, Vice President, Government & Legal Affairs of the newly established Council of Better Business Bureaus, Inc. The Council, with executive offices in New York and operational headquarters in Washington, replaces the former National Better Business Bureau, Inc. and the Association of Better Business Bureaus International, Inc. The mission of the Council is to provide vastly expanded support services to 144 local Better Business Bureaus so they will become a cohesive force in consumer affairs.

Better Business Bureaus constitute the major national effort to give front-line protection to the consumer. And the American public knows this. A recent national opinion survey showed that almost 20% of the people in this country have gone to consumer protection agencies with complaints about products and services which they have purchased. Of this multi-million person group, more than 85% indicated to the survey that they had gone to the Better Business Bureau with their complaint. Only slightly more than 5% of the people came to the *FTC and every other governmental agency with their complaint.* These results dramatically portray the position of the Better Business Bureaus as a well-known bridge between the American consuming public and business.

Thus, we are not "just another trade group" representing the interests of its members in testifying here today on this important proposal. For nearly 60 years, Better Business Bureaus have had an impressive record of investigating and exposing frauds, swindles, and misleading or dishonest business practices.

Better Business Bureaus pioneered the movement for "truth in advertising" and have monitored local advertising in every community where Better Business Bureaus are found. For example, in 1968 they investigated more than 50,000 advertisements, communicated with more than 25,000 advertisers and logged in excess of 30,000 contacts with media representatives. The new Council, which I represent, is expanding this program even further, as we are about to embark on a major national program of advertising self-regulation. This program, which will be in operation shortly, constitutes only one of five Council priorities, but is well known to the Federal Trade Commission and I will not go into details here.

A second priority of this Council, and one which should lend itself to the goals of this hearing and many other hearings contemplated by the Federal Trade Commission, is our National Consumer Data Computer Bank. One of the difficulties faced by the Federal Trade Commission and other regulatory agencies is that they are sometimes obliged to establish regulations in a factual vacuum. Much information about "holder in due course" is not readily available. We intend to change this situation very soon with our new computer system which will be underway within a month. By October, twenty major metropolitan areas will be tied into our consumer data system, and a total of 50 cities will be tied in on or about the first of the year.

This system will contain information on consumer attitudes, sales promotion and advertising practices and product and service performance. We hope that, at hearings like this in the future, we will be able to testify, for example, that so many thousands of consumer complaints were derived from the "holder in due course" doctrine. We would also anticipate providing information on the current resolution of these inquiries and complaints.

A third priority for the new council, which we believe merits special attention in this hearing, is the expansion and upgrading of our Bureaus' informational services to the consumer. Nearly eight million "instances of service" were handled by Better Business Bureaus last year on the telephone alone. This does not include an estimated 4 million in calls that did not get through because of busy signals. In a typical Better Business Bureau, all lines are lit up and one consumer is helped on an average of every 28 seconds. Every inquiry or problem is handled individually.

Many inquiries come into Bureaus from consumers who are about to enter into an

installment contract with a particular business. If Bureau records indicate that the business in question has failed to carry out its contracts satisfactorily, it will so inform the consumer. In this fashion, Better Business Bureaus have served to prevent many potential abuses of the "holder in due course" doctrine. In our desire to increase consumer services, the Council has set an immediate goal to provide additional reporting capabilities in each local BBB. We have earmarked $2.3 million of our funds, of which more than $500,000 has already been committed to local Bureaus, to simply improving Bureau telephone, response, and retrieval systems.

Another Council priority is to expand and improve our program of consumer education, which to date has reached literally millions of people. Films, brochures, books, pamphlets, newspaper columns, and mobile education units are only some of the ways now used by Better Business Bureaus to make our consuming public more knowledgeable about the procedures and pitfalls of the marketplace. This priority, too, will assist in preventing abuses in the "holder in due course" doctrine. However, I wish to emphasize that our efforts, like other preventive efforts by many institutions and in a variety of areas, is clearly not enough.

The fifth and final priority of the Council is an arbitration network to resolve disputes between consumers and businesses before they reach court. If every consumer and every financial institution, which now buys installment contracts for consumer products, were to agree in advance to submit to binding arbitration all disputes between the consumer and the original contractor, the proposed regulation now being considered by the FTC would not be necessary. Instead of raising the defense of "holder in due course," the financial institutions would agree to let a knowledgeable, neutral third person resolve any issue. This would be preferable to a court action in which the consumer has no right to raise any defenses to a contract, but our program of arbitration does not have universal acceptance as yet and we have no guarantee that it will have. If the reverse were true, we would be promoting this as the answer to prevent such abuses.

I have described some of the priorities of the new Council of Better Business Bureaus, Inc., as they relate to the subject of this hearing. I think it is evident that, despite the inroads which BBBs have been able to make and are planning to make in eliminating the most objectionable aspects of "holder in due course," we alone cannot stop the abuses.

Thus, in our unique position as the "middleman" to whom most consumers turn when they are faced with this kind of problem, we now take a national position that "holder in due course" does not fairly protect the consumer and should be completely eliminated from the laws of this land so far as consumer product contracts are involved.

Better Business Bureaus around the country have for many years testified for the elimination of this doctrine before State and local legislative bodies. We do not consider our expertise such that we can comment on the jurisdictional validity of this Commission to issue a regulation eliminating this doctrine in consumer sales contracts. But we do believe such a national goal is appropriate, whether by regulation, by national law, or by action of the several States.

Further, we believe that changes in this doctrine will materially help the consumer while not seriously hurting legitimate businesses. Our experience has shown that alteration or elimination of the "holder in due course" doctrine has the beneficial result of eliminating the "fly-by-night" operators and dishonest businessmen, whose "paper" will not be purchased—even at a significant discount—by responsible financial institutions.

It is these fringe operators who will be unable to obtain financing for their operations. To make doubly sure, let me pledge here and now that Better Business Bureaus throughout this land will, as in the past, provide forthright and accurate reports on all consumer-oriented businesses. If any fiancial institution is in doubt about any business from whom it is considering a purchase of discounted installment contracts, it need only contact the nearest Better Business Bureau for a factual, up-to-date evaluation of that business' dealings with the public. Thus the customer will turn to the legitimate businessman with a history of fair dealing. And any bank or other financial institution will know that such businesses can be relied on to discount "paper" based on contracts which will be fulfilled.

We have heard that eliminating the "holder in due course" doctrine may result in a tightening of credit which will hurt the marginal consumer. While we believe this argument has been raised to "scare" proportions, we should point out the simple fact that the same shady operators who rely on "holder in due course" to shield their own liability, also prey upon consumers who are least likely to obtain credit for their purchases. We are not doing the marginal credit consumer any favor by permitting the least reliable businessmen to deal with them. Such a consumer, under present conditions and law, simply ends up like the poor man in the once-popular folk song who "owes his soul to the company store."

One of the most famous slogans of the Better Business Bureau has been "investigate before you invest." Such an investigation is not limited to the consumer; indeed, businesses are cautioned in the same fashion. BBB reports have always been available to the businessman as well. Financial institutions have traditionally checked with Better Bureaus to see if a merchant backs up his product or service. If they continue to do so in the future, they will not have to fear the possibility of being "stuck with" a discounted contract that is invalid.

We do not believe that by completely eliminating "holder in due course" will eliminate the fly-by-night operator. He will simply deal in cash transactions, which will be limited to smaller contracts—or he will adopt other techniques which will permit him to eke out a living. But we are closing in on this fringe operator. Last Spring, we testified for the "cooling off" period to permit consumers some time to reconsider a high-pressure sales approach. At present we are testifying for a proposition to eliminate his financial support, and this Fall we shall undertake a national advertising campaign to make sure he cannot misrepresent his wares or services to the public. In short, we are seeking new ways to reach our goal of cleaning up the marketplace.

As I indicated earlier, we are now setting up our national consumer data bank, so it is premature for the Council to provide you with the kind of statistics needed for basing a regulation of this type on factual data. However, although it is a somewhat longer process, we are currently polling our BBBs across the country to ascertain the fact already known—that the "holder in due course" doctrine creates considerable unfairness to the consumer. As soon as these cases are sent into our operational offices, we will compile the data and submit it for the record of this hearing.

To conclude, the Council of Better Business Bureaus, having carefully weighed the anticipated effects of any change in the "holder in due course" doctrine and representing both the consumer and the best businesses in our nation, feels that both would be better served by the complete elimination of this doctrine in consumer sales contracts.

GENOCIDE: THE NUREMBERG PRECEDENT

Mr. PROXMIRE. Mr. President, any discussion of war crimes inevitably raises the precedent of the Nuremberg trials at the conclusion of the Second World War. The American people can rightfully feel proud of their role in the prosecution of persons guilty of some of the most horrendous crimes in human history.

But what would have happened if the war had not ended so triumphantly for our side? I am not speaking of a United States defeat; I am speculating about a situation which would have been regarded as something less than an American victory. I am speculating about a hypothetical stalemated situation in which neither side achieved dominance.

In such a situation would genocide acts on the scale of the Nazi atrocities have gone unpunished or even untried? Would the lives of murdered millions have passed without remark?

We cannot afford to allow an omnipotent fate to determine the quality of justice in international affairs. That is the purpose of law.

That is the purpose of the Genocide Convention, which would establish genocide as an international crime and create procedures for the trial and punishment of violators.

Civilization calls for decent nations to join together against crimes as monstrous as genocide. Let us remember that 75 sovereign nations have ratified the convention, but the United States is not one of them. In my opinion, it is our duty to raise the acceptable level of civilized conduct. That is why the Senate should ratify the Genocide Convention now.

I ask unanimous consent to have printed in the RECORD the conclusion of the opening statement by the chief U.S. prosecutor at Nuremberg, Justice Robert H. Jackson.

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

EXCERPT FROM OPENING STATEMENT AT NUREMBERG BY THE CHIEF U.S. PROSECUTOR, JUSTICE ROBERT H. JACKSON, 1945

The real complaining party at your bar is Civilization. In all our countries it is still a struggling and imperfect thing. It has been blameless of the conditions which made the German people easy victims to the blandishments and intimidations of the Nazi conspirators.

But it points to the dreadful sequence of aggressions and crimes I have recited, it points to the weariness of flesh, the exhaustion of resources, and the destruction of all that was beautiful or useful in so much of the world, and to greater potentialities for destruction in the days to come. It is not necessary among the ruins of this ancient and beautiful city, with untold members of its civilian inhabitants still buried in its rubble, to argue the proposition that to start or wage an aggressive war has the moral qualities of the worst of crimes. The refuge of the defendants can be only their hope that International Law will lag so far behind the moral sense of mankind that conduct which is crime in the moral sense must be regarded as innocent in law.

Civilization asks whether law is so laggard as to be utterly helpless to deal with crimes of this magnitude by criminals of this order of importance. It does not expect that you can make war impossible. It does expect that

your judicial action will put the forces of International Law, its precepts, its prohibitions and, most of all, its sanctions, on the side of peace, so that men and women of good will in all countries may have "leave to live by no man's leave, underneath the law."

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning businesss? If not, morning business is concluded.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDENT pro tempore. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A 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.

The Senate resumed the consideration of the bill.

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

AMENDMENT NO. 437

Mr. MANSFIELD. Mr. President, in the past several months I have received at least 10,000 cards that all read as follows:

JULY 31, 1971.

To you, Sir, and your Party Members:

Do you realize that it has been over seven years since the first U.S. servicemen was taken prisoner in Southeast Asia? It is the responsibility of the elected officials of this country to take all possible actions to bring about treatment of these men as required by the Geneva Convention of 1949.

Further, it is the responsibility of our elected officials to bring about a *release* of all prisoners of war.

What have you done?

Mr. President, in an effort to seek out and bring back Americans held captive or missing in Indochina, the issue of Vietnam will be raised again, and, may I say, if necessary, again and again this year. It will be raised in the form of an amendment to the pending measure. The Senate will be asked once again to join in seeking a conclusion to this tragedy that continues to wrack and split the Nation. It should not take long to consider the amendment because it expresses an action which the Senate has taken already. In every respect, save one, the amendment is identical to the Vietnam withdrawal amendment adopted decisively just 3 months ago.

The amendment calls for a total withdrawal from Indochina within 6 months on condition only that our Americans held captive or located among the missing-in-action be released. The change is solely an adjustment in time from the 9-month span of the previous amendment to allow for the lapse of 3 months.

In simple terms, this amendment would fuse the cooperation of the Congress—the legislative branch of our Government—to the President's direction of policy in order to bolster this Nation's objective of withdrawal from Indochina. It would assure withdrawal on a single condition—that the President reach an agreement whereby our prisoners of war and those missing in action who can be located—the POW's and MIA's—be returned home. The time frame, I repeat, is 6 months, 6 months from the date of enactment of this bill.

It is my hope that this effort will be accepted in the spirit in which it is made. Within the context of the independent responsibilities of the Senate, it is an effort to cooperate with the President in bringing about an end, once and for all, to this tragic mistake.

There are good reasons for joining the Congress and the President in a national policy of full withdrawal from Vietnam. The repeal of the Tonkin Gulf resolution, for instance, struck down last year what many believe was the sole legal foundation for involvement. There is, moreover, the upcoming election in South Vietnam, the circumstances of which have led others to note the increasing urgency of our withdrawal. Insofar as I am concerned, the most over-riding reason has been and remains the utter waste of this involvement. It is the waste of lives, the waste of tens of billions of dollars as the needs of cities and towns and other urgencies within the Nation are compelled to stand aside. It is the waste of spirit as the Nation remains torn by the divisiveness of the war.

So there is ample cause to get out. That is what the amendment proposes, a final getting-out of Vietnam with 6 months, tied only to the complete release of the POW's and recoverable MIA's. It proposes, in a sentence, a decisive end to this tragic chapter in the Nation's history.

In meeting that objective it should be said that the amendment works hand in hand with the tripod approach which has been set down by the President by protecting the three parties most affected. The assurances are there for all: assurances to the South Vietnamese people themselves that they be given a reasonable chance to survive freely and elect their own government; assurances to the POW's and surviving MIA's that they be guaranteed safe passage home; assurances to young Americans—draftees in large part—who are still being compelled to lay down their lives in Southeast Asia, that there will be a quick end to the killing.

That is the threefold objective of the amendment and it fits with the tripod of the President's approach. It should be noted in this connection that next Sunday the South Vietnamese go to the polls in an election which, with justification, has come under a cloud. Such as it is, nevertheless, it is an election and it forms the first leg of the tripod of the President's approach which is to give the people a chance to choose a government.

In going to the polls next Sunday, moreover, the people of South Vietnam do so under an armed-forces umbrella of more than a million South Vietnamese. For the last 17 years, they have been advised, trained and supported by the United States. They stand as one of the world's largest military establishments. There is, thus, no question that the South Vietnamese have that reasonable chance to survive freely. That is the second leg of the tripod which the President has set up as a basis for U.S. withdrawal.

The third is based on the POW's and MIA's who, to me, represent the most tragic aspect of this entire issue. Insofar as I am personally concerned, the fate of these men, at this late date, is the only significant basis for this Nation to remain any longer in Vietnam. To the POW's and MIA's, this amendment offers not an expressed intention or a helicopter in the sky but a sober assurance of action on their release and recovery. It is the assurance that inside of 6 months after a ceasefire, concrete steps will be taken to locate them and to secure their release. No more pressing issue exists at this late date in the war than that of seeking out and bringing back the men held captive or the recoverable MIA's. Indeed, it must be faced in all candor that the prospects are dim for the return of any of these men unless and until we decide that for this Nation the war in Vietnam is completely over and act accordingly. It is unfair and irresponsible to stimulate the hopes of those men and their families with promises of action where action is not feasible. Unless and until this Nation moves in the direction set forth in the amendment, either by Presidential directive or law, I repeat, it is highly doubtful that the POW's or the MIA's will return to this Nation. That is the true warranty of the amendment. It is a sober assurance of the release, forthwith, of the POW's and MIA's who survive.

The purpose of the amendment is clear. Except as indicated, its content is unchanged from what the Senate, by vote of 61 to 38, has already adopted. If the Senate votes to restate its position and the House now concurs, it would represent, I think, a constructive action by the legislative branch of Government which complements the administration's policy to the end that the tragedy in Vietnam will be concluded at last.

I send the amendment to the desk, Mr. President, and ask unanimous consent that it be printed in the RECORD at this point.

The PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without

objection, the amendment will be printed in the RECORD.

The amendment is as follows:

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

TITLE VI—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than six months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than six months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Mr. AIKEN. Mr. President, I had hoped that the majority leader would not find it necessary to reintroduce this amendment at this time, but apparently progress in reaching the desired results which were incorporated in his earlier amendment or proposal has not been very satisfactory.

I want to say I have tried to support the President down the line in his efforts, his apparent efforts to bring the war in Indochina to a close. I have felt that he was going in the right direction. I still feel he is going in the right direction and give him a high mark in the conduct of foreign relations, but I am beginning to be rather apprehensive that the desired results may not be attained.

I have felt, for myself, that next July 1 is the deadline for the time when our military forces should be completely out of Vietnam. I have made this clear not only to people in our own Government, but also to people in other governments, including the South Vietnamese Government. I have come to the conclusion that continued participation by our Armed Forces beyond that date could be a liability rather than an aid to that Nation.

Now, the Senator from Montana has reintroduced this amendment with the 6-month limitation of time after the bill becomes enacted into law. Assuming that may be in early December, it would still give us until some time in the month of June to complete this withdrawal.

I have felt deep concern, indeed, for the families of the prisoners of war who have been held over there, some of them now for almost 7 years. It was over a year ago I had a suggestion which had been made to me which I passed on to the Defense Department relative to an attempt to rescue some of these prisoners by helicopter raid. I got a letter back from the Department of Defense telling me why it would not work, and then they tried it and it did not work, so they were absolutely right in their earlier judgment.

I am afraid that the war in Southeast Asia will be written down as the most disastrous chapter in American history. There is no question about that. The small country of Laos has been torn to pieces. In Cambodia, 90 percent of the economy has been destroyed, as far as their export business goes, since Cambodia was invaded. South Vietnam itself is in terrific political turmoil, with the outcome in doubt. And the United States economy, thanks to the losses we have sustained in this abortive effort in Southeast Asia, at a cost of over $200 billion, is now in the most critical situation it has been at least for the last 35 years. It is something that we should all worry about.

As I have said, I think next July 1st is about the limit for our participation, in a military sense, in South Vietnam or in Southeast Asia. I would still support reconstruction in Indochina and would hope to undo the damage which has happened there insofar as our resources will permit, but I do not know at this time whether our resources will permit steps in that direction.

International finance associations are now meeting here in Washington, and I do not know just what they will want. I suppose they will want the United States to participate as generously as we have done in the past, providing amounts running into billions upon billions upon billions of dollars. I would like us to participate with those who are trying to establish and maintain adequate international financing in this world, but I have to say in all truth that I do not know what we can do and I do not see how we can contribute further to the World Bank, the International Monetary Fund, the IDA, and the other organizations, until we know with certainty, or almost with certainty—nothing is ever quite certain—what we are going to do from now on in Indochina.

So, while I had hoped that we would have progressed far enough now—I notice we are still withdrawing a few troops from that area; I do not expect we will withdraw them in increasing numbers until after the South Vietnamese election next week—I do think the President has it in his power to straighten out this matter. Approval of the Mansfield amendment as reintroduced will certainly demonstrate not only to the executive branch of Government but to the rest of the world the position that the U.S. Senate holds in this matter. We might, perhaps, have settled it in connection with the draft bill. I do not feel too badly that we did not, because we had two or three different subjects to deal with in that bill.

So, under the circumstances, I feel that I will vote for the new amendment offered by the Senator from Montana, in the hope that it will contribute toward an early and a decent settlement of a situation which we should never have gotten into in the first place.

Mr. STENNIS and Mr. COOPER addressed the Chair.

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

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

Mr. STENNIS. I yield.

Mr. COOPER. Mr. President, are we under a limitation of time?

The PRESIDENT pro tempore. There is no limitation.

Mr. COOPER. Mr. President, I rise to support the amendment introduced by the distinguished majority leader, MIKE MANSFIELD, the main provision of which declares that it is the policy of the United States to withdraw all its forces from Vietnam by the spring of 1972 provided that all U.S. prisoners of war are returned by the North Vietnamese and its allies.

I have joined with Senator MANSFIELD, Senator AIKEN, Senator CHURCH, and other Senators, in previous efforts to prevent the expansion of the war by U.S. forces in Laos, Cambodia, and Thailand and I am happy to join him in this effort to bring U.S. participation in the war to a close.

The Senate approved a similar amendment to the Draft Extension Act by a substantial majority, and by so voting reflected, I believe, the majority will of the people of this country to withdraw its forces from Vietnam and end its participation in the war in Southeast Asia.

I agree with the Senator from Montana that with the repeal of the Gulf of Tonkin Resolution, the Government of the United States has no constitutional authority to keep its forces in Indochina or to engage in hostilities there except to protect our troops from imminent danger as they are withdrawn. In the absence of any approval by the Congress through constitutional processes, the President is without authority except to withdraw and to protect our forces against imminent danger as they withdraw. In fact, he has steadily withdrawn U.S. forces, keeping every commitment and reversing past policies, for which he deserves full credit and support. More than half of the 535,000 ground troops in Vietnam when he assumed office have been withdrawn. But the pace of future withdrawal is said to be linked to the ability of the Government of South Vietnam to take over the continuation of the war.

South Vietnam has over 1 million men under arms, and after over 30 years of war and as the recipient of tens of billions of dollar of direct assistance ought to be in a position to conduct its own military effort without U.S. forces.

I do not believe there is any constitutional or practical reason why the United States should any longer determine its rate of withdrawal upon the strength or weakness of any particular government in South Vietnam or upon the outcome of elections there. As a matter of logistics, the time provided by Senator MANS-

FIELD'S amendment is ample, particularly since over half of our forces have already been withdrawn since President Nixon assumed office almost 3 years ago.

I have always believed the final solution to the Indochina war should not hinge upon military force but through negotiations, by all the nations concerned. Expanded war, and the application of force—massive firepower and bombing, have not brought a peaceful settlement. When U.S. forces are withdrawn the United States may have little control over the nature of the settlement. But our lessened influence in a settlement does not preclude a stable, peaceful settlement—in fact, it may enhance it. For I doubt that other countries, our adversaries in the war—North Vietnam, China, and Russia, or our friends, the United Kingdom and others, or the neutrals, or the U.N. will seriously assist in negotiations as long as the United States maintains forces—even residual forces in Vietnam.

This is confirmed by the history of negotiations at Paris. In August, on my return from the SALT talks in Helsinki I met with Ambassador Habib, now appointed as Ambassador to Korea, and then our chief negotiator in talks with the North Vietnamese and Vietcong. He confirmed, as the Senate well knows, that there has been no progress in Paris and the war has continued. I believe failure is due primarily to the intransigence of North Vietnam and the Vietcong and that an international settlement offers the best chance for a stable peace for the entire area. The reconvening of a Geneva Conference consisting of all the countries involved, or as Senator AIKEN has wisely suggested an Asian conference, or possibly the U.N., will provide the best means of achieving a political settlement when U.S. forces are withdrawn.

The interest of the United States is to have a stable peace in Southeast Asia and certainly it is the desire of all people, and particularly the people of Cambodia, Laos, Thailand, and South Vietnam.

The United States made an error in continuing its presence in Vietnam after it was clear it was not in our national interest or necessary for our security, but I recognize the difficulty in changing our course, as President Nixon has done. But through a series of legislative actions the Congress, and particularly the Senate, has moved to end our military involvement in Indochina, first to end the widespread bombing of the North, later by amendments to contain the war to Vietnam, and not to enlarge the engagement in hostilities by U.S. forces to Thailand, Cambodia, and Laos.

It is now the time to end U.S. military involvement in Indochina completely. Senator MANSFIELD'S amendment is a fair and proper way to express the support of the Senate, the Congress, and the country for the complete withdrawal of U.S. forces. It is the proper role of the Congress to declare such a fundamental policy. I would hope that the administration, which has reversed the policy of past administrations would concede the right of the Congress to carry out its duties under the Constitution to affirm a fundamental policy clearly desired by a majority of the people of this country. The people of this country want an end to U.S. participation in the war in Indochina, and the Congress should express this national will. For these reasons the Congress should support the amendment offered today by Senator MIKE MANSFIELD.

Mr. STENNIS. Mr. President, regarding the amendment just filed by the Senator from Montana, I shall be quite brief, but shall undertake, along with other Senators, to discuss it on its merits more fully later.

I want to start with two points here. I appreciate so very much the fine attitude of the Senator from Montana, all the way through regarding this subject, at every turn, down to now. Also, the second point is, in his remarks on this subject about the war and the POW's, he certainly started off with an expression of interest and sympathy and desire for the termination of this conflict as soon as possible, consistent with our mission and all of the matters that go in connection with our intervention there. Certainly we want the POW's to be released not only at the earliest month possible, but the earliest time possible, even at the earliest hour possible.

But, Mr. President, I submit there is much more involved in this amendment than just subject matter itself, as offered as a part of this bill, and I most respectfully submit that as legislation on a bill of this kind, or the draft bill, the subject matter of the amendment has already had its day in court. There are many other far-reaching matters involved in this bill, and it is a bill that must move along; it must make its legislative tracks and move to its ultimate end, because it is just obviously necessary to authorize weaponry, and it cannot be appropriated for until it is authorized. Appropriation bills are hanging up, waiting for the passage of this bill.

That is not enough reason for keeping the war going, Mr. President, or keeping the POW's in prison, but it is merely a legislative fact of life on the 27th of September 1971, when we are faced with all these other legislative problems in this bill and beyond this bill; and I shall urge that upon the Senate for consideration later with a detailed statement of the facts with which we are confronted.

The second point I wish to make is that I believe—and I have been rather close to this subject—that in the first place we already have a legislative expression on this subject; even in a bill as controversial otherwise as the draft bill was, we already have that expression. But I believe it would be a far more effective legislative expression and legislative determination if the substance of this amendment could just travel on its own, and not as a part of another bill—especially a bill that must be enacted—dealing with other subjects.

I think it is relevant to this bill; I am not arguing that it is not. The bill has money in it for use in connection with this war. But I think it would be a far better, more effective legislative expression; even if the President of the United States should veto a resolution to this effect by Congress, it would be clearer and more positive, and would not be the result of a compromise in conference, as sometimes is necessary. If it were passed purely on its merits as an independent resolution, I think it would go much futher. I believe it would gain more support in Congress, frankly, and would be more effective as a legislative determination of what should be done about this war.

Frankly—and I say this with the utmost respect—we have two members of that fine committee on the floor now who have just spoken in favor of this proposal.

Mr. AIKEN. Three.

Mr. STENNIS. Yes, three. I think that Congress and the people are entitled to a resolution on this subject that has been before the Committee on Foreign Relations of the two Houses, with the great eminence of their members, and their experience and background of knowledge of this subject matter, and their activity in it—to have the Committee on Foreign Relations pass on it directly and come here with a report from their committee on this subject matter. It has been fully debated, but we have not had the benefit of a report yet.

The same would apply in the other body, and I think there would then be a far better chance to pass it, frankly, than there would when piling it on the so-called military bills.

I am not dodging the work nor dodging the issue, but just talking common sense; and frankly, I have not understood why it does not go that route. I just do not see yet—and I have raised this point more than once—why the Committee on Foreign Relations of the United States Senate, where the debate is going on, on this matter, has not taken up the matter in the form of a resolution, or in such form as they see fit, and given us a definite, concrete recommendation here in the form of some legislative proposal backed up with their opinions and consideration, and the testimony and the evidence. I just do not understand why that does not happen. This is not said critically of the committee, because obviously this is a problem of the Nation, and members of that committee have worked here on the flood. But as a Member of Congress and a Member of this body, I have expressed, as I said last year, a desire to have that committee pass on it, and the House Committee on Foreign Affairs, if they see fit.

So, Mr. President, at a later date I shall seek the privilege of speaking further on this subject. The Senator from Montana has spoken to me about agreeing to a time to vote on the amendment. I certainly do not want to delay a vote. I want those who want to speak to have an opportunity to do so. We have to know something about the prospects of attendance on certain days, and when I speak again on the bill, and I shall speak briefly, at that time I intend to say something especially about agreeing to a limitation of time and a vote on all the amendments. The committee will be ready, and, subject to information about attendance. we are ready to make agreements.

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

Mr. STENNIS. I yield to the Senator from Vermont.

Mr. AIKEN. I hope an early determination can be made on this amendment, because we not only have to deal with the Asian Bank, the Inter-American Bank, the International Monetary Fund, and so forth, but the committee is now working on the foreign aid bill, and we have got to know where we are going and how long we are supposed to be going in that direction before we can really take these other matters up and work on them intelligently.

Mr. STENNIS. I can make this suggestion to the Senator: the way to control that is to take jurisdiction of this subject matter and hold hearings on the resolution as introduced by the Senator from Georgia, and then you can control when it comes up.

Mr. AIKEN. Well, if the Senator from Mississippi, the chairman of our Armed Services Committee, can only persuade the House of Representatives to act favorably on the Mansfield amendment and send it over here, I am sure the whole matter would be settled without much, if any, delay.

Mr. STENNIS. I thank the Senator. We will get to a vote on this matter, as far as I am concerned, very soon, and I hope it can be disposed of.

Mr. MANSFIELD. Mr. President, as always, the distinguished Senator from Vermont has hit the nail on the head. In emphasizing the part which the House of Representatives could, should, or might play, he approaches the nub of the situation which confronts the Senate.

May I say that I appreciate the courtesy and consideration shown by the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services and the manager of the bill now before us. May I say also that in my opinion nothing is more important than this amendment as far as the future of this country is concerned. I cannot think of the Senate voting on a more important issue than the one which hopefully will be before us in the next 2 or 3 days.

As the Senator from Mississippi has indicated, I did discuss with him the possibility of a time limitation on the amendment just offered, preferably tomorrow, Wednesday, or Thursday—even Friday. The day makes no difference to me. All I want is a vote, an expression of the sentiment of the Senate. I think this issue is so important that perhaps on this occasion a great majority of the Senators will be in attendance to face up to it, one way or the other.

As I say, there is no issue of greater importance. When we think of drug addiction in this country, what do we think of? Vietnam? Turkey? Not much. It comes from the golden triangle—northeast Burma, northeast Thailand, and the Kingdom of Laos. That is where nine-tenths of the white stuff comes from.

I do not have to talk to anybody in this country—certainly no one in this Chamber—to emphasize the effects of what drugs have done and will do to Americans, not only in Southeast Asia but in this Nation as well. We have the rise in crime, attributable in considerable degree to the rise in drug addiction. We have our ghettos in disrepair. We have the question of racial animosities in this country, in Vietnam, in Western Europe.

What this country is going to have to do is to get together to combat these difficulties. We are going to have to cut down on the spending and the waste and the adventurism which have marked our foreign policy since the end of the Second World War, under both Democratic and Republican administrations, and face up to the problems at home.

Maintaining troops or even maintaining bombers in Southeast Asia is not the answer. Nor, incidentally, is the maintaining of 525,000 U.S. military personnel and dependents in Western Europe the answer. Nor is the maintenance of approximately 2,000 bases, scattered throughout the world and encompassing every continent, the answer.

We know the kind of economic situation which confronts us today. We are in trouble, deep trouble. That, too, along with just about all other issues which confront us, can be traced indirectly or directly to Vietnam. It is a cancer on the soul and the body of America, and it will not be cured until the cause is removed and we withdraw—lock, stock, and barrel—not just from Vietnam but from Laos, Cambodia, and Thailand as well. That area is not and never has been vital to the security of this Republic.

The distinguished Senator from Mississippi said or suggested that the Gambrell-Talmadge resolution, which is the same as the resolution introduced today, should be referred to the Committee on Foreign Relations and that a report should be issued.

Mr. President, may I say that a report already has been issued. It has been issued by the Department of Defense and is contained in the figures, in the statistics in the casualties—the dead and wounded bodies, if you will—which are enumerated on a weekly basis to the American people but to which, unfortunately, too few people pay attention.

Here are the figures for Thursday last: 301,700 Americans wounded; 45,514 Americans dead in combat; 9,781 Americans noncombat dead; the dead total, 55,295. None of us can take solace in that figure, because those figures mean Americans, men of this Nation, mostly draftees, men who died in the prime of their lives and did not have a chance. Total casualties, 356,000 as of last Thursday—356,995; missing, 1,601; totally disabled, roughly 35,000 Americans.

What about the other combatants? South Vietnam, 138,001 dead. Other free world forces, 4,697 dead. North Vietnam and the Vietcong, 770,850 dead. Those total 913,548 dead. Regardless of the color of a man's skin, regardless of his cultural or social background, these men were men—animate, human, living, breathing beings.

Yes, we have permitted a great deal; so many Americans have been lost; so many Americans have been disabled; so much of the Nation's treasure has been spent. The figure 356,995 American casualties is 356,995 too many. The figure of $130 billion, roughly, spent in this war—and it will treble into the next century—is $130 billion too much.

The length of this war, almost 10 years—although we have been involved there for 17 years—makes it the longest war in the history of the Republic, and that is too long—much too long.

Yes, I agree with the distinguished senior Senator from Vermont (Mr. AIKEN). Insofar as our capacities will allow, we do have a duty and an obligation to participate in the reconstruction of what used to be one of the Associated States of Indochina, but which is now four separate entities. Reconstruction will only resurrect in part what has been destroyed in human spirit, what has been destroyed physically through napalming, defoliation, and ruthless destruction. There is a moral obligation to do what can be done to compensate. There was no moral obligation to become engaged in the war.

I want to say one thing in conclusion that I have said many times; in this I am in the great minority. It is my belief that the assassination of Ngo Dinh Diem in 1963 was a tragedy of the greatest magnitude, because Ngo Dinh Diem was an honest man, incorruptible, and he gave a measure of stability to South Vietnam. With his assassination—and evidently this Nation played a part in that tragedy—we found a succession of coups by the generals taking place.

Finally, 4 years ago, we saw an election which brought into office the present president and vice president. They were minority victors. Now we approach another election, 17 years after we became involved in Vietnam. What we have is not democracy but one man on the ticket and that one man is going to win.

I think there has been enough said and done about Vietnamization by this country. There has been enough American blood spilt. Yes, Mr. President, there has been enough South Vietnamese, North Vietnamese, Vietcong, Laotian, and Cambodian blood spilled.

The Senate, if it desires, can make a move which I think could help to shorten the war. It is a move which is well within the constitutional responsibilities of this body. It would call for a cease fire, it would call for negotiations, and it would call for the simultaneous withdrawal of U.S. personnel from Vietnam with the simultaneous release of U.S. prisoners of war and all recoverable of the missing in action.

We have to face up to this matter. We cannot avoid it. So far as I am concerned, it will be brought up again and again—and, if need be, again, and this year.

There is no more overriding issue. I want no more blood on my hands. I want to see these men brought home. I want to see, wherever possible, the MIA's recovered and the POW's released as soon as it can be done.

Thus, I would hope that it would be possible within the next 1, 2, or 3 days to reach a decision to vote on this.

So far as the Senator from Montana is concerned, there is not much that I can add to what I have already said. My time spent on this issue will be very brief.

What I want is a vote, and a vote in this body soon.

Mr. FULBRIGHT. Mr. President, I want to associate myself——

Mr. STENNIS. If the Senator will excuse me for asking the Senator from Arkansas to yield to me——

Mr. FULBRIGHT. Certainly. I yield, without losing my right to the floor.

Mr. STENNIS. Just this, Mr. President. The committee already has agreed to time on the amendment by the Senator from Missouri concerning the tank, for 3 hours. The Senator from Montana did not have in mind wanting a vote today, did he? Does the Senator wish a vote today on his amendment? I am not saying that I would agree——

Mr. MANSFIELD. Would the Senator from Mississippi agree to a vote on tomorrow?

Mr. STENNIS. I want to find out something about it first.

Mr. MANSFIELD. The same arguments would prevail today as tomorrow.

Mr. STENNIS. We will set something right away.

Mr. MANSFIELD. Fine.

Mr. STENNIS. But I will agree on this tank matter and any other so-called minor amendment that comes in. I do not know of any others. We are ready, Mr. President, on any other amendments that have been printed and are now at the desk.

I thank the Senator from Arkansas for yielding to me.

Mr. FULBRIGHT. Mr. President, I wish to associate myself with what the Senator from Montana has just said. He said it very eloquently. He has said it before. As he said, he may have to say it again and again. It needs to be said.

I understand that comment was made that on a bill of this kind an amendment of this kind is inappropriate, that it should be separately considered by the Committee on Foreign Relations. Of course, that committee has been deeply involved in various matters concerning the war in Vietnam for some 6 or 7 years now. I do not have the slightest doubt in my mind that a clear majority of members of the Foreign Relations Committee supports this amendment.

But even more important than that, the Senate itself has already passed on the issue which is involved in the amendment. It was passed just a short time ago. Therefore, I would think it wholly unnecessary, at this late date, to submit a measure of this kind to the Committee on Foreign Relations. We would merely be spinning our wheels. The Senate has spoken.

I congratulate the Senator from Montana for stating once again the basic reason why it is so important at this time for the Senate to make its decision, that it is time to bring this war to a close.

In that connection, I hold in my hand a résumé of American and South Vietnamese casualties. I am not going to repeat what the Senator from Montana has said, but in the latest list I notice, for this year, that while the Americans killed in action will be down from over 14,000 in 1968 to about 2,000 this year South Vietnamese casualties are likely to be higher this year than ever before.

The significant thing is that the killed in action of the South Vietnamese, for whom we are supposed to be fighting this war, is projected to be over 30,000, up from 27,900 in 1968. Thus we have an increase in the killed in action of the South Vietnamese.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of articles bearing on this question about the ending of the war in South Vietnam.

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

UNITED STATES SENATE,
Washington, D.C.,
September 7, 1971.

Subject: KIA Reports (1965–1971)

	1965	1966	1967	1968	1969	1970	[1] 1971
United States	1,369	5,008	9,378	14,592	9,414	4,221	1,176
South Vietnam	11,243	11,953	12,716	27,915	21,833	23,346	16,255
Total	12,612	16,961	22,094	42,507	31,247	27,567	17,431

[1] Through July 17.

[From the New York Times, Sept. 27, 1971]

REVERSE PRESSURE IN SAIGON

Having refused to use the leverage of American aid to assure the South Vietnamese people a meaningful choice in their presidential election next Sunday, the United States is now employing that leverage bluntly to try to block the most likely alternate means for changing the leadership in Saigon. Administration officials passed the word to South Vietnamese generals that any coup d'état against President Nguyen Van Thieu would lead to the ending of American support.

The plain effect is to commit the United States to maintain President Thieu in power in Saigon, regardless of the wishes of the South Vietnamese people. This flies in the face of President Nixon's repeated pledge to guarantee to the South Vietnamese the right of self-determination. It is also a hazardous gamble that could bring disaster for both Presidents.

The rising clamor against President Thieu has already extended to the normally subservient national Senate, which has called for postponement of the elections, and to important elements of the Catholic community, also customary backers of the Government. Unrest throughout the country is on the rise, and it is questionable that any amount of American intervention can stem this tide.

In underwriting the Thieu regime, President Nixon inescapably identifies the United States Government with Mr. Thieu's policies. These include the "four no's," constantly emphasized by the Saigon leader during his one-man campaign—no coalition government, no neutralism, no Communist participation in politics, no loss of territory. In short, no peace.

Americans can find little hope in such policies of ever extricating themselves from the Vietnam tragedy. If the Administration refuses to withdraw United States support from the intransigent dictator in Saigon, then Congress must do so through speedy enactment of the withdrawal mandate which Senator Mansfield plans to reintroduce as an amendment to the military procurement bill this week.

[From the New York Times, Sept. 27, 1971]

THE NONWAR WAR

(By Herbert Mitgang)

The uncontested nonelection next Sunday for the South Vietnamese presidency has its counterpart in creative fantasy for over 200,000 Americans there: from the Delta to the DMZ and beyond they are shooting and being shot at in an unofficially undeclared nonwar.

The biggest public relations triumph of the Administration thus far is planting the impression that, like Pan Am's commercial, President Nixon is making the going great. He told Congress and the country this month about "our success in winding down the war" but, skeptical Senators and Vietnam-watchers say, he has only succeeding in winding down persistent opposition to the war.

This year the casualties and body counts have dropped sharply but the going is slow, costly, still perilous and pegged to politics. Senator Mansfield's original amendment to the draft-extension law calling for a nine-month troop withdrawal deadline was weakened into phrasing that is open-ended. The only "date certain" for withdrawal there is considered to be the '72 election here.

It was not Mao but Confucius who said that the best way to leave is simply by going through the door. But the revived fury of United States aerial strikes in the last fortnight indicates that our exit is through the bomb bays.

The air war is very costly in human and financial terms. A year ago about 5,000 American planes (1,000 fixed-wing and 4,000 helicopters) were operating over Indochina. There are still 3,500 American planes (500 fixed-wing, 3,000 helicopters) in action today. One and at times two aircraft carriers are in costal waters. Plane losses by hostile fire and accidents have been heavy: more than 3,300 fixed-wing and more than 4,500 helicopters in the war up to now.

Nor has the theater of combat been narrowed in this twilight time of disengagement. Five states are still directly involved. Thailand remains the base of operations for B–52 missions; Laos and Cambodia are regularly interdicted to hinder the enemy's supply system; North Vietnam above the demilitarized zone is photographed by reconnaissance planes and struck by fighter-bombers on "protective reaction" missions; South Vietnam is one big free-fire zone when required to bail out Saigon's soldiers.

In the semantic acrobatics of the Vietnam war, "protective reaction" strikes against antiaircraft emplacements and missile and fuel sites have been stressed. But far more dangerous in the future are the actions behind two less-familiar phrases: "pre-emptive attack" against troop infiltration on the trails and "ancillary effect" bombing—meaning, in support of South Vietnamese forces. When ARVN troops retreated from a Cambodian town a few months ago, under heavy United States air cover, Gen. Creighton Abrams remarked, "Dammit, they've got to learn they can't do it all with air. If they don't, it's all been in vain."

In this withdrawal phase of Vietnamiza-

tion, American troops are supposed to be in a defensive posture. On-the-ground combat responsibilities now belong to the ARVN; it is their turn to search-and-destroy and carry the fight. But an Air Force colonel explains. "Consistent with this concept we support ARVN ground operations with air and artillery. Both B–52's and tactical fighter-bombers have been involved." In these operations the American Air Force's role is restricted to "air logistical support and close air support."

Translated into what has taken place this month alone, the clear implication of these terms seems to be that American "advisers" and fliers are very much part of offensive actions. They have been engaged in a two-front war in September: carrying South Vietnamese infantrymen into battle deep in the Mekong Delta 145 miles southwest of Saigon and backing them up with helicopter gunships; bombing in the southern panhandle of Laos in direct support of Royal Lao forces and C.I.A.-trained guerrilla battalions. Those activities hardly accord with the periodic announcements from Washington about "winding down the war" through Vietnamization.

It is difficult to predict what American casualties will be in the next twelve months of nonwar if no settlement is achieved in the Paris talks (and the Administration shows no eagerness to advance the prospect of a settlement there). The present rate of fewer than 100 killed a month is an encouraging drop but it could go up or down, depending not on American-originated actions but on the support given to sustain the governments of client states. The United States has become their hostages militarily.

The probability at this point is that the Air Force activity will be kept at a steady level. Two years ago there were 1,800 sorties (one aircraft on one mission) a month; currently the monthly rate is 1,000. It has gone up this month. The cost of one B–52 sortie in Southeast Asia today—for fuel and bombs alone—is between $35,000 and $45,000. Multiplied, this comes to more than $35 million a month.

Many moribund national programs—for education, housing, employment, parklands—could be revived by the hundreds of millions of dollars now falling out of the bomb bays on Southeast Asia. Perhaps a more meaningful local measure, even though Federal funds are not directly involved, is to compare just the financial costs of the B–52 bombings with what it would take to reopen the main branch of the New York Public Library evenings ($350,000), Saturdays ($350,000) and Sundays and holidays ($200,000) for a full year.

A few nonflying days, not to mention peace, would do it.

[From the Washington Post, Sept. 25, 1971]

WHILE LAIRD CRIES FOR SOLDIERS, VETERAN REENLISTMENT BARRED

(By Robert A. Dobkin)

While Secretary of Defense Melvin R. Laird was warning Congress of a serious military manpower crisis unless the draft was renewed, the Army was telling its recruiters to turn away veterans wanting to re-enlist.

". . . current re-enlistments of individuals on active duty are sufficient to maintain the career-content of the Army under its reduced structure. Thus, there is no present need for the enlistment of prior service personnel from the civilian community."

These were the instructions in a Sept. 14 letter from Maj. Gen. A. H. Smith of the Army's personnel office to the recruiting command at Ft. Monroe, Va. The orders then were passed on to recruiting offices across the country.

Four days earlier, Laird wrote Senate Armed Services Committee Chairman John C. Stennis (D-Miss.) urging immediate passage of the draft bill "in the interest of national security."

The bill renewing the draft for two years was approved by the Senate Tuesday and is awaiting President Nixon's signature.

"There may be some seeming inconsistencies," Pentagon spokesman Daniel Z. Henkin conceded yesterday, "as manpower needs of the Army and the other services are realigned in light of continuing withdrawals from Vietnam and manpower reductions directed by Congress."

The Army is budgeted to shrink to 892,000 men by June, down from its 1968 Vietnam war peak of 1.5 million.

Henkin said Laird, who has been pushing the administration's effort to find jobs for returning Vietnam veterans, was unaware of the recruiting order. There are currently, 310,000 Vietnam-era veterans between the ages of 20 to 29 unemployed, according to the Labor Department. As a group they have the second highest rate of unemployment, 8.2 per cent compared to the national rate of about 6 per cent.

Smith's Sept. 14 order applies only to veterans wanting to come back into the service and not to young men signing up for the first time. The Army figures it will need 20,000 new men a month if it is to end reliance on the draft and become an all-volunteer force by mid-1973.

"We still need people, there's no question about that," an Army spokesman said. "But we need enlistees for the combat arms otherwise we'll be top-heavy with sergeants and no privates."

Veterans coming back into the service—20,000 did last year—would retain their old rank. A man with two or three years prior service would in most cases be a sergeant E–4 or E–5.

There are two exceptions to the order barring veterans. The Army will take back men trained in any of 18 critical job skills, mostly in electronics, and those holding either of the three highest combat awards—the Silver Star, Distinguished Service Cross or Medal of Honor.

Mr. FULBRIGHT. Mr. President, we have been proceeding for about 2 years now on the assumption that the war was being wound down. It has been a long, drawn out affair. It is nearly 3 years now since the new administration came into being.

A meeting is being held this week in Washington of some of the leading financial experts from all over the free world, the non-Communist countries. They are concerned about matters of balance of trade, balance of payments so far as this country is concerned, and they have taken a firm and adamant attitude about what our allies and our friends in the non-Communist world have to do regarding assistance toward reestablishing our balance of payments in this country.

I notice in most of the discussions I have seen on television or before the Committee on Foreign Relations and other committees on this subject, that there is a tendency for the financial experts to overlook completely the cause of the financial and economic dislocations in this country. Unless questioned specifically, they will not mention the fact that the real and basic reason for the terrible economic dilemmas, and the difficult problems we face in this country, originate in the war and the military expenditures over the past 15 to 20 years, but especially in the past 6 to 8 years.

The other day, there was an open hearing before the Joint Economic Committee, chaired by the Senator from Wisconsin (Mr. PROXMIRE). The president of the National Association of Manufacturers, an intelligent and able businessman, was describing the effects of the economic difficulties we were facing but he never referred to the war as being one of the causes.

Mr. President, we had the same experience with Secretary Connally before the Foreign Relations Committee just 2 or 3 days ago. He never mentioned the war until asked if he did not believe that the war and the military expenditures accompanying it had contributed greatly to the economic difficulty of the country. Of course he did not admit that. He pleaded that that was not within his Treasury Department jurisdiction, that it was a matter of foreign policy, although I demurred to that and said that I thought it could not be disassociated and that he should interest himself in it. At any rate, those who are today struggling with our balance-of-payment difficulties probably will not attribute to the war in Vietnam and to the military expenditures of the country any relationship to the difficulty in our balance of payments.

When the Secretary of the Treasury appealed to our non-Communist allies and friends to support us, they intimated that our own practices have contributed to this—and they have to some extent. However, the real culprit in this matter is the war in Vietnam.

Many of our foreign friends did not approve the war and made it quite clear in the last several years that they did not approve of our war in Vietnam. I think it is very unbecoming to attribute a major cause of our difficulty to them, although some of them have engaged in practices which I think were discriminatory. I hope that they can be persuaded to change. I do not like the idea of attributing to them falsely and erroneously such things as their activities as being the major reason why we are in such great financial difficulty.

If we want to stop the war in Southeast Asia, as the Senator from Montana has proposed, we should withdraw our troops lock, stock, and barrel from a war that has accounted for some hundreds of thousands of Americans dead and and wounded and has also caused a drain of tens of billions of dollars on the American budget. If we include such a measure to provide for the withdrawal of our troops from Southeast Asia. I will certainly support it. And I hope that the Senate will support the amendment offered by the Senator from Montana.

ASSESSMENT NO. 438

Mr. President, I send an amendment to H.R. 8687 to the desk for printing.

The PRESIDING OFFICER. The amendment will be received and printed and will be on the desk; and without objection the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 16, line 11, after the quotation mark, strike out the word "On" and insert the following:

"Unless the President determines that the national interest or a treaty obligation of the United States otherwise require, and so informs the Congress, on"

Mr. FULBRIGHT. Mr. President, on last Friday I asked unanimous consent

that I be allowed to enter a motion to reconsider the vote by which the so-called Byrd amendment to the military procurement act was agreed to.

It was a very unusual procedural situation. Much to my surprise, the Parliamentarian ruled that even though the Senator from Mississippi (Mr. STENNIS) had moved to reconsider the vote—and this is on page S 14947 of the RECORD—and the Senator from Mississippi had then said:

Mr. President, I withdraw my motion.

The Parliamentarian ruled that had been the equivalent of a motion having been put, because he said it required unanimous consent to withdraw it, that I was precluded from offering any motion to reconsider.

I personally think that is a ruling much against the interest of orderly procedure. It will be noted that the Senator from Mississippi did not ask unanimous consent to withdraw his motion.

The Senator from Mississippi said: "I withdraw my motion."

Then, subsequent to that, there being no objection, the Senator from Mississippi (Mr. STENNIS) said the second time, "I withdraw the motion."

The Senator from Mississippi did not ask unanimous consent, but the Presiding Officer said, "Without objection, the motion is withdrawn."

The way the matter was handled and the rapidity with which it was handled, I think, created the impression, if anyone noticed it at all, that it did not require unanimous consent to withdraw his motion. Just as an ordinary procedure here in offering a motion, Senators may withdraw it without having it consented to.

At any rate, I only explain this because it shows the necessity for the offering of a new amendment which has an effect similar to the McGee amendment. The McGee amendment struck this provision. All this does is, in order to change it a bit and also, I hope, to make it more palatable for some of those who would vote against the motion to strike the provision relating to Rhodesia, is to give the President the option to determine whether it is in the national interest or whether a treaty obligation requires him to abide by the embargo which was voted on and approved by the United Nations.

Mr. President, I remarked a moment ago about what seemed to me to be the unusual comment of the Senator from Mississippi when he said that the Mansfield amendment should be referred to the Foreign Relations Committee.

The Senator from Mississippi seemed to be very concerned at that time with the jurisdiction of the Foreign Relations Committee. Actually, the Byrd amendment to the bill which had been passed upon by his committee had as its main thrust an amendment to the United Nations Participation Act which would undermine the United Nations.

The amendment was put in the procurement bill by the Armed Services Committee after it had been submitted to the Foreign Relations Committee, and the Foreign Relations Committee—after hearings—rejected it, declined to act upon it, or tabled it, if we like to put it that way. However, as a procedural matter, in that case the Foreign Relations Committee did disapprove of it. Yet the Committee on Armed Services proceeded to consider this same amendment and agreed to it.

Then on the floor of the Senate there was exhibited this irresistable power to dominate the Senate by rejecting the McGee amendment by a vote of 46 to 36, I believe.

It does not come as any news that the Armed Services Committee is a very powerful and distinguished committee and is under the bureaucratic influence of the Pentagon when it comes to voting on the floor of the Senate on those bills. However, I think it comes not very graciously for the Senator from Mississippi to suggest that the Senator from Montana is out of order in offering an amendment to end the war which has already been voted on by the Senate and at the same time proceeding to agree to an amendment, the primary thrust of which is to undermine the United Nations and say with respect to the embargo that the United Nations voted to support, that the United States unilaterally would no longer abide by the embargo authorized by the United Nations Charter.

That is, in effect, what it says. I will not at this time repeat the argument in favor of the McGee amendment. However, I will at the time the amendment is before the Senate.

I think the Senator from Wyoming and others who participated in the debate on this amendment a few days ago discussed the basic factors which demonstrated that this matter concerning the purchase of chrome from Rhodesia is of little if any significance with regard to our national security.

The amount of chrome in our stockpile is far more than we need; as a matter of fact, it has been found specifically to be far in excess of our needs, so that their is no real urgency or any need for this chrome at the present time.

The effect of the amendment of the Senator from Virginia is simply to undermine and show further a lack of confidence in the United Nations. It could not come at a worse time since the United Nations is just opening and the General Assembly is just meeting. Great problems are involved. The admission of Mainland China will be taken up for action in the near future, and our representatives are doing all they can to get support for the position of this country.

I think to take this action and to have it widely advertised in the press that Congress has shown a lack of interest and confidence in the United Nations and lack of support for the embargo on Rhodesia would be a most unfortunate development at this time.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I address myself to the pending question, which includes consideration of the amendment just offered by the distinguished chairman of the Committee on Foreign Relations.

Mr. President, I am rather amused that the Senator from Arkansas (Mr. FULBRIGHT), who has been perhaps the foremost advocate—at least I thought he was—of trying to have the Senate take back some of the power it has given to the President over the years, now present, an amendment, which, to use the Senator's words, leaves the options with the President on a vitally important matter——

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

Mr. BYRD of Virginia. I yield for a question.

Mr. FULBRIGHT. I would like to say I did not choose—this was not my first choice, as a procedure. As the Senator knows, I asked simply to reconsider the vote. I would have preferred that procedure, but as an alternative this was the best I could come up with. This is not my first choice, as the Senator knows.

Mr. BYRD of Virginia. I would hope the Senator would vote against his own amendment because it goes completely contrary to all the arguments he has made on the floor of the Senate, going back to 1966.

I do not know how many times I have had the privilege and pleasure of hearing the distinguished and able Senator from Arkansas argue before the Senate that the President of the United States, whether it be Mr. Johnson or Mr. Nixon, has too much power, that the Senate has given away too much power. I agree with him on both of those matters.

Mr. FULBRIGHT. I still think so.

Mr. BYRD of Virginia. I agree with him on those matters, and now he comes in, and I find this whole matter very interesting and amusing.

I have another matter in that regard I want to comment on in a moment. But first, the Senator from Arkansas is proposing an amendment to give additional power to the President. My goodness gracious, Mr. President. My goodness gracious. This is an interesting situation; almost as interesting, not quite but almost as interesting, as the Senator from Arkansas becoming the new quarterback for the administration in regard to a military procurement matter.

I say that because this past Friday on the floor of the Senate the distinguished and able chairman of the Committee on Foreign Relations said that he wanted to move to reconsider the vote in section 503 of the military procurement bill as an effort to help the administration, which does not favor the amendment, which the Senate approved by a vote of 46 to 36 last Friday.

I thought the administration had a very effective team here in the Senate in handling military matters and in handling national defense matters.

I was under the impression that the quarterbacks for this team were the able and dedicated Senator from Maine, Senator MARGARET CHASE SMITH, and the able and dedicated Senator from Mississippi, Senator JOHN STENNIS.

But it appears now that a new quarterback has been brought in, one from the opposing team, to do the quarterbacking on this proposal which was approved in the Committee on Armed Services by every single Republican member of that committee and by a majority of the Democratic members.

So I think it is a very interesting turn of events which we see, very interesting and to me very amusing. But so far as the Senator from Virginia is concerned, I am glad that the Senator from Arkansas is pursuing this question.

Now, what does section 503 do? Section 503 eliminates the dependency of the United States on Communist Russia for a vital defense materiel, namely, chrome. The more the people can understand this, the more the people know about this matter, the more likely I think the people will be to see the logic of what the Committee on Armed Services in the Senate did and what the Senate itself did by a vote of 46 to 36 last Thursday.

Mr. President, chrome is a vital defense materiel. It is essential for the construction of nuclear submarines, for aircraft, and many items of a defense nature.

The greatest source of chrome is Rhodesia. But by unilateral action of a President, President Johnson, taken some years ago, the United States cannot buy chrome from Rhodesia; the United States is not permitted to trade with Rhodesia. As a result of that, the United States is dependent upon Communist Russia for 60 percent of its chrome needs.

Mr. President, another interesting aspect of the Senator from Arkansas becoming the quarterback for the administration on this matter is that the State of Pennsylvania; represented by the distinguished minority leader, the Republican leader in the Senate, is being badly hurt by this embargo on chrome.

So I would hope and assume that the distinguished and able Republican leader (Mr. SCOTT) of Pennsylvania, will be working side by side with Senator SCHWEIKER of Pennsylvania, and with the great majority of the members of the Committee on Armed Services in support of section 503.

You see, Mr. President, if section 503 is not approved, the director of district 19 of the United Steelworkers of America in a telegram to me last week said this:

> I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry. If favorable disposition of the Byrd proposal is not obtained, there will be no specialty steel industry in Pennsylvania or in the United States.

Mr. President, there is a question of jobs. One of the great problems facing this Nation today is unemployment, the need for jobs. Here is an opportunity to strike a blow for jobs——

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BYRD of Virginia. And to approve this proposal.

I shall yield in just a moment.

I do not pretend to know the details of the specialty steel industry in Pennsylvania. I do not have the responsibility of representing Pennsylvania. But I accept the statement of the representative of district 19 of the United Steelworkers of America which says that this industry will be put out of business, which means that black and white workers in that industry will be put out of jobs, if the proposal approved by the Senate itself last week is not continued to enactment.

I now yield to the Senator from Arkansas.

Mr. FULBRIGHT. The Senator has stated that certain Republican Members of the Senate have voted in support of this section. Is it not a fact that the administration does not agree with the Senator from Virginia's view on this?

Mr. BYRD of Virginia. Whom does he speak of as the administration?

Mr. FULBRIGHT. The President and the Secretary of State.

Mr. BYRD of Virginia. The President has not taken me into his confidence. I realize that he takes the Senator from Arkansas into his confidence at times, but he has not taken the Senator from Virginia into his confidence on this particular matter.

Mr. FULBRIGHT. With regard to jobs, the other day the big argument was that this amendment was necessary in the interest of national security.

Mr. BYRD of Virginia. That is right. This is another reason—an additional reason—for section 503.

Mr. FULBRIGHT. Is it not true that in the stockpile of the United States there are over 500 million tons of chrome?

Mr. BYRD of Virginia. The purpose of the stockpile is to protect the United States Government over a period of time in this strategic material, just as in many other strategic materials.

Mr. FULBRIGHT. Is it not true that the agency in control of the stockpile stated that we have in excess of our requirements 1,300,000 tons of chrome? Is that not a fact?

Mr. BYRD of Virginia. I am not certain of the figure, but the agency has recommended that a certain amount of it be released from the stockpile, but the stockpiling subcommittee headed by the able distinguished Senator from Nevada (Mr. CANNON) has not agreed with that.

Mr. FULBRIGHT. That is another matter. The Armed Services Committee is more partial in its attitude even than the Pentagon, but the agency recommended that, and it was in the debate, and it was not challenged. The Senator from Wyoming has sponsored repeal of the chrome amendment, stating that 1,300,000 tons have been determined by the agency, not by the committee, to be in excess of the stockpiling needs, in other words, beyond normal needs.

Mr. BYRD of Virginia. That does not solve the basic problem that the United States, over a period of time, must have a source of chrome from a free world country. Its chief source of chrome now is a Communist country.

Mr. FULBRIGHT. There are other sources. Turkey and the Philippines are sources. It is true that before there was any embargo or before the Rhodesian question came up we were buying chrome from Russia because it was the most economical place to buy it.

Mr. BYRD of Virginia. I will read the figures on that.

Mr. FULBRIGHT. They are in the RECORD.

Mr. BYRD of Virginia. I will read the figures into the RECORD at this point.

In 1960, the United States obtained 1 percent of its chrome from Communist Russia.

The Senator mentioned Turkey. I will give the figures on the reserves, because I think it is important that these figures be brought out.

Of the chromium reserves of the world, high grade chromite, the Republic of South Africa has 22.5 percent. Rhodesia has 67.4 percent. The Senator mentioned Turkey. Turkey has only 2 percent. The United States has less than 1 percent, practically nothing. The Senator mentioned the Philippines. The Philippines have less than 1 percent of the world reserves. The U.S.S.R. has 5.6 percent. Other nations, 1.8 percent.

So, as a practical matter, only the Republic of South Africa, Rhodesia, and Russia are the countries that, as a practical matter, have any chrome and they are the only countries from which chrome can be obtained. So, I think it is important to keep that in mind.

The reserves figures show that the United States has been and is now cut off from the one country that has chromium reserves totaling two-thirds of all the known reserves of chromium in the world.

That is why it is vitally important that the United States be in a position, not just for a short period of time, not just for this year or next year, to obtain reserves from a free world country.

If the Senator from Arkansas wishes to challenge the next statement I am going to make, it is certainly his privilege, but I would think most of us in the Senate, and most of the American people, and most of the Members of Congress feel that the most likely potential aggressor against which the United States needs to arm itself is Communist Russia. If there were no potential threat from Communist Russia, then I see no reason to pass these big military appropriation bills, totaling billions and billions and billions of dollars.

But, of course, most people feel there is a potential threat there. All of us hope that threat will not be realized, but most of us feel that the United States cannot rely on Russia's intentions.

We must be aware of her capabilities and we must have a strong defense. We must have adequate military equipment, such as the pending bill provides for, to protect the United States in the event that Communist Russia should become an aggressor. We must remember Berlin and Cuba and Czechoslovakia.

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

Mr. BYRD of Virginia. I yield to the Senator.

Mr. FULBRIGHT. I would say I do not agree with the Senator. I do not think the Russians are planning to attack us. I think, on the contrary——

Mr. BYRD of Virginia. The Senator from Virginia did not say the Russians plan to attack us. I want to make that clear. The Senator from Virginia did not say what the Senator from Arkansas imputes to him.

Mr. FULBRIGHT. He inferred it. He did not say it.

Mr. BYRD of Virginia. Let the Senator state what the Senator from Virginia said.

Mr. FULBRIGHT. I understood what the Senator said.

Mr. BYRD of Virginia. Apparently he did not. The Senator from Virginia said if there were not the possibility of aggressive intentions on the part of the Soviet Union, there would be no real need for these bills.

Mr. FULBRIGHT. I submit to the Senator that we do not deal in possibilities, we deal in probabilities, when we try to evaluate our foreign policy, and there is no probability, in my opinion. The Russians know what nuclear weapons are. They know how many we have. They are less likely to do it than anyone else because they know the consequences. Some uninformed country might do it. The fact is that we have had two world wars in which this country has been involved, and in neither case were the Russians the aggressors. I do not know why the Senator wants to emphasize the cold war. As a matter of fact, we are at war today, not with Russia, but with a small Southeast Asia country called North Vietnam.

Mr. BYRD of Virginia. The Senator from Arkansas and the Senator from Virginia are in fundamental disagreement. I do not trust the Russians.

Mr. FULBRIGHT. I know the Senator does not.

Mr. BYRD of Virginia. The Senator from Arkansas does.

Mr. FULBRIGHT. The Senator is quite entitled to his attitude. It is not a question of trust. We are dealing in probabilities, as to what is a wise policy.

Let me ask the Senator one other thing. He voted, I believe, to report the pending bill to the Senate from the Committee on Armed Services, did he not?

Mr. BYRD of Virginia. That is correct.

Mr. FULBRIGHT. And he has made a great deal of to-do and a great deal of fun of the provision I added to this amendment; but did the Senator not vote for the provision in title V which reads as follows:

> On such terms and conditions as the Secretary of Defense may determine.

In other words, the Senator says he is in agreement with my views about questionable delegation of power to the President, and I am glad he is. I have said before and I still think we in Congress have gone much too far in our delegation of power, and I would not have chosen to take the route I have if the Senator or one of his supporters had not objected to reconsidering the previous motion.

This does occur, and I do not apologize for that. This is a very minor delegation, and is not any consequence as far as the overall idea of restricting the untrammeled power, I may say, of the executive branch, especially in the field of foreign policy, is concerned.

Mr. BYRD of Virginia. The Senator is advocating giving the executive greater power.

Mr. FULBRIGHT. I happen to know, or I think I know for sure, that the administration does not approve of the Senator's move, and in view of the administration's efforts to make an agreement with Russia on arms limitations—the SALT talks where we have invested over 2 years of effort, and in view of the United Nations meeting now, which this amendment is directed at, I think it would be a tragedy to put obstacles in the way of the President to success at the SALT talks, if he possibly can attain it. The possibility of agreement is there, even though the probabilities are not too good, except that we are all hopeful. But I think it would be too bad, in the midst of efforts by this administration to reach some kind of a reasonable detente or reasonable understanding with the Russians about this idiotic arms race, to continue to say, "We think you are going to attack us; you are the only one who possibly might attack us." I just do not want to be a party to that, and I hope the Senate will not give its approval to expressions of this kind, because the only hope of prolonged peace is to make some kind of an accommodation of a reasonable kind with the Russians, and also to strengthen the United Nations.

I think the Senator's amendment undermines both of those efforts, and I believe, on reconsideration, that the Senate will see the wisdom of that course, and will reverse the action it took the other day by adopting this committee amendment.

Mr. BYRD of Virginia. What the Senator from Arkansas seeks to do—and he has a right to do it—is say that in this particular case we do not want Congress to speak, we want to turn that over to the President, to do whatever he wants to do with it.

That is completely contrary to everything the Senator from Arkansas has been arguing for the last 5 or 6 years. It seems to me to be a complete about-face from everything he has been arguing for.

I supported the very fine resolution which the Senator from Arkansas proposed in this body a year or two ago. I may have been a cosponsor, I do not recollect. But in any case, I voted for it, I favored it, and I spoke in behalf of it, trying to get the Congress of the United States to stop giving away power to the President.

We have given too much power to the President, and the Senator from Arkansas agrees with that, except that when Congress will not do what he wants them to do, he then wants to reverse himself and say, "In this case, we want to turn it over to the President, because the President wants to do what I want to do."

That is one way of looking at it. But I do not think it is a very consistent, or logical, or desirable way to look at it. I say I am glad this amendment——

Mr. FULBRIGHT. Then why did the Senator agree to this provision to turn over $2.5 billion to the Secretary of Defense, to do as he wants?

This chrome amendment is, after all, a relatively insignificant matter; but in the case of giving $2.5 billion to the Secretary of Defense—who, after all, is the President's appointee, and it is equivalent to giving it to the President—the Senator is agreeable to saying, "Here is $2.5 billion, to do with what you please."

I regret this type of delegation, but——

Mr. BYRD of Virginia. I do not think the Senator from Arkansas wants the U.S. Senate to attempt to fight the war in Vietnam.

Mr. FULBRIGHT. No; I want to end it everywhere I can.

Mr. BYRD of Virginia. This permits the Secretary of Defense to make the military decisions necessary to end the war. That is entirely different from the proposal the Senator is making. Entirely different.

If the Senator from Arkansas wants to give more power to the President in regard to letting the President make vital defense and foreign policy decisions instead of Congress making them, that is all right. I just do not happen to agree. I do not see why Congress cannot stand on its own feet and say, "This is what we think. This is what we think ought to be done."

That is what the Senator from Arkansas has been arguing for over 5 years; but now the Senator from Arkansas says: "Congress disagrees with me, but the President will agree with me; therefore, I want to give him authority to make this decision, rather than the Senate and the House of Representatives making the decision."

As I say, it is an approach—an approach that Congress has used time and time again. I submit that because of that approach, this country is in the worst mess and the worst condition it has been in the history of the Republic, probably. The Senate has continued to give away power. We have continued to refuse to face the facts here on the floor of the Senate—and the Senator from Arkansas proposes legislation to continue such a policy.

Last week the Senate did face the facts on this issue, for the first time in the 5 or 6 years that the embargo has existed on trade with Rhodesia. Last Thursday was the first time there has been any vote in Congress on the matter.

The trade embargo was done unilaterally, by one man, the President of the United States, President Johnson. Congress never had an opportunity to pass on it until last Thursday. There was no vote on any aspect of it.

Last Thursday, the Senate spoke, loud and clear. The Senate said:

> We do not want the United States to be dependent on Communist Russia for a vital war material.

I have no quarrel with those who take a different view, but it seems to me that is a logical view. Every single Republican member of the Committee on Armed Services thought that was a logical view, and supported that position. A majority of the Democrats on the committee took that position, and the vote in the Senate itself supporting that position was 46 to 36.

Mr. President, national defense is the most important issue involved here, but there is also the question of jobs.

As I mentioned earlier, the Senator from Virginia does not have the responsibility of representing the great State of Pennsylvania, but I am going to fight together with the Pennsylvania Senators to try to protect the jobs of steelworkers who are losing their jobs, because of this very foolish policy of embargoing trade with a friendly country, a small landlocked country in Africa.

I want to read into the RECORD again a telegram from William J. Hart, director, District 19, United Steelworkers of America. I shall read only a couple

of sentences, and then I ask unanimous consent that the text of the telegram be printed in the RECORD.

Mr. Hart, in his telegram, states:

I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry . . . if the Pennsylvania specialty steel companies do not receive favorable disposition of the Byrd bill. . . . there will be no specialty steel industry in Pennsylvania or the United States.

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

TARENTUM, PA.,
September 22, 1971.

Hon. HARRY F. BYRD, Jr.,
Old Senate Office Building,
Washington, DC.:

I was in attendance on July 8, 1971, when Allegheny Ludlum Industries Inc. vice president E. F. (Andy) Andrews appeared before the African Affairs Subcommittee of the Foreign Relations Committee of the United States Senate in Washington, D.C. I fully endorse the position taken by Mr. Andrews. I am concerned with the black and white steelworkers in Pennsylvania maintaining their jobs in the specialty steel industry. As you know Western Pennsylvania is the specialty steel capital of the world and if the Pennsylvania specialty steel companies do not receive favorable disposition to the Byrd bill section 503 of H.R. 8687 or S. 1404, there will be no specialty steel industry in Pennsylvania or the United States. As a member of the executive board of the United Steelworkers of America I wish to be recorded as in favor of the Byrd bill Section 503 of H.R. 8687 or S. 1404 and I would appreciate any assistance you can render on this important subject.

Sincerely,

WILLIAM J. HART,
Director, District 19, United Steelworkers of America.

Mr. BYRD of Virginia. What is going to happen to those people? They will be put out of work. I thought we wanted to be putting people to work in this country.

Of course, I know a great big welfare bill has been presented, to put people on welfare.

But I submit, Mr. President, that while I do not know the steelworkers of Pennsylvania, I feel that they are very similar to the factory workers of Virginia, the coal miners of Virginia, and the other working people in Virginia, in that they want a job; they want an opportunity for a job, to support themselves, to support their families. They do not want to go on welfare. They want the opportunity for a job.

Yet, by the very foolish unilateral action of our Government—never submitted to Congress, never approved by Congress—those jobs are being destroyed; especially the specialty steel industry in Pennsylvania is being destroyed.

So I hope that those of us in the committee and the 46 Senators who voted as they did last Thursday will have the support of the Republican leader of the Senate, the distinguished senior Senator from Pennsylvania (Mr. SCOTT), in this fight. I will fight alongside him, just as I have been fighting alongside the junior Senator from Pennsylvania (Mr. SCHWEIKER), to protect the jobs of those people in the steel industry of that great Commonwealth.

Mr. President, I am glad the Senator from Arkansas has opened this question again, although, of course, it takes the time of the Senate, and the Senate already has voted on it.

I am glad he has opened the question again, because I think the more the American people can know about this proposal, the better off every one will be.

I plan to discuss it each day, to do what little one Senator can do to bring out the facts, to develop information on this embargo on trade with Rhodesia.

I say again that I think it is very amusing that the chairman of the Foreign Relations Committee, who has never been known particularly as a supporter of the administration, now comes in here and suggests that he will be the quarterback for the team in this vital military procurement matter.

As I mentioned earlier, I think that this team has two good quarterbacks in the Senator from Maine (Mrs. SMITH) and the Senator from Mississippi (Mr. STENNIS). Certainly, the team of Senator SMITH and Senator STENNIS has been most effective for the administration.

Does the administration want the distinguished and able chairman of the Committee on Foreign Relations to handle all aspects of this bill? He is against most of it. Or does the administration want him to handle only one aspect of it?

What I find very amusing, also, is that the man who more than any other Member of the Senate has been condemning the giving of more power to the President has now submitted an amendment to this bill which would give the President the option of doing whatever he wanted to do in regard to the vital defense matter of the importation of chrome.

I have heard dozens and dozens, perhaps hundreds, of speeches—and all of them were good—by the eloquent and distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT). But I must say that I did not think the day would come when he would submit an amendment which would turn over more power to the President.

I disagree fundamentally with the Senator from Arkansas as to the giving of additional power to the President. I have agreed with him in the past. I signed his resolution urging the Senate not to give more power to the President. I favored his resolution. I think I signed it. In any case, I voted for it. I am in favor of it. I advocated it. I have spoken in behalf of it. That resolution, in effect, urged Congress to assume its own prerogatives and its own responsibilities and to stop giving more power to the President.

Now the Senator from Arkansas comes in today with an amendment to do just that, because he does not want to tackle the problem head on.

It seems to me that this is a matter on which the Senate should express itself. I do not care how any Senator votes. Each Senator has his own ideas, his own views, his own philosophy, and his own reasoning. All Members of the Senate are sincere and conscientious in what they are doing. I have no quarrel with how any Senator votes, but I do not want to give more power to the President.

I am not speaking of President Nixon. I spoke the same way when Lyndon Johnson was President. I will speak the same way 2 years from now, regardless of who is President—even 4 years from now or any other length of time.

I think we ought to have three coequal branches of Government—the executive branch, the legislative branch, and the judicial branch. I submit that the executive branch has assumed power to which it is not entitled. In addition, the legislative branch has given to the executive branch, voluntarily, more and more power.

Here we are with our champion, the Senator from Arkansas, the man who has been championing the cause of not giving more power to the President, and he comes in today with an amendment to give the President more power.

Of course, the reason he is doing that—he has not changed his fundamental philosophy, I feel certain—is that on this particular issue he thinks the Senate and the House of Representatives will not agree with him. That being the case, he is willing to turn it over to the President and let the President do what he feels the President will do in conformity with the views of the Senator from Arkansas.

I submit that that is why, as I visualize it, the President has received so much power—because for special personal reasons Senators say, "We'll turn it over to the President. We'll let the President do it. We'll give him the option. We'll give him the power."

In a way it is amusing, but in another way it is sad. How do we know whose leadership to follow, if the leader is going to shift and go in the opposite direction just because it happens to be a pet proposal of his that the President will approve and Congress will not approve?

Mr. President, I will discuss this matter in more detail at a later date. I just want to point out to the Senate that if it follows the proposal submitted by the distinguished and able chairman of the Foreign Relations Committee, to turn over to the President this question, we will be reversing and nullifying a great deal of the good which I think has been accomplished in the past 2 or 3 years, in trying to bring back to the Senate and to the elected representatives of the people the power and the responsibilities which justly belong in the House of Representatives and the Senate.

Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR BENTSEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the distinguished Senator from Virginia (Mr. BYRD) has been recognized tomorrow, the distinguished Senator from Texas (Mr. BENTSEN) be recognized for 15 minutes.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Texas (Mr. BENTSEN) and the remarks of the Senator from Indiana (Mr. HARTKE) tomorrow, there be a period for the transaction of routine morning business not to exceed 15 minutes, with a time limitation of 3 minutes attached thereto.

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

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 to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. CANNON. Mr. President, I wonder whether I might ask the distinguished majority leader if he has any idea when some of these amendments will be called up for action, or is that still unsettled?

Mr. MANSFIELD. No. It is settled, so far as today is concerned, because we spent several days last week trying to get some amendments slated for floor action today but, unfortunately, we were not successful. So all we will have today is discussion, unless someone incidentally brings up an amendment, which would be quite all right with the joint leadership. We hope that shortly after we come in tomorrow, when morning business has been concluded and the morning hour finished, we may have an amendment down at that time, either the Nelson amendment, the Eagleton amendment or some other amendment. So we will have votes beginning tomorrow but, unfortunately, because of circumstances over which the joint leadership had no control, not today.

Mr. CANNON. I thank the distinguished majority leader.

Mr. GOLDWATER. Mr. President, could I ask the distinguished majority leader when he intends to call up his amendment.

Mr. MANSFIELD. I have stated to the distinguished Senator from Mississippi, the chairman of the committee and the manager of the bill, that I would be open to a suggestion for a time limitation. He indicated interest and I would hope, therefore, that we could probably come to a vote on the amendment introduced today on tomorrow or Thursday. There will be other amendments in between.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 27, 1971, he presented to the President of the United States the enrolled bill (S. 2260) to amend further the Peace Corps Act (75 Stat. 612), as amended.

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 to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. CANNON. Mr. President, today I wish to present a report on the findings and recommendations of the ad hoc Subcommittee on Tactical Air Power, as they were approved by the full Committee on Armed Services. The chairman, the distinguished Senator from Mississippi (Mr. STENNIS), asked that I head this special subcommittee again this year, the third year that we have made a special review of tactical air programs in conjunction with the full committee's work on the Department of Defense authorization bill.

I wish to take this opportunity to thank the other members who served on this subcommittee, Senators SYMINGTON, JACKSON, HUGHES, THURMOND, TOWER, and GOLDWATER, for their individual contributions to the hearings and to the discussions of our recommendations on the individual programs. Their work was essential and invaluable to the functioning of the subcommittee.

Before discussing our specific recommendations, I would like to give a brief summary of the scope of our hearings this year and a short overview of the tactical air force structure of the services as it was brought out in our hearings.

The subcommittee reviewed a total of 24 separate weapons programs, 13 tactical aircraft and 11 air-to-air and air-to-ground missile programs. The following programs were reviewed by the subcommittee: Air Force aircraft—the F–15, A–7D, AX, F–5E, and F–111; Navy aircraft—the F–14, A–6E, EA–6B, A–7E, and E2C; Marine aircraft—the AV–8A Harrier; Army aircraft—the AH–56 Cheyenne and AH–1 Cobra/TOW; Air Force missiles—the Maverick, Shrike, and Sidewinder; Navy missiles—the Condor, Phoenix, Agile, Sparrow, Sidewinder, and Shrike; Marine missiles—the Bulldog; and Army missiles—the Dragon.

These accounted for most of the tactical air programs included in the budget request, and we did include all programs where initial production was requested or where major funding increases were being called for. The dollar value of the programs which were reviewed totaled $3.302 billion, with $2.899 billion requested for aircraft and $403 million requested for missiles. The subcommittee held hearings on 11 days, between March 8, 1971, and May 5, 1971. Two hearings were held on the F–14 program and two on the F–111 program because of the special emphasis and significant funding attached to these aircraft.

The transcript of the hearings on six of the aircraft programs was published in part V of the full committee hearings. The record published was for the F–14, F–15, F–111, AX, Harrier, and Cheyenne. The subcommittee felt that these covered the programs of major interest and with the most significant funding requirements. The AX, Harrier, and Cheyenne programs, of course, are those with implications for the future forces devoted to close air support.

TACTICAL FORCE STRUCTURE REVIEW

The subcommittee requested the services to present an overview of their tactical force structures, both now and for the next 5 years, in order to provide a perspective from which the fiscal year 1972 programs could be reviewed. This review of the force structure was most helpful to the subcommittee, and I would like to summarize the broad aspects of it at this time.

The dominant impression gained is that the number of tactical air wings in the Air Force and Navy is declining quite markedly. The Air Force has lost two wings since last year, dropping from 23 to 21 wings. This happened primarily because of the phaseout of the old F–100 from active squadrons to the Air National Guard. The F–105's are on their way out and will be deactivated soon. Partially taking the place of these older attack aircraft are the F-111's and A–7's now coming into the Air Force inventory. The F–111's will perform the long-range heavy attack strike missions of the F–105, while the A–7's will replace the F–100's in light attack roles of close air support and interdiction. In the air superiority mission, the Air Force must rely on the F–4 until the F–15 begins to enter the inventory in the mid-1970's. Thus, in summary, we do see a needed modernization taking place in the Air Force's aircraft at the same time that we see an overall decline in the number of active squadrons. I should add that this decline appears to be caused by budgetary considerations rather than a decline in the threat that faces us.

The Navy, similarly, is experiencing a decline in the number of active fighter and attack aircraft. The number of fighter and attack squadrons has decreased by 30 percent since 1964, from 84 to 60 squadrons. It has decreased by 10 squadrons in the last year. Marine Corps air strength, on the other hand, has remained relatively stable and has even gained slightly during the last 3 to 4 years. The Navy has a deficit this year of eight squadrons needed to fill the decks of the 13 carriers they presently are authorized.

Navy force modernization is taking place very slowly in this year's budget. Small buys of A–6E night and all-weather heavy attack and F–7E close support and interdiction light attack aircraft are included. The F–14 program absorbs roughly half of the Navy's tactical aircraft budget and is to improve the air superiority capability of the fleet. Much of the Navy's force modernization budget is going into supporting tactical aircraft, that is, into airborne radar warning in the E–2C and into tactical ECM jamming in the EA–6B. The Harrier buy for the Marine adds to their close support capability.

In the next 5 years, the principal additions to the Air Force's tactical force structure will be F–15's and AX's. These will complement the F–111's and A–7D's already procured, and the early models of the F–4's will begin phasing out of the inventory. The force mix that the Air Force is building towards in the next 5 years thus will be made up of, fighters: F–15 and F–4; and attack: F–111, A–7D, and AX. The two new additions, as a result of current research and development expenditures, will be the F–15 and AX.

The Navy's force structure will not change markedly by type in the next 5 years, except that F–14's will begin replacing F–4's. The A–6A heavy attack aircraft will be modernized to the A–6E version, which is only a change to more modern solid state electronics. The A–7A's and B's will be replaced by A–7E's, which again is an avionics improvement plus a more powerful engine. Similarly, E–2C's will replace earlier versions of the radar warning E–2A and B, and EA–6B's will replace EA–6A's. Both of these programs represent new avionics. The most notable point about Navy tactical air is the paucity of new development effort. The only new tactical combat aircraft currently in R. & D. is the F–14. Navy emphasis apparently is on force modernization rather than new development.

EFFECTS OF BUDGETARY CONSTRAINTS ON UNIT COSTS

When we look at the total numbers of tactical aircraft in the fiscal year 1972 procurement plans for the Air Force and Navy, we see not only extremely limited totals but also very small quantities of each individual type being procured, with the one exception of the A–7D buy of 97 aircraft for the Air Force. Producing aircraft at a low production rate, one, two, or three a month, is very uneconomical and results in high unit prices because the manufacturer's fixed overhead costs are spread over a small number of units. This is one reason that we see what looks like overly high unit costs for the tactical aircraft that are in this year's procurement.

I would also add that this effect is caused in large measure by our present budgetary constraints. As the percentage of our gross national product, and of our total government spending that we allocate to our defense continues to decline, the numbers of aircraft procured also will decline, and their unit costs will increase due to the proportionately higher overhead burden each plane must share. This certainly is one contributing factor to the higher unit costs we are paying for tactical aircraft. As long as we keep our defense spending at the relatively low current levels, we will have this deleterious effect on unit costs. For instance, this year we are allocating 6.8 percent of our GNP to defense, which is the lowest percentage since the pre-Korean war era.

SUMMARY OF TACTICAL AIRCRAFT PROGRAMS

I would like now to summarize briefly the programs reviewed by the subcommittee with their authorization as recommended by the subcommittee and reported out by the Armed Services Committee. I then will speak at greater length on the programs with the highest funding requests and consequently greater interest.

The Army aircraft were the AH–56 Cheyenne and the AH–1 Cobra/Tow. The Army request for $13.2 million for the advanced production engineering on the Cheyenne was denied. The Army request for $6.8 million to complete development and begin modification of Cobra gunships with the Tow missile was approved. The $13.2 million would have been used to do work preliminary to a full production go-ahead that would shorten the leadtime between start of production and delivery of the first aircraft. Tasks such as review of old Cheyenne engineering drawings and identification of the usable inventory from the earlier Cheyenne production contract would have been included. Because of a Department of Defense recommendation for operational testing before making a production decision, plus the need for more development work on the rotor control system, the subcommittee believed that this advanced production engineering effort was not needed this year. The subcommittee and full committee did endorse completing Cheyenne development at the earliest practical time. Accordingly, the full Armed Services Committee approved a Defense Department reprograming of $44.3 million of earlier Cheyenne production funds over to the Cheyenne R. & D. account.

Navy aircraft programs that we reviewed and approved included the A–6E heavy attack all weather bomber, 12 aircraft and $102.3 million; the E–2C radar warning and control plane, 11 aircraft and $304.8 million; the A–7E light attack airplane for close air support and interdiction, 24 aircraft and $89.7 million; and the F–14 fighter, 48 aircraft and a total of $1,029.8 million. On one Navy aircraft program, the EA–6B electronic countermeasures and jamming airplane, the subcommittee recommended reducing the requested procurement from 19 to 12 aircraft in fiscal year 1972 and the full committee concurred. The reason for this reduction is that the airplane's production rate would have had to be increased by 50 percent, from one per month to 1½ per month, under the proposed procurement plan. However, there was not sufficient funding to buy all of the support equipment for the planes, and also this was to be the last year of production for this plane under present defense planning. The subcommittee is highly impressed with the EA–6B's capabilities and felt it would be desirable to maintain the present production rate so that the production line would stay open into another fiscal year. In essence, the committee has deferred the seven aircraft until fiscal year 1973 and recommends authorization for 12 EA–6B's and a total of $198.6 million.

The Marine request for the AV–8A Harrier was for 30 aircraft and a total of $110.8 million to build the planes in Great Britain. The subcommittee recommended, and the full committee concurred, that production of the Harrier airframe be phased over to the United States. An additional $23.7 million was added to the authorization to begin this process in this fiscal year. The committee has taken this position for the last 2 years and reaffirms it again this year. The V/STOL technology exemplified in the Harrier should be imported into the United States, and phasing the Harrier airframe production line over to this country will accomplish that purpose. In addition, this move will provide a domestic source of production which will free us from dependence on foreign sources in time of crisis. These are two compelling reasons which the subcommittee felt did warrant the extra cost of domestic production.

Air Force aircraft programs that were reviewed and for which we recommend authorization included the F–15 fighter, $414.5 million for continued R. & D.; the F–5E international fighter for our free world Asian allies, 26 aircraft for R. & D. and procurement and a total of $128.4 million; the A–7D light attack bomber, 97 aircraft and $208.1 million to fill out the third wing; the AX close-support airplane, $47 million to continue the competitive prototype program; and the F–111 heavy attack all-weather bomber, for which the subcommittee recommended and the full committee concurred with authorization of $373.3 million for the prior year's program plus another $112 million for 12 additional aircraft. I will have more to say about the F–111 program later in my remarks.

SUMMARY OF TACTICAL MISSILE PROGRAMS

The Army's missile program which we reviewed as the Dragon medium antitank missile, for which the Army requested, and the committee recommends, approval of $38.9 million to go into production this year.

The Navy missiles included the Sidewinder short-range air-to-air missile, $16.4 million; the Phoenix long-range air-to-air missile, $108 million; the Agile, a future air-to-air dogfight missile now in development, $24.5 million; the Shrike antiradar air-to-ground missile, $8.4 million; the Condor long-range air-to-ground missile, $19.9 million for continued development; the Bulldog air-to-ground close-support missile for the Marines, $7.1 million; and the Navy Sparrow air-to-air missile program, $61.6 million.

The Air Force missiles recommended for authorization are the Maverick air-to-ground missile for which $86.9 million is recommended to begin production this year; a buy of Shrike missiles, $11.7 million; and Sidewinders, $4 million. The Air Force also is supporting development of the AIM–7F version of the Sparrow, for which authorization of $7.8 million is recommended.

PROGRAM REDUCTIONS AND SUMMARY

The particular programs where reductions were recommended are the EA–6B, $50.6 million, for the reasons already discussed; deletion of the Air Force Falcon missile modification, $5.5 million, which was canceled by the Air Force after the budget was submitted; an A–7E modification program for the extended-range version of the Walleye missile, $1.3 million, which the subcommittee felt was premature and required more development; concurrence with the Research and Development Subcommittee for deferral of $5.5 million in Sparrow AIM–7F R. & D., as the funds were not needed this year; and deletion of $13.2 million for advanced production engineering of the Cheyenne helicopter gunship. The total reductions recommended were $76.1 million. The additions mentioned previously were $112 million for the F–111 program and $23.7 million for the Harrier, so the net addition to the authorization request recommended by the subcommittee and reported out by the full committee is $59.6 million.

PROGRAMS OF SPECIAL INTEREST—CLOSE AIR SUPPORT, F–111, AND F–14

The Tactical Air Power Subcommittee examined two aircraft programs in greater depth this year, the F–111 and the F–14. In addition to two hearings on each of these aircraft, published in part V of the Armed Services Committee hearings, the staff of the subcommittee made additional field investigations of the F–14, with emphasis on the contract funding problem which has received so much publicity. I will give a short summary of both of these programs.

Before doing so, however, I would like to review briefly the status of the current inquiries being made into close air support. Two questions in particular have been raised about close air support, first, what types of weaponry are needed to perform the mission and second, how should command and control of the close support air power assets be exercised. One reason for the current interest in close support is that two new aircraft capable of close support are now in R. & D., the Air Force AX fixed-wing attack bomber and the Army AH–56 Cheyenne helicopter gunship. At the same time, the Marines are making a limited procurement of three squadrons of the AV–8A Harrier V/Stol attack bomber for close support. These three programs represent three very different technical approaches to filling the need for close air support firepower; each of the three systems has unique capabilities, but the question has been raised whether one or more of these systems duplicates the others and could be eliminated to cut defense costs.

The Department of Defense performed a special review of close support aircraft under the direction of Deputy Secretary Packard, with their initial report issued in June of this year. This report recommended continuing development of the AX fixed-wing aircraft and the Cheyenne helicopter gunship and also continuing the limited procurement of the Harrier for the Marine Corps. The report also pointed out some operational uncertainties about each of these systems which should be answered before beginning large quantity procurements. It recommended operational evaluations of the three aircraft to resolve the unknown question areas. Specifically mentioned potential problems included the survivability of the AX in heavy antiaircraft fire, the capability of Cheyenne pilots to acquire and identify targets at the maximum ranges of its weapons, and the ability of logistics systems to sustain high sortie rates of forward-based Harriers. This report with its recommendations was considered by the Tactical Air Power Subcommittee in making its recommendations on these three programs.

The Armed Services Committee also will perform a special review of close support, and a special ad hoc subcommittee has been appointed by Senator STENNIS for this purpose. I am very pleased that he has asked me to be chairman of this ad hoc subcommittee. It is expected that our review will be completed before the examination of next year's budget authorizations. We will look at the question of roles and missions as well as the individual weapons systems used in close support.

F–111

The F–111 is the only modern long range supersonic attack airplane in production in the United States today. The Tac Air Subcommitte believes it would be extremely unwise to close down the production line for this capability. It was for this reason, plus the need for more F–111F's to fill out the fourth wing of tactical F–111's, that the subcommittee recommended concurrence by the full committee with the House action of adding 12 F–111F's and $112 million to this year's budget. This will keep the production line open for another 18 months.

The F–111 program has encountered fiscal difficulties over the years, of course, with the latest requirement for additional funding coming up this year. An additional $375 million was required to complete the prior years authorized program, and these funds were provided from a formal budget amendment and a reprograming of funds from other sources. The Air Force has assured the committee that these funds will be sufficient to complete the prior years program.

There were two major causes of these prior year overruns. One was an extremely large backlog of authorized contract change orders which had not been negotiated for pricing. At one point in 1969 this backlog totaled an estimated $1.8 billion, and as this backlog was reduced the negotiated prices overran the estimates considerably. The Air Force had succeeded in reducing this backlog to about $300 million by the spring of 1971, so further large overruns would not be expected from this source.

Another cause of financial problems was technical difficulties encountered with the Mark II avionics system for the F–111D. In particular the integrated displays were found to be impossible to build as originally specified; the requirements were simply beyond the state of the art. The subcontractor now has been able to design a system which is acceptable to the Air Force, and an agreement has been negotiated which resolves all subcontractor claims and sets a ceiling price on the display sets. The funding requirements for this system are included in the recent reprograming. Therefore, it is reasonable to expect that the prior years program has indeed been covered.

This short summary of the F–111's status does not go into great depth on the characteristics of the weapons system, but I suspect that most of us are familiar with the details of the F–111 program. Suffice it to say that the F–111 has long range, heavy payload, high speed, sophisticated avionics, and perhaps most important of all, pilot enthusiasm. These add up to make it an invaluable part of our Air Force arsenal, and we should not close down our capability to produce this plane.

F–14

Today I will give a short summary of the F–14 program as I intend to go into much greater depth very soon in another speech. A detailed description of the F–14 will be quite lengthy. The highlights, however, can be given quite briefly.

The F–14 program was progressing on schedule until a series of events occurred early this year which gained the airplane a great deal of publicity and perhaps some notoriety.

The first of these was the crash of the No. 1 test airplane on its second flight due to hydraulics failures. Although the cause was quickly discovered and soon remedied, it did set back the test program. Shortly thereafter, the prime contractor, the Grumman company, announced that it would suffer severe financial losses under the terms of the production contract with the Navy. The next thing that happened was that the advanced technology engine in development for the B version of the F–14 encountered technical problems which will delay its readiness for production.

The effect of these three events was to cause the Navy to make an intensive review of the whole program, including performance, cost, and scheduling factors. One immediate result of that review was the decision to postpone production of the F–14B version with the higher thrust advanced technology engines and to continue production of the F–14A with its already production-qualified P–412 engine. The present F–14 program is predicated on production of the F–14A version through 301 aircraft, or, alternatively until the engine for the F–14B version is ready for production.

Another result of the program review was the determination that any cost problems that the prime contractor, the Grumman company, might have were not immediate. Thus, it was decided to continue the program for the next fiscal year within the terms of the existing contract, but to purchase all F–14A airplanes rather than the mix of "A's" and "B's" which originally had been intended.

The Tac Air Subcommittee very carefully reviewed these facts, and all of the financial data available, before they concurred with the Navy and with Deputy Secretary Packard that the present program of 48 F–14A aircraft, and a total F–14 authorization of $1,029.8 million

represented the most advantageous course for the Government this year. It should be emphasized that any other course of action would have broken the Government's contract with Grumman and would have caused the costs of the F–14 program to increase exorbitantly.

As I said before, I will present a very detailed summary of the F–14 program in a subsequent statement, but this gives a brief rundown on the rationale behind the Tac Air Subcommittee recommendation on the program.

In closing I would like to say again that I deeply appreciate the work of my colleagues on the subcommittee. We have had a most interesting series of hearings on these many programs and have had many vigorous and fruitful discussions leading up to the formulation of our recommendations. The Armed Services Committee accepted all of our recommendations as presented, and I welcome the chance to give more details on any of these programs during the course of our debates on this bill.

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

Mr CANNON. I am happy to yield to the Senator from Arizona.

Mr GOLDWATER. Mr. President, as a member of the Tactical Air Power Subcommittee, I wish to compliment the chairman for a well prepared and well presented outline of the activities of the subcommittee this year, and also to call attention to the fact that very few subcommittees in either body have the advantages that we have in the Tactical Air Power Subcommittee, with a chairman who has had such long and vast experience in the air. I want to compliment him and tell him what a pleasure it is to serve under him.

I am happy to note that in the course of his remarks, he touched on the fact that the subcommittee will review the roles and missions as well as the individual weapons systems used in close support. I am interested in this because I feel we are wrong in having four tactical air forces all doing about the same job, when back in the early fifties, the last previous study of the roles for tactical air decided we should have one tactical air force. Now, we have four.

The cost of aircraft being what it is today and the chances of reducing that cost being what they are, I think this study will be a fruitful one. I have no idea how it will turn out, but I am happy the Senator is to be the chairman in that effort also. I always look forward to serving with him, as I look forward to serving with him on the Tactical Air Subcommittee.

Mr. CANNON. Mr. President, I want to thank the distinguished Senator from Arizona for his complimentary remarks. Again, as I said in my statement, I really appreciate what he and the other members of the subcommittee have done. Without their great assistance, we could not have had as comprehensive a report available for the Senate as we have. I, too, join with him in the concern about the proper role of close air support and tactical air support. It does appear that we may have some duplicative effort in various types of aircraft and various arms of the service that are trying to perform the role.

I want to assure him and my other colleagues that we intend to look into this matter very thoroughly in our forthcoming hearings, and see if we cannot develop a little more unified program and try to eliminate some duplication if, in fact, it does exist.

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

Mr. CANNON. I am delighted to yield.

Mr. STENNIS. First, Mr. President, for the committee and also for myself, I want to thank the Senator from Nevada and the entire committee membership for another year of very fine work. There is no more important or complicated part of our entire military program than that part. These members of our committee have taken this special responsibility of tactical airpower. As I know, they have done a splendid job. It was not in just a cursory, ordinary fashion that the committee sustained them in their findings. I believe there was one alteration there, but it was not an overruling. It was something the subcommittee agreed to itself. We did go into every major phase of that work and approved or disapproved all the major ones. It amounted to approval, with a modification of one.

The Senator from Arizona has mentioned the matter of close air support. There is no more important mission than close air support of our men on the ground, who carry the rifles.

I am delighted that the Senator from Nevada and the other members of the committee could serve on that particular assignment. I know the Senator made some headway, although the pressure of time on other matters kept the committee from getting as far as it would like. I was hopeful, and I know the Senator is, that he could do something on that matter before the calendar year ends. What is the Senator's idea on that?

Mr. CANNON. I stated in my remarks that I hoped we would have some results before the consideration of the authorization bill for the next year. I am not certain that we will have the time to have the hearings in the remainder of this calendar year, because we do have the press of much other work. But if not, we shall certainly get at it very early in the spring and try to have a report available in ample time for the consideration of next year's procurement bill.

Mr. STENNIS. That is fine. It is almost necessary, however, to have the recommendations out by the time the budget recommendations are really considered, because if we go too far into that without the benefit of the report and the dissemination of it, why, we will not be as fruitful.

I just regret, for my part, that I did not get this matter to the Senator earlier, but this year I know the Senator did not have a chance to do any more than he has done. I believe it will be coming to a head next year, and the Senator's recommendations will be helpful to us. I thank the Senator again for his fine presentation.

Mr. President, I yield to the Senator from Kentucky without losing the floor.

DEATH OF REPRESENTATIVE JOHN C. WATTS, OF KENTUCKY

Mr. COOPER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 618.

The Chair laid before the Senate House Resolution 618, which was read as follows:

H. Res. 618

Resolved, That the House has heard with profound sorrow of the death of the Honorable JOHN C. WATTS, a Representative from the State of Kentucky.

Resolved, That a committee of thirty-four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. COOPER. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The resolution (S. Res. 174) was read, as follows:

S. RES. 174

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN C. WATTS, late a Representative from the State of Kentucky.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the two Senators from Kentucky (Messrs. COOPER and COOK) as the committee on the part of the Senate to attend the funeral of the late Representative JOHN C. WATTS.

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. MANSFIELD. Mr. President, will the Senator from Nevada yield under the same condition?

Mr. CANNON. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Indiana (Mr. HARTKE) be allowed to proceed for not to exceed 15 minutes at the conclusion of the remarks of the distinguished Senator from Texas (Mr. BENTSEN) tomorrow.

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

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 to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

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

Mr. CANNON. I am delighted to yield.

Mr. DOMINICK. Mr. President, I want to join the Senator from Mississippi and the Senator from Arizona in expressing my appreciation for the work which the Senator from Nevada and the Senator from Arizona have done on tactical air problems and other problems in the aviation field.

As a long-time aviation enthusiast and as one who tries his best, as a member of the Senate Armed Services Committee, to stay abreast of the problems coming up in aviation, it seems to me that the important thing which was well emphasized in the Senator's speech was the modernization of the various forces.

As far as I can tell, we really have not introduced any new tactical air since about 1956. I think 1959 was the date of the F–4. It is long overdue. On the other hand, I also think that although we need modernization, that does not mean we need 4 tactical air forces.

I shall be very interested in following the hearings the Senator will have on this particular problem. It has struck me for a long period of time that, although naturally each service is desirous of having jurisdiction of its own aircraft so it can determine when and where they ought to be at any particular moment, one could stretch it so far that, in effect, each service would be its own army. This is duplicative and extremely costly.

So the hearings that the Senator from Nevada will be conducting will be extremely important in determining what the future of our armed services is going to be. I look forward to working with him.

Mr. CANNON. I thank the Senator.

If there are no other questions of me at this time, I am prepared to yield the floor. I know some of the amendments at the desk are related to some of the problems that we have referred to very briefly, and I am prepared to meet them at such time as they arise, including an amendment on aircraft——

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

Mr. CANNON. I yield.

Mr. STENNIS. I was going to say we want the Senator to be heard from further on the very matters he has mentioned in his speech, because his statement will be brought into play on some of these amendments.

I say, for his information now, and for the information of the rest of the Senate, and I call this to the special attention of our leader, that we have pending amendments that I shall call out in a moment. I am going to announce that our committee is ready to present the arguments against those amendments to the Senate. We are ready today on quite a number of them.

One amendment that has been filed will perhaps require a little time on which to have a committee meeting. But there is amendment No. 218, by the Senator from New York (Mr. JAVITS), on recycling. Another amendment, No. 425, by the Senator from Wisconsin (Mr. NELSON), requires joint studies by the Armed Services Committees for the Department of Defense budget for 5 years ahead, with various findings to be filed on strategies and policies, and so forth.

We are ready to take that amendment up, Mr. President. We have an amendment here by the Senator from Ohio, a valued member of our committee, amendment No. 427, concerning the Harrier aircraft. We will be ready on that.

The Senator from Colorado has the military pay proposal, amendment No. 430. We will be ready on that.

I really hope, though, that we can dispose of these amendments concerning matters like the tanks and planes, dealing directly with the weaponry, first.

Here is the question of terminating our obligations for the F–14 program, amendment No. 435. We are ready on that.

Amendment No. 436, offered by the Senator from New Hampshire, involves $25 million for research and development in connection with a light fighter prototype aircraft; that is a companion to another amendment, and I would think that the other one would be expected to be taken up first.

Then, Mr. President, we have information here about amendments that have not been filed, but the information is that the Senator from Missouri is considering filing an amendment with reference to the new tank, to strike it out. We are ready on that now.

The ABM deletion; we have had that up for years heretofore, and I am not advised definitely at all whether anyone will file an amendment on that this year or not, with reference to a reduction, but the committee is ready; and when I say ready, that means ready to agree upon time limitations and a day certain to vote.

A few of these matters may require some further facts to be determined at the time. There is another amendment here by the Senator from New Mexico regarding the cutoff of military operations. The Senator had to be away for a few days on that.

Another amendment has been filed by the Senator from Missouri, No. 434, involving limitation on the Laos funds. The committee will be ready on that.

Amendment No. 294 involves certain language with reference to eliminating Thai irregulars from within the definitions of local forces in Laos. We will be ready on that, Mr. President.

Shortly I expect to be ready to announce to the Senator from Montana, if he can suggest a time to take it up, that we are ready on the amendment he filed this morning.

I thank the Senator.

Mr. CANNON. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, reluctantly, but if there is no further business to come before the Senate—

Mr. STENNIS. Mr. President, will the Senater yield on that point?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I want to express again my disappointment that amendments that have been filed are not ready to be taken up here. I know of the majority leader's interest in moving forward, and I think the entire membership is interested. The Senate is entitled to have these matters brought up.

We are here, and we are ready. As to the amendment concerning the tank, if it is not going to be filed, we would like to know about it. I am sure the Senator from Missouri has done a lot of good work on it. If we could find out about that, we could take it up tomorrow; and this F–14 matter has been debated already 2 or 3 days, and we could take it up tomorrow, if we can get an agreement on it.

Mr. President, I just hope that arrangements can be made. The F–14 matter has been debated already. I hope its disposition can be arranged. As chairman, I feel that it will just have to be called up by Wednesday.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I express my complete accord with what the distinguished chairman of the committee has just said. I would hope and anticipate that tomorrow we could get up to the Nelson amendment, and I believe also the Eagleton amendment on tanks. I hope that the distinguished Senator from Ohio (Mr. SAXBE) will be ready with his amendment. I do not think it should take too much time. Then the distinguished Senator from Colorado, with his pay amendment, would be able to get underway, and it is my belief—you know, we live in hope and do not often reach what we want to achieve—that tomorrow we can get started, and hopefully arrive at a series of agreements, subject, of course, to the approval of the distinguished manager of the bill and the distinguished minority leader, so that we can get going on these proposals.

I do not think we ought to drag our consideration of this bill out too long. We have dragged out a good many bills this year, with a lot of work yet to be done in committees. We face a heavy load next month, when we get the legislation from the House of Representatives. We have, I believe, five more appropriation bills, including a supplemental, and if

we want to get out between November 15 and December 1, it behooves us to get down to brass tacks, get to work on these amendments, dispose of them, and get on with the business of the people.

Mr. STENNIS. I thank the Senator very much. I believe that his remarks will be effective.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of Senate Resolution 174, as a further mark of respect to the memory of the deceased Hon. JAMES C. WATTS, late a Representative from the State of Kentucky, and in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 28, 1971, at 10 a.m.

EXTENSIONS OF REMARKS

HEW-ING THE LINE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, September 27, 1971

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of September 25 contains an excellent editorial concerning the activities of Dr. Eloise Severinson, regional civil rights director in the Philadelphia office of the Department of Health, Education, and Welfare, in connection with Virginia schools and colleges.

Dr. Severinson has consistently made unreasonable demands on Virginia educational institutions. Her efforts to achieve artificial racial balances—even on the majorette squad of a county high school—have gone far beyond the intent of Congress in civil rights legislation and far beyond the policy of the President of the United States.

The Times-Dispatch editorial details many of her activities. I have asked Secretary Richardson of HEW that Dr. Severinson be placed in a position where she will no longer be able to harass the school officials and students of Virginia. I hope that Secretary Richardson will accept my recommendation.

I ask unanimous consent that the editorial entitled, "HEWing the Line," be printed in the Extensions of Remarks. The editor of the editorial page of the Richmond Times-Dispatch is Edward Grimsley.

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

HEW-ING THE LINE

The name of Dr. Eloise Severinson is coming to be as familiar to Virginians as that of the state superintendent of public instruction or the president of one of the state's universities.

And it's no wonder, because this imperious bureaucrat has acted consistently as though she were both. In actuality, Dr. Severinson does her superintending and presiding from afar—the Philadelphia regional office of the Department of Health, Education, and Welfare (HEW). There, in her capacity as regional HEW civil rights director, she decides what's best for Virginia's school systems with the aid of her computers, balance sheets, and, of course, her telephone.

When Dr. Severinson, in a July 22 letter, demanded that the Albemarle County School Board produce a plan by July 28 for the busing of children for racial-balance purposes, she was not embarking upon a particularly novel course by her own standards.

We can remember Dr. Severinson, on other occasions, presuming to tell the College of William and Mary, one of the nation's strongest institutions academically, that its admission standards should be lowered in order to conform to the Eloise Severinson Standard of Ideal Ethnic Quotas.

We can remember Dr. Severinson demanding from the Prince George County School Board an explanation for the racial composition of the 15-member majorette squad of a county high school. No details of the school lives of Virginia children is considered too trivial, apparently, to prompt the solicitude of the Philadelphia overseer. A great many Virginia educators likewise have their recollections of arrogant and unreasonable (and frequently 11th hour) demands from Dr. Severinson's office.

Well, perhaps, just perhaps Dr. Severinson has presumed to be the law and a lord once too often. For on August 11, President Nixon stressed his desire that busing be minimized and indicated, through his press secretary, that federal employes who are unresponsive to his view "will find themselves involved in other assignments or quite possibly in assignments other than the federal government."

U.S. Sen. Harry F. Byrd Jr., in a letter to HEW Secretary Elliot Richardson, suggests with regard to the President's announced get-tough policy, "Would it not be well to start with Dr. Severinson?"

Wouldn't it, Mr. Nixon?

TRANSPORTATION—A SOCIAL PRIORITY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 27, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

ADDRESS BY R. MICHAEL ROBBINS, MANAGING DIRECTOR (RAILWAYS), LONDON TRANSPORT AT INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION, PITTSBURGH, SEPT. 8, 1971

Your Conference Committee have allocated me a very few minutes to expand on the statement that transportation fulfils a tremendous social need in man's life today. (These are their words.) This is a conference on urban transportation, so it is the city-dweller that we are concerned with; and as I have come from London, I shall use London's policies and practices as illustrations.

We in London Transport and our direct predecessors have been in the urban bus business since 1829 and in the underground railway business since 1863. These lengths of time mean that we have probably made more mistakes in these fields than anyone else. We like to think that we have learned from them, and can pass on some of our painfully acquired wisdom.

We operate in an area containing some 7½ million inhabitants. About ¾ million more come from in from outside the area every working day. We carry nearly 7 million passengers on a working day, 4½ million in buses and 2¼ million on the underground railway system. Over 5½ million visitors from overseas came to London in 1970; so far, 1971 is beating that figure by 12 per cent. We operate 6,400 buses and 4,400 railway cars. We have 241 miles of rapid transit route. So London is in the big league. In 19 months we carry a number equal to the total population of the world.

I shall turn first for a few minutes to the main theme: the essential importance of mobility in modern society; and then say something of London's approach to securing it through public transportation.

Mobility is precious to man. It is one—one of the most important—of the distinguishing marks of civilisation that a man's area of activity is not limited by the carrying capacity of his two legs. As a society, we are increasingly dependent for our very survival on regular, reliable, economic, and ever more sophisticated means of supplying us with things over considerable distances. As individuals, we need the personal mobility that assured, regular, reliable, and economic means of transportation are able to give to us. We need transportation to free us from the tyranny of distance. We need to have our homes at a distance from our places of work—to escape from the necessity which in previous centuries forced men to live over the shop, whether they liked it or not, and other men to live in the shadow of the mill or the factory; and their lives and families with them. Men are entitled to have the freedom to take employment within wider bounds than walking distance. For shopping and schooling, mobility extends the range and frees the family from local limitations. For recreation and entertainment, transportation supplies variety to select from. To most people the very idea of holidaying (what you call vacation) *means* travelling, in which direction, at what pace, at what range of price they choose to adopt.

Mobility opens up possibilities of choice. Ability to choose between different options as to our preferred way of life is a sign of a developed civilisation. The medieval peasant had precious little choice how he was to live out his days; twentieth-century man is better off, in this respect at least. Some of the publicity for this conference was headed "Mobility—the Fifth Freedom?" with a question mark. But the thing is surely self-evident! I propose that we unanimously resolve to remove that question mark from all future references to the subject.

But what brings us here is not the need to agree to a proposition which almost every one of us must be convinced needs no demonstration. I have not come 4,512 miles, by air-line reckoning, to beat that old drum. What brings us together is a paradox—again so familiar that I need do no more than mention it: in cities and city regions the proliferation of the means to achieve this desirable end of personal mobility contains within itself the cause of defeat—and a large-scale defeat which is already visible. Individual motorised transportation in city areas after multiplying to a certain point produces strangulation. It is counter-productive. Mobility is worsened, not improved, as each additional vehicle starts to occupy the space on the highways. The environment suffers