SENATE—*Thursday, September 30, 1971*

The Senate met at 10 a.m. and was called to order by Hon. JOHN O. PASTORE, a Senator from the State of Rhode Island.

PRAYER

The Right Reverend Bishop Papken, D.D., Legate of the Armenian Orthodox Church, offered the following prayer:

Most merciful God, our Heavenly Father, Thou art the source of wisdom, power, and love. We beseech Thee to lead the President and the Senators of our country along the paths of freedom and righteousness; of courage and good will.

Grant that in these decisive days our leaders may make wise decisions. Give them Thy grace to exercise the power of love, rather than the love of power. Amid the shifting scenes of modern movements we pray for strength to carry our burdens, for wisdom to solve our problems, for understanding to relate ourselves affirmatively to others, and for the faith to love Thee more.

Inspire O Lord, the leaders of this House to continue their great work that our country may ever be the land of the free and the home of the brave.

In our Saviour's name we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 30, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN O. PASTORE, a Senator from the State of Rhode Island, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 29, 1971, be dispensed with.

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

EXECUTIVE SESSION

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

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

FEDERAL RAILROAD ADMINISTRATION

The second assistant legislative clerk read the nomination of John W. Ingram, of Illinois, to be Administrator of the Federal Railroad Administration.

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

FEDERAL MARITIME COMMISSION

The second assistant legislative clerk proceeded to read the nomination of Clarence Morse, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 1976.

Mr. MANSFIELD. Mr. President, I ask that this nomination go over.

The ACTING PRESIDENT pro tempore. The nomination will be passed over.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The second assistant legislative clerk read the nomination of Raymond Telles, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1976.

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

THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The second assistant legislative clerk read the nominations in the National Commission on Libraries and Information Science, as follows:

Andrew A. Aines, of Virginia, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1976.

Catherine D. Scott, of the District of Columbia, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1976.

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

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

NATIONAL LIBRARY OF MEDICINE

The second assistant legislative clerk proceeded to read sundry nominations in the National Library of Medicine.

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

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE PUBLIC HEALTH SERVICE

The second assistant legislative clerk proceeded to read sundry nominations in the Public Health Service, which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

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

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

GRANT J. MERRITT AND MARY MERRITT BERGSON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 379, S. 539.

The PRESIDENT pro tempore. The bill will be stated by title. The assistant legislative clerk read as follows:

S. 539, for the relief of Grant J. Merritt and Mary Merritt Bergson.

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

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

S. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, with the consent of Glen J. Merritt, Alice L. Merritt, Wallace A. Merritt, Thelma Herter Merritt, and Merna Jean Merritt (lessees on a lease entered into on August 26, 1938, between the aforementioned parties and the United States involving certain lands situated within the Isle Royale National Park), the Secretary of the Interior is authorized and directed to revise and reform such lease so as to include as additional lessees thereon the names of Grant J. Merritt and Mary Merritt Bergson.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–379), explaining the purposes of the measure.

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

PURPOSE

S. 539 authorizes the Secretary of the Interior to revise and reform a certain lease

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

made between the U.S. Government and members of the Merritt family in August 1938 so as to include as additional lessees thereon the names of two children of Glen J. Merritt, one of the donors of land situated within the Isle Royale National Park in Lake Superior. The lease to be reformed provided for a life tenancy to the grantors of the property and their children, but the names of the two children, Grant J. Merritt and Mary Merritt Bergson, were not included.

BACKGROUND

The act of March 3, 1931 (46 Stat. 1514), authorized the establishment of Isle Royale National Park in the State of Michigan, and provided that the lands could be acquired only by donation. Subsequent legislation authorized the Secretary of the Interior to give former occupants of land acquired for the park lifetime leases.

Members of the Merritt family worked for many years to obtain the National Park status for the Isle Royale area. In the process, 24 islands and considerable acreage has been given to the U.S. Government in order to preserve the beauty of the region for all citizens of the Nation. A lease was executed between the five members of the Merritt family and the United States on August 26, 1938. Both Grant J. Merritt and Mary Merritt Bergson were born prior to the date of this lease, and rightfully should have been included as life lessees.

COST

Enactment of S. 539 would result in no expenditure of funds by the U.S. Government.

ORDER OF BUSINESS

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Virginia (Mr. BYRD) is now recognized for not to exceed 15 minutes.

MILITARY PROCUREMENT AUTHORIZATIONS—SECTION 503

Mr. BYRD of Virginia. Mr. President, I address myself to section 503 of the military procurement bill, H.R. 8687. Section 503 would end the dependence of the United States on Communist Russia for a vital defense material; namely, chrome.

The Committee on Armed Services feels it is not logical, indeed that it is dangerous, for the United States to be dependent on Communist Russia for a material vital to the national defense.

The situation in which the United States finds itself today is this: 60 percent of all chrome imports come from Communist Russia.

The reason for that is the President of the United States, 5 years ago, acting unilaterally, placed an embargo on trade with Rhodesia. Rhodesia is the source of two-thirds of the world's chrome reserves. Since the United States cannot purchase chrome from Rhodesia, it must go to the next available source, which is Communist Russia.

Mr. President, this issue was placed before the Senate last week. It was debated. A vote was taken. The position of the Committee on Armed Services was sustained by the Senate by a vote of 46 to 36.

This past Monday, the distinguished Senator from Arkansas (Mr. FULBRIGHT), chairman of the Committee on Foreign Relations, presented an amendment which will be voted on this afternoon. The Fulbright proposal would strip Congress of the power to act in regard to this matter and would give that power to the President of the United States.

Mr. President, this question is an extremely important one, and important in several respects. It is important, I think, because it is illogical and indeed dangerous for the United States to be dependent on Communist Russia for a vital defense material; but the proposal offered by the distinguished Senator from Arkansas would add a new dimension.

That new dimension is this: His proposal would reverse the trend which has been in the Senate for the past 2 or 3 years, a trend for the Senate to reassert itself in the field of foreign policy.

Many Members of the Senate have reached the conclusion in the past 2 or 3 years that the Senate, over a period of time, has given away too much power to the President, that it is time the Senate stopped doing that and reassert itself; and that is what the Senate has been doing in the past 2 or 3 years.

The proposal offered by the distinguished Senator from Arkansas, which will be voted on today, goes in the opposite direction and reverses the trend toward the Senate's reasserting its responsibilities and powers in the field of foreign relations. I think that is an extremely important aspect of the vote this afternoon.

Mr. President, last week in opposing the action of the Senate Committee on Armed Services, the distinguished Senator from Wyoming (Mr. MCGEE) in his remarks printed in the RECORD cited some very interesting facts.

He asserted as shown on page 32155, the CONGRESSIONAL RECORD of September 16, 1971:

There are roughly 110 cases of reported violations now before the United Nations Sanctions Committee, including 32 cases which deal with chrome ore.

Thus, the distinguished Senator from Wyoming pointed out that many members of the United Nations are completely disregarding the embargo on trade with Rhodesia. They are doing so because more and more nations find that it is not a logical embargo, that it is detrimental to more and more countries. Most certainly it is detrimental to the United States.

Mr. President, I want to read a statement made in the Senate last week by the distinguished senior Senator from Pennsylvania, the Republican leader of the Senate, in which he says:

The Rhodesian sanctions are economically damaging to United States interests.

Mr. President, I read again the statement by the distinguished Senator from Pennsylvania (Mr. SCOTT):

The Rhodesian sanctions are economically damaging to United States interests.

Mr. President, most certainly they are. They are very damaging to U.S. interests. They are costing jobs in this country in a period of high unemployment. I cite as evidence the views of the director of District 19 of the United Steelworkers of America in telegrams sent to various Senators in regard to this matter.

Director of District 19 of the United Steelworkers of America says that if section 503 is not left in the pending bill and does not become law, then those workers in the specialty steel plants throughout our Nation will lose their jobs because those industries will be forced to go out of business.

So, Mr. President, the ramifications of this ban on trade with Rhodesia are many and are great. Personally, I think it is a very unprincipled act that our country took in banning trade with this small defenseless nation merely because it happened to be engaged in a controversy with Great Britain as to whether it should be independent of Great Britain.

I do not believe that is a matter to be determined by the United States.

It seems to me that the internal problems of Rhodesia are matters to be settled between Great Britain and Rhodesia. However, be that as it may, section 503 does not eliminate embargoes on trade with Rhodesia except insofar as one material is concerned, a strategic material—namely, chrome. The chrome is vital for use in nuclear submarines, jet aircraft, and many other weapons systems that the United States must have.

It does not seem very logical to vote billions and billions of dollars of tax funds, that come out of the pockets of wage earners, in order to maintain and develop a defense system for the United States, and at the same time be dependent on Communist Russia for a vital material.

Mr. President, in summary I want to say that in my judgment there are three reasons why I feel the Senate should reject the Fulbright amendment to section 503 and thus sustain the action which the Senate took last week by a vote of 46 to 36.

First, by sustaining last week's action, the Senate would be ending United States dependence on Communist Russia for a strategic and vital defense material, namely, chrome.

Second, sustaining the Senate's position of last week would help to save jobs in a period of unemployment. As evidence I point out the statement printed in the CONGRESSIONAL RECORD by the director of District 19 of the United Steelworkers of America that says that unless Congress takes such action there will be no specialty steel industry in the United States. He expressed his deep concern for the jobs of the black and white workers in that industry.

Third, the Fulbright proposals would give more power to the President and thus reduce the Senate's role in foreign policy.

The Senate has made great progress in the last 2 or 3 years in reasserting itself. The proposal of the Senator from Arkansas would reverse that trend. And, as he himself states, it would give an option to the executive branch to proceed as it wishes. He would leave the determination

in the hands of the President at the expense of the Senate.

I feel that the best interests of our Nation would be served by rejecting the Fulbright amendment when it is voted on in the Senate this afternoon.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma is recognized for not to exceed 15 minutes.

(The remarks of Mr. HARRIS when he introduced S. 2614 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the quorum be without prejudice to the next order, and that the time for the quorum call be taken out of the remaining time of the able Senator from Oklahoma (Mr. HARRIS).

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

The assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY. 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.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the junior Senator from California (Mr. TUNNEY) is recognized for 15 minutes.

Mr. TUNNEY. I thank the Chair.

THE SITUATION IN PAKISTAN

Mr. TUNNEY. Mr. President, this morning, as the Senate's subcommittee to investigate problems connected with refugees and escapees begins a new series of hearings on the crisis in Pakistan, I rise to emphasize the urgency of the plight of the Bengali people.

The desperate needs of the Bengali refugees are so severe as to defy description. The distinguished senior Senator from Massachusetts has already described the misery and cruelty that has been inflicted upon a helpless population. The tragedy of that suffering people cries out for attention and relief.

Some 8 million men, women, and children have been uprooted from their homes in East Pakistan and driven to seek shelter in refugee camps in India. Some 200,000 Pakistanis have been killed by their own army. And millions of people continue to live in terror, dreading their fellow countrymen and their brutal methods of repression.

Since last March, when the Pakistani Army unleashed its fury upon the Bengalis of East Pakistan, the world has gradually become the horrified witness to one of the worst examples of genocide in human history. Officially and publicly, the United States has remained all but silent, limiting its comments to expressions of sympathy for the refugees and practicing tokenism even at the highest levels of government. Anything but official silence concerning the genocide is said by the administration to be "counterproductive."

But it is our official policy which is "counterproductive." It has not produced peace; it has not produced even a semblance of justice; it has not produced a realistic promise of heading off the impending starvation. All that it has produced is cruelty, bloodshed, and horror. American military equipment has been used to transport Pakistani troops and equipment. American arms have been used to kill Bengalis and drive them out of their country.

We cannot afford to delude ourselves into believing that our Nation is acting with even a modicum of decency in Pakistan.

Even American relief operations have been diverted by the Pakistanis into weapons of war against the Bengali people. American cyclone relief materials have been diverted by the Pakistani Army from their intended use.

And now American food supplies are reportedly being diverted into weapons of war by Islamasbad.

The government and army appear to be using relief funds from the United States to bribe refugees into conformity or to starve them into submission.

The government and army appear to be using our relief money to blackmail and to blackjack a people into submission.

That is the subject I wish to discuss this morning. It is a delicate subject, one with an edge that appears to cut both ways. And it is a vital subject, because it is capable of such misunderstanding in the United States.

In a word, the thrust of my statement is this: even those American efforts which are designed to be humanitarian are not achieving a humanitarian result. Even though American intentions are noble in providing food for the people of Pakistan, too much of our present effort is being converted by the government and army of Pakistan into their own use rather than being used to assist the starving people.

I recognize the fact that it is hard to imagine food—particularly food which is earmarked for war victims—as an instrument of repression. And I believe that our intention has been to distribute the food in order to alleviate the misery.

However, Mr. President, it appears that that intention is being subverted. For we have made the mistake of allowing that food to be distributed by the martial law administrators of the Government of Pakistan. And we have allowed this in a time of impending famine. The potential extent of this famine is now becoming evident.

On September 18, 1971, the Washington Star editorialized that—

> East Pakistan faces its largest food deficit since the Bengal famine of 1943, in which 3 million people lost their lives.

In this current famine, according to the Star:

> The death toll could far exceed that of 1943.

Consequently, it is obvious that humanitarian assistance is essential. The Bengalis must be rescued from starvation.

But it is that dire need which points to the absurdity of distributing that assistance by means of the Pakistani Government or Army. How can one possibly expect that an army which has spent the last several months murdering, raping, ravaging, and torturing the people of East Bengal will suddenly distribute food in a humanitarian manner?

Are we to believe that vindictive cruelty becomes Christian charity because the U.S. Government adds food to the arms it has already supplied?

We will be told, Mr. President, that these contentions are spurious. We will be told that the United Nations now has observers in East Pakistan, and that the U.S. Agency for International Development has expanded its mission there. We will be told that these observers—these U.S. and U.N. observers—will prevent mismanagement and coercion and will verify the humane manner in which our food is distributed.

But, even if we could believe that these observers could adequately police the urban centers, we must recognize that they spend little time in most of the rural villages and sections of East Pakistan. They cannot establish an effective or continuing presence in the regions which house 94 percent of the population of East Pakistan.

And it is in those areas, those villages which have been terrorized, that the army today uses its U.S.-supplied food reserves to threaten and coerce a starving population.

Even if the army wanted to distribute the food fairly, it would not be able to do so. For the sword cuts both ways. The population of this terrified country can hardly be expected to trust the men who have just systematically destroyed their villages and slaughtered their kinsmen. At best, the army could provide food only in some of the cities, where they apparently control the population.

And yet, in the midst of crisis, the Nixon administration has apparently chosen not to press the issue of international administration of relief operations. Still, in India, we seem to insist that nearly all aid go through the United Nations. We are certainly aware of the fact that food can be distributed through international auspices.

Fortunately, Mr. President, if we have the will, our food can be distributed effectively to the Bengalis. The subcommittee to investigate problems connected with refugees and escapees has concluded that food distribution under close, impartial third-party supervision can alleviate suffering and diminish, if not prevent, wide-spread starvation. The logistics of averting another mass disaster are evident. In June of 1971, both the World Bank and AID's Ryan-Weiss report have ably outlined a clear, effective manner through which the food can be distributed.

The technical knowledge exists. But the political will has been lacking. The Nixon administration has refused to alter its disastrous and stubborn course—in spite of an urgent human crisis.

This obstinacy, this willful shortsightedness, must be disgorged from America's foreign policy. It has infected our policy throughout Southeast Asia for over a decade. If we have learned any lessons from the senseless and continuing tragedy in Vietnam, they should be these: First, if America makes a mistake—and any nation must make some—we should have the courage to admit it—and to change our course; not to persist in the same policy even after we see that it is wrong. Second, as Anthony Lake and Roger Morris have made clear in the fall, 1971 edition of Foreign Policy magazine, Americans must, for a change, add the human factor—the impact of a policy upon real people—to their analysis of international affairs.

And that is exactly what has been lacking from our policy toward Pakistan. We have objectively and dispassionately extolled so-called strategic and prestige factors at the expense of coming to grips with the suffering and tragedy of real people.

Mr. President, the Senate must direct the Nixon administration to pay attention to these factors—to recognize for once these real concerns. They must no longer be allowed to ignore the cry of human suffering. They must no longer allow the Bengali people to live with impending starvation and politically administered food relief operations.

Toward those ends, I have cosponsored the Church-Saxbe amendment to the Foreign Assistance Act, with its critical language that all aid will be suspended "until distribution of food and other relief measures, supervised by international, agencies, take place." And it is also toward those ends, that I have cosponsored S. 2568 which provides $400 million for food relief to be distributed to the Pakistani refugees in India.

Whether S. 2568 is adopted, whether the Church-Saxbe amendment is adopted, whether another means is employed, we must be aware that aid to the Pakistani Government at this time, whether military, economic, or even so-called humanitarian relief, becomes a means for the Pakistani army to continue its military activities and brutal repression in East Pakistan.

The Bengalis—both India and in Pakistan—must be fed. But the Pakistanis have proved that they will not and cannot feed them. The Nixon administration must be urged and directed to disburse food not through the government or the army of Pakistan, but through the United Nations or some other international third party organization.

Mr. Stanley Wolpert, professor of history at UCLA, has recently written a highly informative and instructive article which was printed in the Los Angeles Times and which I commend to my colleagues. I ask unanimous consent that Professor Wolpert's article be printed in the RECORD.

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

THE SPECTER OF FAMINE IN BANGLA DESH—MILLIONS FACE DEATH AS WORLD APPEAL FOR RELIEF IS FALLING SHORT

(By Stanley Wolpert)

(NOTE.—Wolpert is professor of history at UCLA and the author of "Nine Hours to Rama," the story of Mohandas Gandhi's murder.)

After almost six months of civil war, East Pakistan's independence-minded Bengali population is confronted with the specter of imminent famine.

No less than 25 million peasants and urban laborers (the most impoverished third of the total population) may be mortally affected, if, as is now reliably estimated, the autumn harvest of East Pakistan falls 20% below food grain norms.

By mid-October East Bengal could be racked by a famine far more devastating than the one which claimed 3 million lives in 1943.

At least 2.9 million tons of food will have to be imported and lifted directly to East Pakistan's village population during the next few months, to avert widespread starvation. Yet today the ports of East Pakistan remain almost paralyzed, most Bengali longshoremen and other laborers having fled to the countryside or to India. Road and rail links to the interior now operate only at 30 to 40% capacity, because of mining, bridge demolition and various other types of guerrilla attack.

Since last March 25, when a river of Bengali blood was unleashed by West Pakistan's predominantly Punjabi Army throughout Bangla Desh (Bengal Nation), a floodtide of refugees has flowed from East Pakistan into neighboring India. To date 8 million human beings, Muslim and Hindu alike, mostly women and children, forced by fear to abandon their village homes, have fled East Pakistan (30,000 to 40,000 refugees continue to enter India daily), attesting to West Pakistan's grim martial rule over Bangla Desh.

India, with scarcely enough resources to support its own 550 million people, has borne practically all of the burden of sustaining this refugee flood which will cost an estimated $700 million merely to feed them throughout this calendar year. The world community has only pledged $150 million toward relief.

The International Red Cross mission says the emergency "beggars anything we have witnessed since World War II and its aftermath."

Last month U.N. Secretary General U Thant appealed to the Security Council for more assistance, noting that "The time is past when the international community can continue to stand by, watching the situation deteriorate and hoping that relief programs, humanitarian efforts, and good intentions will be enough to turn the tide of human misery and potential disaster." No echo has as yet come from the Security Council to that urgent call, nor has it come from private relief agencies. The civilized world seems almost paralyzed, perhaps overwhelmed by the magnitude of Bangla Desh's tragedy, yet for millions of Bengalis time and food have all but run out.

Feeding the refugees in India, is, however, only an interim humanitarian necessity, not a permanent solution to the international problem that has already brought India and Pakistan to the brink of war. The only effective long-range solution to the exodus would be one that changes the political climate of East Pakistan sufficiently so as to induce the majority of refugees to return to their homes.

Last December, in the first election in Pakistan's history based on universal adult suffrage, some 80% of the electorate of East Pakistan voted for Sheik Mujibur Rahman's Awami League Party and its six-point platform calling for provincial autonomy. Under a system of parliamentary democracy, Sheik Mujibur would by now have been prime minister. Instead, on March 25, he was arrested, has been held incommunicado since, and is currently being "tried for treason" in "secret military court"—somewhere in West Pakistan.

Though nearly a quarter century has elapsed since August 15, 1947, when the British transferred their power over South Asia to independent dominions of India and Pakistan, the latter is still without a civil constitution of its own. Pakistan's first Constituent Assembly labored six years to produce a document acceptable to political leaders of both east and west, but within 10 days that Constitution and its Assembly were abrogated by order of the governor-general. Subsequent attempts at achieving some stable form of democratic parliamentary government were aborted by military coup. Since 1958 Pakistan has been ruled by martial "law"; for the first 11 years under the dictatorship of Field Marshall Ayub Khan; and since 1969, under his former aide and successor, Gen. Yahya Khan. Both generals have often insisted that their martial rule was "temporary."

Last year's elections were called once again to write a constitution. None of Yayha Khan's lieutenants seem to have anticipated that Sheik Mujibur's party would win not only an overwhelming popular mandate in East Pakistan (capturing 167 out of 169 Constituent Assembly seats contested) but an absolute majority of the 313-member National Assembly. The date promised for convening the newly elected Assembly was first postponed by Yayha Khan to last March 3, then to March 25.

Less than one month after the Dacca massacre and the arrest of the sheik, surviving leaders of the Awami League met—somewhere in East Pakistan—to proclaim the "sovereign republic" of Bangla Desh.

On April 17, Tajuddin Ahmed, Bangla Desh's prime minister, declared: "Bangla Desh is at war. It has been given no choice but to secure its right of self-determination through a national liberation struggle against the colonial oppression of West Pakistan."

Although it supports 56% of Pakistan's population, East Pakistan enjoyed less than 10% representation in the army, and held barely 15% of the posts in Pakistan's Civil Service.

Economic exploitation further exacerbated the problem, for while East Pakistan's jute exports annually earned from 50 to 70% of all Pakistan's foreign exchange, West Pakistan consistently consumed 70 to 75% of the nation's annual imports. Approximately two-thirds ($6.252 billion) of all foreign aid development funds expended since 1965 have, moreover, been spent entirely in the west.

If any hope for a "political settlement" of the war between Bangla Desh and West Pakistan remains, that settlement would have to be initiated by Yayha Khan through direct negotiations with Sheik Mujibur.

The March massacre and Mujib's trial, however, have made it virtually impossible to conceive of a federal formula capable of reuniting Pakistan. Sheik Mujibur's execution would end all hope of finding a peaceful solution to this conflict.

Since 1954 Pakistan has relied heavily upon American military and economic assistance, offered initially to help defend South Asia's northern perimeter from possible Communist invasion, but until this year used only in the 1965 war against India. Last March when West Pakistan turned its American arms against the people in Dacca it surely forfeited all possible further claim to Washington's support. The sooner our govern-

ment takes the moral initiative of stopping military deliveries and economic aid to Pakistan, the quicker Yayha Khan's government will feel obliged to cease firing and seek some form of settlement.

On Aug. 21st a nongovernment international conference of South Asia experts, co-chaired by Hugh Keenleyside of Canada and John Kenneth Galbraith, concluded with "The Toronto Declaration of Concern," urging "all governments:

(1.) To terminate immediately all military deliveries to Pakistan; (2.) To suspend all economic aid to Pakistan; (3.) To channel all possible resources into a massive emergency program for famine relief in East Pakistan, directed and administered by the United Nations; (4.) To make firm continuing commitments to share fairly the economic burden of supporting the refugees in India; and (5.) To intervene to save the life of Sheik Mujibur Rahman."

Is the conscience of mankind by now prepared to respond with alacrity as well as compassion to the most compelling human concern?

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

Mr. TUNNEY. I yield to my colleague from California.

Mr. CRANSTON. I would like simply to join in the expression of grave concern expressed by my friend and colleague from California on the matter of aid to Pakistan and the plight of the refugees from Pakistan and within Pakistan.

This is one of the most heartrending and tragic situations people upon our planet have ever faced, certainly one of the worst in modern times. I am delighted that my colleague has expressed his concern so forcefully and eloquently. I wish that more Americans were aroused to the awfulness of the situation there. It is almost beyond imagination, and I think that is why so few people are as deeply concerned as they really should be.

I think we should recognize it is not only a problem away around there on the other side of the world. If the situation gets worse and worse there, as it well may, and if we do not act in the way the Senator has suggested we should, we, too, will be swept into the repercussions, the ramifications, and the problems that will ensue, because the whole world will be involved before this is over if we do not find a decent and speedy solution to the problem there.

I, therefore, express my admiration to my colleague from California for the leadership he is assuming on this very important issue.

Mr. TUNNEY. I thank my very distinguished colleague from California. I know how concerned my colleague has been with the problems of refugees around the world. I know of his great sense of compassion for people in underdeveloped areas of the world who have been so often brutalized by the machinations of those powerful neighbors which sometimes forget, when they are exercising their policy toward underdeveloped nations, that the people are human beings rather than pawns in a local power struggle.

I think that, perhaps more than any other one thing, what disturbs me so much about our attitude toward the refugees of East Pakistan and the way in which the West Pakistan Government has imposed its will upon those people is that there is an aura of unreality, as though those people do not really exist as flesh and blood beings.

The PRESIDENT pro tempore. The Senator's time has expired. Under the previous order, there will now be a period of 15 minutes for the transaction of routine morning business.

Mr. MANSFIELD. Mr. President, I seek recognition thereunder, and I yield my time to the Senator from California.

Mr. TUNNEY. I thank the Senator. I had finished.

The PRESIDENT pro tempore. Is there morning business?

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

JUDGE ALEXANDER'S INTEMPERATE BEHAVIOR

Mr. BYRD of West Virginia. Mr. President, on September 21 I inserted in the RECORD newspaper articles dealing with the dismissal of a case by Judge Harry T. Alexander of the District of Columbia Superior Court. The articles stated that Judge Alexander had dismissed charges against a youth—charges of receiving stolen goods and carrying a sawed-off shotgun—because a police officer testifying in a probable cause hearing had failed to call a woman complainant "Miss" or "Mrs."

I also placed in the RECORD a letter which I wrote to the District of Columbia Committee on Judicial Disability and Tenure asking for an investigation of Judge Alexander's actions and that appropriate action be taken to insure against a repetition of what I regarded as the judge's intemperate action. In addition, I placed in the RECORD a transcript of the hearing during which the charges were dismissed.

I was glad, therefore, to note in yesterday's Washington Post on page A10 that the District of Columbia Court of Appeals has overturned Judge Alexander's dismissal of the case, and has ordered it sent back to Superior Court for further proceedings before another trial judge.

I ask unanimous consent that the news story be printed in the RECORD.

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

JUDGE'S DISMISSAL OF CASE OVERRULED

The D.C. Court of Appeals has overturned an action by Superior Court Judge Harry T. Alexander who dismissed charges against a youth after a policeman referred to black complainant by her name without the prefix "Miss" or "Mrs."

In a two-sentence order made public yesterday, the Appellate Court granted a motion by the D.C. corporation counsel's office to set aside the dismissal. The Court made no comment on the judge's action but ordered the case to be sent back to Superior Court "for further proceedings before another trial judge."

The youth, who is 16, was charged with possession of a sawed-off shotgun and with receiving stolen goods. His attorney, Silas Wasserstrom of the Public Defender Service. filed no opposition to reinstatement of the charges.

Dismissing the charges last July 30 at a Juvenile Court hearing. Judge Alexander, who is black, accused the policeman, who is white, of "contemptuous conduct." The officer referred to a woman complainant by her full name without the prefix "Miss" or "Mrs."

In its motion seeking to overturn the judge's decision, the corporation counsel's office argued that "the judge did not even ask the prosecutor if he would proceed with the hearing before dismissing (the charges)."

It also noted that the "judge had made it impracticable for the government to proceed with the hearing when, on two occasions, he excused the detective from testifying . . . on grounds and in a manner so as to put the propriety of his conduct in question."

AUTHORITY FOR STAFF MEMBERS TO BE PRESENT DURING DEBATE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, during the debate today on the amendment to be called up by the Senator from Montana (Mr. MANSFIELD), two members of the staff of the Senator from California (Mr. CRANSTON) be admitted to the floor, during the debate but not during the rollcall vote: Mr. Murray Flander and Mr. Don Huffman.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON PROPOSED CLOSURE OF WILDWOOD AIR FORCE STATION, ALASKA

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the proposed closure of Wildwood Air Force Station, Alaska (with an accompanying report); to the Committee on Armed Services.

EXTENSION OF DIPLOMATIC PRIVILEGES AND IMMUNITIES

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof (with an accompanying paper); to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Charges For Use of Federal Electrical Power Transmission Lines Should Be Reevaluated", Department of the Interior, dated September 29, 1971 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

The petition of Willis T. Batcheller International, Inc., Seattle, Wash., praying for authorization to sue the U.S. Government; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

William B. Benkert, U.S. Coast Guard, for promotion to the grade of rear admiral.

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. HARRIS:

S. 2614. A bill to reduce the concentration of industrial power in certain markets. Referred to the Committee on the Judiciary.

By Mr. CASE:

S. 2615. A bill to amend the National Flood Insurance Act of 1968 to suspend until December 31, 1973, the provisions making flood insurance coverage a condition of Federal disaster assistance, to extend for 2 years the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage and the date as of which the existing authority for emergency Federal implementation of the program will expire, and to provide that coverage shall be available under the national flood insurance program for all residential properties. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN:

S. 2616. A bill to provide for the application of the prohibitions contained in the Sherman Act to the businesses of organized professional baseball, football, and all professional sports. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 2617. A bill to further promote equal employment opportunities for American workers. Referred to the Committee on Labor and Public Welfare.

By Mr. JACKSON (by request):

S. 2618. A bill to amend titles 10 and 32, United States Code, to authorize the establishment of a National Guard for the Virgin Islands. Referred to the Committee on Armed Services.

By Mr. MAGNUSON (by request):

S. 2619. A bill to amend section 11(p)(1) of the Federal Water Pollution Control Act to provide enforcement provisions with respect to the obligations of certain vessels using the navigable waters of the United States, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself, Mr. RIBICOFF, Mr. COOPER, Mr. ANDERSON, Mr. MCGOVERN, Mr. JAVITS, Mr. CASE, Mr. JACKSON, Mr. CRANSTON, Mr. HOLLINGS, Mr. MONDALE, Mr. PELL, Mr. MATHIAS, Mr. MOSS, Mr. INOUYE, Mr. GRAVEL, Mr. METCALF, Mr. HART, Mr. HUMPHREY, Mr. HATFIELD, Mr. MANSFIELD, Mr. KENNEDY, Mr. HARRIS, Mr. NELSON, and Mr. TUNNEY):

S. 2620. A bill to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes. Referred to the Committee on Finance.

By Mr. HARTKE:

S. 2621. A bill to promote the peaceful resolution of international conflict, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 2622. A bill to declare that certain federally owned land is held by the United States in trust for the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Mont. Referred to the Committee on Interior and Insular Affairs.

By Mr. YOUNG (for himself and Mr. BURDICK):

S. 2623. A bill to authorize the carrying out of certain repairs and rehabilitation work on the Mann Dam on the Heart River, N. Dak. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 2624. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations. Referred to the Committee on Finance.

By Mr. McINTYRE:

S. 2625. A bill for the relief of Giuseppe Paul Pinton. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2626. A bill to amend part V of the Interstate Commerce Act, enacted as part of the Transportation Act of 1958, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2627. A bill to amend section 22 of the Interstate Commerce Act so as to eliminate free or reduced rates for Government traffic, except in certain circumstances, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2628. A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2629. A bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to restructure essential railroad service under certain circumstances, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (by request):

S. 2630. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 2631. A bill to provide for paper money of the United States to carry a designation in Braille indicating the denomination. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE:

S.J. Res. 163. Joint resolution to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act, and to alleviate the financial burden on States and local schools in providing nutritious meals for all schoolchildren. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARRIS:

S. 2614. A bill to reduce the concentration of industrial power in certain markets. Referred to the Committee on the Judiciary.

CONCENTRATED INDUSTRIES ACT

Mr. HARRIS. Mr. President, today I am introducing a bill which attacks the fundamental source of inordinate concentration of economic power in this country—the monopoly power of big corporations.

I believe we can be faithful to America's free enterprise tradition and make it work. We can meet the challenge of growing foreign competition. We can cut consumer prices significantly. We can speed technological innovation.

The American consumer loses a minimum of $50 to $60 billion a year, and probably over $100 billion because of shared monopolies. If our Government moves aggressively against these shared monopolies, prices will fall by as much as 20 percent. Our economy will move toward full employment and stable prices without inordinate Government controls.

Concentrated economic power often becomes concentrated political power as well.

As President Nixon indicated in August of this year, the old remedies to control inflation do not work any more. They will not work until we cut down the power of the big corporations to raise prices without regard to market pressures.

We must return to real competition in our economy. We must make the free enterprise system work.

Now is the time for the Congress to challenge the myth that big is always best, that what is good for the big corporations like GM is good for the American people. We must face up to the mountain of evidence to the contrary.

I hope this legislation will focus the attention of the Congress and the country on the heavy burden the average American carries because of monopolies.

It is time for fundamental reform.

Mr. President, I appreciate that it has been the fashion in our country to dismiss those who believe industrial reform in America is an urgent matter. On the one hand, we have been told that there is no such thing as monopoly in America. The "trusts" of the late 19th century were, one learns in high school civics classes, all broken up, or at least broken up as much as the country thought desirable, by Teddy Roosevelt in the first decade of this century. But when evidence is presented that this view of the matter is not entirely accurate—that industrial monopolies are still very much with us—we are taught by some that these monopolies of the "new industrial state" are performing well and hence should be tolerated and even encouraged. Several questions are thus presented:

First. Do we actually have a significant amount of monopoly in America?

Second. If so, is it increasing or decreasing?

Third. If there are monopolies in America, are their net economic and social effects, from the standpoint of the general public, good, bad, or indifferent?

I have concluded that we do indeed have a serious monopoly problem in this country; that it is getting larger, not smaller; and that it is imposing a very large social cost on our citizens.

Let me begin by saying a brief word about the sources of the data on this problem. While there has been compara-

tively little discussion on this issue in the public press, there is a vast body of technical economic literature on the subject. An entire branch of the economics discipline, one with some 800 or so specialist-members, currently devotes itself to the study of monopoly and the social and economic costs it imposes. Literally thousands of professional books, journal articles, doctoral dissertations, masters' theses and the like report in meticulous—and not always exciting—detail the structure, conduct, and performance characteristics of almost every important industry in the national economy. Over time, these specialists in this somewhat esoteric branch of economics—the "industrial organization" branch—have accumulated a rather full inventory of data on the structure of the major American industries. And while these economic specialists, like most other members of professional groups, are hardly in agreement on every detail of every industry. there is for the most part a general agreement among the majority of them as to the broad contours of the national economy.

In brief, the overall size, shape, and general characteristics of our industrial machine are now a matter of common ground among the majority of these informed economic specialists. It is not a 100-percent consensus, of course; a certain number of these economists are employed by the larger industrial firms themselves, either directly or as consultants, and hence understandably do not share the critical analysis of the majority of their colleagues. Among the independent researchers, however, there is, as noted, broad agreement on the more important points.

The numbers used by the economists in this area, Mr. President, are very large. There are now more than 205 million people in the United States. Our workforce is approximately 85 million and our gross national product—GNP—is, as everyone knows, just over $1 trillion. About 70 percent of our national income is received by labor in the form of wages and salaries; the remaining 30 percent goes to capital—as profits, rent, and interest. And, to anticipate one of the major findings I want to emphasize here, monopoly costs the country an estimated minimum of $50 to $60 billion each year in terms of lost output flowing from its inflated costs and prices. Other estimates, equally respectable, exceed $100 billion. Figures of this size tend to be rather meaningless, Mr. President, unless we have some yardsticks to help us understand their magnitude. Let me suggest four such helpful yardsticks here:

The cost of all crime in the United States last year was $32 billion.

The cost of the Vietnam war this year is $15.8 billion.

Removing the major sources of pollution in the United States would cost an estimated $15 billion per year.

Eliminating poverty—minimum incomes of $3,000 for all—would cost an estimated $11.4 billion per year.

When these economists report then, Mr. President, that monopolies cost the United States at least $50 to $60 billion a year in high prices, waste, or lost output, it will be understood that we are talking about the equivalent of several times the cost of eliminating poverty, ending pollution, paying for the Vietnam war, or financing the high cost of crime.

This literature itself does not, however, make particularly exciting reading. It is filled with complex statistical data and detailed historical reports of the evolution of once competitive industries into highly concentrated monopolies and oligopolies. In substance, these economic scholars attempt to determine the current structure of a particular industry, whether it behaves in a competitive or noncompetitive manner, and how closely its performance—particularly its prices and record of innovations—matches the performance that is typically found in industries that approximate the structurally competitive norm. The ultimate fact to be learned, of course, is the degree of monopoly present in the industry and the cost of that monopoly power to the people of this country in such terms as inflated prices and suppressed technology that would have saved lives and otherwise improved the standard of living of our people, particularly those that are most needy.

Two recent scholarly books, both now in wide use as university textbooks—a fact that itself suggests the solid orthodoxy of their analysis—review this vast economic literature for us and present the broad conclusions of the economic experts as to where our economy now stands on the monopoly spectrum and where it appears to be headed. These two books, both published in 1970, were written by distinguished economists from the University of Michigan. One of them, entitled "Market Power and Economic Welfare"—Random House, 1970—was written by Dr. William G. Shepherd. The other, called Industrial Market Structure and Economic Performance—Rand McNally & Co., 1970—was written by Dr. Frederic M. Scherer. Written separately, they present a substantially similar picture of monopoly in American industry and reach broadly similar conclusions as to its economic and social significance.

These findings and conclusions of these and other specialists in the monopoly area can be briefly summarized as follows:

First. Of the approximately 11 million business enterprises—or firms—in the United States, just over 400,000 are in the key manufacturing sector. Of this latter group, about half or approximately 186,000 are corporations. And within the corporate group itself, a tiny fraction of 1 percent of them or 200 individual firms accounted for approximately 45 percent of all U.S. manufacturing at the end of World War II in 1947.[1] See table 1.

Second. Two decades later, in 1968, the 200 largest industrial firms accounted for over 60 percent of all U.S. manufacturing, an increase of some 15 percentage points in the share of this tiny group of firms.[2] Almost all of this increase, according to the Federal Trade Commission, was the result of mergers, primarily "conglomerate" mergers that occurred between 1960 and 1968. Had the 200 largest firms of 1968 been prevented from carrying out this tremendous merger movement—one that involved the acquisition of more than $50 billion in corporate assets in the 1947–68 period, and more than $15 billion in 1968 alone—their share of all U.S. manufacturing would have remained virtually constant.[3]

Third. In the key manufacturing sector of our economy—it accounts for slightly over 30 percent of the country's total income and wields great power over the nonmanufacturing sectors, particularly wholesale and retail trade—there are just over 400 separate "industries" or product markets, these ranging from razor blades and breakfast cereals to steel and automobiles. On the basis of long experience over many decades, the economic experts have separated these 400 industries into a competitive group and a noncompetitive or monopoloid group. Where the four largest firms in a particular industry account for roughly 20 to 40 percent of the industry's total sales, it is classed as a "loose oligopoly" and is considered, though not "atomistic" in structure, effectively competitive. As the share held by the four largest firms moves into the range of 40 to 50 percent, it starts to lose more and more of its competitive character and to make on more and more of the behavior patterns and performance features of the monopolized industry—higher-than-competitive prices, reduced rates of technological progress, and so forth. That tendency does not become really strong, however—at least in statistical terms—until the share of the four largest firms crosses the "threshold" point of "tight oligopoly," a four-firm share of 50 percent or more. The tendency toward collusion, price inflation, and the like becomes so strong at this point that, in statistical terms, industries of this character are classed by the economic experts as noncompetitive. Market forces have become so muted at this point and beyond that there is little hope there for the consumer to buy at competitive prices and enjoy the other benefits of competition among sellers.[4]

Fourth. According to Dr. Shepherd's findings, 199 of our manufacturing industries—out of, as noted, a total of just over 400 in the entire manufacturing sector—fell into that category in 1966, those 199 accounting for about two-thirds—63.8 percent—of all manufacturing goods produced in the United States.[5] In the still higher range of concentration, about one-third of the Nation's manufacturing output—34 percent—was produced in 1966 by industries in which the four largest firms accounted for 70 percent or more of the industry's total sales.[6] See table 2.

Fifth, a roughly similar pattern prevails in the nonmanufacturing sectors of the U.S. economy. Shepherd writes:

> All in all at least 35 to 45 percent of market activity in the United States appears to take place under conditions of substantial market (monopoly) power.[7]

Sixth, the monopoly power of these 199 noncompetitive industries produces, among others, the following adverse effects:

a. Redistribution of Income: According to Dr. Shepherd, approximately $4.9 billion out of total—after-tax—corporate manufacturing profits of $48 billion in 1967 were extra monopoly profits, over

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Footnotes at end of article.

and above what would have been earned in the absence of excessive concentration,[8] that is, if the share held by the four largest firms in those industries had been no more than 40 percent—rather than 70 percent. For the economy as a whole, Dr. Shepherd estimates that the country's monopolists "redistribute" to themselves and away from consumers some $8.1 billion in monopoly profits per year.[9] The expectation of continued monopoly profits of this magnitude has, according to Dr. Shepherd, inflated the stock value of these monopoly firms by approximately $97 billion,[10] or roughly 10 percent of the total value of all corporate stock in the United States—$960 billion in 1967.[11] Of IBM's $42 billion stock value in May 1968, for example, Dr. Shepherd writes:

> No less than $6 billion (and more probably $15 billion) could reasonably be attributed to IBM's market (monopoly) power.[12]

All of this redistribution of income is of course highly regressive. As Dr. Scherer notes—p. 409 of his book—

> The wealthiest 1 percent of all American families control 75 percent of all privately-held corporate securities.

b. Inflated costs: Under monopoly—and its multifirm synonym, oligopoly—costs tend to be higher than in competitive industries and these inefficiencies of monopoly—like their monopoly profits—are of course passed along to the consuming public in the form of inflated prices. Dr. Shepherd reports:

> Some studies have indicated that when four-firm concentration goes above 70 percent, prices tend to go up by about 10 percent,[13]

with smaller losses at lower ranges of concentration. He concludes:

> A conservative estimate of the average effect on efficiency would be 5 percent of costs where market power (concentration) is very high, and 3 percent where it is moderate.[14]

Adding up all of these monetary losses to the public, Dr. Shepherd concludes that monopoly is costing the country, very conservatively, as much as 5 percent of national income, or slightly less than $50 billion per year.[15] Dr. Scherer puts the dollar cost-of-monopoly figure at 6.2 percent of GNP, or $62 billion per year.[16]

These dollar losses from the inflated costs of monopoly are, for the most part, however, concentrated in a relatively small group of industries. While there are, as I mentioned a moment ago, 199 manufacturing industries in which the four largest firms account for 50 percent or more of the industry's total sales, not all of these are of equal importance in terms of size and so forth. An attached table—see table 3—lists 97 of the more concentrated industries in this group, industries that are clearly believed to exercise a substantial amount of monopoly power and that thus impose super-competitive costs on the consuming public. A narrower list, one limited to 21 major manufacturing industries with substantial monopoly power is also presented by Dr. Shepherd. See tables 4 and 5. These 21 industries, according to Dr. Shepherd, alone accounted for nearly a third of all manufacturing activity in the United States in 1968.[17] Of those 21 industries, five of them alone—steel, automobiles, telephone equipment, computers, and drugs—are estimated by Shepherd as costing the public $6 billion or more each year in unnecessary monopoly costs.[18]

A variety of other studies have reported substantial overpricing in a wide array of American industries:

Automobiles: The industry's practice of changing its car "styles" each year, according to one economic study, adds an average of $700 to the price of each car sold, or approximately $5 billion per year in the early 1950's,[19] a great deal more today.

Gasoline: The petroleum industry's "prorationing" practice adds, according to Dr. Scherer, at least $2 billion each year to the cost of gasoline.[20] The oil import-quota system, according to a recent presidential task force report, adds a minimum of $5 billion per year to the cost of the consumer's gasoline.[21] The inefficiencies of the "exclusive-dealer" distribution system in the gasoline industry add, according to a study by Dr. Joe S. Bin of Berkeley, as much as 4 cents per gallon—or more than $3 billion annually—to the total.[22]

Railroads and trucks: A recent study by the Brookings Institution reports that, if the ICC was abolished and competition allowed in surface transportation, railroad and trucking rates would fall by an estimated 20 percent below their present level, a saving to the public of approximately $3.4 to $5.6 billion per year.[23]

Airlines: Price-fixing in the airline industry by the Civil Aeronautics Board—CAB—according to a recent economic study, inflates airline tickets by approximately 35 percent above the competitive level, a consumer loss of about $1 billion yearly.[24]

Food retailing: A recent study by the Federal Trade Commission reports that concentration among the supermarket chains adds approximately 4 percent to the cost of food at the retail level alone, for total consumer losses there of nearly $4 billion per year.[25]

Drugs: Drug prices are inflated by monopolistic practices, according to a 1967 university study, by approximately 30 percent—about $1.4 billion yearly.[26]

Advertising: At least a fourth of the $20 billion per year spent on advertising in the United States, or roughly $5 billion of that total, according to Dr. Scherer, goes to buy "messages which serve little function but to mislead the consumer or cancel out rival messages."[27] Another $5 billion, in Dr. Scherer's view, is wasted on "disfunctionally elaborate packaging," deceptive give-away programs, "accelerated styling changes which do nothing more than render last year's model obsolete," and similarly noncompetitive promotional practices.[28]

c. Suppressed innovation: The largest firms in the highly concentrated industries tend to suppress technological innovation rather than promote it. The bulk of the important innovations in recent decades have come, according to Dr. Shepherd, not from the leading companies in American industries but from "the second echelon of firms."[29] In his words:

> Dominant firms in stable, asymmetrical oligopolies now carry a presumption of technical inferiority.[30]

Or as Scherer has put it: "technological vigor appears to increase with concentration at relatively low levels of concentration. When the four-firm concentration ratio exceeds 50 or 55 percent (however), additional market power is probably not conducive to more vigorous technical efforts and may be downright stultifying."[31]

A case in point is the recent conviction of the leading auto firms for conspiring to suppress auto pollution technology, auto exhaust fumes accounting for 60.6 percent of total air pollution in the United States.[32]

Ralph Nader's antitrust study points to a study of the highly concentrated U.S. steel industry. It shows that of 13 major inventions between 1940 and 1955, none were developed by American steel companies. Most came from small European steel companies or independent inventors. If we are to compete in the modern technological age, we simply must encourage more competition in our giant industries.

d. Racial discrimination in employment: According to Dr. Shepherd, racial discrimination in employment—that is—"the inclusion of otherwise extraneous racial or ethnic characteristics as elements of evaluation of job applicants and as criteria for promotion"[33] is strongly associated with industry concentration. In his words:

> It is often said that competition is color-blind, while monopolists have the opportunity to apply prejudices of their own or of their workers against one minority group or another.[34]

Monopoly power, he concludes, "is positively and substantially related to discrimination in white-collar employment."[35] In brief, "open hiring of Negroes is found mainly in competitive industries, in some lesser firms in concentrated industries, and in nonprofit organizations."[36] Statistically, "a 20-percent point increase in 4-firm concentration is associated with a 15–20 percent reduction in the Negro share of white-collar employment."[37] The explanation for this phenomenon is a simple one: monopoly firms, unlike those in competitive industries, have the monopoly profits to indulge the uneconomic prejudices of their managers; competitive firms don't practice discrimination because they cannot afford it.

e. Inflation and unemployment: Perhaps the most controversial issue in economics, as we all know, Mr. President, has to do with the causes of inflation. On one point, however, there is full agreement: inflation and unemployment are linked together in a see-saw effect—to get less of the one requires more of the other. Both cannot, at least not with the traditional economic tools of fiscal and monetary measures, be lowered simultaneously. One of them, unemployment, is conceded by all to be within the full control of the national Government. By using the Federal budget and the Federal Reserve Board to inject additional

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spending power into the economy, the unemployment rate could, if that was our sole objective, be reduced as low as one might like, even to zero.

Unfortunately, however, as the unemployment rate moves downward toward approximately 4 percent—which means, based on a total civilian workforce of about 85 million, over 3 million men out of work—the rate of inflation starts to rise at an accelerating pace. To stop the inflation, we deliberately choke off the expansion of the economy and "disemploy" a large number of people. In the latter part of 1969, for example, the unemployment rate in the United States was 3.5 percent. The administration, concerned about the rising rate of inflation, concluded that the only solution was to sacrifice jobs and use our fiscal and monetary tools to increase unemployment. The latest figures, those for August 1971, show an unemployment rate of 6.1 percent—an increase in the number of unemployed workers in the country of just over 2 million men in the past 2½ years.

This current—1969–71—"recession" is, according to Dr. Walter Heller, "the first synthetic and purposely created recession in our history." [38] According to a recent article in the Washington Post, Dr. George Shultz, one of the President's key economic advisers, "has always said privately that Mr. Nixon showed great courage in permitting him to plan unemployment." [39] According to this Post article:

> He held out to the last in the hope that the mini-recession he had *created* would eventually halt inflation.[40]

Even after 2½ years of failure, he was "still arguing for a little more time." [41] Given the strong convictions of Mr. Shultz, Mr. McCracken and others that the only cure for inflation is a stronger dose of unemployment—a burden that falls with disproportionate weight on the little people, the nonwhites, the older workers, the younger workers, and the other "marginal" members of the workforce—a 1-percent drop in the overall level of employment means a 2-percent or more increase in unemployment among blacks, for example—it is a fair surmise that, after the November 1972 elections, they will once again be urging higher rates of unemployment as the "cure" for inflation.

The current unemployment rate of 6.1 percent of the workforce—5 million men and their families deprived of their livelihoods—is, I believe, a brutal and inhumane way of dealing with our inflation problem. It is currently costing us approximately $70 billion per year in lost output,[42] money that we should be using to deal with poverty and all the other social ills that plague this Nation. It is also unnecessary.

Inflation is of two broad general types, Mr. President. When it is accompanied by full employment of both the available workforce and the available plant capacity, then it is of course plain that what one has is the classical "demand-pull" variety of the phenomenon—too much money chasing too few goods—and the traditional tools of fiscal and monetary restraint are indeed the appropriate remedies. But when, as in 1969–71, inflation is accompanied by widespread unemployment and idle plant capacity—27 percent of our plant capacity is currently idle—it should be clear that it belongs to the not-so-well-understood cost-push species.

The "trade-off" between inflation and unemployment, Mr. President, arises principally out of the monopoly elements in the economy. The problem can be most conveniently visualized by imagining two youngsters sitting on opposite ends of a see-saw, one rising into the air as the other is lowered closer to the ground. The height of their respective trips up and down depends on the height of the saw-horse their teeter-board is sitting on. The degree of monopoly in the economy determines the height of the saw-horse. If there was no monopoly in the economy—if every industry was, as the economists say, "perfectly competitive"—the teeter-board—assuming adequate fiscal and monetary policy—would, by definition, be sitting very near to or actualy flat on the ground, very near a zero inflation rate and a zero unemployment rate. As the economy becomes less and less competitive, however, the saw-horse rises higher and higher above the ground—zero level. For one of the boys to reach the ground now on his end of the board—zero inflation for example—the other has to be raised very high into the air—say a 10-percent unemployment rate.

The significance of the antitrust laws thus lies in the fact that, whereas fiscal and monetary policy can only tilt the board one way or the other, antitrust can lower the saw-horse itself. By reducing concentration in the industries that cause cost-push inflation in the first place, it can lower both ends of the teeter-board at the same time.

The kind of cost-push inflation we have in the United States at the present time, Mr. President, is not caused by movements in the price of fresh fruits and vegetables or in the price of textile products. It is caused by increases in the price of the products sold by our major concentrated industries, particularly steel, automobiles, and the others I have referred to here. In the words of one of the economists specializing in the monopoly area, there are two features of the concentrated industries that link them to the problem of inflation, namely, a "tendency for their prices to be more flexible upward than downward, and their vulnerability to wage increase demands rationalized on grounds of ability to pay . . ." [43] As he summarizes the problem:

> Once substantial wage increases have been won in key (concentrated) industries and the prices of industry products have risen, inflationary pressures spread as other unions attempt to emulate the initial example and as all employee groups try to compensate for increased costs of living by demanding still higher incomes.[44]

The steel industry alone, for example, accounted for an estimated 40 percent of the inflation experienced by the United States in the decade of the 1950's, automobiles for somewhat less than half of that amount.[45] Let loose by the President's initial "hands-off" policy in 1969, they have repeated the process these past 2½ years, raising their prices in the face of declining demand and causing the administration, in an effort to undo those industries' inflationary work, to put more than 2 million additional workers into the poverty class.

The appropriate policy prescription for the United States at the present time, then, is one described recently by Chester Bowles, head of OPA during World War II:

"Mandatory wage and price controls limited to those areas where the competitive market forces of supply and demand have become or are becoming inoperative," which requires, in turn, "two complementary and mutually reinforcing steps: First, the immediate imposition of mandatory wage-price controls in the most concentrated sectors of industry (most of which are, in effect, already operating outside the market system), and, second, the vigorous use of antitrust policy to help promote competitive behavior to a point where these wage-price controls can be relaxed on an industry by industry basis." [46]

Substantively, these controls would limit increases to those justified by gains in productivity—and would be mandatory. With inflation under control, fiscal and monetary policy could then be used freely—without fear of inflation—to raise total spending and thus restore full employment.

With the immediate—short-term—problems of inflation and unemployment both under control, the task of keeping them that way would then be undertaken:

> Vigorous antitrust action against participants in these managed markets is an important element in the selective control approach which I have proposed. Only as economic concentration in key industries is reduced to the point where competitive market behavior vigorously reasserts itself should the government eliminate or significantly relax its mandatory wage-price controls.[47]

The steel and automobile industries, for example, would "carry the keys" to their own freedom around with them: the controls would be removed any time they consented to deconcentrate themselves into enough firms to create genuinely effective competition—say to the point where the four largest hold no more than 40 percent of their respective industries.

This is an eminently sound approach to the "Phase 2" problem coming up in November.

I think it is a fair summary of the economic evidence on monopoly in America to say, Mr. President, that a reduction in concentration in our important industries could reasonably be expected to have at least the following effects:

First. A lowering of prices across the board to the consumer by perhaps 20 percent or more, thus immediately increasing consumer purchasing power or real standard of living by that amount.

Second. A staunching of the gigantic flow of unearned monopoly profits that America's monopolists and oligopolists are currently "redistributing" from consumers to themselves each year.

Third. A dispersal of the great masses

Footnotes at end of article.

of economic power that are currently causing, by this private "redistribution" of income away from others and to themselves and their stockholders—and their use of that power to influence our legal and political processes—so much social unrest in the country.

Fourth. A significant reduction in the incidence of poverty in the country and the social illnesses—particularly crime—that poverty inevitably spawns, by effecting a fairer, more equitable distribution of income.

Fifth. A further reduction of poverty and unjustified income inequality by permanently eliminating the inflation-unemployment dilemma, the black box of despair we've gotten ourselves into that requires us to keep 5 million of our citizens out of work, and 27 percent of our plant capacity idle—at a cost of $70 billion in real wealth down the drain each year—in order to contain an inflation created by a few dozen corporate executives.

Sixth. A restoration of our strength in international markets by this increase in the competitiveness of our industries and the resulting lowering of their prices.

Seventh. A stimulation of the inventive and innovative capacity of our industries by eliminating the high concentration that leads them, at present, to conspire among themselves to suppress rather than promote innovations that would have improved the health, safety, and general welfare of our citizens.

Eighth. Last but hardly least, a lessening, by removing the monopoly profits that make such uneconomic practices possible, of the racial discrimination in employment that so tragically gives the lie to the promise of equal opportunity in America.

Mr. President, a distinguished panel of economic and legal experts appointed by President Johnson to study this problem of monopoly in America, the "White House Task Force on Antitrust Policy," issued a detailed report of its findings, conclusions, and recommendations in 1968.[48] Finding that the antitrust agencies, the Federal Trade Commission and the Antitrust Division of the Department of Justice, have refused over the years to use the existing antitrust laws to deconcentrate our major monopolies and oligopolies, this group recommended the passage of a new statute, a "Concentrated Industries Act," one that would make it the affirmative duty of those two agencies to bring deconcentration suits against all major "oligopoly industries," a term defined in the proposed statute as an industry first, having sales of $500 million or more and second, in which the four largest firms had accounted for 70 percent or more of the industry's sales for a designated period of years. A special antitrust court is proposed to hear these deconcentration cases. And a "scale-economies" defense is provided: Deconcentration would not be ordered if, in order to reduce the firms in the industry to the prescribed level—no firm with more than 12 percent of the industry's total sales—it could be shown that inefficiencies would be created and consumer prices thus increased.

This proposed statute is, on the whole, a sound if perhaps unduly conservative one. Its "cut-off point" between legal and illegal concentration, for example, four-firm shares of 70 percent or more, is clearly on the high side. A voluminous body of economic data goes to the point that, whereas collusion—price fixing—may not even be necessary in order for a group of firms to impose monopoly prices when four of them control 70 percent or more of the market, such collusion is rampant in the intermediate concentration ranges of tight oligopoly, those between four-firm shares of 50 percent and 70 percent.[49] This statute would, however, according to Dr. Shepherd's figures on current concentration, reach approximately one-third of all U.S. manufacturing even in its present form. That is to say, in making four-firm shares of 70 percent or more unlawful, it would reach industries that currently account for, by Dr. Shepherd's data, 34 percent of all manufacturing output.[50]

With these considerations in mind, Mr. President, I am introducing the Concentrated Industries Act drafted by the President's Task Force on Antitrust Policy in 1968, but with the view of proposing, if further study confirms my present feeling that it should be strengthened in one or more particulars, appropriate amendments.

It is, even in its present form, Mr. President, a landmark bill, one that would go, I believe, a long way indeed toward restoring economic justice in America.

One further point should be emphasized here, Mr. President. All of the evils I have described here are, in my view—and in that of a number of distinguished scholars in this area—already illegal under existing antitrust law. Section 2 of the Sherman Act of 1890, for example, declares it unlawful to "monopolize" any part of the trade or commerce of the United States. And violations of that statute are, by long-standing judicial interpretation, also violations of section 5 of the Federal Trade Commission Act of 1914. The officials charged with the enforcement of these two statutes have, however, resolutely refused for more than half a century to bring deconcentration lawsuits, contenting themselves with an occasional action against isolated examples of price-fixing and coercive acts of one businessman against another. These officials insist that, absent a showing of actual collusion on price, there is nothing wrong with four firms gathering 50 percent or 70 percent of an industry's sales volume into their hands and then exercising that monopoly power by overcharging the consuming public by the billions of dollars I have called to your attention here today.

I have concluded, therefore, that, despite the apparent adequacy of the existing law to deal with monopoly in America, there is no way to get it enforced in its present permissive form. Given the well-known power of the monopolies to influence the regulatory agencies in Washington, there is no way to get relief for the public from the looting involved here other than to define the evil in question in sharp numerical terms and then make it mandatory for the officials involved to carry out the deconcentration ordered by the statute.

Monopolies have ostensibly been illegal in America since 1890, Mr. President. For these past 80 years, however, the antitrust laws have been just one more of the long list of our broken promises to our people. Eight decades of failure to honor the key promise of economic democracy in America are enough. If the people of this country, and the peoples of the other countries of the world, are to take our boasts of economic justice seriously, it is time for us to take them seriously ourselves. I would lift this scourge of monopoly and the corruption it brings from the backs of the American people and make our country the real economic democracy the Founding Fathers intended it to be.

FOOTNOTES

[1] *Economic Report on Corporate Mergers*, Staff Report to the Federal Trade Commission (1969), pp. 191–193.
[2] Ibid.
[3] Ibid.
[4] Dr. William G. Shepherd, *Market Power and Economic Welfare* (Random House, 1970), pp. 63–64; *The Structure of Food Manufacturing*, Technical Study No. 8, National Commission on Ford Manufacturing, Staff Report to the Federal Trade Commission (June 1966), p. 205.
[5] Shepherd, id., p. 106, Table 7.1.
[6] Ibid
[7] Id., p. 246.
[8] Id., p. 210.
[9] Ibid.
[10] Ibid.
[11] Ibid.
[12] Ibid.
[13] Id., p. 184.
[14] Id., p. 196.
[15] Id., p. 246.
[16] Dr. Frederic M. Scherer, *Industrial Market Structure and Economic Performance* (Rand McNally & Co., 1970), p. 408.
[17] Shepherd, supra, p. 151.
[18] Id., p. 246.
[19] F. M. Fisher, Z. Griliches, and C. Kaysen, "Costs of Automobile Model Changes Since 1949," 70 *Journal of Political Economy* (October, 1962), pp. 433–451.
[20] Scherer, supra, p. 407.
[21] *The Oil Import Question: A Report on the Relationship of Oil Imports to the National Security*, Cabinet Task Force on Oil Import Control (February 1970), p. 22.
[22] Dr. Joe S. Bain, *Pacific Coast Petroleum Industry*, Vol. III (1949).
[23] Dr. Thomas Moore, Michigan State University, as reported in *The Washington Post*, September 14, 1971, p. D–10.
[24] Dr. William A. Jordan, *Economic Effects of Airline Regulation* (University of California, Los Angeles, 1968) (doctoral dissertation).
[25] *Economic Report on Discount Food Pricing in Washington, D.C.*, Staff Report to the Federal Trade Commission (March 24, 1971), p. 10.
[26] Dr. Hugh D. Walker, *Market Power and Price Levels in the Ethical Drug Industry* (Vanderbilt University, 1967) (doctoral dissertation).
[27] Scherer, supra, p. 406.
[28] Ibid.
[29] Shepherd, supra, p. 208.
[30] Id., p. 247.
[31] Quoted in Shepherd, supra, pp. 204–206.
[32] Bruce W. Kaufman et. al., "Suppressing Technology; The Automobile Air Pollution Case," 3 *Antitrust Law & Economics Review* (Spring 1970), p. 117.
[33] Shepherd, supra, p. 213.
[34] Id., p. 60.
[35] Id., p. 218.
[36] Id., p. 216.
[37] *The New York Times*, September 12, 1971.
[38] *The Washington Post*, August 24, 1971, p. A–19 (emphasis added).

[40] Ibid. (emphasis added).
[41] Ibid.
[42] Dr. Abba P. Lerner, Queen's College, New York, in *The New York Times*, September 12, 1971.
[43] Scherer, supra, p. 410.
[44] Id., p. 289.
[45] Drs. Otto Eckstein and Gary Fromm, "Steel and the Postwar Inflation," Study Paper No. 2, Study of Employment, Growth, and Price Levels, Joint Economic Committee, 86th Cong., 1st Sess. (November 6, 1959), p 34. As summed up by Dr. Scherer: "Between 1953 and 1958 steel prices rose by roughly 34 per cent, while the overall wholesale price index rose by only 8 per cent. One result was an increase in steel imports from 1 per cent of total U.S. consumption in 1955 to 11 per cent in 1965, causing a direct adverse incremental impact on the U.S. balance of payments of $1.3 billion. And since steel is a basic raw material for many manufacturing industries, the increase in its price constituted cost increases to many other industries, with an undoubted effect on the prices charged for the end products of those industries. Using an input-output table of the American economy to estimate the secondary effects of steel price increases on the costs and prices of products incorporating steel as a raw material, Otto Eckstein and Gary Fromm concluded that the wholesale price index would have risen by 40 per cent less over the 1947–1958 period had steel prices risen no more rapidly than the wholesale prices of all other goods." Scherer, supra, p. 298.
[46] *The Washington Post*, September 12, 1971, pp. B1–B5.
[47] Id., p. B5, (emphasis added).
[48] Dean Phil C. Neal et al., "Report of the White House Task Force on Antitrust Policy," 2 *Antitrust Law & Economics Review* 11 (Winter 1968–69).
[49] Shepherd, supra, pp. 127–131.
[50] Id., p. 106.

Mr. President, I send the bill to the desk for appropriate reference, and I ask unanimous consent that the bill and certain tables in connection with the bill may be printed in the RECORD.

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

A BILL TO REDUCE THE CONCENTRATION OF INDUSTRIAL POWER IN CERTAIN MARKETS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Concentrated Industries Act".

REDUCTION OF INDUSTRIAL CONCENTRATION

SEC. 2. (a) It shall be the duty of the Attorney General and the Federal Trade Commission to investigate the structure of markets which appear to be oligopoly industries.

(b) When, as a result of such investigation, the Attorney General determines that a market appears to be an oligopoly industry and that effective relief is likely to be available under this Act, he shall institute a proceeding under section 4 of this Act for the reduction of concentration, to which all firms which appear to be oligopoly firms in such oligopoly industry shall be made parties.

(c) The Special Antitrust Court shall enter a judgment determining whether one or more markets are oligopoly industries, and, if so, which of the parties are oligopoly firms in such oligopoly industries.

(d) In order to provide an opportunity for voluntary steps looking toward reduction of concentration, no affirmative relief shall be ordered against such oligopoly firms for a period of one year following entry or affirmance of such judgment.

(e) After such one-year period, further proceedings shall be conducted and a decree entered providing such further relief as may be appropriate, in light of steps taken or initiated during the one-year period, to achieve, within a reasonable period of time not in excess of four years, a reduction of concentration such that the market share of each oligopoly firm in such oligopoly industry does not exceed 12%. Such decree may include provisions requiring a party (i) to modify its contractual relationships or methods of distribution; (ii) to grant licenses (which may, in the discretion of the court, provide for payment of royalties) under, or to dispose of, any patents, technical information, copyrights or trademarks; and (iii) to divest itself of assets, whether or not such assets are used in an oligopoly industry, including tangible assets, cash, stock or securities (including securities in existing firms or firms to be informed), accounts receivable and such other obligations as are appropriate for the conduct of business. The decree may also make such other provisions and require such other actions, not inconsistent with the purposes of this Act and the antitrust laws, as the court shall deem appropriate, including any provisions which would be appropriate in a decree pursuant to the antitrust laws. Such decree shall not require that a firm take any steps which such firm establishes would result in substantial loss of economies of scale.

(f) Four years after entry or affirmance of a decree pursuant to subsection (e) or a further decree pursuant to this subsection (f), the Attorney General shall institute proceedings to determine whether the decree has achieved the reduction of concentration referred to in subsection (e). If the court determines that such reduction has not been achieved, it shall enter a further decree ordering additional steps to be taken.

(g) Any decree entered pursuant to this section shall be subject to modification on the motion of any party according to the usual principles governing decrees in equity.

REGULATED INDUSTRIES

SEC. 3. (a) No action may be brought pursuant to section 2 of this Act with respect to any market which is subject to regulation with respect to its rates and charges under such Acts as may be designated by the Attorney General, unless, prior to the commencement of such action, a copy of the proposed complaint in such action shall have been furnished to the agency, commission, board, or body vested with regulatory power pursuant to any of the Acts enumerated, and such agency, commission, board, or body shall not have disapproved the commencement of such action within 90 days after receipt of such proposed complaint or shall have waived disapproval.

No decree in any action pursuant to section 2 of this Act may require divestiture of any assets used in any such regulated market, unless such agency, commission, board, or body shall have been served with a copy of the proposed decree and shall not have objected thereto within 90 days after such service or shall have waived objection. No such disapproval or objection or the withholding or waiver thereof shall be considered to be either an adjudication or a rule-making proceeding for purposes of subchapter II of chapter 5 of title 5, United States Code, or any Act of Congress establishing procedural requirements for determinations by any agency, commission, board or body.

(b) No action may be brought pursuant to section 2 of this Act with respect to a market (i) in which maximum prices or rates are subject to direct public utility regulation by any state, municipal, District of Columbia or territorial agency, commission, board or other body, and (ii) which consists of the furnishing of electricity, gas, water, or telephone services, without the consent of each such agency, commission, board, or body.

PROCEDURE

SEC. 4. (a) All proceedings under this Act shall be conducted by the Special Antitrust Court established under subsection (b) of this section. Such proceedings shall be conducted in a judicial district or districts determined by the court or pursuant to rules established by the court.

(b) The Chief Justice shall designate circuit judges and district judges to serve on the Special Antitrust Court for purposes of a specified proceeding or proceedings or for such period or periods of time as may be specified by the Chief Justice. The Chief Justice shall designate one such judge as Chief Judge of the Special Antitrust Court. Proceedings under this Act shall be conducted by panels consisting of one or more judges of the Special Antitrust Court designated by the Chief Judge of the Special Antitrust Court or by a judge or judges designated by the Chief Justice for the purpose. Such proceedings shall be conducted pursuant to the Federal Rules of Civil Procedure in effect at the time, subject to such additional rules (which may supersede or supplement the Federal Rules of Civil Procedure) as shall be adopted by the Special Antitrust Court for the purposes of proceedings under this Act.

(c) In any proceeding under this Act, the Special Antitrust Court may designate one or more economists or other persons to serve as expert witnesses to be called by the court. Such witness or witnesses

(i) shall be furnished with all evidence introduced by any party;

(ii) may offer additional evidence subject to objection by any party;

(iii) shall offer analyses of the issues, with particular reference to relevant markets;

(iv) shall recommend appropriate provisions for decrees;

(v) shall be subject to cross-examination and rebuttal.

DEFINITIONS

SEC. 5. As used in this Act.

(a) The term "oligopoly industry" shall mean a market in which

(i) any four or fewer firms had an aggregate market share of 70% or more during at least seven of the ten and four of the most recent five base years; and

(ii) the average aggregate market share during the five most recent base years of the four firms with the largest average market shares during those base years amounted to at least 80% of the average aggregate market share of those same four firms during the five preceding base years, but shall not include any market in which the average aggregate sales of all firms during the five most recent base years declined by 20% or more from such average sales during the preceding five base years.

(b) The term "oligopoly firm" shall mean a firm engaged in commerce whose market share in an oligopoly industry during at least two of the three most recent base years exceeded 15%.

(c) The term "firm" shall include corporations and associations existing under or authorized by the laws of the United States, any of the Territories, any State, or any foreign country, and shall include any entity controlling, controlled by, or under common control with such a corporation or association.

(d) The term "market" shall mean a relevant economic market, appropriately defined with reference to geographic area (which may be the United States or another geographic area) and product or service, including sales within such market by firms located outside the geographic area, if aggregate sales in the market amounted to more than $500 million during each of at least four out of the five most recent base years.

(e) The term "market share" shall mean

the proportion of a firm's sales in a relevant market to all sales in such market.

(f) The term "sales" shall mean annual gross sales, gross income, gross receipts, or, if no such amount is applicable, the corresponding amount, whichever is largest, as set forth in reports filed by a firm with the Securities and Exchange Commission pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934, or the largest such amount which would have been reported if section 13 or section 15(d) of the Securities Exchange Act of 1934 were applicable to require reporting by such firm for a base year of its gross sales, gross income, gross receipts, or a corresponding amount, in a market, and sales in a market shall include amounts which would have been reported but for the fact that goods or services were both produced and consumed by the same firm.

(g) The term "base year" shall mean one of the ten calendar years, the most recent of which ended more than six months and not more than eighteen months prior to the date on which any proceeding is instituted pursuant to section 2(b).

(h) The term "antitrust laws" shall mean the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, as amended, and section 7 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended.

(i) The term "commerce" shall mean trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

SEC. 6. Direct Appeal to Supreme Court.

Except as otherwise provided by law, any party to a proceeding before the Special Antitrust Court established under this Act may appeal to the Supreme Court from any final judgment of the Special Antitrust Court under section 2(c) of such Act, or from a decree of such court under subsection (f) or (g) of such section.

TABLE 1.—SECTORS IN THE U.S. ECONOMY

Sectors	Percent of national income originating in each sector, 1950	Percent of national income originating in each sector, 1967	Employment, March 1968 (thousands)	Number of private enterprises, 1965 (thousands): Sole proprietorships	Active partnerships	Active corporations
Agriculture, forestry and fisheries	7.3	3.4	3,537	3,225	128	28
Mining			585	36	15	13
Construction	7.1	6.2	3,306	705	58	113
Manufacturing	31.6	30.2	19,345	186	37	186
Transportation	5.6	4.0				
Communication	1.4	2.0	4,265	297	18	60
Electricity, gas, and sanitary services	1.6	2.0				
Wholesale and retail trade	17.0	14.8	13,778	1,854	235	440
Finance, insurance, and real estate	9.1	10.8	3,036	539	249	388
Services	9.0	11.5	10,300	2,208	169	188
Government, public firms, and rest of world	10.3	15.1	12,215			
Total	100.0	100.0	70,367	9,078	914	1,424

Source: Adapted from U.S. Bureau of the Census, Statistical Abstract of the United States, 1968, (Washington, D.C.: U.S. Government Printing Office, 1968). Tables 464, 317, and 682.

Dr. William G. Shepherd, Market Power and Economic Welfare (Random House, 1970), p. 70.

TABLE 2.—PERCENTAGE SHARES OF TOTAL U.S. MANUFACTURING VALUE-ADDED IN 1966 THAT OCCURRED IN INDUSTRIES OF VARIOUS DEGREES OF CONCENTRATION

Degree of concentration in the largest four firms	Shares of Value-added, according to—: Raw census concentration ratios, 1958	Raw census concentration ratios, 1966	Adjusted concentration ratios, 1966
90 to 100	2.1	1.6	17.0
80 to 89	2.0	2.4	9.0
70 to 79	9.4	11.5	8.0
60 to 69	4.1	5.8	15.1
50 to 59	13.1	7.5	14.7
40 to 49	7.3	13.6	14.7
30 to 39	13.0	10.8	9.7
20 to 29	22.5	27.2	9.1
10 to 19	19.0	13.7	2.3
0 to 9	7.5	5.9	.4
70 and higher	13.5	15.5	34.0
40 and higher	38.0	42.4	78.5
Average degree of concentration	37.2	39.0	60.3

Source: Calculated from data in U.S. Senate Subcommittee on Antitrust and Monopoly, Concentration Ratios in Manufacturing Industry, 1953, pts I and II. (Washington, D.C.: U.S. Government Printing Office, 1966); and U.S. Bureau of the Census, "Value-of-Shipment Concentration Ratios by Industry," Annual Survey of Manufacturers, 1966. M66(AS)-8 (Washington, D.C.: U.S. Government Printing Office, 1968).

Dr. William G. Shepherd, Market Power and Economic (Random House, 1970), p. 106.

TABLE 3.—NONCOMPETITIVE MANUFACTURING INDUSTRIES, BY CONCENTRATION RATIOS, 1966

Industry	Share of 4 largest firms (1966) (percent)	Value added (1966) (millions)
Locomotives and parts	98	$318
Razor blades and razors	98	145
Flat glass	96	431
Aircraft propellors and parts	96	133
Primary aluminum	95	725
Safes and vaults	95	64
Aircraft engines and parts	95	2,765
Electron tubes, receiving	95	244
Motor vehicles and parts	94	$15,540
Telephone and telegraph apparatus	94	1,432
Electric lamps	93	495
Pharmaceutical preparations	90	3,447
Metal cans	90	1,043
Soap and other detergents	90	1,297
Fibers, organic noncellulosic	90	1,302
Fibers, cellulosic man-made	90	244
Aircraft	90	4,675
Newspapers	90	4,012
Computing and related machines	90	2,828
Steam engines and turbines	90	505
Picture tubes, cathode ray	89	472
Floor coverings, hard surface	89	135
Chewing gum	88	177
Carbon and graphite products	88	175
Primary batteries	88	167
Cereal preparations	87	443
Engine electrical equipment	85	753
Glass, other pressed and blown	85	709
Sanitary paper products	85	476
Chocolate and cocoa products	85	180
Steel power boilers	82	350
Cigarettes	81	1,483
Blast furnaces and steel mills	80	9,644
Photographic equipment	80	2,282
Cement	80	839
Aluminum rolling and drawing	80	862
Glass containers	80	763
Primary copper	80	363
Pigments, inorganic	80	340
Brick and structural tile	80	275
Gypsum products	80	222
Sewing machines	80	97
Household laundry equipment	79	156
Household vacuum cleaners	78	156
Internal combustion engines	75	1,075
Transformers	75	584
Pulp mills	75	365
Bread and prepared flour	75	206
Electrometallurgical products	74	198
Household refrigerators	72	752
Industrial gases	72	363
Explosives	72	255
Tires and inner tubes	71	1,768
Transportation equipment hardware	71	700
Mineral wool	71	252
Chemicals, other inorganic	70	2,149
Farm machinery and equipment	70	2,057
Construction machinery	70	1,881
Wire drawing, nonferrous	70	1,342
Ball and roller bearings	70	871
Biscuits, crackers, and cookies	70	713
Abrasive products	70	$620
Typewriters	70	424
Wet corn milling	67	347
X-ray apparatus and tubes	67	141
Petroleum refining	65	4,082
Chemicals, other organic	65	3,641
Shipbuilding and repairing	65	1,362
Elevators and moving stairways	63	236
Milk, fluid	60	2,232
Periodicals	60	1,706
Radios and TV receiving sets	60	1,675
Toilet preparations	60	1,675
Motors and generators	60	1,366
Switchgear and switchboards	60	972
Copper rolling and drawing	60	898
Industrial controls	60	719
Surgical appliances and supplies	60	467
Steel shapes, cold finished	60	307
Metals, secondary nonferrous	60	293
Storage batteries	60	284
Rolling mill machinery	60	260
Industrial trucks and tractors	60	405
Household cooking equipment	60	254
Primary zinc	60	134
Electron tubes, transmitting	57	252
Rubber, synthetic	56	443
Distilled liquor	55	1,483
Steel pipe and tube	55	417
Coal tar products, intermediate	52	718
Broadcasting equipment	50	4,855
Bread and related products	50	2,658
Plumbing fixtures, metal	47	146
Paper industries machinery	37	263

Source: Dr. William G. Shepherd, Market Power and Economic Welfare (Random House, 1970), pp. 274–281.

TABLE 4.—MAJOR AMERICAN MARKETS WITH SUBSTANTIAL MARKET POWER, 1968 (APART FROM UTILITIES)

Markets and leading firms	Net assets in millions	Approximate share of these firms in relevant markets (percent)
INDUSTRIAL		
Telephone equipment		80–90
Western Electric	$2,721	
Motor vehicles		90–100
General Motors	14,010	
Ford	8,953	
Chrysler	4,398	

Markets and leading firms	Net assets in millions	Approximate share of these firms in relevant markets (percent)
Computers		70–80
IBM	$6,743	
Heavy electrical equipment		70–80
General Electric	5,744	
Westinghouse	2,271	
Petroleum refining		40–50
Standard Oil (N.J.)	16,786	
Texaco	8,687	
Gulf	7,498	
Mobil	6,872	
Iron and steel		50–60
United States Steel	6,391	
Bethlehem	3,060	
Armco	1,633	
Republic	1,608	
Drugs		70–80
American Home Products	680	
Merck	488	
Pfizer	735	
Lilly	457	
Soaps, etc		60–70
Procter & Gamble	1,612	
Colgate	531	
Lever	238	
Industrial chemicals		60–70
DuPont	$3,289	
Union Carbide	3,209	
Dow	2,312	
Monsanto	1,895	
Aircraft engines		90–100
General Electric	5,744	
United Aircraft	1,358	
Aircraft		80–90
Boeing	2,186	
McDonnell-Douglas	1,335	
General Dynamics	866	
Flat glass		50–60
P.P.G. Industiries	1,095	
Libby-Owens-Ford	385	
Aluminum		80–90
Alcoa	2,192	
Kaiser	1,371	
Reynolds	1,197	
Copper		60–70
Anaconda	1,685	
Kennecott	1,541	
Phelps-Dodge	654	
Photographic supplies		60–70
Eastman Kodak	$2,565	
Tires and tubes		70–80
Goodyear	2,377	
Firestone	1,883	
Uniroyal	1,121	
Photocopying		70–80
Xerox	906	
Dairy products		60–70
Borden	1,023	
National Dairy	948	
Carnation	456	
Metal containers		80–90
American Can	1,337	
Continental Can	1,073	
Cereals		60–70
General Mills	505	
Kellogg	286	
Soup		90
Campbell	560	

Source: Dr. William G. Shepherd, Market Power and Economic Welfare (Random House, 1970), p. 152–153.

TABLE 5.—DIFFERENCES IN CONCENTRATION AMONG U.S. MANUFACTURING INDUSTRY GROUPS IN 1966

Industry group	Total value added (billions)	Group's 4-firm weighted average concentration (percent)	Percent of group's value added in industries with 4-firm concentration over 60 percent
20. Food and kindred products	$24.9	55.0	37.0
21. Tobacco manufacturers	1.9	83.0	84.6
22. Textile mill products	8.0	44.0	10.6
23. Apparel and related products	9.2	23.0	3.0
24. Lumber and wood products	4.8	43.0	2.3
25. Furniture and fixtures	4.0	34.0	0
26. Paper and allied products	9.4	44.0	13.8
27. Printing and publishing	13.3	56.0	45.4
28. Chemicals and allied products	22.8	71.0	77.0
29. Petroleum and coal products	4.7	68.0	86.7
30. Rubber and plastic products	6.3	49.0	32.4
31. Leather and leather products	$2.4	44.0	1.4
32. Stone, clay, and glass products	8.4	71.0	70.5
33. Primary metal industries	20.9	75.0	74.0
34. Fabricated metal products	15.8	51.0	25.0
35. Machinery	26.8	55.0	42.6
36. Electrical machinery	23.4	61.0	50.8
37. Transportation equipment	29.2	83.0	86.7
38. Instruments and related products	6.4	67.0	50.5
39. Miscellaneous manufacturing	4.3	48.0	24.8
Total	247.0	60.0	51.1

Source: Dr. William G. Shepherd, Market Power and Economic Welfare (Random House, 1970), table 7.2, pp. 110–111.

By Mr. CASE:

S. 2615. A bill to amend the National Flood Insurance Act of 1968 to suspend until December 31, 1973, the provisions making flood insurance coverage a condition of Federal disaster assistance, to extend for 2 years the date by which an area must have adopted adequate land use and control measures in order to qualify for flood insurance coverage and the date as of which the existing authority for emergency Federal implementation of the program will expire, and to provide that coverage shall be available under the national flood insurance program for all residential properties. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. CASE. Mr. President, today I am introducing legislation to provide more effective protection under the Federal flood insurance law.

In recent weeks many States, including my own State of New Jersey, have experienced extensive damage caused by flooding. Unfortunately, efforts to repair the damage have been, in many cases, thwarted by an obscure provision of the Federal Flood Insurance Act. This provision, called the nonduplication of Federal benefits, penalizes those homeowners and businessmen who did not buy coverage in communities where the insurance has been available for more than a year.

The national flood insurance program was established under the Housing and Urban Development Act of 1968 to make available limited amounts of flood insurance to property owners and small businessmen in areas certified as flood prone by the Federal Insurance Administration.

It is estimated that about 7,000 communities could qualify for certification as flood prone areas. But only 720 communities have been certified. Moreover, the rate of increase in communities approved has been about 4 percent per month.

As of July 31, 1971, approximately 73,700 insurance policies had been issued. In August of 1971, the total number of insurance policies issued actually fell 2 percent, to a level of approximately 72,100 policies, even as the number of participating communities rose 3 percent. In New Jersey, following the recent floods it was found that only 64 communities were certified and only 6,000 policies in those areas had actually been taken out.

Such limited participation in the program is disappointing, although understandable. The Federal insurance program is hardly 3 years old. I am advised by private insurance experts that it takes about 5 years for new types of insurance to become generally known to the public.

But much of the problem lies in certain requirements of the program itself.

Under current provisions of the law, after a community has enrolled for 1 year's time in the food insurance program, individuals are excluded from receiving financial disaster assistance. As George Bernstein, the Federal Insurance Administration, recently pointed out:

> If there is a lapse since the individual was eligible for the coverage and he has failed to purchase it, under the present provisions of the Act, that person is denied financial federal disaster relief to the extent that he could have purchased the federal flood insurance. I believe this provision is an inequitable provision, it's unenforceable on a reasonable basis, and it is detrimental to the long range purpose of the flood insurance program and I would like to see Congress repeal it.

This is a forthright statement by the Federal Insurance Administrator. And we can see the injustice reflected statistically in the few policies purchased and the decline in policy purchases.

A good example is the case of Elizabeth, N.J., where the recent storms flooded 10,000 homes. Elizabeth is a certified community. It has a population of 112,000 yet only 19 insurance policies have been issued under the Flood Insurance Act. Well over 99 percent of the families in Elizabeth have no protection whatever. Cases similar to Elizabeth exist throughout my State and throughout the Nation.

The bill I submit today requires a 2-year suspension of nonduplication of Federal benefits provision of the Federal insurance law. This suspension will be retroactive to enable those who have suf-

fered to apply for financial disaster assistance.

A second provision of my bill will extend for 2 years the period of time within which communities must adopt land use and control measures. Without the extension, communities who apply for certification after December 31, 1971, will have to demonstrate that they have already implemented flood abatement and control procedures. Extension will allow communities in New Jersey and the other States that should but are not now in the flood program to join the program under the relatively simple procedures that are currently required to achieve this purpose. In my own State at least 277 communities should be certified for Federal flood insurance protection.

A third provision of my bill will broaden the insurance coverage. The existing law protects only dwelling units up to four families. My bill will allow insurance coverage for all residential dwelling units, including multifamily dwellings such as garden apartments.

Consistent with this change, my bill will add to the present $17,500 aggregate liability for any dwelling unit and $30,000 for any structure containing more than one, $10,000 for each unit of housing in excess of two.

The National Flood Insurance Act of 1968 is a good program. It provides insurance where there was once none. But as we have learned by experience, it needs revision to become fully effective. The legislation I propose will provide relief to those who have suffered from the recent flood disasters and at the same time encourage wider participation in the future.

By Mr. ERVIN:

S. 2616. A bill to provide for the application of the prohibitions contained in the Sherman Act to the businesses of organized professional baseball, football, and all professional sports. Referred to the Committee on the Judiciary.

ERVIN INTRODUCES LEGISLATION TO END PRO SPORTS MONOPOLIES

Mr. ERVIN. Mr. President, today I am introducing in the Senate and Congressman EMANUEL CELLER is introducing in the House a bill to remove the antitrust exemption which professional football and baseball teams have enjoyed in this country. My bill would simply remove the preferred status which baseball and football have enjoyed by placing them under the same antitrust sanctions applicable to all professional sports. My bill reads:

S. 2616

A bill to provide for the application of the prohibitions contained in the Sherman Act to the businesses of organized professional team sports

Be It enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 9. Notwithstanding any other provisions of the law, on and after the effective date of this section the business of providing for profit public games or contests between any team of professional players shall not be exempt from the prohibitions contained in sections 1, 2, and 3 of this Act."

SEC. 2. This Act shall take effect one year after the date of its enactment.

My reasons for introducing this legislation are detailed in a statement which I made before the Senate Antitrust Subcommittee in opposition to the bill to allow the merger of the professional basketball leagues, and in a press release which Chairman CELLER and I released today. I ask unanimous consent that these items be printed in the RECORD at this point.

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

ERVIN AND CELLER ASK FOR END TO ALL PRO SPORTS MONOPOLIES

WASHINGTON, D.C., Sept. 30, 1971.—Today Senator Sam J. Ervin, Jr. (D-N.C.) and Congressman Emanuel Celler (D-N.Y.), Chairman of the House Judiciary Committee and its Antitrust Subcommittee, introduced legislation to end the antitrust exemption which professional baseball and football have enjoyed in this country. The legislation would remove the preferred status that baseball and football have enjoyed by placing them under the same antitrust sanctions applicable to all professional sports.

Ervin and Celler charged that "too often, the sport monopolies come crying to Congress for special legislation because they feel that the health of professional sports is in the national interest. But when it comes to blacklisting and throttling player negotiations, charging high prices to fans, blacking out TV, and moving franchises at will; the sports monopolies act with the greedy singlemindedness of a child reaching in a candy jar—more, more and more. There is no question," said the lawmakers, "that the same abuses that prompted the passage of the Sherman Antitrust Act in the 19th century are at work among the sports trusts today."

Both Ervin and Celler decried the restrictions which professional teams impose on the players right to bargain. "There is no question that these restrictions are the only government sanctioned restraints on an individual's right to bargain to sell his services and they effectively exclude the player from the free enterprise system. The restrictions amount to serfdom," they continued, "and we can think of no better term for the team owners than 'czar'."

Chairman Celler said he is considering holding hearings on the entire sports field that would necessitate a careful look at all team finances, including the tax uses which an owner makes of his team. Ervin said that the Senate Antitrust hearings on the proposed basketball merger which he is currently chairing could be broadened to include all professional sports.

STATEMENT OF SENATOR SAM J. ERVIN, JR. ON S. 2373, A BILL TO MERGE THE PROFESSIONAL BASKETBALL LEAGUES

Today the Senate Antitrust and Monopoly Subcommittee begins hearings on a bill—S. 2373—which seeks to gain Congressional approval of the proposed merger of the nation's two major professional basketball leagues—the National Basketball Association and the American Basketball Association. Specifically, this legislation would exempt the merger of two or more professional basketball leagues from our nation's antitrust laws.

Many years ago the term "chattel" was used to denote the legal status of slaves. That is, they were considered a type of chattel which was owned as a piece of furniture or livestock was owned. This use of the term "chattel" applied to human beings and the condition it stands for are so abhorrent that we don't even like to acknowledge that they ever existed. Yet, in a real sense that is what these hearings are about today—modern peonage and the giant sports trusts.

GENERAL BACKGROUND

The clearly stated objectives of our nation's antitrust policy over the years and the uncompromising language of Sections 1 and 2 of the Sherman Act, places a heavy burden on those who would grant an antitrust exemption to professional basketball to enable the merger of the NBA and ABA. Specifically, Section 1 of the Act provides that:

Every contract, combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor . . .

and Section 2 provides that:

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several states, or with foreign nations, shall be deemed guilty of a misdemeanor . . .

With the notable exception of major league baseball, all professional team sports are subject to the jurisdiction of the antitrust laws. In the case of baseball, the Supreme Court ruled in 1922 that professional baseball was "not a subject of commerce" and thereby was exempted from the antitrust laws (*Federal Baseball Club of Baltimore v. National League,* 259 U.S. 200). This interpretation was tested again in 1953 in *Toolson v. N.Y. Yankees* (346 U.S. 356) and the Supreme Court refused to overturn the earlier decision. In doing so the Court took the position that the Congress, not the Court, should decide whether or not professional baseball should be subject to the antitrust laws.

Despite this ruling, the Courts in subsequent cases ruled that neither professional basketball nor football could be considered exempt from the antitrust laws. In 1956 the Federal District Court ruled in *Washington Professional Basketball Corp. v. National Basketball Association* (147 F. Supp. 154, S.D. N.Y. 1956) that:

(The) business of professional basketball conducted on a multistate basis, coupled with the sale of rights to televise and broadcast games for interstate transmission is trade or commerce among the several states within the meaning of the Sherman Act.

Following this opinion involving professional basketball, which was not appealed to a higher court, the Supreme Court in 1957 in *Radovich v. National Football League* (352 U.S. 443) held that professional football likewise could claim no exemption from the antitrust laws. Consequently, there can be no doubt that professional basketball will be in violation of the antitrust laws if the NBA and ABA consummate a merger without Congressional approval of an antitrust exemption.

In 1966, the Congress approved legislation authorizing the merger of the American and National Football Leagues. However, when we study the legislative history of that action, the conclusion is unmistakable that the measure was railroaded through the Congress. The Senate committee having jurisdiction over the bill did not hold hearings and the bill was subsequently passed by the Senate without debate. The House Judiciary Committee did hold hearings; however, the Committee made no attempt to explore the many significant antitrust issues raised by the pro-football merger bill. The bill subse-

quently passed the House as a rider on a revenue measure.

I deeply hope that Congress will not follow the precedent it set in its handling of the pro-football merger question. This Committee plans to conduct an extensive and comprehensive inquiry before final action is taken one way or the other on the proposed basketball merger bill. The common draft and the option clause which will result from the merger are issues concerning the economic enslavement of professional basketball players, and are too important for such ephemeral treatment as was accorded the football merger.

The merger of the basketball leagues has been the subject of heated controversy between the owners and the players. The owners contend that the absence of a merger would seriously threaten the future and economic well-being of pro-basketball, given the continuation of the current bidding war being engaged in by both leagues for player talent. The players, on the other hand, argue that the merger is anti-competitive and thereby violates the clear intent of our nation's antitrust laws. And most important, the players argue that the merger and the resulting common draft and option clause would bring an end to the current healthy market situation where they can in the spirit of fair and open competition sell their skills to the highest bidder.

Given these conflicting points of view, the players of the NBA filed an antitrust suit, *Robertson v. National Basketball Association*, in April 1970, contending that the proposed merger between the NBA and ABA should be blocked because (1) such a merger of two separate and independent leagues would constitute the creation of a monopoly, thereby enabling the new 28-team league to control, regulate and dictate the terms upon which professional league basketball shall be played in the United States; and, (2) because such a merger would specifically eliminate competition in the acquisition and allocation of player personnel.

Upon hearing the arguments of both sides, the Court, in essence, ruled that a merger between the two leagues, without the expressed approval of the Congress, would violate the antitrust laws. Nevertheless, the court did agree to allow the ABA and NBA to resume (1) merger negotiations; and, (2) any other meetings for the purpose of preparing for possible Congressional action on the matter.

Based on the facts we have before us today, I am compelled to take the position that the Congress should not honor the professional basketball leagues' request that they be exempted from the antitrust laws for the purpose of consummating a merger.

THE COMMON DRAFT

The highest value of civilization is freedom. One of the most important aspects of our freedom is the freedom to contract. One of the liberties granted to Americans by the Fifth Amendment was the right to engage in freedom of contract, and the 14th Amendment which states that no person shall be deprived of life, liberty, or property without due process of law, protects the freedom of contract from impairment by the States.

However, S. 2373 would authorize professional basketball teams to enter into an agreement under which basketball players could only negotiate a contract with one particular team. The common draft, as it is called, is agreed to by the merged league and the players are split up and assigned to teams in the absence of the persons to be affected by the agreement and without their knowledge and consent. Thus, S. 2373 proposes to rob every man in America who possesses skill in basketball of the right to sell his skill to the highest bidder on a free market and negotiate a contract with anybody who desires to purchase his athletic skill.

S. 2373 would not affect the freedom to contract as to lawyers or boxers. Lawyers would still have the right to make free contracts and sell their legal services for what they were worth. The same thing would apply to prizefighters, doctors, businessmen and other wage earners.

To my mind, this common draft which the professional basketball teams are asking for today would be comparable to the newspaper profession deciding that a college journalism graduate could either work for the newspaper in Anchorage, Alaska at the salary offered or not work at all.

This common draft, of course, is done so that bonuses and other inducements which the professionals offer for talent may be kept at a minimum. It is clear to me that the only reason for the institution of the common draft and the passage of this bill is the pocketbooks of the owners.

OPTION CLAUSES

In their dealings with their players, baseball and football both have reserve clauses or option clauses which bind the players to that team and prevent them from bargaining with another team for their services. The reserve clause in baseball is the worst and the normal contract for that sport contains a renewal clause which allows the club management to renew the player's contract for one year. In this contract, the owner can demand a salary decrease of 20 percent and the player can either sign or not play for anyone. If he signs, the new contract contains a new renewal contract and thus the club has a perpetual option on his services.

The contracts used in football do not bind outright the player to the team, but there is an option contract of one year. The player can play out his option with a salary reduction of only 10 percent, and the new contract does not contain a renewal clause. However, the by-laws of the football leagues state that:

"Whenever a player, becoming a free agent in such manner, thereafter signs a contract with a different club in the League, then . . . the Commissioner may name and then award to the former club one or more players from the active, reserve or selection list (including future selection choices) of the acquiring club as the Commissioner, in his sole discretion, deems fair and equitable; and any such decision by the Commissioner shall be final and conclusive." (Art. XIII, Sec. 3 NFL Constitution)

A writer for the Maine Law Review last year concluded that the Commissioner's charges or mandatory compensation for such bargaining by the players were so great that, "Few, if any, football players have been successful in playing out their options and moving to another club. The end result is that the option clause in football has the same effect as the reserve clause of baseball because the player is still tied to the club with which he first negotiated."

If S. 2373 is debated on the Senate floor, I plan to reopen the question of the common draft and the option clause as used by football and baseball by offering amendments dealing with these matters.

If the merger of the two basketball leagues goes through, the basketball players will find themselves in the same position as the football players. That is, they will be perpetually tied to one club. However, the proposal by the attorneys for the basketball owners contains an even more subtle element to prevent player bargaining with teams than the football agreement. Senator Kuchel, in his statement for the merger, has proposed that the basketball owners will have an "independent" arbitration panel determine the compensation which a team will receive if a former player signs with another club. The fact remains that there will be a mandatory compensation factor involved if a player leaves his team after playing out his contract; thus, an element of the perpetual ownership of a player by his original signer is still with us. The price that an acquiring team will have to pay is unknown as it would only be determined after the player signs his new contract. This unknown factor will have to discourage a team from signing any free agents. In short, there is no inducement to trade in the new proposal and the teams will still boycott any team member that holds himself out as a free agent. Therefore, even under the basketball owners' proposal, the players find themselves comparable to the medieval serf who was bound to the land.

Of course, even with the proposal of the basketball owners, there is still the problem of potential "blacklisting" by the league owners' joint action. Also the common draft remains which limits a youth out of college to bargaining with only one club or not playing, and the assignment of contracts which could send a player far from his home and require that that he play there or not practice his profession.

So what the Senate is being asked to do is to sanction a common draft of all players when they become eligible. In the draft, one team gets the rights to each player, and that player can only negotiate with that team or not play. After the player signs, then he will have to sign with the same club unless another club bids for his services. Because the proposal of the basketball owners still contains a mandatory compensation factor, there will be no incentive for the other owners to bargain for the services of the player and, practically speaking, he will have to bargain with his club or none. If, during his service with his club, he is traded to another club across the country, he will have to pull up his roots and go or not be allowed to practice his profession. In no other work in this country is this practice of selling souls allowed. If a salesman or any businessman is transferred to another city by his owner, he can still quit and bargain with other companies in his home area and practice his trade if he secures employment.

PUBLIC UTILITY STATUS OF MERGED BASKETBALL LEAGUES

The owners of the professional basketball leagues are asking for what, I believe, is the biggest financial giveaway in this country since the SST was proposed. If the owners truly believe that it is in the national interest for them to operate as a monopoly, and Congress passes S. 2373, I shall propose an amendment, which legislative counsel is presently preparing, to create a Federal Commissioner of Athletics to regulate all major professional sports—baseball, football, hockey and basketball. If Congress authorizes this merger, it should have the right to determine such things as rates of return, ticket prices, territories, and it should supervise the draft of new players. Public utilities in this country enjoy a monopoly situation. Electric companies, gas companies and telephone companies are all regulated by the government in exchange for the government granting them monopoly status. The airlines, radio and television are all regulated in exchange for a government license. If the owners of professional sports teams ask to be treated as a monopoly, they should expect government regulation. Otherwise the Federal government, without any strings, is giving a handful of extremely rich men millions of dollars and giving them the right to drop chains around the neck of every professional baksetball player and every potential player in this country.

WASHINGTON, D.C.—A CASEBOOK STUDY OF THE MONOPOLIES AT WORK

I believe that an examination of sports in Washington points up the evils of the big sports monopolies. The simple fact is that the people of Washington are in danger of being disenfranchised from professional sports by the big monopolistic owners. As far as football is concerned, every home game is sold out and season tickets are bringing scalpers prices of two and three hundred dollars each. Yet, because of the football merger, the monopolists will not allow the sold-out games to be televised in this city. All this takes place while the Redskins football team use a United States government stadium and allow big corporations, hotels and individuals to own tremendous blocks of tickets to the exclusion of the little man for whom we are supposed to be protecting the sport. If S. 2373 passes, I plan to support Senator Proxmire's bill, S. 1521, as an amendment to the basketball merger bill which will prevent the blackout rule from applying when there is a sellout.

The city of Washington has one of the largest black populations of any city in this country. Also, if you have seen any professional all-star basketball games recently, you can't help but acknowledge that the sport is dominated by black athletes. Thus, it would seem natural that Washington would have a professional basketball team for the city to take pride in. Well, Washington did have a team but its owner, Earl Foreman, was bought out by agreement of the two leagues and he moved. As a part of the proposed merger agreement between the two leagues which I have in my possession, Mr. Foreman is to be given $1,750,000 for leaving the city; and no team other than the Baltimore Bullets can play in the nation's capital because it is in their territory. The owner of the Bullets, Mr. Abe Pollin, who is with us today, contended recently in the *Washington Post* of Sept. 8 that the nation's capital is logically within his franchise area of 75 miles, and when asked by the reporter if he would fight to keep another team from coming here, he was able to answer with the assurance of a potential monopolist: "Certainly, Washington and Baltimore are only 40 miles apart and I consider this within my franchise rights." So, Congress is being asked to sanctify the exclusion of professional basketball from Washington. Can this be good for the sport, the fans, or for anyone other than the pocketbook of the owners of the Bullets?

I understand that the Bullets might play a few games in College Park, Maryland, as a sop to the District; but I believe that cheering for another city's team is about as exciting as "kissing your sister" and how is the city's working man going to afford that trip to Maryland.

Concerning baseball, which enjoys a monopolistic position, we are still not sure if economic necessity will force the Senators to leave Washington. Negotiations are going on but the primary reason that the team is losing money was the high price the Senators had to pay several years ago to join the baseball trust.

So much for our nation's capital and sports!

BASKETBALL PLAYERS SALARIES

Those desiring the basketball merger cite the high salaries paid to professional basketball players as destroying the leagues. Personally, I believe that if a basketball player is good enough he should be paid the highest price that bidders for his services are willing to pay. I do not believe that contracts for player services will rise indefinitely beyond what a team can pay. If they get too high the teams will just stop bidding beyond what they are able to pay and the economic force of the marketplace will cause an adjustment. But simply to say that salaries are too high is to ignore the freedom to bargain which our economy allows to those who are selling personal services, and that includes everyone who is selling personal services—doctors, lawyers, Indian chiefs, ditch diggers, and prize fighters.

Actually, professional basketball salaries are higher than that for other sports, but this just confirms my belief that the monopolistic conditions which exist in other sports keep the salaries of professional athletes below what they should be. Also, basketball is drawing increasingly more fans and basketball players play more games with less personnel involved than professional football players.

Everyone can use figures to his own advantage, of course, but the rise in players' salaries makes a very interesting comparison with the increase in the value of professional basketball team franchises. For example, from Mr. Nathan's testimony today we find that the average salary of the 3 highest players in the NBA for 1967–1968 was $57,000 and in 1970–71 this rose to $92,000, or an increase of 61 percent. The average salary of the rest of the players has gone from $17,000 to $33,000, which is an increase of 94 percent.

But the salary figures have to be compared to the increase in the sports franchises. The value of the Boston Celtics as measured by purchase prices went from 2.8 million in 1965 to 6.2 million dollars in 1969, which is an increase of 121 percent. The value of the Houston Rockets basketball team has gone from 1.7 million in 1967 to 5.7 million in 1971 which is an increase of 235 percent. Thus, the players earnings are really just keeping pace with the value of the clubs.

One of the most telling reasons that a professional athlete should receive high compensation is the short duration of his playing career. Excellent players like Earl Monroe and Gus Johnson of the Baltimore Bullets constantly perform with the fear that their battle-scarred legs will give away. Just this Sept. 10 there was a story in the *Washington Post* about a knee injury ending the career of a player, Henry Logan, of the Virginia Squires. He had had six operations on his knee and had only played two seasons of professional ball. (See exhibit A) To my mind, the climate these young men are compensated for playing under is like that of a highly skilled surgeon performing his daily operations with the fear that the operation could crush the hands.

Also, as Judge MacMahon said in the *Robertson* case, ". . . youth passes away and consequently, basketball players have limited professional careers." In other words, these players are not receiving these high salaries for life as a lawyer or doctor could expect to do, but for only a few years are they compensated for their primary life's work before they are then dumped back into society absent their skills. Nowhere is the short duration of an athlete's playing life given colder or more clinical treatment than in the owner's income statement. There they are treated as capital assets and depreciated as a car or a machine with a useful life of 5 years.

THE MONOPOLY AND TELEVISION

One interesting aspect of this basketball merger is that the television networks will be dealing with only one league and that league will be able to offer a station the monopoly rights to its games. This will increase the value of the broadcast rights tremendously and will put the league in such a strong position in dealing with the TV stations that it might be well for Congress to ponder an antitrust exemption for the various television companies in order that they might combine to bargain with the mighty Basketball Trust. Also, since competing league broadcasts will be eliminated, there will be less choice for the television viewer.

FINANCIAL POSITION OF BASKETBALL CLUBS

As I have read the statements of the owners, there seems to be one main reason cited for the merger—basketball teams are losing money. In the first place, I don't believe that the losses are as great as the owners say. All the basketball teams are allowed to treat their players as capital assets and the owners can depreciate their value as measured by bonuses and training costs over five years after original signing. When a new owner buys a team, he receives in return for his purchase price (1) an exclusive contract to play in a specified area, (2) player contracts, and (3) the right to play in a certain stadium. For accounting purposes, the team assigns as much as possible of the purchase price to the players' contracts and depreciates them. The dramatic effect this depreciation allowance can have on earnings is shown from the annual report of the Seattle Supersonics. Seattle is an expansion team of the NBA and its player depreciation would be handled much the same as a purchased team. In his report to shareholders, President Schulman states:

"You will note our financial report discloses a loss of $219,000 from the period covering June 1, 1968 to May 31, 1969. In fact, this figure is misleading, since the Seattle SuperSonics Corporation showed earnings of $46,734 before amortization of players contracts for the 1967–68 season and earnings of $55,133 before amortization of players contracts for the 1968–69 season.

"We have adopted a conservative program of amortizing the cost of the players over a five-year period. Last season, revenue from further expansion of the league was not included in income, but, rather was assigned to further reduction of the cost of the players contracts."

I have indications that other similar situations currently exist.

Recently, I had a chance to look over a list of the owners of the various basketball teams and what little is publicly known about their finances. I was greatly impressed by the tremendous amount of wealth that these men represented. The owners of the Atlanta Hawks own a big construction company which is building the stadium in Atlanta. The owner of the Boston Celtics is Ballantine Beer. The owner of the Buffalo Braves is the largest shareholder of the National Biscuit Company. The owner of the Cincinnati Royals are the owners of Sportservice, the largest concessionaires in stadiums in the U.S. The owner of the Detroit Pistons is the owner of a large piston company. The owner of the Los Angeles Lakers is a multimillionaire who owns the Lakers stadium and who is one of the largest stockholders of Teleprompter Cable TV Company. The New York Knickerbockers are owned by Madison Square Garden which is owned primarily by Gulf and Western Industries. The Seattle Supersonics are owned by two men who are chief executives of the National General Corporation. The Kentucky Colonels are owned by the president of a chain of nursing homes and a former boss of Kentucky Fried Chicken.

Of course, there are more wealthy individuals involved in professional football but I believe that my point has been illustrated that very shrewd and wealthy individuals have invested in professional basketball teams. In some cases, I believe that these individuals have invested in these clubs to offset their teams' losses due to large depreciation allowances against their ordinary income and they will sell the clubs in the future and have their profit receive preferential tax treatment as a capital gain. In other cases, the income for the club might not tell the whole story. The principal owner might be paying himself a large salary, and he might be receiving money for the concession rights

to the games, or money for stadium rental if he owns the stadium. In the *Curt Flood* case, there was testimony that the owner received a 2½ million dollar loan for assigning his team's concession rights to Sportservice, Inc.

Since there is much confusion about the finances involved in basketball, I have written to all the club owners and asked them to provide me with a full financial record of their company and of their substantial shareholders. Also, I have asked them to provide me with the financial records of those companies whose operations are a satellite of their basketball team. I am attaching a copy of my letter to the owners to this statement for insertion into the hearing record. I believe that before Congress acts it should be in possession of the facts; and I am sure the owners will agree with me and provide this information since they are requesting the U.S. government to allow their team to operate as a part of a monopoly in order to permit the growth and success of professional basketball. I would expect the Antitrust Subcommittee will hire accountants to analyze the data for the benefit of the Senate.

Actually, even if the basketball teams are losing money, I don't see that it is any of our business to rescue these teams—one Lockheed is enough for this year.

MERGER AGREEMENT'S AFFECT ON WEAKER TEAMS

While Congress is being asked to show great compassion to the professional basketball teams and allow them to exist as a monopoly because they are losing money, I am amazed at the lack of compassion which the teams are showing each other in their merger agreement. The owners admit that the ABA teams are weaker financially than the NBA teams. Yet, the merger agreement provides (1) the payment by each ABA team the sum of 1,250,000 dollars to the NBA, (2) a prohibition on the right of the ABA to share in any NBA proceeds from network television until after 1973, and (3) a continuation of the present NBA rule which allows all of gate receipts to go to the home team. Obviously, the NBA teams draw the biggest crowds and are located in the biggest population centers so a proposal to not share gate receipts would be to the financial detriment of the ABA teams.

This uneven financial treatment becomes even more interesting when it is compared with the often heard reasons given by the owners for the common draft and the gimmicks to discourage team switching such as the mandatory compensation for the team losing a free agent. The owners say these devices will balance basketball competition among the various teams and that without these devices a few teams will end up with all of the players. Well, the owners seem willing to share the players among teams deprived of talent especially when it means they can pay them less, but they don't seem to be in such a hurry to share their money among financially ailing teams.

CONCLUSIONS

In basketball, I believe the existence of two leagues has benefited everyone. Attendance at games is higher than it has ever been and basketball is becoming the best attended of all sports. The ABA has experimented with basketball rules and has in effect changed the way the sport is played. I believe that this healthy competition has enriched the sport—it certainly caused more teams to be placed in more cities than ever before.

In S. 2373, the U.S. Government is asked to sanction a return to the situation where there was but one league, where there was but one set of rules, where there was no expansion, where there was no bidding for television rights, and where there was no bidding for player services.

The owners of organized sports are a powerful lobby as we have seen by the hasty passage of the football merger bill, but I am going to do everything I can to see that a right that belongs to all Americans is protected, namely, the right of a person to negotiate a contract with anyone who is willing to negotiate with him to sell his skill for the highest price he can obtain. When it comes to making a choice between economic enslavement and economic freedom, I stand by economic freedom, and I hope all members of the Senate will study these hearings carefully before they vote for S. 2373.

EXHIBIT A

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

KNEE INJURY ENDS LOGAN'S 'CAREER'

NORFOLK, Sept. 9 (AP)—The professional "career" of Henry Logan, three-time small college All-America, finally ended today when he was placed on the voluntary retired list by the ABA's Virginia Squires.

Dr. Joel A. Mason, team physician, said it was necessary to remove the remaining part of Logan's right kneecap during surgery last week and that Logan could not play again.

That operation was the sixth on the right knee of the 6-foot, 185-pound guard.

The first came in high school to repair torn cartilage. Succeeding repairs and grafts took away more and more mobility and, when Logan was hurt during an informal workout with several teammates last week, Dr. Mason could not give him a seventh life.

NO. 2 DRAFT PICK

During his only full ABA season in 1968–69, Logan averaged 12.5 points per game for Oakland after coming out of Western Carolina as a second-round draft choice.

Logan's pro high of 34 points in a game came that season against Indiana when he also grabbed nine rebounds and had seven assists.

The Oakland franchise then moved to Washington, and Logan was scoring 13 points a game before he fractured that knee in December. He was out for the year.

The team again moved, to a regional setup in Virginia. Logan was found to have a fracture line remaining in the joint, so he went out again.

THERAPY NEXT

Logan, 25, had been counted on by coach Al Bianchi to furnish much-needed depth this season in the Squires' back-court.

"It seems as if all the bad things happened to the really nice guys," Bianchi said today. "When he was healthy and able to play, there was no one quite like Henry Logan."

Logan now is in a Norfolk hospital with his leg in a cast. It will be about six weeks before he can begin therapy.

Logan has been offered a job with the Memphis, Tenn., recreation department, and has also indicated an interest in working for "Stop," a Tidewater Virginia program aimed at helping young blacks get jobs.

If Logan takes the latter position, the Squires say they will use him as a special scout.

EXHIBIT B

U.S. SENATE,
Washington, D.C., September 14, 1971.

PRESIDENT,
Atlanta Hawks,
Atlanta, Ga.

DEAR MR. PRESIDENT: As you are no doubt aware, I will chair the initial round of hearings scheduled to begin on September 21, 1971, before the Antitrust Subcommittee of the Senate Judiciary Committee on S. 2373, which would authorize the merger of the two existing professional basketball leagues.

It is my understanding that the basic rationale of the proponents of this merger is an economic one. It has been alleged that certain existing teams, particularly in the American Basketball Association, are at present operating at substantial financial losses. Therefore, in order to gain a better understanding of the economic issues involved, I am requesting that each team in the NBA and the ABA, including your own, submit to my office prior to September 21, 1971, copies of their respective certified audited balance sheets, income statements, earned surplus statements, and source and application of funds statements for each of the last four years. The same financial material should also be submitted for the most current period available whether or not certified and audited. Additionally, a copy of each material contract and contingent liability should be submitted.

Of course, the figures for the clubs are only part of the owners' total financial picture and would be meaningless unless they can be related to the financial plan of the clubs substantial shareholders. Therefore, I respectively request that you specify the interest in your team in terms of both numbers of shares and percentages of total ownership of each officer, director, and owner of at least a 10% interest, of record or beneficial. Additionally, I request copies of the income tax returns for each of the past four years of any owner who presently has at least a 10% interest in your team, either of record or beneficial. If during the past four years more than a 20% interest in your franchise has been sold in a single transaction, I request the details of the sale, including the price.

Finally, in order for the Subcommittee to appreciate the full financial picture of a sports enterprise, please submit the same information requested above for every other business entity which derives revenue or owns assets whose operations are associated with your professional basketball team, such as broadcasting revenue, concession revenue, endorsement and trade name use revenue; and whose owners or employees include either an officer, director, or an owner of at least a 10% interest in your club, of record or beneficial.

Since you are requesting the U.S. Government to allow your team to operate as part of a monopoly in order to permit the growth and success of professional basketball, I assume that you will have no objection to providing this information.

Thank you for your attention.

Sincerely yours,

SAM J. ERVIN, Jr.

By Mr. DOMINICK:

S. 2617. A bill to further promote equal employment opportunities for American workers. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I send to the desk for introduction a bill and ask unanimous consent that its text be printed at the conclusion of my remarks.

It is clear that the time has come for Congress to provide an enforcement procedure to make a reality out of the purposes and policies of title VII of the Civil Rights Act of 1964. The Equal Employment Opportunities Commission is charged with enforcing the law against discrimination on the basis of race, creed, color or religion in employment. But it is limited in the actions it can take to remedy a violation of the law. Beyond mediation and voluntary compliance, it can do little to enforce the law. We must allow the EEOC a means of strong action in those cases where it cannot resolve a case through negotiation.

Of course, the mechanism which we provide must also be fair and protect the rights of those who are being charged with a violation—whether it be a labor union or an employer. I believe that the superior method for achieving the proper balance between the need to give EEOC enforcement powers and the rights of those charged with violations of the law is to permit the EEOC to sue in U.S. district courts after it has investigated a charge and found reasonable cause to believe a violation of the act has occurred.

This approach is superior for several reasons. First it provides a combination of the expertise of the EEOC in investigating, processing, and conciliating unfair employment cases with the expertise and independence of the Federal courts. The equal employment area is one which produces strong emotions among all parties—those discriminated against, those accused of discriminating, and even those charged with enforcing the law. I believe that these strong emotions should be tempered by restraint when the adjudication of rights is at issue. The Federal courts are best able to provide the tempering restraint which will allow for a rational resolution of the issues of any given case.

Second, the court approach is necessary in order to preserve the traditional separation of powers which we as a nation so highly cherish and protect. Last year this body passed legislation which would have authorized employees of the EEOC to initiate charges, investigate the same charges, issue a complaint, prosecute the complaint, adjudicate the merits of the case, and then hear any appeals on the same case. In addition, attorneys' fees and discovery fees were allowed to charging parties. While none of these powers is unprecedented, I believe that the combination of authorities which this approach would grant EEOC is without parallel in the entire Federal Government. We cannot permit EEOC to conduct "star chamber" proceedings contrary to our Anglo-American legal tradition.

Therefore, Mr. President, I believe that we should grant to the EEOC the right to go into Federal district court to prosecute those it feels has violated the law. This will remove the quasi-judicial function from the hands of those who are also prosecutor, investigator, and enforcer. The judicial function is the most critical and must be ringed about with the greatest of safeguards. By putting it in the court system, we preserve the safeguards of the respondent and still permit EEOC to be vigorous in the prosecution of cases. Before the courts EEOC can take a strong adversary position without fear of accusations of institutional bias. My bill will establish this mechanism. Therefore, I urge my colleagues to examine this question closely and join with me in seeking a fair balance between the need for enforcement and for fair and equitable procedures for all parties.

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

S. 2617

A bill to further promote equal employment opportunities for American workers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Employment Opportunity Act of 1971".

SEC. 2. (a) Paragraph (6) of subsection (g) of section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(f)(6)) is amended to read as follows:

"(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to recommend institution of appellate proceedings in accordance with subsection (h) of this section, when in the opinion of the Commission such proceedings would be in the public interest, and to advise, consult, and assist the Attorney General in such matters."

(b) Subsection (h) of such section 705 is amended to read as follows:

"(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court or in the courts of appeals of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commission."

SEC. 3. (a) Subsection (a) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based and the person or persons aggrieved) that an employer, employment agency or labor organization has engaged in an unlawful employment practice, the Commission, within five days thereafter, shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the 'respondent') with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year."

(b) Subsection (d) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(d) A charge under subsection (a) shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency. Except as provided in subsections (a) through (d) of this section and in section 707 of this Act, a charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization."

(c) Subsection (e) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge: *Provided,* That if the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from the date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or further efforts of the Commission to obtain voluntary compliance."

(d) Subsections (f) through (k) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) are redesignated as subsections (g) through (l), respectively, and, in newly designated subsection (k) the reference to subsection (i) is changed to subsection (j), and the following new section is added after section 706(e) thereof:

"(f) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge and the court having jurisdiction over such action shall have the authority to grant such rary restraining order or other preliminary or just and proper: *Provided,* That no temporary restraining order or other preliminary or temporary relief shall be issued absent a showing that substantial and irreparable injury to the aggrieved party will be unavoidable. It shall be the duty of a court having jurisdiction over proceeding under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited."

(e) Subsection (h) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) as redesignated by this section, is amended to read as follows:

"(h) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment

practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual, pursuant to section 706(a) and within the time required by section 706(d), neither filed a charge nor was named in a charge or amendment thereto, or was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 704(a). No order made hereunder shall include back pay or other liability which has accrued more than two years before the filing of a complaint with said court under this title."

By Mr. MAGNUSON (by request):

S. 2619. A bill to amend section 11(p)(1) of the Federal Water Pollution Control Act to provide enforcement provisions with respect to the obligations of certain vessels using the navigable waters of the United States, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend section 11(p)(1) of the Federal Water Pollution Control Act to provide enforcement provisions with respect to the obligations of certain vessels using the navigable waters of the United States and for other purposes, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

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

S. 2619

A bill to amend section 11(p)(1) of the Federal Water Pollution Control Act to provide enforcement provisions with respect to the obligations of certain vessels using the navigable waters of the United States and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sec. 11(p) of the Federal Water Pollution Control Act, be amended by designating existing paragraph (4) as paragraph (7) and adding new paragraphs (4), (5), and (6), as follows:

"(4) Any owner or operator of a vessel subject to this subsection, who fails to comply with the provisions of this subsection or any regulation issued thereunder, shall be liable to a civil penalty of not more than $10,000 for each day such violation continues. Such penalty shall be assessed by the head of the agency to which the President has delegated the administration of section 11(p)(1), and may be remitted or mitigated upon such terms as said delegate in his discretion may deem proper. No penalty shall be assessed until the owner or operator shall have been given notice and an opportunity for a hearing on such charge. The penalty shall be recoverable in a civil suit brought by the Attorney General in the name of the United States. A vessel involved in a failure to comply with this subsection may be proceeded against by way of an action in rem in any district court of the United States having jurisdiction thereof for recovery of the penalty.

"(5) The Secretary of the Treasury shall refuse the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), to any vessel subject to this subsection, which does not have evidence furnished by the delegate of the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

"(6) The Secretary of the Department in which the Coast Guard is operating may (1) deny (a) access to any port or place in the United States or (b) use of the navigable waters of the United States, to, and (2) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection, which upon request, does not produce evidence furnished by the delegate of the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with."

FEDERAL MARITIME COMMISSION,
Washington, D.C., August 18, 1971.

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

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill, to amend the Federal Water Pollution Control Act to provide specific enforcement provisions with respect to Section 11(p)(1). The need for and purpose of the proposed bill are set forth is the accompanying statement.

The Federal Maritime Commission urges enactment of the bill at an early date for the reasons set forth in the statement.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of the proposed legislation to the Congress.

Sincerely,

HELEN DELICH BENTLEY,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR THE BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

The bill would amend the Federal Water Pollution Control Act to include specific enforcement provisions for violation of the financial responsibility provisions of section 11(p).

As now written, section 11(p)(1) of the Federal Water Pollution Control Act requires all vessels over 300 gross tons using any port or place in, or the navigable waters of, the United States to establish and maintain evidence of financial responsibility of $100.00 per gross ton, or $14,000,000, whichever is the lesser. This financial responsibility is required to be established to meet the potential liability to the United States to which such vessel could be subject to cover the actual costs of removal of any oil discharged into or upon the navigable waters of the United States, the adjoining shorelines, or into or upon the waters of the contiguous zone as set forth in the Act. Responsibility for administering this provision of the Act has been delegated by the President to the Federal Maritime Commission.

In order to implement the provisions of section 11(p)(1) the Commission has promulgated rules and regulations (35 F.R. 15216), which establish the procedures and qualifications for the certification of vessels and details the various acceptable methods. However, the absence of specific enforcement provisions in the statute poses a very difficult problem for the Commission. The only enforcement procedures available under the Act are those enumerated in section 11(m), which permit the boarding and inspection of vessels in the navigable waters of the United States or the waters of the contiguous zone and the arrest of any person violating the provisions of section 11 or regulations issued thereunder and the petitioning to an appropriate district court, under section 11(n), to enjoin such vessel from the use of a port or place in, or the navigable waters of, the United States. The injunction could be served pursuant to the provisions of section 11(m) providing for the execution of a warrant or other process. These procedures, however, are both impractical and cumbersome. At best they could be enforced only on a "hit or miss" basis. The Commission believes that specific authority should be provided to (1) deny clearance from United States ports to any vessel which fails to establish financial responsibility as required, (2) deny entry, to any port or place in the United States or the navigable waters of the United States, to any vessel which fails to establish such financial responsibility, and (3) authorize the detention of any vessel about to depart from any port or place in the United States to any other port or place in the United States, which fails to comply with the financial responsibility provisions of the Act. In addition, it is considered desirable to provide civil penalties for violations of section 11(p)(1) or any regulation issued thereunder, and to empower the Commission to assess, remit or mitigate such penalties.

The attached proposed legislation would accomplish each of the foregoing. It would provide a civil penalty of up to $10,000 for each day a violation continues, to be assessed by the head of the agency to which the President has delegated the administration of section 11(p)(1), and to remit or mitigate that penalty upon such terms and conditions as he considers proper. Should the owner or operator fail to pay the assessed penalty, provision is made for recovery in a civil suit to be brought by the Attorney General in the name of the United States. Provision is also included to proceed against the involved vessel by way of action in rem for recovery of the penalty.

The Secretary of the Treasury would refuse clearance to a noncomplying vessel and the Secretary of the Department in which the Coast Guard is operating would deny the use of any port or place or the navigable waters of the United States and would be authorized to detain a vessel about to depart from one place to another place in the United States if that vessel is not in compliance with section 11(p)(1).

It is believed that with these amendments to the Act, the Commission in collaboration with the Bureau of Customs and the U.S. Coast Guard, could effectively administer the financial responsibility provision as intended by the Congress.

By Mr. MAGNUSON (for himself, Mr. RIBICOFF, Mr. COOPER, Mr. ANDERSON, Mr. MCGOVERN, Mr. JAVITS, Mr. CASE, Mr. JACKSON, Mr. CRANSTON, Mr. HOLLINGS, Mr. MONDALE, Mr. PELL, Mr. MATHIAS, Mr. MOSS, Mr. INOUYE, Mr. GRAVEL, Mr. METCALF, Mr. HART, Mr. HUMPHREY, Mr. HATFIELD, Mr. MANSFIELD, Mr. KENNEDY, Mr. HARRIS, Mr. NELSON, and Mr. TUNNEY):

S. 2620. A bill to provide for the expansion of trade by a program of ex-

changes between the United States and countries with nonmarket economies, and for other purposes. Referred to the Committee on Finance.

EAST-WEST TRADE RELATIONS ACT OF 1971

Mr. MAGNUSON. Mr. President, Presidents Johnson and Nixon have commendably proceeded to dismantle the rusted and outmoded machinery of the cold war. One by one the Presidents have taken down the artificial barriers which we ourselves constructed to isolate the Communist countries of Eastern Europe and Asia. First cautiously with Eastern Europe and now boldly with China, the Presidents have sought to restore those normal diplomatic and commercial relations which have long served as the cornerstone of peaceful relations between nations. It is a wise policy and it has been acclaimed by a vast majority of American citizens.

There remains on the books, however, at least one worthless relic of cold war diplomacy: the statutory denial of equal tariff treatment—"most favorite nation treatment"—to all Communist countries with the exception of Poland and Yugoslavia. This statutory restriction remains though it has served only to the American businessmen the opportunity to compete with their counterparts in Western Europe and Japan for the rapidly growing commercial markets of Eastern Europe and China. It has served no discernable purpose as an instrument of national diplomacy. And today it sticks like a bone in the throat of Eastern European commercial leaders. In short, if ever there was an idea whose time has come and long since gone, it is the idea that we can serve the national interests of the United States by tying our own commercial hands and hoping to spite the Communist enemy by denying him the privilege of normal commercial relations. Our allies in Western Europe and Japan have choked with laughter on that one, on their way to the bank for almost two decades.

So, Mr. President, on behalf of myself, the senior Senator from Connecticut (Mr. RIBICOFF) and the senior Senator from Kentucky (Mr. COOPER) and 22 of our colleagues, I introduce and ask for appropriate reference of the East-West Trade Relations Act of 1971.

The essential provisions of the bill will restore to the President the authority to grant nondiscriminatory tariff treatment to the goods of any country willing to enter into commercial agreements providing basic protection for U.S. commercial interests. The President would retain the authority to suspend or terminate such grants of MFN tariff treatment whenever he determines that termination or suspension is in the national interest.

The tariff restrictions which we placed upon our trade with the Soviet Union and Eastern Europe were the products of the agony and frustration of the cold war. They were a form of moral protest against the aggression of the Soviet Union in subjugating Eastern Europe. These tariff restrictions were also imposed in the vague hope that they would exert economic pressure on the Soviet Union, forcing it to abandon its aggressive behavior or suffer economic hardship as a consequence.

This policy has proved, for the most part, self-defeating. United States trade with Eastern Europe and the Soviet Union has indeed been reduced to insignificant levels. But there is little evidence that the economies of the Soviet Union and the Eastern European countries have been retarded by the absence of trade with the United States. Instead, the extraordinary growth and development of Western Europe and Japan as industrial giants and world traders has provided vast open markets to which the Communists could sell and from which they could buy freely and without discrimination.

In 1969, Eastern Europe imported from non-Communist countries $8.5 billion worth of goods. While U.S. exports to the area enjoyed a modest increase they still represent less than 1 percent of our total exports and only 4 percent of the total imports of Eastern Europe from the West.

Plainly our unilateral tariff barriers have not crippled East-West trade. Instead, we have simply abandoned a segment of international trade competition to our competitors in Western Europe and Japan. At a time when our balance of trade has suffered a serious decline, it is difficult to justify this arbitrary denial to American business of the right to engage in peaceful nonstrategic trade with the Communist countries of Eastern Europe and Asia.

But commercial considerations are, necessarily, secondary. The principal reason for abandoning this self-imposed straitjacket, is that we are thereby inhibiting the ability of the President to take advantage of significant opportunities to influence the course of events in Eastern Europe and Asia.

For more than a decade we have witnessed growing internal ferment and the centrifugal forces of decentralization in the Communist world. Particularly in Czechoslovakia and Rumania, the 1960's were marked by the persistent impulse to obtain economic and political independence from the Soviet Union. In Yugoslavia, where we removed our discrimination by tariff and moved wisely and judicially to provide free access to our nonstrategic goods and services, significant steps have been taken to eliminate central state controls over the economy and to establish a substantial measure of internal freedom.

Today, as the President prepares for his China mission, the latest in a series of bold moves to reduce international tensions and to open up peaceful and constructive contacts with the countries of the Communist world, we are convinced that the time is ripe for favorable congressional consideration of this legislation. By normalizing our trade relationships with the Communist countries, we hasten the day when they join in the world economic system and undertake the commitments now characteristic of free and open economic which are susceptible to the stabilizing influences of economic interdependence.

By its terms alone this legislation will change no tariff nor affect our relations with any country. The President may choose not to exercise the authority which the act will restore. But he will be free, in the course of developing his foreign policy, to utilize the opportunity for expanded trade as an instrument of that foreign policy. The question utlimately comes down to this: Are we willing to trust the President to formulate commerical policies with respect to Communist countries which will advance as well as protect our national interest? The sponsors of this bill are willing to trust the President to do just that.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD together with the text of a remarkably wise and enlightening speech delivered by the senior Senator from Connecticut (Mr. RIBICOFF) in Budapest, Hungary, on June 15 at the annual East-West Trade Conference.

Yesterday's statement by Secretary Rodgers endorsing China's admission to the United Nations represents one more sound step in the transformation from the foreign policy based upon American illusions of omnipotence.

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

S. 2620

A bill to provide for the expansion of trade by a program of exchanges between the United States and countries with nonmarket economies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, this Act may be cited as the "East-West Trade Exchange Act of 1971".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to—

(1) promote the economic growth of the United States by expanding trade between the United States and Eastern Europe, the Soviet Union, and other foreign countries with non-market economies including the People's Republic of China,

(2) provide a body of expertise and experience in conducting trade and operating joint ventures between foreign countries having different economic systems, and

(3) broaden commercial ties and provide new market and investment opportunities for American business and job opportunities for American workers,

through an exchange of citizens involved in all aspects of international trade of the United States and of countries with nonmarket economies and through programs of education, and practical experience in the field of East-West trade for such citizens from the participating countries.

PROGRAM AUTHORIZED

SEC. 3. (a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized, with the approval of the President, to provide by grant, contract, or other arrangement for—

(1) education and vocation exchanges—

(A) by financing studies, research, instruction, and on-the-job training activities—

(i) of or for American citizens and nationals in foreign countries having nonmarket economies, and

(ii) of or for citizens and nationals of foreign countries having non-market economies in American educational institutions, banks, corporations and firms dealing in foreign trade located in the United States.

for such citizens and nationals who are involved in any significant aspect of international trade, and

(B) by financing visits and interchanges between the United States and other foreign countries having non-market economies for such citizens and nationals;

(2) trade conferences and exchanges by financing appropriate activities for government officials, experts, and private businessmen in the field of international trade for American citizens and nationals and for citizens of foreign countries having non-market economies; and

(3) United States participation in international trade fairs at which there is significant participation by foreign countries having non-market economies.

(b) In order to carry out the purposes of this Act, the Secretary is authorized to—

(1) provide for the exchange between the United States and other foreign countries having non-market economies of scientific, technical, and scholarly books, and government publications and the reproduction and translation of written material concerning international trade between market and non-market economies;

(2) encouraging and supporting American studies in foreign countries having non-market economies through professorships, lectureships, institutions, and seminars on international trade, particularly such trade between countries having market and non-market economies; and

(3) provide for the participation, by groups and individuals involved in all aspects of international trade from countries having non-market economies, in educational and technical meetings held under American auspices in or outside the United States.

INTERNATIONAL AGREEMENTS

SEC. 4. (a) In order to carry out the purposes of this Act, the President is authorized to enter into agreements with foreign countries having non-market economies and, when appropriate, international organizations. In such agreements the President is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of any local currency funds located in such countries, in providing for the activities authorized in section 3, with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this Act carried on within the border of such other countries.

(b) Such agreements may also provide for the creation or continuation of binational or multinational trade foundations and commissions for the purpose of administering programs in furtherance of the purposes of this Act.

(c) In such agreements with international organizations, the President may provide for equitable United States participation in and support for, including a reasonable share of the cost of, programs which the President determines are consistent with and contribute to carrying out the purposes of this Act which are to be administered by such organizations.

ACTIVITIES OUTSIDE THE UNITED STATES

SEC. 5. (a) For the purpose of performing the negotiating functions under this Act outside the United States, particularly in binational or multinational foundations or commissions, the Secretary of State may employ or assign or authorize the employment or assignment, for the duration of operations under this Act, of persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees in accordance with applicable provisions of the Foreign Service Act of 1946.

(b) In carrying out his functions under this section, the Secretary of State shall—

(1) cooperate with the Secretary of Commerce by coordinating his activities with the Secretary of Commerce; and

(2) to the extent practicable at the request of the Secretary of Commerce, include officers and employees of the Department of Commerce in such assignment.

GRANTS

SEC. 6. (a) In order to carry out his functions under this Act, the Secretary is authorized to make grants to or for individuals, either directly or through, foundations, educational institutions, and other nonprofit, private organizations for tuition and other necessary incidental expenses, and for travel expenses from their places of residence and return for themselves, and, whenever it would further the purposes of this Act, for the dependent members of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this Act, and for per diem in lieu of subsistence at rates prescribed by the President, for all such persons, and for such other expenses as are necessary for the successful accomplishment of the purposes of this Act.

(b) Funds available for programs under this Act may be used (1) to provide for orientation courses, language training, or other appropriate services and materials for persons traveling out of the countries of their residence for purposes which further the purposes of this Act, whether or not they are receiving other financial support from the Government, and (2) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In addition to any other authority invested in the Secretary under this Act, the Secretary is authorized to—

(1) prescribe such regulations as he deems necessary to carry out his functions under this Act;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property for the purpose of carrying out the purposes of this Act;

(3) in his discretion, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the United States with a condition or restriction, including a condition that the Department of Commerce use other funds of the Department of Commerce for the purposes of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $125 per diem;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants, or other arrangements or modifications thereof to carry out the provisions of this Act, or any other provision of law relating to competitive bidding;

(8) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) provide for publicity and promotion outside the United States in foreign countries having non-market economies, of activities and opportunities authorized pursuant to this Act.

(b) The Secretary shall submit to the President and to the Congress an annual report of activities carried out and expenditures made in carrying out the provisions of this Act. In each such report transmitted to the Congress, the President shall include the text of agreements made with other foreign countries during the period covered by the report.

FOREIGN CURRENCIES

SEC. 8. (a) In order to make available to individuals eligible to participate in programs authorized by section 3(a)(1) with currencies of their respective countries (other than excess foreign currencies), United States dollars in such amounts as may be necessary to enable such foreign individuals on coming temporarily to the United States to meet their necessary expenses, the President is authorized to establish rates at which all foreign currencies may be acquired for the purpose of this section. The President shall issue regulations binding upon all embassies with respect to exchange rates to be applicable in each of the respective countries where currency exchanges are to be authorized by him.

(b) In performing his functions under this section, the President shall make suitable arrangements for protecting the interests of the United States Government in connection with the ownership, use, and disposition of all foreign currencies acquired pursuant to exchanges made under such section.

(c) Any individual shall be eligible to exchange foreign currency for United States dollars at United States embassies under this section only if he gives satisfactory assurances that—

(1) he will devote essentially full time to his proposed educational activity in the United States and will maintain good standing in relation to such program;

(2) he will return to the country of his citizenship or nationality prior to coming to the United States and will render such public service as is determined acceptable for a period of time determined reasonable and necessary by the government of such country; and

(3) he will not apply for an immigrant visa or for permanent residence or for a nonimmigrant visa under the Immigration and Nationality Act after having received any benefits under this section for a period of time equal to the period of study, research, instruction, or other educational activity he performed pursuant to this Act.

(d) As used in this section, the term "excess foreign currencies" means foreign currencies, which if acquired by the United States (1) would be in excess of the normal requirements of departments, agencies, and embassies of the United States for such currencies, as determined by the President, and (2) would be available for the use of the United States Government under applicable agreements with the foreign country concerned.

ADVISORY COUNCIL ON INTERNATIONAL TRADE EXCHANGE

SEC. 9. (a) There is established an Advisory Council on East-West Trade Exchanges (hereinafter referred to as the "Advisory Council") composed of 10 members appointed by the President from among individuals who are widely recognized by reason of ex-

perience, education, or scholarship as specially qualified to serve on such Advisory Council. Members of the Advisory Council shall be appointed without regard to their political affiliation.

(b) The Advisory Council shall formulate and recommend to the President and to the Secretary of Commerce policies for carrying out the provisions of this Act and shall evaluate the effectiveness of programs conducted under this Act.

(c) The Advisory Council shall select its own chairman and vice chairman.

(d) Each member of the Advisory Council who is appointed from private life shall receive $125 per diem (including travel time) for each day during which he is engaged in the actual performance of his duties as a member of the Council. A member of the Council who is in the legislative, executive, or judicial branch of the United States Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated for the purpose of carrying out the provisions of this Act such sums as may be necessary.

SEC. 11. Section 101(a)(15)(J), of the Immigration and Nationality Act is amended by inserting "or by the Secretary of Commerce" after "Secretary of State".

SPEECH BY SENATOR ABRAHAM RIBICOFF, JUNE 15, 1971, BUDAPEST, HUNGARY, MANAGEMENT CENTER OF EUROPE—ANNUAL EAST–WEST TRADE CONFERENCE

Most men in political life who started their careers in government in the 1940's have focused their attention on the political and military aspects of foreign problems. This should come as no great surprise given the military conflicts and feverish diplomatic activities of this turbulent period. Our view of the world, and of our own countries' destinies was shaped in an era when giant men moved across the stage of history.

The peoples of the world during that period were led by epic leaders, who for good or ill, were able to change the course of history through the force of their own intellects and personalities. The United States had Franklin Roosevelt; England, Winston Churchill; France, Charles de Gaulle; and Russia, Joseph Stalin.

The energies of statesmen and governments were directed toward the redrawing of political boundaries and the preservation of a strategic balance of power.

During the second World War, my own country and the Soviet Union were able to put aside their ideological differences and join together to save Europe from the spectre of Nazism.

Following the war, the face of the globe was drastically rearranged, and the world shuddered under the impact of a number of revolutions occurring simultaneously—and one of which alone would have had the most far reaching consequences.

Colonial rule was overthrown in most of the Southern Hemisphere—and fledgling governments struggled to provide for their peoples.

A population explosion in the underdeveloped nations coincided with a revolution of rising expectations producing dangerous instabilities.

The dawning of a nuclear age threatened the very existence of all mankind for the first time.

The delicate balance of power maintained since the Congress of Vienna was replaced by the emergence of two superpowers.

A revolution in technology and scientific progress offered the promise of unprecedented abundance and prosperity.

But old attitudes and thinking persisted. Instead of harnessing their energies to meet the challenges of all of the great changes taking place, the nations of both East and West allowed a cold war to come between them and divert their limited resources.

Ironically, it was economic growth, not the support of military establishments, which became the number one priority of the two defeated Axis powers—Germany and Japan. And their stunning recovery and prosperity today attests to this singleness of purpose, and the wisdom of pursuing economic gain rather than military power.

Increasingly, technological, economic and trade considerations are determining the nature of relations between nations. American diplomacy during the past two decades illustrates how these new realities were largely ignored.

While the United States was concerned with the NATO order of battle, the Federal Republic of Germany was more concerned with gathering orders for Volkswagens. While the U.S. was placing restrictions on its exports to the East, Western European trade with the East was flourishing.

I am convinced that during the last quarter of this Century, ecopolitics will replace geopolitics as the prime mover in the affairs of nations.

I am also convinced that because of this, it is time to relegate the Cold War to the pages of history. In 1971 this is exactly where it belongs.

The recently concluded treaties between the Federal Republic of Germany and the Soviet Union, and between the Federal Republic and Poland bear witness.

And the increasing trade and investment flows between East and West also bear witness.

While politicians and diplomats still argue over the same old tired political issues, businessmen and bankers are rearranging the basic nature of relations between states and peoples. While the generals still busy themselves with planning their war games and maneuvers, increasing commerce between East and West, and the growing internationalization of production, are making the idea of a major armed conflict in Europe an absurdity.

The activities of multinational corporations, and the increasing use of joint ventures and consortiums are crossing frontiers and erasing national boundaries more surely and swiftly than the passage of armies and the conclusion of peace treaties. For 20 years the United Nations has been unable to agree on a definition of "aggression". But it certainly takes much less time than that for businessmen representing different nations and economic systems to bind themselves together in a mutually beneficial contract.

Whether one likes it or not, the nations of the world are becoming more dependent on each other. Those who are actively engaged in expanding trade and transmitting technology between East and West are in the front ranks of those creating these strong bonds of mutual interdependence.

What we don't need in attempting to cope with the implications of such a rapidly changing world are attempts at simple solutions. One of my own countrymen, some 50 years ago, aptly stated—"for every human problem, there is a solution which is neat, simple—and wrong".

The simple solutions of a much simpler bygone age just don't work anymore. The time is past due for all national leaders to discard the notion that exports are good and imports are bad. This is the same as saying production is good and consumption is bad. Or—that our standard of living improves when we give value away, but not when we receive value in turn.

It is time to grasp the idea that the process of international trade increases productivity as surely as machinery and technology does.

And any leader—of either East or West—who ignores the economic implications of his political actions does so at his peril.

As far as my own country is concerned, much should be done to provide for expanded trade with the East. Important steps in this direction have already been taken.

The number of items on our list of restricted exports to the East is steadily shrinking. This is reflected most dramatically in the steady increase in American exports to the East. In 1969, they totalled $249 million. In 1970 this rose to $353 million. And based on the current year's first quarter figures, exports in 1971 should reach $450 million. This has come about largely through legislation passed in 1969 which put the Congress of the United States on record as endorsing expanded trade with Eastern Europe and the Soviet Union.

Less than two weeks ago, export licenses for sophisticated industrial processes totalling $100 million were approved. More license approvals can be expected in the near future. And on the day I left for Europe, the esteemed Chairman of the Senate Commerce Committee, Senator Warren Magnuson, expressed to me the need for expanded trade with the East, including China. This is only one manifestation of the increasing support in the Congress for closer ties.

Since 1968 Eximbank credits have not been available to finance American exports to the East. However, only this past April the Senate overwhelmingly voiced its intention to make such credits available again. I am confident that this will be done.

Such actions taken by my own country, however, will not get to the heart of one of the most serious barriers to increased East-West trade. Trade must be a two-way street—and at present, there is a broad avenue of exports from West to East, but only a narrow path from East to West. Both Western Europe and the United States enjoy too healthy a trade surplus with the East. One important step that can be taken by my own country is the extension of most-favored-nation treatment to all the countries of Eastern Europe.

But this is not a magical formula which will automatically enable the East to sell enough to the United States to close this trade gap. There is still much that the countries of Eastern Europe must do to improve their export position.

They must be willing to commit a greater share of their own economies to foreign trade, and cease to regard it as an activity designed only to supplement domestic economic capabilities. They must be prepared to develop industries geared to exports, and be more willing to depend on imports. They must seek greater understanding of the requirements of the American market and consumer tastes, if they are to sell their products.

It is self-defeating to talk of an expansion of East-West trade if the present imbalance in East-West trade is not corrected. The figures involved are dismal. If Western Europe continues to maintain the same surplus in its trade with the East as it has done in the past few years, by 1980 there will be a projected $3.5 billion trade gap. The value of my own country's exports to the East this year will be almost double that of what it imports.

Aside from vigorous trade expansion programs, the East must also inject itself more forcefully into the mainstream of international trade and investment. The example of Poland's accession to the GATT should be emulated elsewhere. There should be more

active interest shown in gaining membership in the International Monetary Fund and the World Bank.

I realize full well that these steps are not without certain risks. But it should be emphasized that both risks and the benefits will have to be shared equally by both East and West. Unless both sides show a willingness to move off dead center in settling of decades-old minor disputes, we will not be able to enjoy together the fruits of increased commercial relations.

Important changes have already taken place in the economies of the East—and I know you are all well acquainted with the rapid pace of reform undertaken here in Hungary, with its New Economic Mechanism. These changes are essential in meeting the requirements of international trade and they have not been taken without attendant risks. In experimenting with different ways of modernizing and industrializing, the East should feel it will be able to draw more freely and easily upon the experience, technology and investment capital of the West. But it will not be able to do so unless it offers more information and greater assurance to Western investors and partners.

At the same time the West must be willing to provide even more than material assistance. It still remains the responsibility of the major trading countries, the U.S., the EEC and Japan, to establish workable norms of international trade and investment. The recent OECD ministerial meeting, which I attended in Paris last week, offered promise that a start has been made in this direction. A high-level consultative body has been set up to examine the current barriers to increased international trade and investment. Unless all of the trading nations of the world get behind efforts to harmonize and rationalize world trade, the great conflicts of the 1980's might well be trade wars between warring economic blocs.

In the years ahead, as nations realize that efficiency means greater reliance on economic rather than political considerations, both market and non-market economic systems will inevitably move closer to each other. It has been predicted that by 1980 two-thirds of all the employment in the United States will be in the service industries, and only one-third in the production of goods. As this same division holds true in other countries, and the export of services increases, it will become imperative for people to begin to understand the workings of different economic systems much better than they do today.

The communications and psychological barriers impeding trade and commerce remain formidable. The differences between the operations of state operated monopolies in a non-market economy, and the mechanisms used by private cooperations in my own country are great. Unfamiliarity with methods and institutions breeds distrust and a reluctance to even consider commercial relations. While it will be more difficult to tear down emotional barriers, it should be less difficult to overcome the lack of knowledge.

In order to achieve better mutual understanding of our different systems, I shall propose to the Congress of the United States upon my return, that a new program of exchanges be established with the purpose of expanding trade between countries of the East and the United States.

Participants in this program would include graduate-level university students, teachers, corporation executives and bankers in my country, and students, teachers, foreign trade officials, and state trading monopoly representatives of Eastern countries.

In order to be of practical value, the duration of these visits would be at least one year and perhaps two. The time spent abroad should be allocated in such a way as to include roughly equal periods of theory and practice. For example, nine months would be spent at a university and nine months in the offices of an American industry or bank, or in an Eastern European state trading organization, or foreign trade ministry.

A grantee would have the opportunity of obtaining a working knowledge of the financial and trading structures of the country he has visited and some actual time spent in the other fellow's shoes. The new expertise gained could go a long way in expanding U.S. trade with the East. I see no reason why this program could not include exchanges between the United States and all countries outside of Europe with non-market economies—including the People's Republic of China.

In order for a program of this kind to be successful, the costs and the responsibility for its operation will have to be shared equally by all the participants. By creating such a body of trained men, trade and investment opportunities now being lost by both sides could be developed for the benefit of all.

A program of this kind will also establish another important channel of fruitful contact between East and West on a nonconfrontation level.

Diplomatic discussions are too cautious and too restricted by outworn attitudes.

Cultural exchanges do not reach into the very inner workings of a society—and are usually too fleeting. Exchanges of people directly involved in producing tangible benefits for both sides offer the greatest chance of success.

Ultimately, only by broadening and deepening the base of discussions and meetings between representatives of East and West can the idea of peaceful coexistence be translated into reality.

Through mutual efforts and good will on both sides, and by a keener appreciation of how truly small the world has become, we will all benefit from what each nation has to offer in the marketplaces of goods and ideas.

The role that all of you here today will play in this process is crucial. It is not merely one of opening markets, maximizing profits, or creating material wealth. By improving economic relations between East and West, and by inducing greater responsibility and cooperation among the nations of the East and the West, you will also be perfecting the arts of peace. I can think of no worthier calling.

Mr. RIBICOFF. Mr. President, in a rapidly changing world, continued commercial discrimination against countries with different economic systems than our own is an anachronism. As the cold war in Europe is being relegated to the pages of history, a new generation of leaders is concerned more with ecopolitical rather than geopolitical issues. It is time for our own country to cast aside its self-imposed shackles on trade, and look toward the future with regard to our economic relations with the countries of the East.

While the United States has created a number of restrictive devices in order to circumscribe its economic relations with Communist nations, our NATO allies have displayed much less restraint. Total free world trade with the U.S.S.R. and Eastern Europe amounted to about $18 billion in 1970. Of this total, the U.S. share, imports and exports, was only $579 million. This amounted to 3 percent of total Western trade with the East, and less than 1 percent of our own total foreign trade.

On this small volume of trade we enjoyed a two to one ratio of exports to imports producing a $127 million surplus. Viewed in the light of our Nation's high unemployment rate and projected balance-of-trade deficit for this year, these figures underscore the immediate and significant benefits that would accrue to the United States from expanded trade with the East.

It has been estimated that if unnecessary restrictions are removed, U.S. trade with Eastern Europe could reach $2 billion by 1975 or more than three times the 1970 level. Other estimates are even more optimistic running to $5 billion, or 10 times the 1970 level.

The rapid growth in recent years of U.S. trade with Eastern countries gives weight to these projections. Between 1966 and 1970 U.S. exports to Eastern Europe rose from $198 million to $353 million. During this same period, U.S. imports increased from $179 million to only $226 million. In 1971 it is expected that U.S. exports will reach $460 million and imports, $240 million, for a total of $700 million.

Eastern Europe, the Soviet Union and mainland China all have great unsatisfied needs for the high technology equipment and products that our country excels in producing. Other potential markets for the same kind of American exports to Africa, Asia, and South America are many years away from being able to absorb a high level of technology.

The countries of Eastern Europe have already reached a point of departure from their dependence on the Soviet Union. The last COMECON conference held in Bucharest reflected their desire for more trade and investment ties with the West and an unwillingness to operate their economies as part of a Soviet master plan. By now the countries of Eastern Europe know quite well what the Soviet Union offers, but increasingly they want more of what the West and the United States offers.

The East's participation in world commerce has grown at the impressive rate of 8½ percent per year. For the smaller Communist countries a major impetus to further integration into the world economy can only come from a sizable increase in markets in the United States.

Present law does not permit the granting of most-favored-nation tariff treatment to Communist countries except Yugoslavia and Poland. As a result, imports from those countries pay the full 1930 statutory duty rates rather than the lower rates that have resulted from successive tariff reduction negotiations. The denial of MFN tariff treatment to these countries has significance beyond its immediate inhibiting commercial effects. This discrimination poses an important psychological barrier against the expansion of trade and the normalization of commercial relations.

The case of Poland provides a most vivid example of how trade can be expanded if most-favored-nation treatment is granted. In 1962, without it, Poland exported $46 million of goods to the United States. In 1970, with it, this figure was $98 million.

Last June, following the OECD Ministerial meeting in Paris, I traveled to Eastern Europe on behalf of the Finance Committee. In both Hungary and Rumania, I was deeply impressed by the visible economic progress that had been made. Equally evident were both nations' desires for increased commercial ties with the United States, and genuine admiration for American technological achievements and capabilities. I was dismayed, however, by the relative lack of American participation in the trade and investment opportunities in Eastern Europe. In hotels and airports there, I saw French, German, Italian, and British businessmen with bulging briefcases—but hardly any Americans.

Two-way trade between the United States and Rumania has grown very significantly during the last 3 years with the total trade turnover now totaling some $80 million. But the picture is clouded. Rumanian officials emphasized to me that the lack of most-favored-nation treatment did not permit Rumania to begin redressing the serious imbalance of trade between the two countries. The ratio is roughly 5 to 1 against Rumania at present. Since trade is a two-way street, we cannot hope to continue to export more to Rumania without buying more. Based on my own discussions, there is no doubt in my mind that Rumania wants much more collaboration with American firms in developing a variety of industries, and also wants to purchase more goods here.

This is illustrated by the Boeing Co.'s opportunity to sell from two to four 707 aircraft to the Rumanian carrier, TAROM. Rumania is apparently willing to risk Soviet displeasure by buying American, rather than Soviet, long-range commercial jet aircraft. But Rumania's main problem is insufficient dollar credits to pay for the aircraft because of their negative balance of trade with the United States. One of the main reasons for this negative balance is the handicap of excessive import duties imposed upon Rumanian products entering the United States because of their exclusion from the most-favored-nation treatment.

Assuming a successful sale of two of these aircraft to Rumania, amounting to roughly $26 million, the Boeing people feel this should lead to follow-on orders from TAROM amounting to four to five times the initial order. This could also trigger a domino effect with other East European nations buying the same planes in order to be competitive. Because Rumania enjoys excellent relations with mainland China, Boeing believes a successful business venture in Rumania could provide an avenue for entrance into mainland China for airplane sales. The market potential here is estimated by Boeing at 40 to 50 airplanes in this decade.

In Hungary, the trade picture with the United States is much the same as in Rumania, but on a smaller scale. The Hungarians also want to do more business with us, but they stress that lack of MFN treatment poses a formidable barrier to trade expansion.

It is important to note that there is considerable trade conducted between U.S. subsidiaries and affiliates in Western Europe and Eastern customers. The value of this indirect trade in American goods probably amounts to several times that of direct U.S. exports. And while these transactions ultimately benefit the earnings of the parent firm, they do not provide jobs for American workers in American plants.

Mr. President, the legislation being introduced today would not automatically grant MFN treatment to all countries with nonmarket economies nor to all of their products. It would not open up any floodgates of imports, nor would it erase the 2 to 1 favorable trade balance we now enjoy. It is left up to the President to decide which countries and which products would be given MFN treatment, based on the overall national interest.

This legislation is particularly timely and useful in that it would give the President the actual authority to conclude a commercial agreement should he so desire, when he visits the People's Republic of China in the near future. This bill is so drafted that formal diplomatic relations between the two countries need not precede such an agreement.

The longer normalization of commerce with the East is put off, the more difficult it will be for American firms to alter the trade patterns which the Eastern countries are already establishing with Great Britain, France, West Germany, Italy, and Japan.

If the administration continues its present policy of tying any relaxation of our trade restrictions against Eastern countries to specific political payoffs, we will be putting the cart before the horse. By forging stronger economic ties with Eastern European countries, we will be lessening both their economic and political dependence on the Soviet Union, and producing a diplomatic climate in which political problems are more easily solved.

Through the broadening of our economic relations, we will be strengthening our own economy by selling more of the things we can produce better than other countries. We will also be creating a climate in which friction between East and West can be lessened. New commercial ties will open up new valuable channels of communication between ourselves and Communist nations on a nonconfrontation level.

If peaceful coexistence on this planet between countries with different ideologies and economic systems is the only rational course to pursue, the most rational policy for the United States to follow would be to invite all nations into a world system in which the mutual benefits from trade and commerce can be shared by all.

Mr. President, we are making an important start in this direction by the introduction of this bill today. I hope that my colleagues will examine the proposed legislation carefully to see what it seeks to accomplish, what it will mean for our factories and workers, and what it can ultimately do to make our world a more prosperous, and a more peaceful place.

By Mr. HARTKE:

S. 2621. A bill to promote the peaceful resolution of international conflict, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. HARTKE. Mr. President, today I am reintroducing a bill to establish a Department of Peace as an executive department of the Government. Identical legislation will be offered in the House of Representatives by Congressman HALPERN.

This proposal represents a call to a new idealism, an idealism which holds that future wars can be avoided if only we care enough to try. It would be the purpose of the new department to develop long-range policies for peacekeeping; for presently there is no institutional advocate for peace in our Government, while those agencies and departments which view the application of force as the most efficient way to settle international disputes abound.

The bill has three titles: Title I establishes a Department of Peace, specifies what present agencies will be transferred to it, outlines the duties and structure of the Department, and sets forth the administrative provisions under which the Department will operate. Title II creates an International Peace Academy which would have the responsibility of training individuals in the science of peacekeeping. A new joint committee of Congress, with seven members drawn from both the Senate and the House, is established by title III, to be called the Joint Committee on Peace and International Cooperation.

Five specific responsibilities are assigned the new Department; they are:

First. The Department is to develop and recommend to the President appropriate plans, policies, and programs designed to foster peace.

Up to the present time, there has been no such broad assignment given to any Federal agency. It is true that we have not been without peace plans, peace policies, and peace programs. But they arise in various quarters under a variety of circumstances and they exist without the close coordination a single department will give. Nor has there been authority located in a specific position to do what the second mandate asks.

Second. The Department will exercise leadership in coordinating all activities of the U.S. Government affecting the preservation or promotion of peace. To exercise such leadership, of course, will require the close cooperation of the Department of Peace with the other departments, which in most cases have activities falling within the description.

Third. The Department will cooperate with the governments of the other nations in research and planning for the peaceful resolution of international conflict, and encourage similar action by private institutions. Here there are two significant elements, neither of which is presently a statutory responsibility of any agency—peace research, and the encouragement of attention to this area by private institutions.

The fourth mandate brings under the Department of Peace responsibility for aiding the interchange of ideas and persons between private institutions and groups in the United States and those in other countries.

The fifth is similar—to encourage the work of private institutions and groups

aimed at the resolution of international conflict.

Agencies whose functions would be transferred to the new Department include: the Agency for International Development, the Peace Corps, the Arms Control and Disarmament Agency, and the functions of the International Agricultural Development Service, now in the Department of Agriculture. The President may also transfer additional responsibilities to the new Department, if he determines that the functions of any other office or agency are pertinent to the objectives of the Peace Department.

It has rightfully been said that "wars occur because people prepare for conflict, rather than for peace." It is time that this country set itself to the hard task of keeping the peace. It should not be the fate of every generation of Americans to endure wars which we are told are necessary to our national security, or to save face or to maintain our role as a world leader.

On February 7, 1969, I introduced similar legislation. This bill differs from that prior effort in a number of ways, chief among which is the elimination of language which could have posed a conflict between the new Department and the legitimate functions of the Department of State.

Mr. President, the tragedy of Vietnam highlights the need for a new approach to the resolution of international conflicts. We have fought war after war in this century but we appear farther from lasting peace today, than we have ever been. This proposal recognizes these past failures and presents a reasoned alternative to what some would view as the inevitability of war.

I ask unanimous consent that a copy of the bill, establishing a Department of Peace, be printed in the RECORD immediately following my remarks.

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

S. 2621

A bill to promote the peaceful resolution of international conflict, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Peace Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress declares that the United States has an urgent and continuing responsibility to seek international peace and has undertaken obligations to seek international peace under the Kellogg-Briand Pact of 1929, the Nuremberg Charter of 1945, and article I, paragraph 1, and article II, paragraphs 3 and 4, of the United Nations Charter. It is the purpose of this Act to meet these responsibilities and obligations and to provide the means to seek and achieve the peaceful resolution of international conflict.

TITLE I—DEPARTMENT OF PEACE

ESTABLISHMENT OF DEPARTMENT

SEC. 101. There is hereby established at the seat of government, as an executive department of the United States Government, the Department of Peace (hereafter referred to in this Act as the "Department").

FUNCTIONS OF THE DEPARTMENT

SEC. 102. (a) The Department shall be responsible for carrying out the purposes of this Act. In achieving such purposes, the Department shall—

(1) develop and recommend to the President appropriate plans, policies, and programs designed to foster peace;

(2) exercise leadership in coordinating all activities of the United States Government affecting the preservation or promotion of peace;

(3) cooperate with the governments of other nations in research and planning for the peaceful resolution of international conflict, and encourage similar action by private institutions, a research division shall be established for this purpose;

(4) encourage and assist the interchange of ideas and persons between private institutions and groups in the United States and those in other countries, a cultural exchange division shall be established for this purpose and;

(5) encourage the work of private institutions and groups aimed at the resolution of international conflict.

PERSONNEL OF THE DEPARTMENT

SEC. 103. (a) There shall be at the head of the Department a Secretary of Peace (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary of Peace, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of Peace (or, during the absence or disabiltiy of the Under Secretary, or in the event of a vacancy in the office of the Under Secretary of Peace, an Assistant Secretary of Peace or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary of Peace shall perform such functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department four Assistant Secretaries of Peace and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions as the Secretary shall prescribe from time to time.

(d) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(e) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 104. (a) There are hereby transferred to the Secretary all functions which were carried out immediately before the effective date of this title—

(1) by each of the following agencies or offices:

(A) the Agency for International Development;

(B) The Arms Control and Disarmament Agency; or

(C) the Peace Corps;

(2) by any components of such agencies or offices; or

(3) by the Secretary of State insofar as such function relates to a function transferred under this subsection from an agency, office, or component referred to in paragraph (1) or (2).

(b) There are hereby transferred to the Secretary all functions which were carried out immediately before the effective date of this title—

(1) by the International Agricultural Development Service, Department of Agriculture; or

(2) by the Secretary of Agriculture, insofar as the function relates to functions transferred under this subsection from such Service.

(c) Section 2 of the United Nations Participation Act of 1945 (22 U.S.C. 287) is amended by inserting at the end thereof the following new subsection:

"(h) The Secretary of Peace shall advise the President with respect to the appointment of any person to represent the United States in the United Nations, or in any of its organs, commissions, specialized agencies, or other bodies."

(d) The functions, powers, and duties of the Secretary of State, and the other offices and offices of the Department of State, relating to specialized agencies as defined in article 57 of the United Nations Charter, are transferred to the Secretary of Peace.

(e) Within one hundred and eighty days after the effective date of this title, the President may transfer to the Secretary any function of any other agency or office, or part of any agency or office, in the executive branch of the United States Government if the President determines that such function relates primarily to functions transferred to the Secretary by the preceding subsections of this section.

TRANSFER OF AGENCIES AND OFFICES

SEC. 105. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 104, are transferred to the Secretary. Except as provided in subsection (b), personnel engaged in functions transferred under this title shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this title, such agency or office shall lapse.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) The Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Secretary by this title, delegate any of his functions to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions.

(b) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund

shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund.

(c) The Secretary may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

(d) In addition to the authority which is transferred to and vested in the Secretary by section 104, as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities;

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) messing facilities;

(4) motion picture equipment and film for recreation and training; and

(5) living and working quarters and facilities. The furnishing of medical treatment under clause (1) and the furnishing of services and supplies under clauses (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(e) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury of the United States in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(f) The Secretary is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committees as may be appropriate for the purpose of consultation with and advice to the Department in the performance of its functions. Members of such committees, other than those regularly employed by the United States Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under section 103(e), and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(g) (1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or individuals for the conduct of research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this subsection.

(3) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

TECHNICAL AMENDMENTS

SEC. 107. (a) Section 10 (d) (1) of title 3, United States Code, is hereby amended by inserting before the period at the end thereof a comma and the following: "Secretary of Peace".

(b) Section 101 of title 5, United States Code, is amended by inserting at the end thereof the following:

"The Department of Peace."

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Peace."

(2) Section 5314 is amended by adding at the end thereof the following:

"(54) Under Secretary of Peace."

(3) Section 5315 is amended by adding at the end thereof the following:

"(92) General Counsel, Department of Peace.

"(93) Assistant Secretaries of Peace (4)."

(4) Section 5317 is amended by striking out "34" and inserting in lieu thereof "36".

ANNUAL REPORT

SEC. 108. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 109. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this title, by (A) any agency or office, or part thereof, any functions of which are transferred by this title, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this title takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this title shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this title; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this title shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or part hereof, functions of which are transferred by this title, shall abate by reason of the enactment of this title. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this title, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this title. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this title takes effect, any agency or officer, or officer thereof in his official capacity, is a party to a suit, and under this title—

(A) such agency or office, or any part thereof, is transferred to the Secretary, or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Secretary, then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this title).

(d) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this title.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this title shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this title, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

CODIFICATION

SEC. 110. The Secretary is directed to submit to the Congress within two years from the effective date of this title, a proposed codification of all laws which contain functions transferred to the Secretary by this title.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 111. (a) This title, other than this section, shall take effect ninety days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsection (a), (b), and (c) of section 103 may be appointed in the manner provided for in this title, at any time after the date of enact-

ment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this title. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this title.

TITLE II—INTERNATIONAL PEACE ACADEMY

ESTABLISHMENT OF ACADEMY

SEC. 201. There is hereby established within the Department the International Peace Academy (hereafter referred to in this Act as the "Academy"). The Academy shall furnish training and instruction to prepare citizens of the United States for service in positions or programs relating to the field of promoting international understanding and peace.

OFFICERS, STAFF, AND INSTRUCTORS

SEC. 202. (a) The Secretary may appoint or assign, on a full- or part-time basis, such officers, staff, and instructors as the needs of the Academy require.

(b) The Secretary may assign or detail, on a full- or part-time basis and with the consent of the head of the United States Government department or agency concerned, any officer or employee of the executive branch of the United States Government to serve on the faculty or staff of the Academy. During the period of his assignment or detail, such officer or employee shall be considered as remaining in the position from which assigned or detailed.

SUPERVISION OF ACADEMY

SEC. 203. The supervision and charge of the Academy shall be under such officer or officers as the Secretary may appoint for or assign to that duty, and under such regulations as the Secretary may prescribe.

BOARD OF TRUSTEES

SEC. 204. (a) There is hereby established within the Academy a board of trustees (hereafter referred to in this Act as the "board") which shall advise the Secretary on the operation of the academy. The board shall be composed of—

(1) the Secretary (ex officio);

(2) two officers of the Department designated by the Secretary;

(3) two Members of the Senate, of different political parties, appointed by the President of the Senate;

(4) two Members of the House of Representatives, of different political parties, appointed by the Speaker of the House of Representatives;

(5) the Chairman of the Atomic Energy Commission, or his designee;

(6) the Chairman of the Federal Council on the Arts and the Humanities, or his designee;

(7) one member from the National Academy of Sciences, to be appointed by the President after consultation with the President of the Academy;

(8) two educators of prominence appointed by the President;

(9) two prominent persons associated with the advancement of world peace, appointed by the Secretary; and

(10) the United States Ambassador to the United Nations.

(b) Members of the board shall be appointed for two-year terms and shall be eligible for reappointment.

(c) The board shall visit the Academy annually. With the approval of the Secretary, the board or its members may make other visits to the Academy in connection with the duties of the board.

(d) The board shall inquire into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the board decides to consider.

(e) Within sixty days after its annual visit, the board shall submit a written report to the President of its action, and of its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the board, be submitted to the President within sixty days after the approval.

(f) Each member of the board may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the provisions of section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMISSION OF STUDENTS

SEC. 205. (a) The authorized number of students at the Academy shall be one hundred and fifty.

(b) The Academy shall operate as a coeducational institution and students shall be selected for admission to the Academy on the basis of merit, as determined by a competitive examination to be given annually in each State, the District of Columbia, and the Commonwealth of Puerto Rico, at such time, in such manner, and covering such subject matter as the Secretary may prescribe.

(c) No individual shall be eligible for admission to the academy unless he is a citizen of the United States who has been awarded a bachelor's degree upon graduation from a college or university located in the United States or a degree which the Secretary determines is generally recognized as the equivalent of a bachelor's degree upon graduation from a college or university located in a foreign country.

STIPENDS AND TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 206. Each student of the Academy shall be entitled to receive—

(1) a stipend in an amount determined by the Secretary to be within the range of stipends or fellowships payable under other Government programs providing for the education or training of graduate students; and

(2) reasonable travel and transportation allowances, including transportation for his immediate family, household goods, and personal effects, under regulations prescribed by the Secretary, but such allowances shall not exceed the allowances payable under section 5723 of title 5, United States Code.

COURSE OF INSTRUCTION AND TRAINING

SEC. 207. (a) The course of instruction and training for students at the Academy shall be prescribed by the Secretary, shall be for a period of one year, and shall, insofar as consistent with the purposes of this title, be acceptable for credit toward a graduate degree at accredited colleges and universities. In prescribing such course of instruction and training, the Secretary shall provide that special emphasis be placed on such studies as will best prepare students for leadership in the nonviolent resolution of international conflicts and in the promotion of international understanding and peace. Upon satisfactory completion of the prescribed course of instruction and training, students shall be awarded a Federal certificate of participation.

(b) The course of instruction and training at the Academy shall, during each year of its operation, be organized as prescribed by the Secretary, except that one month of each such year shall be devoted to annual leave for all students.

AGREEMENTS BY STUDENTS

SEC. 208. Each student selected for admission to the Academy shall sign an agreement that, unless sooner separated, he will—

(1) complete the course of instruction at the Academy; and

(2) accept, if offered, an appointment as an officer or employee of the United States or, in the discretion of the Secretary, employment with an international organization or private agency or foundation determined by the Secretary to be engaged in activities relating to the promoting or achieving of international understanding and peace, in any position for which such student is qualified by reason of his special training at the Academy, for at least the one-year period immediately following the awarding of his certificate from the Academy or the completion by him of any period of full-time graduate study approved by the Secretary.

AUTHORIZATIONS; ACQUISTION OF PROPERTY

SEC. 209. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) The Academy shall have power to acquire and hold real and personal property and may receive and accept gifts, donations, and trusts.

TITLE III—JOINT COMMITTEE ON PEACE AND INTERNATIONAL COOPERATION

ESTABLISHMENT OF JOINT COMMITTEE

SEC. 301. There is hereby established a joint congressional committee to be known as the Joint Committee on Peace and International Cooperation (hereinafter referred to as the "joint committee"). The joint committee shall be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the joint committee shall as nearly as may be feasible reflect the relative membership of the majority and minority parties in the Senate and the House of Representatives, respectively.

FUNCTIONS

SEC. 302. It shall be the function of the joint committee—

(1) to make a continuing study of matters relating to the Department of Peace;

(2) to study means of coordinating programs in order to further the purpose of this Act; and

(3) as a guide to the several committees of the Congress dealing with legislation relating to the Department of Peace, to file a report not later than May 1 of each year (beginning with the calendar year 1971) with the Senate and the House of Representatives containing its findings and recommendations with respect to the Department of Peace, and from time to time to make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

VACANCIES; SELECTION OF CHAIRMAN

SEC. 303. Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

HEARINGS; STAFF; ASSISTANCE

SEC. 304. (a) In carrying out its duties under this title, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places; to appoint and fix the compensation of such experts, consultants, technicians and staff personnel; to procure such printing and binding; and to make such expenditures as it deems advisable.

(b) With the prior consent of the department or agency concerned, the joint committee is authorized to utilize the services, information, and facilities of the departments and establishments of the United States Government and private research agencies.

AUTHORIZATION; EXPENSES

SEC. 305. (a) The expenses of the joint committee, which shall not exceed $200,000 for each fiscal year, shall be paid from the ocntingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

(b) Members of the joint committee, and its employees and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 2624. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations. Referred to the Committee on Finance.

Mr. BIBLE. Mr. President, for myself and my colleague, Senator CANNON, I introduce for appropriate reference a bill to amend the Internal Revenue Code to allow a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations.

Generally, under existing law the expense of commuting to and from an individual taxpayer's home and place of employment are not deductible on one's income tax return. Such costs are treated as "personal, living, or family expenses."

No distinction is made between the urban or suburban commuter for whom housing is available conveniently near his place of employment and taxpayers for whom no housing is available within a reasonable distance of his employment; the individual who must travel long distances to and from his worksite each day and who must incur unusually heavy expense to do so.

A case in point is that involving some 4,500 taxpayers employed at the Atomic Energy Commission's test site in Nevada. The Nevada test site encompasses an area of more than 1,300 square miles. It is situated in a vast desert area unfit for habitation and remote from any community capable of providing residential housing for employees and their families. For security reasons, entrance to the test site is strictly controlled. No one is allowed there except on business, and no family living accommodations are provided.

Las Vegas—the only community capable of providing housing for employees and their families—is located 60 miles from the entrance to the test site at Mercury, Nev. Actual job locations within the test site are often 30 miles and more beyond the entrance point. The majority of the employees must travel 90 miles one way to their jobs each day—a round trip of 180 miles. Some travel as much as 140 miles one way, or a distance of 280 miles to and from work.

The magnitude of this travel burden was well illustrated in a letter I received from one test-site employee. He reported that the distance from his home in Las Vegas to his forward work area is 90 miles; that based on a 3¾-hour round trip of 180 miles and a 240-day workyear, he must travel 43,200 miles and spend 37½ full 24-hour days getting to and from his job each year.

Needless to say, this is an extraordinary situation.

The work force at the Nevada test site consists principally of contract workers—that is, employees of private contractors. In addition, there is a relatively small group of Federal Government employees and a limited number of military personnel. Both the private contractors and the Federal Government recognize the unusual expense involved in traveling to and from such isolated work sites. In addition to their regular wages private employees receive a per diem allowance designed to help defray the added expense, which, I am informed, averages about $5 a day. Under regulations prescribed by the Office of Management and Budget, title 5, section 5942 of the United States Code authorizes a special allowance not exceeding $10 a day for civilian Government employees. No comparable provision is made for permanently assigned military personnel—a situation that should be remedied since they confront the same transportation problems.

Under existing tax law and current rulings of the Internal Revenue Service, the travel allowances received by these employees is not deductible from gross income for income tax purposes. But this has not always been the case. In *Wright* v. *Hartsell* (305 F. 2d 221) decided in 1962 by the U.S. Court of Appeals for the Ninth Circuit, the court held that a taxpayer who was unable to live near his remote job site was entitled to a deduction for his transportation expenses from a point as near to the job site as he could have reasonably lived. Nevada is part of the Ninth Judicial Circuit. Pursuant to that decision, the Internal Revenue Service allowed transportation deductions by test site employees until late in 1969 when the Supreme Court denied certiorari in *U.S.* v. *Lee W. Tauferner* (407 F. 2d 243) a decision of the Tenth Circuit upholding the Government's position that such expenses are not deductible, contrary to the ruling in *Hartsell*. Also, earlier this year in *Sanders et al.* v. *Commissioner of Internal Revenue* (— F. 2d —, No. 25, 236) the Ninth Circuit departed from its ruling in *Hartsell* and held transportation expenses to distant worksites to be nondeductible. Both the Tauferner and Sanders cases involved travel distances and hardships substantially less than those confronting employees of the Nevada test site. Based on these later decisions, the Internal Revenue Service has indicated its intention to deny transportation deductions claimed by test site employees for the 1970 tax year.

The courts have produced divergent results on this subject. First the deduction is allowable. Then it is not. The cases seem to proceed on the assumption that there is no convincing way to distinguish the burden borne by remote area employees from those of the suburban commuter. The rule contended for by the Government and adopted by the Ninth and 10th Circuits—in their recent decisions, at least—seems calculated to serve administrative convenience.

I submit that the two situations are really distinguishable—on the facts of distance, expense, and hardship. And I think the tax statute should be tailored so as to take account of the facts and the hardships endured by citizens employed in the Government's work at unusually remote Federal installations.

The bill I am introducing today would allow individuals employed at remote Federal job sites to deduct the expenses paid or incurred for transportation to and from his residence and his job site. A location would qualify as a "remote Federal job site" only if there is a lack of suitable housing for 70 percent of the employees within 50 miles of the job site. And an individual would qualify for the deduction only if his employer pays him a per diem allowance, travel allowance, remote area allowance, or similar allowance separate and apart from his regular compensation.

I submit that this legislation provides a reasonable, workable, and proper basis for distinguishing the expenses of the ordinary urban or suburban commuter from those of the remote area employees. Enactment of this kind of legislation is already overdue, and I urge prompt favorable action.

Mr. CANNON. Mr. President, I am pleased to join with my distinguished colleague, ALAN BIBLE, the senior Senator from Nevada, in offering legislation that will correct an inequitable situation that has existed for some time and adversely affected many workers employed at remote Federal installations.

This proposal, if enacted, would amend the IRS Code of 1954 to permit a deduction from gross income for transportation expenses of certain individuals employed at remote Federal installations such as the Nevada test site.

There has been controversy as well as considerable litigation involving the deductibility of transportation expenses for employees at remote Federal installations. On December 14th of last year the IRS wrote to me outlining their position:

> As you know, prior to the decision in *Wright* vs. *Hartsell*, the position of the Internal Revenue Service was that transportation expenses of employees to remote area work sites constituted nondeductible commuting expenses. After that decision by the Ninth Circuit Court of Appeals, district offices within the jurisdiction of the Ninth Circuit were advised to concede the issue in factually similar cases. But the overall position of the Service has not changed.

I am cosponsoring this measure today because I strongly believe that the internal revenue service should change its position on this question. I firmly believe that a worker's inability to reside near his place of employment is a valid ground for permitting travel expense deduction. The measure introduced today will allow as a deduction expenses paid or incurred for transportation to and from residence to job site providing there is not suitable permanent housing for at least 70 percent of the families within 50 miles of the job site. It appears to me that this is a fair solution to the

problem and I urge the committee to give this bill serious consideration.

By Mr. MAGNUSON (by request):

S. 2626. A bill to amend part V of the Interstate Commerce Act, enacted as part of the Transportation Act of 1958, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Interstate Commerce Commission for appropriate reference a bill to amend part V of the Interstate Commerce Act, enacted as part of the Transportation Act of 1958, and for other purposes. I ask unanimous consent that the Commission's recommendation and explanation and the text of the bill be printed in the RECORD.

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

S. 2626

A bill to amend Part V of the Interstate Commerce Act, enacted as part of the Transportation Act of 1958, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(a) of the Interstate Commerce Act (49 U.S.C. 1232(a)) is amended by striking out the entire paragraph and inserting in lieu thereof

"(a) The term 'Secretary' means the Secretary of Transportation."

SEC. 2. That sections 503 through 510 of the Interstate Commerce Act (49 U.S.C. 1233–1240) are amended by striking out the word "Commission" wherever it appears and inserting in lieu thereof the word "Secretary".

SEC. 3. That section 503 of the Interstate Commerce Act (49 U.S.C. 1233) is amended by striking out the figure "$500,000,000" in the last sentence thereof, and by inserting in lieu thereof "$750,000,000."

SEC. 4. That section 504(a)(3) of the Interstate Commerce Act (49 U.S.C. 1234(a)(3)) is amended to read as follows:

"(a)(3) if terms of such loan permit full repayment more than fifteen years after the date thereof: *Provided,* That the Secretary may grant an extension of an additional five years if upon subsequent petition it finds that circumstances have arisen which do not permit repayment within said fifteen-year period, and such further extension would be equitable as set forth in section 505 of this Part."

SEC. 5. That section 504(a)(4) of the Interstate Commerce Act (49 U.S.C. (a)(4)) is amended to read as follows:

"(a)(4) unless the Secretary finds that the prospective earning power of the applicant carrier, together with the character and the value of the security pledged, if any, furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor and the probable value of the assets of the railroad in the event of reorganization or liquidation provides reasonable protection to the United States."

SEC. 6. That section 506(b) of the Interstate Commerce Act (49 U.S.C. 1236(b)) is amended by adding at the end thereof a new sentence as follows:

"With respect to loans guaranteed subsequent to January 1, 1971, the amount of the payments, with interest, shall be accorded the highest lien on the railroad's property and priority in payment under section 77 of the Bankruptcy Act; however, the rights referred to in the last sentence of section 77(j) of the Bankruptcy Act shall in no way be affected by this Act."

SEC. 7. That section 510 of the Interstate Commerce Act (49 U.S.C. 1240) is amended by striking the year "1963" and by inserting in lieu thereof "1981".

GUARANTEED LOANS

We recommend that Part V of the Interstate Commerce Act, enacted as a part of the Transportation Act of 1958, be extended by the Congress.

Under Part V a total of 41 applications were received by the Commission for loan guaranties amounting to over $286 million. A total of 36 loans were guaranteed in an aggregate amount of $243.9 million. ($1.5 million was approved but not dispersed.)

Thus, of the $500 million total loan guaranties authorized by Part V, $243.9 million or 48.78 percent was used. Payments of $78.8 million have been made on the loans, leaving a balance of $163.7 million in outstanding guaranties.

The volume of applications may not have been as large as was anticipated when the legislation was pending in 1958. Nevertheless, experience has shown that certain hard-pressed railroads were, as a result of the enactment of the guaranty provisions of Part V, able to obtain financial assistance in a manner and under terms and conditions which would not otherwise have been available. Moreover, it is reasonable to conclude from information developed through investigation and study of the applications received that many more railroads would have gone into receivership or trusteeship under the provisions of section 77 of the Bankruptcy Act had it not been for the very timely assistance afforded them by the action of the 85th Congress in its enactment of Part V of the Interstate Commerce Act.

It has also been the Commission's experience, generally speaking, that the railroads availed themselves of assistance under Part V only where a dire need existed.

The financial condition and earning position of a number of railroads, especially those in the eastern district, are every bit as critical now as in 1958. Many are still suffering deficits in net income and are in poor financial condition. While some may recover to some extent, such recovery may not be sufficient to enable them to repay the guaranteed loans within the 15-year period. For the reasons mentioned, appropriate authority for the extension of the loan period is necessary.

Part V should also be revised so as to vest the authority to administer the loan guarantee program in the Secretary of Transportation, rather than in the Commission. This would be consistent with the approach adopted by the last Congress when it enacted the Emergency Rail Services Act of 1970.

By Mr. MAGNUSON (by request):

S. 2627. A bill to amend section 22 of the Interstate Commerce Act so as to eliminate free or reduced rates for Government traffic, except in certain circumstances, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Interstate Commerce Commission, for appropriate reference a bill to amend section 22 of the Interstate Commerce Act so as to eliminate free or reduced rates for Government traffic, except in certain circumstances, and for other purposes.

I ask unanimous consent that the bill and a statement in connection therewith be printed in the RECORD.

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

S. 2627

A bill to amend section 22 of the Interstate Commerce Act so as to eliminate free or reduced rates for government traffic, except in certain circumstances, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first clause of the first sentence of section 22(1) of the Interstate Commerce Act (49 U.S.C. 22(1)) is amended to read as follows:

"(1) That nothing in this part shall prevent the carriage, storage, or handling of property at free or at reduced rates for the United States, State, or municipal governments to the extent that such services are performed in time of war or other national emergency, or involve the transportation of commodities which is exempt from economic regulation under the provisions of part II or part III, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the transportation of persons for the United States Government free or at reduced rates, or the issuance of mileage, excursion, or commutation passenger tickets;"

AMENDMENT OF SECTION 22 OF THE ACT

We recommend that Section 22 of the Interstate Commerce Act be amended to eliminate free or reduced rates for government traffic, except in time of war or other national emergency and except as to the transportation of commodities which is exempt from economic regulations under Parts II and III of the Act.

Except for the enactment in 1957 of subsection (2) which requires carriers to file certain rates with the Commission, the provisions of section 22 relating to Government traffic have remained essentially the same since passage of the original act to regulate commerce in 1887. At that time the Government was a comparatively small user of freight or passenger services of the carriers. Today, however, it is the largest single purchaser of transportation services.

Such preferential treatment has a strong tendency to increase the cost of regulated transportation services to commercial users. Naturally, if rates are forced too high, shippers who are financially able will purchase trucks to provide carriage for their products. Such diversions of traffic are clearly detrimental to the maintenance of a fiscally sound, efficient national transportation system.

The exception with respect to the transportation of commodities exempt from economic regulation under Parts II or III of the Act is necessary in order not to aggravate existing competitive inequities between carriers of different modes.

By Mr. MAGNUSON (by request):

S. 2628. A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Interstate Commerce Commission for appropriate reference a bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes. I ask unanimous consent that the Commission's recommendation and explanation and the text of the bill be printed in the RECORD.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

S. 2628

A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 216(c) of the Interstate Commerce Act (49 U.S.C. 316(c)) is amended to read as follows:

"(c) (1) Common carriers of property by motor vehicle may establish reasonable through routes and joint rates, charges, and classifications with other such carriers or with common carriers by railroad and/or express and/or water; and common carriers of passengers by motor vehicle may establish reasonable through routes and joint rates, fares, or charges with common carriers by railroad and/or water. As used in this subsection the term 'common carriers by water' includes water common carriers subject to the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act of 1933, as amended (including persons who hold themselves out to transport goods by water but who do not own or operate vessels) engaged in the transportation of property in interstate or foreign commerce between Alaska or Hawaii on the one hand, and, on the other, the other States of the Union, and through routes and joint rates so established and all classifications, regulations, and practices in connection therewith shall be subject to the provisions of this Part."

(2) The Commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without complaint, establish through routes, joint classifications, and joint rates or charges applicable to the transportation of property by common carriers by motor vehicle and other such carriers and/or common carriers by railroad and/or express and/or common carriers by water subject to Part III, and, when so ordered in such a proceeding, it shall be the duty of the affected common carriers of property by motor vehicle, common carriers by railroad and/or express and/or common carriers by water subject to Part III to establish and maintain reasonable through routes, joint classifications, and joint rates or charges applicable thereto. In establishing any such through routes the Commission shall not, except as provided in sections 3, 216(d), or 305(e), require any carrier without its consent to embrace in such route substantially less than the entire length of its route and of any intermediate carrier operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route (a) unless such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established or (b) unless the Commission finds that the through route proposed to be established is needed in order to provide adequate and more efficient or more economic transportation: *Provided,* That in prescribing through routes the Commission shall, so far as is consistent with the public interest, and subject to the foregoing limitations in clauses (a) and (b), give reasonable preference to the carrier which originates the traffic. In the case of any through route established by the Commission between common carriers of property by motor vehicle and other such carriers, the limitations in this section on the Commission's power to establish through routes shall apply only to the carrier originating the traffic. No through route and joint rate applicable thereto shall be established by the Commission for the purpose of assisting any carrier that would participate therein to meet its financial needs.

(3) In case of such joint rates, fares, or charges it shall be the duty of the carriers parties thereto to establish just and reasonable regulations and practices in connection therewith, and just, reasonable, and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such participating carriers.

SEC. 2. Section 216(e) of the Interstate Commerce Act (49 U.S.C. 316(e)) is amended to read as follows:

"(e) (1) Any person, State board, organization, or body politic may make complaint in writing to the Commission that any such rate, fare, charge, classification, rule, regulation, or practice, in effect, or proposed to be put into effect, is or will be in violation of this section or of section 217. Whenever, after hearing, upon complaint or in an investigation on its own initiative, the Commission shall be of the opinion that any individual or joint rate, fare, or charge, demanded, charged, or collected by any common carrier or carriers by motor vehicle or by any common carrier or carriers by motor vehicle in conjunction with any common carrier or carriers by railroad and/or express and/or water for transportation in interstate or foreign commerce, or any classification, rule, regulation, or practice whatsoever of such carrier or carriers affecting such rate, fare, or charge or the value of the service thereunder, is or will be unjust and unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial, it shall determine and prescribe the lawful rate, fare, or charge or the maximum or minimum, or maximum and minimum rate, fare, or charge thereafter to be observed, or the lawful classification, rule, regulation, or practice thereafter to be made effective."

(2) All carriers party to a through route and joint rate, whether established by the carriers under section 216(c)(1) or prescribed by the Commission under section 216(c)(2), shall promptly pay divisions or make interline settlements as the case may be with other carriers party thereto. In the event of undue delinquency in the settlement of such divisions or interline settlements, such through routes and joint rates may be suspended or cancelled by the Commission under rules to be prescribed by it.

(3) In any proceeding involving a joint rate the Commission shall consider, among other things, any evidence challenging the fitness of any carrier or carriers involved and any facts relating to special operational circumstances attending the service to which the rate is applicable.

(4) If any tariff or schedule cancelling any through route and joint rate, fare, charge, or classification, whether established by the carriers under section 216(c)(1) or prescribed by the Commission under section 216(c)(2), without the consent of all carriers parties thereto or authorization by the Commission, is suspended by the Commission for investigation, the burden of proof shall be upon the carrier or carriers proposing such cancellation to show that it is consistent with the public interest.

(5) Nothing in this Part shall empower the Commission to prescribe, or in any manner regulate, the rate, fare, or charge for intrastate transportation, or any service connected therewith, for the purpose of removing discrimination against interstate commerce or for any other purpose whatever.

THROUGH ROUTES AND JOINT RATES

We recommend that the Interstate Commerce Act be amended to grant the Commission authority to require through routes and joint rates among all carriers, except freight forwarders, subject to its jurisdiction.

Of fundamental importance to the accomplishment of a better coordinated transportation system is the establishment of through routes and joint rates within and among the various modes of carriage. The failure or refusal of carriers to enter into such arrangements is contrary to the public interest in the furtherance of a more responsive national transportation network.

While the adoption of such a proposal might not inure to the immediate benefit of financially distressed railroads, it will allow them in the long run to participate in the economic benefits of a coordinated national transportation system.

At present the only common carriers of different modes which may be required by the Interstate Commerce Commission to establish through routes and joint rates with each other are railroads, pipelines, and express companies subject to Part I of the Act; and railroads subject to Part I and common carriers by water subject to Part III. The only intramodal joint-rate arrangements that may be required are between railroads, pipelines, and express companies, respectively, subject to Part I, common carriers of passengers by motor vehicles subject to Part II, and common carriers by water subject to Part III. Common carriers of property by motor vehicle subject to Part II are permitted, but not required, to enter into joint-rate arrangements with other such carriers or with common carriers of other modes. Common carriers of other modes are not required to establish through routes and joint rates with motor carriers. Enactment of the recommended legislation would close this gap in existing law with respect to common carriers subject to Parts I, II, and III of the Act.

For many years railroads and motor carriers were reluctant to enter into through-route and joint-rate arrangements. While, in recent years, there has been some relaxation of this attitude on the part of the carriers, especially with the growth of "piggyback" service, such arrangements are on a permissive and voluntary basis subject to termination at any time. The lack of any obligation on the part of the carriers to continue in effect such joint through-route arrangements is not conducive to the maintenance of dependable joint-line service between railroads and motor carriers, and between motor carriers and water carriers.

The availability of through routes and joint rates would also benefit the shipping public in numerous ways. It enables a shipper to make one contract with the originating carrier on behalf of all carriers participating in the arrangement. In addition, the shipper may ascertain the rate for a through movement by consulting a single tariff instead of many. Both shipper and consignee have the advantage provided by section 20(11) and similar provisions in other Parts of the Act, of recovering from either the originating or delivering carrier for less or damage caused by any carrier participating in the through movement. Moreover, joint rates are generally lower than a combination of local rates of connecting carriers not participating in such through service arrangements.

Voluntary joint arrangements participated in by motor common carriers of general commodities often contain many restrictions as to individual carriers or classes of commodities, thereby limiting the availability of through interline service to the shipping public. The Commission's present authority is essentially confined to situations where tariffs containing through routes and joint rates voluntarily established are subsequently cancelled by one or more of the participating carriers. In such situations, the Commission has found in certain cases that such actions constitute an unreasonable, and

therefore unlawful, practice within the meaning of section 216(b) of the Act or an undue and unreasonable disadvantage under section 216(d) of the Act as to certain classes of commodities and/or shippers.

In the absence of the establishment of joint-rate arrangements among motor carriers of property on a voluntary basis, the Commission may provide for through motor carrier service under existing law only by granting extensions of operating rights to existing carriers or by approving consolidations and mergers of connecting carriers. These grants or approvals are not always satisfactory solutions to the problem. A 1967 study of the small shipment problem found that the lack of suitable interline service by motor carriers was a major difficulty, particularly to small shippers and communities. If the Commission had authority to require through routes and joint rates, it could require carriers to establish interline service to small shippers thus contributing to the solution of the small shipment problem.

Requiring through routes and joint rates under Part II would permit the Commission to compel the establishment and maintenance of dependable joint-line service responsive to the needs of the shipping public, and protect carriers from unfair or unreasonable demands to provide through service. It would also have the effect of according greater equality of treatment in the regulation of the carriers of various modes.

By Mr. MAGNUSON (by request):

S. 2629. A bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to restructure essential railroad service under certain circumstances, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce at the request of the Interstate Commerce Commission for appropriate reference a bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to restructure essential railroad service under certain circumstances, and for other purposes. I ask unanimous consent that the Commission's recommendation and explanation and the text of the bill be printed in the RECORD.

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

S. 2629

A bill to amend the Interstate Commerce Act so as to authorize the Interstate Commerce Commission to restructure essential railroad service under certain circumstances, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interstate Commerce Act, as amended, is amended by inserting immediately after part V the following new part:

PART VI

SEC. 601. Purpose. It is the purpose of this part to provide for restructuring of railroad service and operation in any part of the United States when the Commission determines, within the limits of this part, that an emergency situation exists, or is imminent, which threatens cessation of essential railroad service by a railroad in financial distress, it being the aim of such restructuring to provide emergency relief through facilitating the most efficient use of facilities, and, if necessary and feasible, to provide for alternate service to be performed by other railroads on an emergency basis so as to preserve railroad services essential to the commerce of the United States and its national defense.

SEC. 602. (a) Definitions. A distressed railroad shall be a debtor railroad in reorganization under Section 77 of the Bankruptcy Act (11 U.S.C. Sec. 205) which, as determined by the Commission upon information from the United States District Court exercising jurisdiction thereof, is expected to cease operations in the near future due to a lack of funds necessary for continued operations.

(b) An emergency situation shall exist if the Commission finds that the distressed railroad performs services essential to the public convenience and necessity.

SEC. 603. In order to carry out the purpose declared in Sec. 1, the Commission, upon the terms and conditions prescribed by it and consistent with the provisions of this part, may declare, upon petition filed pursuant to an order of the United States District Court exercising jurisdiction over the distressed railroad, as provided in Sec. 4(b) hereof, that certain essential railroad service of the United States is threatened and may be compelled to cease operations and that an emergency exists, whereupon the Commission may direct a railroad or railroads in the area, including the distressed railroad, and other interested parties, to submit within 30 days, unless such period is extended by the Commission, recommendations indicating steps deemed prudent to overcome such emergency, and upon considering such factors and other information available to it, the Commission may adopt a plan which may (a) immediately permit or direct a railroad or railroads in the area, including the distressed railroad, to restructure their railroad service, which plan may permit or require, if found feasible, the joint use of the most economic railroad lines and terminals at a fair compensation, the abandonment of operations of lines, terminals, or other facilities which are not found to be essential to the public convenience and necessity, and the lease of facilities and equipment or the granting of trackage rights of essential railroad tracks and facilities of the distressed railroad, no longer capable of being operated by the distressed railroad, at a fair compensation to another railroad or railroads in the area, and (b) after hearings as set forth in Sec. 13 hereof may permit or direct the abandonment of lines, terminals or other operations or facilities and the sale, lease or operation of essential railroad properties of the distressed railroad and purchase, lease or operation thereof by another railroad or railroads at a fair compensation and on reasonable terms; and the emergency restructuring plan reflecting actions taken under provision (a) of this Section shall become effective within 30 days after such order is served, unless extended by the Commission, without the necessity of awaiting final determination of appeal on reconsideration to the Commission as provided in Sec. 13 hereof.

SEC. 604. No plan shall be adopted under Sec. 3 hereof unless:

(a) The United States District Court exercising jurisdiction over the distressed railroad by order finds upon its own motion, or upon petition of the distressed railroad or its trustee or trustees, or of any railroad, shipper, community, or other interested agency or person, that operations of the distressed railroad will cease in the near future due to inability to obtain funds necessary to continue operations; and

(b) The Commission finds upon a petition filed pursuant to an order of the United States District Court exercising jurisdiction over the distressed railroad entered as provided in paragraph (a) of this Section, that cessation of all or part of the operations of the distressed railroad will have a seriously adverse effect on the public convenience and necessity.

SEC. 605. A petition requesting restructuring of railroad service under this part shall include, as a condition of acceptance, a proposed plan of restructuring, setting forth in detail the public need for such service as is proposed to be retained, the restructuring proposed and the effects and feasibility thereof, and an estimate of the time needed to implement such restructuring.

SEC. 606. In adopting a plan of restructuring the Commission shall give consideration (a) to the effect cessation of such railroad service would have on the industries in the area involved as well as its effect on affected parts of the national railroad system and the industries it serves, (b) to any plans which may mutually have been agreed to by employee unions and railroads to increase the efficiency of operations of the distressed railroad, (c) to any aid which the States or other governmental agencies in the area are granting or propose to grant to preserve such service, and (d) the availability of alternate transportation.

SEC. 607. In any plan of restructuring which involves the lease or sale of essential railroad properties of a distressed railroad to another railroad or railroads, the Commission, after hearing, under Section 13 hereof, shall set the fair lease or purchase price unless agreed upon by the parties involved, but the plan of restructuring shall not require the purchase or lease of property deemed not necessary to essential railroad service.

SEC. 608. The provisions of this part shall preempt other parts of the Interstate Commerce Act and Sec. 77 of the Bankruptcy Act, within the limitations set forth herein, and action taken pursuant thereto shall not be subject to the antitrust laws as defined in Section 5a of Part 1 of this Act.

SEC. 609. In order to permit early implementation of a plan of restructuring as provided in Sec. 3(a) hereof, so as to achieve the purposes of this part, the plan of restructuring may provide for interim findings with respect to property rights affected or may defer consideration of property rights until after oral hearing as set forth in Sec. 13 hereof.

SEC. 610. Any plan of restructuring shall provide for reasonable protection for employees affected, subject to further relief which may be recommended to the President and Congress pursuant to Sec. 14 hereof.

SEC. 611. The Commission may request such information as it deems necessary from the carriers involved and their subsidiaries, affiliates, or parent companies, to accomplish the purpose of this part, and may, if it deems it necessary, helpful and timely, hold preliminary hearings to gather information.

SEC. 612. The willful failure or refusal of any carrier or subsidiary, affiliate, or holding company, or of any officer or employee of any carrier, subsidiary, or holding company, to comply with the terms of any order of the Commission pursuant to this part shall be a misdemeanor, and upon conviction thereof the carrier, subsidiary, affiliate, or holding company, or person offending shall be subject to a fine of not less than $1,000 or more than $5,000 for each offense, and each day during which such party shall willfully fail or refuse to comply with the terms of such order shall constitute a separate offense. It shall be the duty of the Attorney General of the United States to prosecute all necessary proceedings for the enforcement of the provisions of this part and for punishment of all violations thereof upon application by the Commission.

SEC. 613. After a plan of restructuring is adopted, the Commission shall hold hearings and all interested parties shall have an opportunity to present their views and comments in favor of or in opposition to such plan, and the Commission may, during such pending proceedings or within one year after the conclusion thereof, order such further changes consistent with this part and subject to subsequent further hearings, as it shall conclude to be desirable to improve such plan of restructuring, including the sale or lease of the facilities of a distressed

railroad to, or their operation by, another railroad or railroads, and the fair price of such sale, lease, or contract to operate or the fair compensation for joint use of railroad lines and terminals if not agreed to by the parties and shall set such other conditions as it deems necessary to assure that the plan of restructuring is carried out.

SEC. 614. If, while considering a plan of restructuring of railroad service or subsequent to the adoption thereof, the Commission finds that notwithstanding such restructuring essential railroad service of the distressed railroad cannot be reasonably assured against cessation of operations, it shall file a report with the President and Congress of the United States and shall recommend such further legislative or other relief as it deems appropriate, including legislative relief to employees that may be adversely affected by the plan of restructuring.

SEC. 615. Any railroad facilities which the Commission authorizes to be abandoned pursuant to this part shall be kept intact for a period of one year to afford an opportunity to make further modification in the plan of restructuring pursuant to Section 13 hereof and/or to afford other agencies, State, or local governments, an opportunity to purchase such property at a fair price for other public usage.

SEC. 616. The Commission may use available services and facilities of other departments, agencies and instrumentalities of the Government, with their consent, on a reimbursable basis. Departments, agencies and instrumentalities of the Government shall exercise their powers, duties and functions in such manner as will assist in carrying out the objectives of this part.

SEC. 617. Administrative expenses under this part shall be paid from appropriations made to the Commission for administrative expenses, and the Commission shall request supplemental appropriations for the purpose when it deems it necessary.

RESTRUCTURING OF BANKRUPT RAILROAD

We recommend that new legislation be enacted which would give the Commission authority to restructure essential railroad service to insure its continuance when the bankruptcy of a railroad threatens the cessation of such service.

Unusual measures are needed to restore the health of sick railroads. For instance, a necessary condition for any meaningful recovery depends on a particular road's ability to streamline operations so as to reduce overhead costs. The initial and primary responsibility for such action under a private enterprise system lies with the railroads themselves, but the public has a compelling interest when the continued operation of essential railroad service is threatened.

In certain areas such as the shipment of coal, structural steel, cement, and other vital commodities, the economy is almost wholly dependent upon railroads. A nightmare would result if essential rail lines were dismantled and traffic of such nature and volume were shifted to the highways, particularly in large metropolitan areas. The streamlining needed includes not only abandonment of marginal lines and losing operations but a more effective joint use of lines and facilities, where duplications exist.

The Commission has concluded that where a railroad in reorganization is threatened with cessation of service, the public is entitled to swift and affirmative action which would seek to restructure railroad service in the area so as to overcome such a crisis. At present the Commission has no affirmative authority to cope with such a situation. Accordingly, the Commission recommends that immediate consideration be given by the Congress to the restructuring bill attached hereto.

The draft bill is designed—

1. To provide for an expeditious streamlining of railroad facilities, while preventing indiscriminate abandonment of essential railroad operations and facilities.

2. To impose a duty on railroads in such proceeding to provide essential railroad service, if necessary, beyond their own lines, and to seek a reduction in overhead expenses where possible through joint use of facilities while preserving to the extent feasible their competitive status in the areas they serve.

3. To preserve essential rail service necessary to the public convenience and necessity at the lowest cost.

4. To promote a fair return on essential railroad investment while avoiding the need to support railroad corporations with excessive debt structures which cannot support themselves.

5. To promote railroad labor in the long run by promoting a more viable and competitive railroad industry and by avoiding cessation of essential railroad operations. Where labor in the short run may be adversely affected, the Commission would be able to impose reasonable conditions for the protection of employees. Should a plan of restructuring involve a substantial dislocation of labor which could not reasonably be protected by conditions imposed on the railroads without negating the advantages of such restructuring, the Commission could recommend legislative or other relief to the President and the Congress to help overcome such a negative social problem.

6. To encourage needed investment in the railroad industry by reluctant investors, through the corrective measures proposed.

7. To promote railroad viability during or after restructuring by providing for a report to Congress and the President recommending such subsidies as may be needed to preserve essential but non-profitable facilities, if such should be found to exist.

8. To preserve intact for a year railroad facilities found not to be essential to railroad service in order to permit further modifications in the restructuring and/or afford other agencies, State, or local governments an opportunity to acquire such property for other public usage at a fair price.

9. To assist railroads in reorganization to reemerge as healthy railroads or to sell or lease their essential railroad facilities to viable railroads, thus reducing or terminating the losses which creditors would otherwise have to absorb.

A key element of the bill would be the imposition of a duty upon all those involved in railroad reorganization proceedings—creditors and governmental agencies as well as carriers—to exert the maximum effort to bring about a meaningful solution to the problem, but at the same time give the Commission authority to adopt and enforce a plan of restructuring if the parties cannot agree.

The proposed bill would enable the Commission to act swiftly to effect economies readily recognized as desirable, while allowing it to make further changes as the proceeding develops and new facts come to light.

Of course, it cannot be ascertained in advance of a proceeding whether a feasible plan of restructuring can be effected without some Government assistance, and the proposed bill, therefore, provides for a report to the President and Congress in the event it appears that some further Government assistance is necessary to preserve essential services. However, if the Government is to be called upon to assist the industry, it should have assurance that an expeditious and determined effort will be made to increase efficiency and preserve essential railroad service to the public.

By Mr. MAGNUSON (by request):

S. 2630. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, at the request of the Interstate Commerce Commission, for appropriate reference, a bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes. I ask unanimous consent that the Commission's recommendation and explanation and the text of the bill be printed in the RECORD.

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

S. 2630

A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(2)(a) of the Interstate Commerce Act (49 U.S.C. 5(2)(a)) is amended by striking out the period at the end of subparagraph (ii) and inserting in lieu thereof "; or" and by adding at the end thereof the following new subparagraph:

"(iii) for any person which is not a carrier, or two or more such persons jointly, to acquire control through ownership of its stock or otherwise of a carrier by railroad, the operating revenues of which exceeded $5,000,000 or of a carrier other than a carrier by railroad, the operating revenues of which exceeded $1,000,000 for a period of twelve consecutive months preceding the date of the agreement of the parties covering the transaction."

SEC. 2. The first and second sentences of section 5(3) of the Interstate Commerce Act (49 U.S.C. 5(3)) are amended to read as follows:

"Whenever a person which is not a carrier is authorized by an order entered under paragraph (2), to acquire control, or whenever a person which is not a carrier is found by the Commission to be in control of any carrier by railroad, the operating revenues of which exceed $5,000,000 or of a carrier other than a carrier by railroad, the operating revenues of which exceed $1,000,000 annually, or of two or more carriers, such person thereafter shall, to the extent provided by order of the Commission be considered as a carrier subject to such of the following provisions as are applicable to any carrier involved in such acquisition of control: section 20(1) to (10), inclusive, of this Part, sections 204(a)(1) and (2) and 220 of Part II, and section 313 of Part III (which relate to reports, accounts, and so forth, of carriers), and section 20a (2) to (11), inclusive, of this Part, and section 214 of Part II (which relate to issues of securities and assumptions of liability of carriers), including in each case the penalties applicable in the case of violations of such provisions.

"To the extent, if any, and at such time as the Commission orders the application of such provisions of section 20a of this part or section 214 of Part II, in the case of any such person, the Commission shall authorize the issue or assumption applied for (a) if it finds that such issue or assumption is for a purpose unrelated to the activities of any carrier under the control of such person, *subject, however,* to concurrent jurisdiction to be exercised by the Securities and Ex-

change Commission, or (b) if it finds that such issue or assumption is (i) for a purpose related to the activities of any carrier under the control of such person, (ii) is consistent with the proper performance of service to the public by each carrier under the control of such person and (iii) will not impair the ability of any such carrier to perform such service."

SEC. 3. Section 5(3) of the Interstate Commerce Act (49 U.S.C. 5(3)) is amended by inserting "(a)" immediately after "(3)" and by adding at the end thereof the following new subparagraph:

"(b) Whenever in the performance of its duties under section 12, section 20 and section 204(a)(7) of this Act to inquire into the management of the business of any carrier by railroad, the operating revenues of which exceed $5,000,000 annually, or a carrier other than a carrier by railroad the operating revenues of which exceed $1,000,000 annually, the Commission determines as a result of such inquiry that there is reason to believe that dealings or transactions involving the receipt and expenditures of moneys, transfers of land and buildings, or equipment, or other dealings (other than those involving issuances of securities as provided in section 20a of Part I or section 214 of Part II) between any such carrier and any person controlling, controlled by, or under common control with such carrier, or any affiliate of such person, may result in impairment of the operations of the carrier or its ability to respond to the needs of the public, the Commission may issue an order to any such carrier to show cause why all such dealings and transactions should not be submitted to the Commission for approval or disapproval. The Commission may, after hearing, require by order any such carrier to file an application for approval of any dealings or transactions aforesaid until further order by the Commission, or require by order such other action, including divestiture of control, as contemplated by section 5(17) of this Act."

SEC. 4. Section 5(4) of the Interstate Commerce Act (49 U.S.C. 5(4)) is amended to read as follows:

"(4) It shall be unlawful for any person, except as provided in paragraph (2), to enter into any transactions within the scope of subparagraph (a) thereof, or to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management of a carrier or of two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph and in violation of its provisions. As used in this paragraph and paragraph (5), the words "control or management" shall be construed to include the power to exercise control or management. For the purpose of this section; any person owning beneficially 10 per centum or more of the voting securities of a carrier shall be presumed to be in control of such carrier unless the Commission finds otherwise."

SEC. 5. Section 5 of the Interstate Commerce Act (49 U.S.C. 5) is amended by adding at the end thereof the following new paragraph:

"(17) Whenever the Commission, after notice and hearing, determines that control—of a carrier by another carrier or two or more carriers, or by a person which is not a carrier, or two or more persons—is being used in a manner which is impairing or threatens to impair the ability of the affected carrier properly to perform its service to the public, it shall by order direct cessation of any actions or practices of the controlling party or parties and direct such affirmative conduct as in its judgment will enable any such carrier properly to perform its service to the public, or, where warranted by the facts and circumstances, the Commission shall require such further action as in its opinion is necessary or appropriate, including, among other things, the divestiture of control of the carrier whose service to the public has been impaired or threatened."

SEC. 6. Section 20(5) of the Interstate Commerce Act (49 U.S.C. 20(5)) is amended by inserting "(a)" immediately after "(5)" and by adding at the end thereof the following new subparagraph:

"(b) Any person having legal or beneficial ownership, as trustee or otherwise, of more than 1 per centum of any class of the capital stock or capital, as the case may be, of any carrier by railroad, the operating revenues of which exceed $5,000,000 annually or 5 per centum of any class of the capital stock or capital, as the case may be, of any carrier other than a carrier by railroad the operating revenues of which exceed $1,000,000 annually, shall submit at such times and in such form as the Commission may require, a description of the shares of stock or other interest owned by such person, and the amount thereof."

SEC. 7. Section 20(1) of the Interstate Commerce Act (49 U.S.C. 20(1)) is amended to read as follows:

"(1) The Commission is hereby authorized to require annual, periodical or special reports from carriers, persons controlling, controlled by or under a common control with such carriers, lessors and associations (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers, persons controlling, controlled by or under a common control with such carriers, lessors and associations specific and full, true and correct answers to all questions upon which the Commission may deem information to be necessary, classifying such carriers, persons controlling, controlled by, or under a common control with such carriers, lessors and associations as it may deem proper for any of these purposes. Such annual reports shall give an account of the affairs of the carrier, persons controlling, controlled by, or under common control with such carrier, lessor or association in such form and details as may be prescribed by the Commission."

SEC. 8. Section 20(3) of the Interstate Commerce Act (49 U.S.C. 20(3)) is amended to read as follows:

"(3) The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this Part, prescribe a uniform system of accounts applicable to any class of carriers subject thereto, persons controlling, controlled by or under common control with such carriers, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept."

SEC. 9. Section 20(5)(a) of the Interstate Commerce Act (49 U.S.C. 20(5)(a)) as so redesignated by section 6 of this Act, is amended to read as follows:

"(5)(a) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers, persons controlling, controlled by, or under common control with such carriers, and their lessors, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys, and it shall be unlawful for such carriers, persons controlling, controlled by, or under common control with such carriers, or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, persons controlling, controlled by, or under common control with any such carriers, lessors, and associations. The Commission or its duly atuhorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers, persons controlling, controlled by, or under common control with such carriers, or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. Such carriers, persons controlling, controlled by, or under common control with such carriers, lessors, and other persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and such carriers, persons controlling, controlled by, or under common control with such carriers, and lessors shall submit their lands, buildings, and equipment to inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials."

SEC. 10. Section 20a(3) of the Interstate Commerce Act (49 U.S.C. 20a(3)) is amended by striking out the period at the end thereof and inserting the following:

": *Provided, however,* That in the case of a person considered a carrier pursuant to section 5(3) of this part, modifications, terms or conditions may be specified only after a finding by the Commission that, otherwise, the proposed issue or assumption of securities would not be consistent with the proper performance of service to the public by each carrier which is under the control of such person and would impair the ability of any such carrier to perform such service in the absence of such modification, terms or conditions."

SEC. 11. Section 204(a)(1) of the Interstate Commerce Act (49 U.S.C. 304(a)(1)) is amended to read as follows:

"(1) To regulate common carriers by motor vehicles, persons controlling, controlled by, or under common control with such common carriers, as provided in this part, and to that end the Commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage and express, uniform systems of accounts, records, and reports, and preservation of records."

SEC. 12. Section 204(a)(2) of the Interstate Commerce Act (49 U.S.C. 304(a)(2) is amended to read as follows:

"To regulate contract carriers by motor vehicles, persons controlling, controlled by, or under common control with such contract carriers, as provided in this part, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, and perservation of records."

SEC. 13. Section 220(a) of the Interstate Commerce Act (49 U.S.C. 320(a)) is amended to read as follows:

"220(a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, lessors, and associations (as defined in this section); to prescribe the manner and form in which such reports shall be made; and to require from such carriers, persons controlling, controlled by, or under common control with such carriers, brokers, lessors, and associations specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, persons controlling, controlled by, or under common control with such carrier, broker, lessor, or association in such form and detail as may be prescribed by the Commission. The Commission may

also require any motor carrier or broker to file with it a true copy of any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this Part. The Commission shall not, however, make public any contract, agreement, or arrangement between a contract carrier by motor vehicle and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest: *Provided*, That if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier by motor vehicle as required by section 218(a), the Commission may, in its discretion, make public such provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof."

SEC. 14. Section 220(d) of the Interstate Commerce Act (49 U.S.C. 320(d)) is amended to read as follows:

"(d) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors including the accounts, records, memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys, and it shall be unlawful for such carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, or lessors as may after a reasonable time be destroyed, and prescribing the length of time the same shall be preserved. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, persons controlling, controlled by, or under common control with such carriers, brokers, lessors, and associations (as defined in this section). Motor carriers, persons controlling, controlled by, or under common control with any such carriers, brokers, lessors, and persons shall submit their accounts, books, records, memoranda, correpondence, and other documents for the inspection and copying authorized by this paragraph, and motor carriers, persons controlling, controlled by, or under common control with such carriers, brokers, and lessors shall submit their lands, buildings, and equipment for examination and inspection to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials."

SEC. 15. Section 313(a) of the Interstate Commerce Act (49 U.S.C. 913(a)) is amended to read as follows:

"Sec. 313(a) The Commission is hereby authorized to require annual, periodical, or special reports from water carriers, persons controlling, controlled by, or under common control with such carriers, lessors, and associations (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such carriers, persons controlling, controlled by, or under common control with such carriers, lessors, and associations specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, any person controlling, controlled by, or under common control with such carrier, lessor, or association in such form and detail as may be prescribed by the Commission. Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under this paragraph shall also be under oath whenever the Commission so requires."

SEC. 16. Section 313(c) of the Interstate Commerce Act (49 U.S.C. 913(c)) is amended to read as follows:

"(c) The Commission may in its discretion, for the purpose of enabling it the better to carry out the purposes of this Part, prescribe a uniform system of accounts applicable to any class of water carriers, persons controlling, controlled by, or under common control with such carriers, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept."

SEC. 17. Section 313(e) of the Interstate Commerce Act (49 U.S.C. 913(e)) is amended to read as follows:

"(e) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by water carriers, persons controlling, controlled by, or under common control with such carriers and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and it shall be unlawful for such carriers, persons controlling, controlled by, or under common control with such carriers, or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto."

SEC. 18. Section 313(f) of the Intrastate Commerce Act (49 U.S.C. 913(f)) is amended to read as follows:

"(f) The Commission or its duly authorized special agents, accountants, or examiners shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such water carriers, persons controlling, controlled by, or under common control with such carriers, and lessors, and of associations (as defined in this section). The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers, persons controlling, controlled by, or under common control with any such carriers, or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. All such carriers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and for copying authorized by this paragraph, and such carriers, persons controlling, controlled by, or under common control with such carriers and lessors shall submit their lands, buildings, and equipment for inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials."

SEC. 19. Section 412(a) of the Interstate Commerce Act (49 U.S.C. 1012(a)) is amended to read as follows:

"SEC. 412(a). For purposes of administration of the provisions of this Part, the Commission is hereby authorized to require annual, periodical, or special reports from freight forwarders, persons controlling, controlled by, or under common control with such freight forwarders, and associations (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such forwarders, persons controlling, controlled by, or under common control with such forwarders, and associations specific, full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual report shall give an account of the affairs of the freight forwarder, persons controlling, controlled by, or under common control with such forwarder or association in such form and detail as may be prescribed by the Commission. The Commission may, in its discretion, for purposes of administration of the provisions of this Part, prescribe a uniform system of accounts applicable to freight forwarders and persons controlling, controlled by, or under common control with such forwarders, and the period of time within which they shall have such uniform system of accounts, and the manner in which such accounts shall be kept. The Commission may also require any such forwarder to file with it a true copy of any contract or agreement between such forwarder and any person in relation to transportation facilities, service, or traffic affected by the provisions of this Part.

SEC. 20. Section 412(c) of the Interstate Commerce Act (49 U.S.C. 1012(c)) is amended to read as follows:

"(c) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by freight forwarders and persons controlling, controlled by, or under common control with such forwarders, with respect to service subject to this Part, and the length of time such accounts, records, and memoranda shall be preserved, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and it shall be unlawful for freight forwarders and persons controlling, controlled by, or under common control with such forwarders to keep any accounts, books, records, and memoranda contrary to any rule, regulation, or order of the Commission with respect thereto."

SEC. 21. Section 412(d) of the Interstate Commerce Act (49 U.S.C. 1012(d)) is amended to read as follows:

"(d) The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of freight forwarders and persons controlling, controlled by, or under common control with such forwarders; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of freight forwarders and persons controlling, controlled by, or under common control with such forwarders and of associations (as defined in this section). Freight forwarders and persons controlling, controlled by, or under common control with such forwarders shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this subsection, and freight forwarders, persons controlling, controlled by, or under common control with such forwarders shall submit their lands, buildings, and equipment for examination and inspection, to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials."

SEC. 22. Section 660 of title 18, United States Code, is amended to read as follows:

"§ 660. Carrier's Fund Derived from Commerce; State Prosecutions.

"Whoever, being a president, director, officer, or manager of any firm, association, or corporation engaged in commerce as a common or contract carrier, person controlling, controlled by, or under common control with such carrier, or whoever being an employee of such common or contract carrier riding in or upon any railroad car, motortruck, steamboat, vessel, aircraft, or other vehicle of such carrier moving in interstate commerce, embezzles, steals, abstracts, or willfully misapplies or willfully permits to be misapplied, any of the moneys, funds, credits, securities, properties, or assets of such firm, association, or corporation arising or accruing from, or used in, such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be fined not more than $5,000 or imprisoned not more than ten years, or both. The offense shall be deemed to have been committed not only in the district where the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, properties or assets.

The offense shall be deemed to have been committed not only in the district where the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, properties or assets.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts."

SEC. 23. The amendments made by the foregoing provisions of this bill shall become effective ninety days from the date of their enactment.

CONGLOMERATES

We recommend that the Interstate Commerce Act be amended to give the Commission authority to oversee the acquisition and control of carriers by noncarriers and the common control of carrier and noncarrier enterpises.

There has been a trend for conglomerate holding companies and other non-carriers to assume control of carriers subject to the Commission's jurisdiction and for carriers to enter non-transportation fields. The possibility that such a trend would weaken the common carrier system and render it incapable of responding to the needs of the public has caused great concern in both Governmental and private sectors.

National attention was focused on this problem following the filing by Penn Central Transportation Company for reorganization under section 77 of the Bankruptcy Act.

Indiscriminate acquisition of transportation enterprises by holding companies which have little or no interest in the performance of needed services for the shipping or traveling public can be detrimental to the public interest. The establishment of a parent company to escape Commission jurisdiction and to undertake activities unrelated to transportation may impair the transportation company's ability to render efficient and economical service as contemplated by the national transportation policy. Unless the Commission is armed with authority to look into, pass upon, and generally oversee the acquisition and control of carriers by non-carriers and the common control of carrier and noncarrier enterprises, a substantial and growing amount of essential transportation service will escape effective, necessary regulation and there could be no assurance of its continuance in the public interest.

The proposed changes to be made in the statute (section 5(2)(a)(iii)) would give the Commission authority over single carrier stock acquisitions. Basically these changes focus upon the relationship between major railroads and the holding companies established to acquire control of the railroads and other diverse, unrelated companies. The added jurisdiction should be limited essentially to acquisitions of Class I carriers, that is, railroads having annual revenues in excess of $5,000,000 and other carriers having annual revenues in excess of $1,000,000.

Other amendments to section 5, including section 5(3), would enable the Commission to maintain a surveillance over transactions between carriers and their affiliated companies and to curtail intercorporate activities involving the carriers which are found inconsistent with sound transportation. Section 5(4) would be amended to establish a presumption of control where any person owns 10 percent or more of the voting securities of a carrier. A new section 5(17) would enable the Commission to enter any and all necessary orders, including divestiture, whenever it finds that continued control will impair the ability of the affiliated carrier to render its services.

Section 20 of the Act would be amended to require the recording of the beneficial or record ownership by those holding more than 1 percent of any class of stock of a railroad or other carrier having operating revenues in excess of $5,000,000 and $1,000,000, respectively, annually. Other amendments would authorize the Commission to prescribe accounts and reports of persons controlling, controlled by, and under common control with carriers, as well as those of the carriers themselves and would permit the inspection of records of such persons, as well as those of the carriers themselves. Similar amendment would be made to the other Parts of the Act to bring regulated carriers of other modes under similar regulation.

To discourage and prevent misappropriation of funds by officials of carriers, persons controlling, controlled by, or under common control with such carriers, section 660 of the Criminal Code would be amended to make it a crime to misappropriate funds of a carrier.

By Mr. MAGNUSON:

S. 2631. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, a bill to provide for paper money of the United States to carry a designation in braille indicating the denomination.

The special problem that blind people have in handling paper money has been brought to my attention recently—by a young girl from the State of Washington who read the autobiography of Helen Keller and asked "Why can't this be done?"

Although blind persons can learn a great many ways to overcome their handicap, one thing they cannot learn to do is distinguish between a $1 and a $5 bill. It has come to my attention that many private banks provide the blind with special checks to facilitate their obtaining money in the amount they wish. I think it is proper that the Federal Government join with the private sector in providing for the special needs of this particularly disadvantaged group of citizens, and mark paper money in such a way that a blind person can identify it—a small thing that will make a great difference to those without sight.

Mr. MONDALE. Mr. President, I introduce a joint resolution today, which would legislatively guarantee reasonable minimum reimbursement rates to States under the National School Lunch Act, and release funds now available under section 32, to finance continuation and expansion of the school lunch program.

The purposes of this legislation are, first, to assure that every needy child will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; second, to alleviate the financial burden on the States and local schools in providing nutritious meals for all schoolchildren; and third, to enable schools to lower the prices now charged for lunches purchased by the nonpoor.

Under normal circumstances, payment rates for the school lunch program are determined by regulations issued by the Secretary of Agriculture. However, regulations issued by the Department of Agriculture this past August 13, and soon to become final, will so harm schools participating in the school lunch program that it is necessary for Congress to act to set such rates.

Many of us in Congress have been astonished and deeply dismayed by the August 13 regulations. They would actually reduce payment rates in many States at a time when Congress has legislatively required expansion of the school lunch program.

By Mr. MONDALE:

S.J. Res. 163. Joint resolution to assure that every needy school child will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act, and to alleviate the financial burden on States and local schools in providing nutritious meals for all schoolchildren. Referred to the Committee on Agriculture and Forestry.

The distinguished chairman of the Senate Agriculture Committee (Mr. TALMADGE) is working very hard to reverse the administration's decision to lower school lunch payment rates. He, too, has introduced legislation. While our bills differ in a number of respects, I am a cosponsor of the joint resolution he introduced last week.

I believe it is of utmost importance for the Congress to take action to restore adequate funding and payment levels to the school lunch program. Now, just 1 month into the school year, some schools are already on the verge of abandoning lunch programs.

Legislation I offer today is designed to achieve the urgent objectives of maintaining lunch programs in these schools and fulfilling the commitment made by Congress to an estimated 2 million hungry children in the United States.

Congress has long recognized the importance of nutrition programs to both the educational development of our Nation's schoolchildren and the essential health of children from low-income families.

Educational experts testify that children are not able to concentrate on material covered in classes when they are hungry. Child nutrition is thus a vital part of the Federal Government's role in assuring quality education for American children. In fact, without attending to the nutritional requirements of children in schools and child care facilities, much of the effective impact of our investment in these programs would be lost.

Hearings before the Senate Subcommittee on Employment, Manpower and Poverty, and the Select Committee on Nutrition and Human Needs have also provided ample medical evidence that millions of hungry children in the U.S. suffer greater incidence of sickness, impaired physical development, psychological and learning disabilities—simply because they do not get enough of the right things to eat.

Recognizing the tremendous responsibility of the Federal Government to alleviate these serious problems, last year Congress passed a law (Public Law 91–248) to expand the school lunch program to include every needy child in the United States.

Congress authorized such appropriations as may be necessary to carry out the purposes of this act.

Two provisions of Public Law 91–248 are particularly relevant. The first is section 9, which provides—

> By January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at a reduced cost.

This legislative requirement is very clear; yet it has never been fulfilled. In fact, the New York Times reported on August 29, 1971, that 1.9 million eligible children still get no help from the school lunch program and even that estimate may be low.

A second provision of Public Law 91–248 takes cognizance of the need for a concerted and immediate effort to bring all needy children into the school lunch program. To institute this all-out attack on hunger among American schoolchildren, the law requires States to submit comprehensive plans for expansion of their programs to include all eligible children.

Directly contradicting the intent of Congress expressed in Public Law 91–248, the Department of Agriculture on August 13, 1971, issued new regulations for the school lunch program which would prevent the States from carrying out their plans, and prevent many needy children from receiving meals.

At issue in the new regulations are payment rates which would bring Federal funding for meals in many States significantly below last year's levels.

Regulations in effect last year enabled States to designate certain schools "especially needy" and authorized reimbursement to these schools of up to 48 cents for section 11 meals and 12 cents for section 4.

According to the new regulations issued August 13, States which paid such higher reimbursement rates last year—in order to bring needy schools and children into the program—would now be penalized. They would be forbidden to continue these higher rates and compelled to cut back on payments to schools for feeding the needy. At least 35 States would be confronted with this problem.

On a nationwide average it costs more than 60 cents to serve nutritious meals in schools. In major cities, such as Baltimore and New York, where many low-income children are concentrated, it costs 70 cents and more for each lunch.

However, the August 13 regulations would allow only one State in the Nation an average payment per meal of 35 cents or more under section 11. The remainder of the States could only reimburse needy schools at higher levels by reducing support to less than 30 cents for an equal number of free or reduced price lunches in other schools so that the average reimbursement comes to 30 cents per such lunch.

The payment mechanism for section 4 functions similarly.

For thousands of schools, the consequences of the new regulations are truly alarming. Statistics from Minnesota indicate that the city of Duluth would have a deficit of $90,000 under the new funding structure for school lunches. In Minneapolis, the estimated deficit is $800,000, and statewide, a $2 million deficit is expected if these regulations are not overruled.

Assistant Secretary of Agriculture Richard Lyng explained the administration's rationale for the new regulations in testimony before the Select Committee on Nutrition and Human Needs and again before the Senate Agriculture Committee. He pointed out that average payment levels varied from State to State last year for meals served under the school lunch program and argued that the new amendments would promote uniformity of reimbursement rates among the States.

I do not differ with the administration's desire for equity in payment rates. But I do take exception to the intolerable rates of reimbursement that achieve uniformity only by jeopardizing the program itself in many States.

Minnesota is not the only State adversely affected by these regulations. Evidence compiled by a recent survey of the American School Food Service Association reports that California would lose $9 million; Oklahoma more than $1 million; Massachusetts, $3.2 million; Maine $1.3 million; Ohio, $5.5 million; Georgia, $6 million; and so on throughout the country.

According to the September 28, 1971 edition of the Washington Star—

> A number of school districts are reported to be abandoning the school lunch program or considering such a move. They include: Albuquerque, New Mexico; Bridgeport, Connecticut; and Buffalo, New York.

Thirty-seven State school lunch directors have protested the new regulations—testifying to the harmful effect they will have upon needy American school children. The school lunch directors have indicated the announced payment rates would bring State school lunch plans—required by Federal law—to a screeching halt.

The number 37 is significant in light of Assistant Secretary Lyng's testimony on behalf of greater equity. It is difficult to imagine what kind of equity would endanger programs in all but a handful of States.

In fact, the key to the new regulations is not uniformity, but priorities within the administration for allocation of budgetary resources. These regulations set average reimbursement rates so low as to prohibit congressionally authorized expansion, and low enough to endanger the survival of programs, particularly in metropolitan areas.

On the one hand, the administration can bind money to guarantee loans to Lockheed, to finance new space extravaganzas, and to develop inessential weapons systems; but on the other, it applies the concept of "fiscal discipline" to lunches for our Nation's hungry children.

And while the school lunch program has received considerable attention by the Congress in the past few weeks, other child nutrition programs are also in danger. Many of my colleagues are deeply concerned that the school breakfast program in the States may not last another month unless congressionally appropriated funds are made available. Other States, which worked to create and expand school breakfast programs last year, now find they cannot get the money even to maintain last year's progress.

The special child feeding program in Minnesota has not received even minimum support for this school year. Of the bare $340,000 promised, no money has yet been delivered. Special child feeding provides assistance to day care centers and Headstart programs, and is capable of reaching many needy children before the effects of malnutrition become irreparably severe. Budget undercutting of this vital link in nutrition programs for the poor is truly shameful when we have the resources to feed these children.

Mr. President, budget attacks on child nutrition programs are not new to Members of Congress. This year, only by a determined effort, were we able to preserve summer feeding programs for hungry children.

Some budget officials may have difficulty understanding that a small cut here or there can mean the difference between protein and vitamin difficiencies among low income children—difficiencies so severe as to permanently impair both educational and physical development, and equal opportunity for these children.

It would also appear, in examining the administration's action on the school lunch program, that fiscal crises in State government, local school systems and in urban areas do not receive the persistant executive attention they clearly deserve.

If the States need financial relief, and I believe they do, why are they being asked to contribute more money—millions more—in order to continue the school lunch program?

We see evidence in findings from the Select Committee on Equal Educational Opportunity of the crisis in school finance. This year we have had the largest number of school bond issues, and the largest number of bond rejections in our country's history.

Millions of taxpayers in the United States are deeply troubled that they can no longer afford to support even basic school functions—such as libraries and cafeterias—unless budget deficits are alleviated. While these deficits are caused primarily by factors other than school lunch—increasing outlays for meals in school only aggravates the desperate situation they are in.

I have already indicated that many schools cannot absorb school lunch program deficits. Where States and schools are fortunate enough to have the extra

money, they are already locked into budgets based upon reasonable expectations for greater Federal support for the school lunch program.

The current wage-price freeze prohibits the schools from charging more for lunches to children not eligible for free or reduced price lunches.

But I believe asking parents to pay more is not the solution to the dilemma in school lunch funding. Particularly in low-income schools this method of finance could not work—since nearly all of the children in these schools qualify for free or reduced price lunches. In these schools as well as middle-income schools, there are also many children whose parents' incomes barely exceed eligibility criteria for reduced price lunches. These parents surely can pay no more for school lunches.

An excellent summary of the situation I have described is provided by Newsweek magazine, October 4, 1971:

. . . . Many districts have found themselves unable to afford the required matching payments for the federal school lunch program even in areas where the school lunch is the only solid meal a child gets all day. In such circumstances, teachers find ironic the Department of Agriculture's newest radio pitch for the lunch program, which reminds citizens that 'you can't teach a hungry child.'

Mr. President, in this context, I offer a comprehensive proposal to alleviate the problem of school lunch funding, and most importantly, to ensure that the 2 million eligible children not served by the program now, will be fed this year.

Permit me to begin the discussion of my proposal by first outlining how the present funding structure for the school lunch program works.

The National School Lunch Act authorizes two annual appropriations for the program—one under section 4 of the Act and one under section 11. The Act also specifies exactly how each of these annual appropriations is to be apportioned among the States.

Section 4 funds are apportioned among the States on the basis of the number of type A—nutritionally balanced—lunches previously served by each State and the relationship between each State's percapita income and the percapita income of the United States. For fiscal 1972, the apportionment formula uses the number of type A lunches served by each State 2 years ago—in fiscal 1970.

Section 11 funds are apportioned on the basis of the relative number of school-age children in household with annual incomes below $4,000, that reside in each of the States.

By bill would not alter this formula.

The core of the crisis in school lunch funding is not the formula for distributing the various allocations among the States.

The key to the school lunch controversy is in permissible reimbursement rates, which the States—within their formula allocations—can provide to participating schools.

Presently, reimbursement rates are established through Federal regulations issued by the Department of Agriculture. I have already explained in detail why the Department of Agriculture's regulations—August 13, 1971—are not adequate to carry out the purposes of the National School Lunch Act.

My proposal would increase by 80 percent the minimum guarantee now provided to schools under section 4 for each State to 8 cents per meal, while increasing the section 11 guarantee by over 60 percent to 48 cents per meal. It would legislatively guarantee these minimum reimbursement rates to every State.

In every State, a minimum of 56 cents per meal in Federal funds would be available for each free or reduced price lunch served, using a combination of 8 cent section 4 and 48 cent section 11 reimbursement rates.

The States would be free to allocate these funds to schools according to need for such funds in order to be able to reach every eligible youngster. The only limitation would be that no school would be entitled to recover in reimbursement more than it actually spent on meals—measured by the cost of serving such meals, less the amounts charged for regular and reduced-price lunches.

For example, if a school was compelled to spend 70 cents to produce a school lunch, the State could reimburse at that rate for all free meals served.

At the same time, however, the State would have to make sure that it could offset this high reimbursement and maintain its 56 cents average by paying less to other schools where the cost of producing a lunch was less than 56 cents.

All the State school lunch directors have made it clear that this reimbursement formula would fully meet their needs and indeed provide strong encouragement for schools to enter the program.

I realize that budget estimates submitted to Congress and approved early this summer would not be sufficient to pay for the increased reimbursement rates. Had Congress understood the intention of the administration to cut back on payment rates, I believe we would have adopted a higher appropriation.

Until we do have an opportunity to act on a supplemental appropriation to correct shortages in the school lunch program, my bill provides that the Secretary of Agriculture shall use section 32 funds to implement the minimum payment guarantees. There are ample funds in section 32 to support the school lunch program for the interim.

Each of the provisions I have outlined would insure that the will of Congress expressed clearly in Public Law 91–248 is carried out by the end of this year.

We are already a year behind in fulfilling the promise of that law. Many children have needlessly suffered—educationally and nutritionally—because we are late. Some of their losses we can remedy—others may be irreparable.

But it is not too late to prevent any more tragedies of this kind. And it is both the legislative and the human responsibility of Congress to do so without delay.

As further evidence of the need for prompt action on this proposal I offer today, I submit a number of documents for the consideration of my colleagues. Letters, telegrams, articles, and editorials—these represent only a small sample of the public outcry to feed the hungry children of America.

Mr. President, I ask unanimous consent that certain materials and the text of my proposed joint resolution be printed in full at this point in the RECORD.

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

S.J. RES. 163

Whereas, funds appropriated for the purpose of carrying out the National School Lunch Act for the fiscal year ending June 30, 1972, including funds made available for such purpose from funds appropriated under section 32 of the Act of August 24, 1935 (49 Stat. 774), are inadequate to enable the States and schools to continue participation in the national school lunch program and to achieve the objectives of the National School Lunch Act, particularly the objective of providing a free or reduced price lunch to every needy school child: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Agriculture is authorized during the remainder of the fiscal year ending June 30, 1972, or until additional funds are hereafter appropriated for such purposes, whichever is earlier, to use such funds appropriated under section 32 of the Act of August 24, 1935 (49 Stat. 774), as may be necessary to (1) provide a rate of reimbursement under the National School Lunch Act that will assure every needy school child a free or reduced price lunch, (2) provide funds sufficient to assist the States in meeting the needs of local schools in carrying out the provisions of the National School Lunch Act.

SEC. 2. In carrying out the provisions of the National School Lunch Act, the Secretary of Agriculture shall make funds available to each State in such an amount as may be necessary to reimburse each State at a rate equal to not less than 8 cents per meal in the case of meals served in such State under section 4 of such Act and in an amount equal to not less than 48 cents per meal in the case of meals served in such State under section 11 of such Act.

SEC. 3. In making payments to schools under Sections 4 and 11 of the National School Lunch Act, at rates above or below the Statewide minimum payment provisions, States shall base the rate assigned to a school on the school's relative need for special assistance in serving free and reduced price lunches; but in no event shall reimbursement for meals served in any school exceed the actual cost of meals served in such school, less the charges collected from the children served, under each such section, respectively.

SEC. 4. The provisions of this Act shall not in any way limit the authority of the Secretary of Agriculture under any other provision of law to provide additional Federal assistance to any State for carrying out the National School Lunch Act, or prohibit him from providing higher payment rates under sections 4 and 11 of such Act whenever funds are available for such purposes.

FEDERAL SCHOOL LUNCH PLAN FAILS TO HELP 1.9 MILLION POOR PUPILS

WASHINGTON.—Today, nine months after President Nixon's target date of Thanksgiving, 1970, for extending the school lunch program to reach all needy children, 1.9-million children of the poor get none of its benefits.

But the Department of Agriculture—delegated the responsibility for carrying out the President's mandate—maintains that Mr.

Nixon's original goal has technically been met.

Edward J. Hekman, administrator of the Food and Nutrition Service Division of the department, said in an interview that Mr. Nixon's goal was based on a figure of 6.6 million needy children—a figure used frequently by Dr. Jean Mayer, the President's nutrition expert.

Mr. Hekman said that his department had extended the lunch program to that number of needy children by January, 1971—only two months behind schedule. He said that the number now reached was 7.4 million.

A NEW TIMETABLE

He said that statistics gathered later indicated that instead of 6.6 million, the estimate on which the president's goal was based, there were 9.3 million needy children.

"It would have been physically impossible to reach this new figure by Thanksgiving," he said.

Mr. Hekman said that the Department of Agriculture and the National Advisory Council created by the 1970 amendment of the School Lunch Act had discussed a new timetable.

"I expect the council to set a new target of about three years hence," he said. "The problem is bringing the approximately 20,000 schools not now a part of the program into the picture."

Mr. Hekman estimated that these schools—largely inner city or rural poverty areas—had one million eligible children.

A MOOT QUESTION

These, coupled with the 400,000 eligible but unreached children in schools that already participate in the program, would necessitate expenditure of about $570.4-million a year.

This is based on Congress's estimate of $100-million for equipment alone and on Mr. Hekman's estimate of a Federal share of 42 cents a lunch for each of the 1.4 million additional children.

But, in view of hold-the-line posture of Mr. Nixon's budget men, it is a moot question whether this goal can be reached.

The amount spent last year for free or reduced-price lunches totaled $356.4-million. The amount budgeted this year exceeds that amount by about $33-million, according to Mr. Hekman.

Special provisions were made by Congress to provide $38-million in the fiscal year 1971 and $33-million in the fiscal year 1972 to put facilities in nonprogram schools.

The Administration cut this amount back to $16.1-million the first year and plans to use only $16-million this year.

"It may not be enough, but it will go a long way," Mr. Hekman said.

The sizable increase in the number of needy children—from 3.8 million in 1969 to 9.3 million today—is related to state-initiated changes in eligibility guidelines, Mr. Hekman said.

The figure of 6.6 million children results from states using a $3,940 poverty level as a guideline, he said. Now, at least 22 states have raised their poverty-level standard to around $4,350. Minn. $4,200.

Opponents of the department's methods of implementation and budgeting have accused the Administration in recent weeks of using calculated methods to halt the growth of the program.

The more notable critics include Senator George McGovern, Democrat of South Dakota, and a group of 35 directors of state child nutrition programs.

GUIDELINES CRITICIZED

Each charged that while not cutting back in program funds, the Administration had designed Federal reimbursement guidelines that held the states liable for a matching portion above that of last year's, in effect limiting expansion in states faced with financial problems.

Members of Senator McGovern's staff charged that funds in one special section had been released to states only after they had exhausted the two principal sections that provided funds under the lunch program act.

Senator McGovern plans a Congressional hearing on the program Sept. 7. He said that he would ask the Secretary of Agriculture, the director of the Office of Management and Budget and Mr. Hekman to testify.

[From the Washington Post, Aug. 28, 1971]

HUNGER IN THE CLASSROOM

"Fiscal discipline is always difficult but it is absolutely essential . . . if we're to live within our budget." Thus spoke Assistant Secretary of Agriculture Richard Lyng the other day in announcing some new belt-tightening regulations for administration of the school lunch program. He is entirely right about this, of course, and the directors of any chamber of commerce would have little difficulty in grasping the validity of his observation if they heard it in the course of a luncheon speech as they were finishing their dessert and sipping their coffee. Discipline is a term more easily understood on a full stomach than on an empty one.

The fiscal discipline Mr. Lyng has in mind will be felt most intimately by a large number of school children whose families cannot afford to buy lunches for them and who will, in consequence, be called upon to accept the discipline on empty stomachs. It is to take the form of a reduced contribution to the school lunch program by the federal government, if proposed new regulations of the Agriculture Department go into effect. The formula by which federal funds are allocated to this program is a complicated one. But the nub of the matter appears to be that the department aims to contribute to the feeding of an expected 9.1 million poor and hungry children in the school year ahead with the same amount of money it supplied for the feeding of 7.3 million last year. The department did not ask for additional funds to finance the expected expansion; and, although Congress authorized the expenditure of $100 million out of a special fund available to the department, Secretary Hardin has declined to do this.

The state director of the school lunch program responded to these proposed regulations with a unanimous outburst of indignation. "The average rate of 30 cents per meal for free and reduced lunches set forth in proposed regulations," they declared in a formal statement, "is unequivocally inadequate, and furthermore we feel that such a limitation would jeopardize the existing program and preclude any expansion to reach the additional estimated three to five million hungry children in America. The regulatory restrictions and funding projections as proposed are bringing the school lunch programs to a screeching halt, and will result in a termination of programs in many places. The state plans of operation as prepared for 1971–72 become null and void by each state as the plans were developed in good faith to meet the challenge of the President and Congress to feed the hungry children in America's schools."

This impassioned statement comes from men and women in the field who have to administer the school lunch program. Their indignation is becoming. Senator George McGovern, chairman of the Senate Select Committee on Nutrition and Human Needs, reacted similarly, charging in a letter to Secretary Hardin that the proposed regulations "blatantly violate both the spirit and the letter of the school lunch law passed by Congress last year." It is a curious order of priorities indeed that puts resuscitation of an aircraft manufacturer ahead of human hunger. It is a strange sort of fiscal discipline that puts its burden upon children.

[From the Minneapolis Tribune, Sept. 25, 1971]

RESTRICTING AID FOR SCHOOL LUNCH

The story of the national school lunch program has long been one of foot-dragging at all levels. Although federal money and food commodities have been offered as partial support for many years, this support was * * * many states made little or no contribution, and thousands of school districts did not attempt to offer lunches in more than a few schools. Minneapolis, for example, began to serve hot lunches in elementary schools only five years ago, and although all "target area" schools now provide lunches, 25 elementary schools in the city do not.

In May 1970, Congress passed legislation which President Nixon said "will assure that every child from a family whose income falls below the poverty line will get a free or reduced price lunch." During the 1970-71 school year, there was an experience in the school-lunch program. More federal funds were available as partial payment for each lunch served, and states could obtain additional flexible funds to aid schools most needing help for their lunch operations. Still, however, many school districts in the country did little to extend their lunch services.

In August, the Department of Agriculture proposed new regulations for the distribution of lunch subsidies. As school officials interpreted the complicated rules, more and more they complained of cutbacks. They said that either they would be unable to provide the free or low-priced lunches to all children of poor families, as required by the 1970 law, or they would have to cut the lunch programs in schools where most children can pay the regular price.

Department of Agriculture officials have defended their new regulations. They say the new funding procedure will provide contributions to the various states more equitably, an additional $78.8 million will be available for free and reduced-price lunches and the aid will reach more schools and more children.

In effect, however, the states and school districts which have been most enterprising in expanding school lunch programs would be penalized by the new ceilings in federal cash subsidies (5 cents per regular-priced lunch, 30 cents per free or reduced-price lunch) and also by the loss of any flexible funds. Sen. Mondale, who is severely critical of the proposed regulations, says that Minnesota would lose $2 million a year. The grant, on a national basis, would come in the expansion of lunch programs in states which have lagged.

It can be argued that states and school districts should contribute more to school lunches. Minnesota pays ½ cent per lunch, about $530,000 a year, school districts spend money on staffing and facilities.) Even more obvious, however, is the fact that if seriously inadequate lunch programs in some states can be improved only by damaging the better lunch programs in other states, the new rules should be scrapped and a better federal financing system should be devised.

The intent of Congress clearly was to see that all children in poor families be provided with good lunches. In addition, many children whose parents can pay for their lunches but cannot provide them at home should be able to obtain lunch at school. The administration should set regulations which serve these purposes and Congress should gear appropriations accordingly.

[From the St. Cloud Daily Times, Sept. 17, 1971]

MONDALE SEES THREAT TO SCHOOL LUNCH AID

WASHINGTON.—Sen. Walter Mondale, D-Minn., urged President Nixon Thursday to withdraw proposed new Department of Agriculture regulations that "pose a very real

threat to the continued progress of the National School Lunch Program."

In a letter to Nixon, Mondale and 10 other senators said the proposed regulations would force many schools to eliminate their child nutrition programs.

In addition, he said, "there will be further hardships to the nation's economy through unemployment and reduced consumption of raw resources such as food and equipment."

He said absenteeism, dropouts and apathetic students will negate the benefits of the multimillion dollar investment for public and private schools, "and finally, and most important, there will continue to be hungry children in America's schools."

The new regulations provide for an average payment of 35 cents to states for free and reduced price lunches. Last year, Minnesota received an average of 50.8 cents per meal for free and reduced price lunches.

The senators called for new rules which would permit states to pay 60 cents maximum reimbursement rates for these lunches for needy children.

Mondale said the proposed reduction in federal payment rates for meals beneath last year could "bring planned state lunch programs to a screeching halt or seriously impair their expansion."

ST. PAUL, MINN., *Sept. 21, 1971.*
Senator WALTER MONDALE,
Washington, D.C.:

The one thousand elementary school principals of Minnesota request that you reject the new Agriculture Department guide lines that would drastically decrease Federal support for the hot lunch program for elementary schoolchildren.

Note under the new guide lines that in Minneapolis over three-fourths of a million dollars of local funds will be needed to continue the former program. The fact is if the price freeze, unemployment, and limited income already limit the ability of parents to pay the former charge the new increase doubles the cost for a hot lunch. This will deprive many poor and needy children in receiving a hot lunch each day.

Your influence and support is necessary M.E.S.P.A. requests it.

ROBERT ARNOLD,
Executive Secretary M.E.S.P.A.

SEPTEMBER 29, 1971.
Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.:

The Minnesota Congress of Parents and Teachers is deeply concerned over new school lunch regulations further limiting Federal funding of school lunches for needy children and cut back in Minnesota program. This administrative action does not carry out the intent of Congress in the passage of Public Law 92-32. We ask that you urge the U.S. Department of Agriculture to revise the proposed regulations to reflect the expressed directions of Congress.

Mrs. E. E. JACOB,
President,
Parents Teachers Association.

SEPTEMBER 18, 1971.
Senator MONDALE,
Washington, D.C.:

The secondary administrators in Minneapolis which now numbers 87 members wish to go on record that we protest the decision which has been made regarding the change in lunch price especially for the Target area schools and all Minneapolis schools included. We feel that such a decision was untimely for our working in the community and certainly does not help the hungry child who needs support.

THE SECONDARY ADMINISTRATORS,
Minneapolis Public Schools.

WINDOM ELEMENTARY SCHOOL,
Minneapolis, Minn., September 17, 1971.
President RICHARD M. NIXON,
The White House, Washington, D.C.

DEAR PRESIDENT NIXON: We are protesting the withdrawal of federal funds from the school hot lunch program.

The Minneapolis Public Schools cannot finance the deficit created by the withdrawal of federal funds, so the cost of hot school lunches will be raised as of September 27th. Many children will go hungry. This is a glaring departure from your compaign promises. Parents in our community see an increase in the cost of school lunches and the withdrawal of some free lunch programs as inconsistent with the price freeze.

Well nourished children are more receptive to learning. It is ineffective and inappropriate to allocate funds for educational programs without providing the conditions that make learning possible. Hungry children cannot learn.

This is also an economically unsound action. Administrative costs of screening budgets, keeping records, collecting, etc. far exceed the cost of providing a free lunch for all children in depressed areas.

We strongly urge you to reconsider this action and expand rather than curtail federal funds for the school hot lunch program.

Sincerely yours,

Morris Vogel, Evelyn Silverman, Phyllis Lund, Betty Forbes, Marilyn Kiedsisch, Violet Malchow, Esther Babiracki, Ann Davis, Earl S. Johnson, Louise Henrikmen, Mary ———, Mary Wetherspoon, Margaret Decker.

Barbara McCart, Vi Bradherst, Grace Olson, Barbara Johnston, Isaiah Brewer, Patricia Madden, Rishelle Nisbett, Arthur Anderson, Kathleen Erickson, Bernice Lumesth.

DULUTH PUBLIC SCHOOLS,
Duluth, Minn., September 3, 1971.
Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I was greatly encouraged last year to hear of the administration's plan for a hot lunch program for public school children that would provide a good hot lunch for children. I was even more encouraged by a provision which allowed us to provide free and reduced cost lunches to needy children. Now the news is bleak! The drastic cuts in subsidies will mean a loss of $86,000 to our program. Instead of just breaking even this loss will probably mean a drastic reduction or even elimination of our program. Our local school budget is such that we cannot absorb this type of undercutting.

What can you do to help us?

Yours truly,

DONALD H. PECKENPAUGH,
Superintendent.

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., September 16, 1971.
Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: The news of President Nixon's cutback in support of the Federal Lunch Program distresses us greatly. We feel that there is a significant part of our population in the income range where the expenditure of the additional money for lunches will come as a great economic hardship.

Please assert as much pressure on your fellow legislators and the Executive Branch to have this cutback rescinded immediately. A great amount of time, work and money can be saved if this matter is rectified.

Very truly yours,

JACK A. GILBERTSON,
Principal.

MADISON ELEMENTARY SCHOOL,
Minneapolis, Minn., September 16, 1971.
President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: We are dismayed at the withdrawal of federal funds from the school hot lunch program.

The Minneapolis Public Schools cannot finance the deficit created by the withdrawal of federal funds, so the cost of hot school lunches will be raised as of September 27th. Many children will go hungry. This is a glaring departure from your campaign promises. Parents in our community see this as inconsistent with the price freeze.

Well nourished children are more receptive to learning. It is ineffective and inappropriate to allocate funds for educational programs without providing the conditions that make learning possible. Hungry children cannot learn.

This is also an economically unsound action. Administrative costs of screening budgets, keeping records, collecting, etc. far exceed the cost of providing a free lunch for all children in depressed areas.

We strongly urge you to reconsider this action and expand rather than curtail federal funds for the school hot lunch program.

Sincerely yours,

Jean S. Hendrickson, Waldamar P. Buchanan, Violet Brandherst, Margueritte Smith, Douglas C. Anderson, Ellen Grothe, Helen Sarff, Herman Hargest, Judith Keregi, Helen I. Soderlind, Jeanette Knutson, William Lersung, Harriet P. Burns, Evelyn I. Sheldrup, Charles R. Olson.

Robert E. Frank, Dennis M. Hawkinson, Beverly Carroll, Marianne Christianson, Dennis J. Hayden, Shirley J. Odden, Carol Brant, Robert Wudlick, Shirley Carpenter, Jean Banks, Carol Oman, Marion Capistrant, Wilma Lane, Jean Rosenfeld, Cyril L. Paul.

CATHOLIC EDUCATION CENTER,
St. Paul, Minn., September 16, 1971.
Senator WALTER MONDALE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: Just a brief note to thank you for your work on behalf of the less affluent children being affected by the Agriculture Department's decision not to support the free and reduced lunch program. In the event that no change is made in present policy, we will have to drop our program in connection with Project Discovery in St. Paul. We simply do not have the $7,000 that we will run in debt under the present Agriculture Department policies.

We have tried to get some help on the state level but have been told that there is no chance. Only the federal people can be of any help in making changes.

I realize that you are working on this problem and I applaud you for it. Even if you can't get anything accomplished in this area, thank you for trying.

Sincerely yours,

Father JOHN GILBERT,
Superintendent.

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., September 16, 1971.
Hon. WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I want to express my appreciation for your efforts on behalf of the school lunch program. The loss of federal funds means for our school an increase in the cost of hot lunches from 20 cents to 35 cents. It is especially difficult in view of the fact that this school has just been declared a "Target Area" school, and parents have many questions as to whether this designation really has any meaning. With the lower price

this year, fewer people applied for free or reduced cost lunches; thus, many were able to preserve a sense of dignity and self-sufficiency which may now be threatened.

I hope you will be able to convince the Administration that the availability of a nourishing hot lunch for all children can contribute much to successful learning, general health, and also education in nutrition.

Sincerely yours,

(Mrs.) MARY LOU LOUD,
School Social Worker.

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., September 16, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I'm writing this letter to you fully aware of your diligence and perserverance in securing funds for public school lunch programs. Not with a feeling of protest, but rather with indignation and a sense of frustration over the recent change in our federal guidelines for target area schools.

I keep asking myself how in a country with all our resources we choose to save funds in the area of food for children? How we can loan money to large corporations and tell parents we're short of funds for hot lunch programs? The answer to these questions must lie in the Congress of the United States and the men who represent us in office. Surely a change in priorities must be instituted.

Please continue your efforts in the behalf of public education.

Sincerely,

KENNETH A. SCHUMACK, *Principal.*

MINNEAPOLIS, MINN.,
September 18, 1971.

Senator WALTER MONDALE,
Washington, D.C.

DEAR SENATOR MONDALE: As a teacher in one of the Minneapolis inner city schools, I strongly support your action in trying to stop the lunch program change proposed by President Nixon.

Sincerely,

MARIE C. SUNDHEIM.

MINNEAPOLIS, MINN.,
September 21, 1971.

The Honorable Senator MONDALE:

We would appreciate your support in opposing any change in the school hot lunch program.

I feel the proposed change would be taking food out of the mouths of children.

Very truly yours,

Mrs. J. WASHOSKY,
Whittier PTA—Minneapolis.

SEPTEMBER 21, 1971.

DEAR MR. MONDALE: The parents in the Phillips Jr. High School area feel very badly about the rise in cost to them, for school lunches.

Most of these people cannot afford the new prices and the children will be getting along on less than good nutrition.

Mrs. R. W. KEATING,
PTA President.

AUGUST 29, 1971.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C.

DEAR SECRETARY HARDIN: " I strongly urge that you withdraw the regulations issued August 13, 1971, pertaining to reimbursement rates for the School Lunch Program.

"I object not only to the content of these regulations but also to the timing and conditions of their announcement.

"In each respect, the Department would break faith with Congress, the States and hungry children if these regulations go into effect.

"It is outrageous to consider that—despite massive federal support for spending on space, loans to Lockheed and other non-essential programs—budgetary manipulations might lie behind rules which deny meals to children who are guaranteed these lunches under federal law.

"I need not repeat the President's promise to end hunger among American school children. But beyond promises, Public Law 91-248 requires that 'any child who is a member of a household that has an annual income not above the applicable family size income level shall be served meals free or at a reduced cost.'

"In accordance with the law, States have submitted plans to meet that requirement. But if the new regulations are adopted, thirty-seven State school lunch directors have testified they will be unable to implement the plans they developed, in good faith, to comply with P.L. 91-248.

"Does the Department ask that the States rescind plans that are required by law? Does it ask that the States pay for the school lunch program when they are already under such severe budgetary strain? Or, should children who do not qualify under the Act absorb the cost of lunches for those who do?

"These are the alternatives posed by the August 13 regulations. I fear the likely answer is that hungry children again will not get food.

"As unacceptable as the new regulations are in substance, the timing and conditions for their release are inexcusable.

"The August 13th public announcement comes just three weeks before school is to start, too late for many States to abandon their plans without chaos. It comes while Congress is in recess. Moreover, the fifteen day period for response denies both the States and Congress a fair opportunity for comment.

"To all of these arguments, I would add one more.

"Promises for opportunity and laws to protect the rights of children must be more than mere words, or our children will respect neither the word nor the law of this government. But, truthfully, respect for the law and concern for American children are not embodied in the August 13th regulations.

"I hope that you will act to withdraw them."

Sincerely,

WALTER F. MONDALE.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1521

At the request of Mr. PROXMIRE, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1521, to prohibit television blackouts of home games when all tickets are sold.

S. 1985

At the request of Mr. WILLIAMS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1985, the Truth in Food Labeling Act.

S. 2023

At the request of Mr. BAYH, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor to S. 2023, a bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service.

S. 2083

At the request of Mr. BAYH, the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New York (Mr. JAVITS) were added as cosponsors to S. 2083, a bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes.

S. 2084

At the request of Mr. BAYH, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New York (Mr. JAVITS) were added as cosponsors to S. 2084, a bill to discourage the use of leghold or steel jaw traps on animals in the United States.

S. 2237

At the request of Mr. JACKSON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2237, to establish within the Department of the Interior the Indian Business Development Program to stimulate Indian entrepreneurship and employment.

S. 2304

At the request of Mr. TOWER, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2304, to amend title 38, United States Code, to provide financial assistance to institutions for the establishment and expansion of programs under which veterans with military acquired medical skills will be trained and educated in the allied health professions.

S. 2345

At the request of Mr. HATFIELD, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2345, to amend the Internal Revenue Code of 1954 to allow an income tax deduction for donations of blood.

S. 2360

At the request of Mr. WILLIAMS, the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 2360, the Automobile Driver Education Act.

S. 2437

At the request of Mr. FONG, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 2437, to authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean.

S. 2497

At the request of Mr. HATFIELD, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 2497, to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers.

S. 2535

At the request of Mr. BAYH, the Senator from Rhode Island (Mr. PELL), the Senator from Rhode Island (Mr. PASTORE), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors to S. 2535, a bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to

develop specialized curriculums, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes.

S. 2537

At the request of Mr. HATFIELD, the Senator from Montana (Mr. MANSFIELD) was added as a cosponsor of S. 2537, the Narcotics Abuse Treatment Act of 1971.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE JOINT RESOLUTION 135

At the request of Mr. TOWER, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Joint Resolution 135, to authorize and request the President to issue annually a proclamation designating one day of each year as "National Law Officers Appreciation Day."

SENATE JOINT RESOLUTION 145

At the request of Mr. TOWER, the Senator from Ohio (Mr. SAXBE) was added as a cosponsor of Senate Joint Resolution 145, to designate the period beginning June 18, 1972, and ending June 24, 1972, as "National Engineering Technicians Week."

SENATE JOINT RESOLUTION 154

At the request of Mr. THURMOND, the Senator from Maryland (Mr. BEALL), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 154, authorizing the President to proclaim the first day of January of each year as "Appreciate America Day."

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENTS

AMENDMENTS NOS. 447, 448, AND 449

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

Mr. BUCKLEY submitted three amendments, intended to be proposed by him, to 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.

FEDERAL CONSTITUTIONAL CONVENTION PROCEDURES ACT—AMENDMENTS

AMENDMENTS NOS. 450 AND 451

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

Mr. BAYH. Mr. President, within the next few days the Senate will be considering S. 215, the proposed Federal Constitutional Convention Procedures Act, which was reported out of the Judiciary Committee earlier this year. I am sure every Member of this body knows that article V provides two methods of amending the Federal Constitution. Under the first—which has been used exclusively to date—Congress proposes the amendments and three-fourths of the States ratify them. The constitutional convention is the other method. If two-thirds of the States apply, Congress calls the convention; amendments are proposed by the convention and are then submitted to the States for ratification.

S. 215 represents a commendable effort on the part of the distinguished Senator from North Carolina (Mr. ERVIN) and others to define for the first time the precise rules for the governing of these conventions. I agree with Senator ERVIN's goals; the rules should be fair and neutral, making it neither too easy nor too hard to amend the Constitution by the convention process, and the rules should be clear in advance.

However, I do have some problems with two specific provisions of this specific bill, two provisions which I think go to the very heart of this proposal. Both changes which I would make are designed to insure that no change is made in our most basic charter unless it is truly needed. We must be ever watching lest we provide a mechanism which will lead to constitutional amendments to accommodate transitory, ephemeral problems.

I am most concerned with the provision of S. 215 which allows a bare majority of the delegates to the convention to propose the specific language of new amendments. Article V allows the Congress to propose amendments only if two-thirds of both Houses concur. Article V's requirement guarantees that a decisive majority of the members of not one but two deliberative bodies agree that the amendment is the wisest means of dealing with a fundamental national problem, and that they come to that agreement before the amendment is submitted to the States. We should require that the convention act through the same decisive majority of its delegates. Only if such a broad consensus is reached at the time the amendment is drafted—a time when viable alternative amendments are still under consideration—can we be confident that there is widespread agreement that the specific language of the amendment proposed best fulfills its purpose. By allowing a bare majority of the convention to propose an amendment, the bill opens the door to the submission of a proliferation of amendments to the States.

Mr. President, I ask unanimous consent that the separate views which were filed with the Judiciary Committee's report on S. 215, and the text of the two amendments to S. 215 which I am sending to the desk today, be printed in the RECORD at the conclusion of my remarks. These separate views were signed by Senators BURDICK, HART, KENNEDY, TUNNEY, and myself, and they explain in some detail my proposed amendments and why they are necessary to the success of this bill.

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

AMENDMENT NO. 450

On page 9, line 6, strike "a majority" and insert in lieu thereof "two thirds".

AMENDMENT NO. 451

On page 4, line 4, strike "seven" and insert in lieu thereof "four".

SEPARATE VIEWS OF MESSRS. BAYH, BURDICK, HART, KENNEDY, AND TUNNEY

We are basically in accord with the purpose and framework of this bill, and we supported a favorable report to the Senate. We wholeheartedly agree that the groundrules for a constitutional convention should be established before a convention is called to deal with a specific topic, lest views on the substantive issue color decisions about fair procedure. We also agree with the Committee's goal of avoiding both those procedures which make constitutional change too easy and those which stifle needed reform. And we agree that the convention must not be permitted to roam the Constitution at will; it must instead be limited to considering only that constitutional issue which led to its creation.

There are two specific provisions of this bill, however, which hinder rather than further the Committee's intentions:

First, Section 10, which permits the convention to propose amendments by a bare majority vote should be amended to require a two-thirds majority. As presently written, it undermines the traditional safeguard which has protected the integrity of the Constitution since 1789. That safeguard, of course, is Article V's requirement that amendments be proposed by two-thirds of the Congress. All Senators know very well the difference between persuading half and persuading two-thirds of our colleagues of the wisdom of a course of action. Article V's requirement guarantees that a decisive majority of the members of not one but two deliberative bodies agree that the amendment is the wisest means of dealing with a fundamental national problem, and that they come to that agreement before the amendment is submitted to the States. We should require that the convention act through the same decisive majority of its delegates. Only if such a broad consensus is reached at the time the amendment is drafted—a time when viable alternative amendments are still under consideration—can we be confident that there is widespread agreement that the specific language of the amendment proposed best fulfills its purpose. By allowing a bare majority of the convention to propose an amendment the bill opens the door to the submission of a proliferation of amendments to the States.

It is true that three-quarters of the States must ratify any proposed amendment. But during ratification the States cannot make any changes in the proposal. It is presented to them in final form on a take it or leave it basis. In each State, only a majority of the legislature need be convinced that the particular amendment proposed is better than no amendment at all. Ratification, therefore, is simply not a substitute for the reasoned deliberation and the building of a substantial consensus which ought to proceed the proposal of change in the basic framework of our political system. It is for this reason, we feel, that the founding fathers wisely required in Article V a two-thirds vote by each House before the Congress could propose an amendment, even though such an amendment, too, must subsequently be ratified by three-quarters of the States. Our own constitutional history demonstrates this principle. Since 1927, 28 constitutional amendments have been voted on by one or both Houses of Congress. Of those debated, only 7 finally won support from enough members

of Congress to be proposed by the States. But of those 7, not one was rejected by the States. In fact, since 1789 only 5 proposed amendments—two of them part of the original Bill of Rights—have been rejected by the States.

For these reasons, proposals should be sent to the States for ratification only if approved by two-thirds of the delegates to the convention.

Second, we believe that a State's call for a convention should not remain effective for seven years, as Section 5 of the bill now provides. The call for a convention, as Professor Paul A. Freund has said, should reflect "a contemporaneously felt need." Of course, enough time must be provided to give the State Legislatures an opportunity to consider joining the request. However, in our view, four years would be a sufficient length of time. The vast majority of the legislatures—33 at latest count—now meet annually. Even the 17 legislatures which meet only in alternate years would have two sessions in which to act.

BIRCH BAYH,
QUENTIN N. BURDICK,
PHILIP A. HART,
EDWARD M. KENNEDY,
JOHN V. TUNNEY.

EXPEDITIOUS TRIAL FOR CERTAIN DEFENDANTS—AMENDMENTS

AMENDMENT NO. 452

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

Mr. THURMOND. Mr. President, as a cosponsor of S. 895, I hope this great deliberative body will pass this bill which is designed to make the constitutional mandate of speedy trial a reality. Only swift apprehension and certain punishment will act as a deterrent against the rising wave of crime, and our system is truly just only when accused persons are given speedy trials. The words of the sixth amendment to the U.S. Constitution need to be enforced. Under this provision and its application to the States through the 14th amendment, every "accused" person coming to trial in America is guaranteed a speedy trial. Not only does the accused have a right to a speedy trial; but society's interest is not served by delayed prosecutions.

Mr. President, I offer an amendment which I believe will make indispensable improvements to S. 895 which will guarantee the ultimate success of this important speedy trial measure. Our processes of justice and specifically the trial process have been misused by the prosecution and by the defense. While it is true that these misuses create individual injustices, the real victim is society. In recent years our courts have become more congested, the dockets have become longer, and the trials more complicated. During this time, the Supreme Court has maintained its role as the protector of the constitutional rights of the defendant, but society has had no protector from the recidivist, from the burglar, from the robber, from the rapist, and from the murderer. During the 1960's index crimes increased 148 percent and there was another 11-percent increase last year. Deterrence, society's main weapon against crime, has practically been destroyed, and a primary reason for this erosion has been the deterioration of our concept of speedy trial. Society needs a criminal justice system which will insure that the innocent are separated quickly and the guilty are required to face their punishment swiftly. In a speech before the American Bar Association last year, Chief Justice Warren Burger said:

> If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate. 56 ABA Journal 932 (1970).

The accused and society have a strong interest in an effective speedy trial process.

Mr. President, S. 895 contains a sure and effective sanction against prosecution delay, but it provides no restraints on dilatory defense tactics. My amendment would plug this obvious hole in a way that will not infringe on the defendant's right, but will protect society against unreasonable delays by the defense.

Mr. President, the constitutional right to a speedy trial does not prohibit necessary delays; it proscribes only unreasonable delays. The Supreme Court's interpretation of the right to a speedy trial has been fairly consistent, but care should be taken that legislation does not encourage the recent trend in some lower courts that presumes that all delays are prosecution delays. A review of the law on the right to a speedy trial will clearly establish the perimeters of the constitutional protection and will support the recommended sanctions to be imposed for violation of this important right.

In *United States* v. *Ewell,* 383 U.S. 119 at 120 (1966), the Supreme Court reviewed the speedy trial case law:

> A requirement of unreasonable speed would have a deleterious effect both upon the rights of the accused and upon the ability of society to protect itself. Therefore, this Court has consistently been of the view that "That right of a speedy trial is necessarily relative. It is consistent with delays and depends upon circumstances. It secures rights to a defendant. It does not preclude the rights of public justice." *Beavers* v. *Haubert,* 198 U.S. 77, 87, 25 S. Ct. 573, 576, 49 L.Ed. 950. "Whether delay in completing a prosecution * * * amounts to an unconstitutional deprivation of rights depends upon the circumstances. * * * The delay must not be purposeful or oppressive" *Pollard* v. *United States,* 352 U.S. 354, 361, 77 S. Ct. 481, 486, 1 L.Ed.2d 393. "[T]he essential ingredient is orderly expedition and not mere speed." *Smith* v. *United States* 360 U.S. 1, 10, 79 S. Ct. 991, 997, 3 L.Ed.2d 1041.

There are those who would advocate that the Court has abandoned the relative standard, but a close reading of later cases prove that this position amounts to pure speculation. In *Klopfer* v. *North Carolina,* 386 U.S. 223 (1967), where the sixth amendment right to a speedy trial was made applicable to the States through the 14th amendment, the court reversed a denial of dismissal in a case where 18 months had passed after the indictment. The Court stated that the key question was "whether a State may indefinitely postpone prosecution on an indictment without stated justification over the objection of an accused who has been discharged from custody." This statement of the issue is a clear shorthand for the almost universal four-element speedy trial test—first, the length of delay, second, the reason of the delay—including source—third, the prejudice to the defendant, and fourth, the absence of waiver.

"Justification," of course, can encompass each of the first three elements and the "objection" is proof positive of no waiver. The very right itself—speedy trial—defies a precise judicial standard and demands a consideration of the circumstances in each case. In *Smith* v. *Hooey,* 393 U.S. 375 (1969), where there was a 7-year delay between indictment and the instant mandamus proceeding, the Court discussed the three basic purposes of the speedy trial right—each of which are subjective:

> This constitutional guarantee has universally been thought essential to protect at least three basic demands of criminal justice in the Anglo-American legal system: "(1) to prevent undue and oppressive incarceration prior to trial, (2) to minimize anxiety and concern accompanying public accusation and (3) to limit the possibilities that long delay will impair the ability of an accused to defend himself." *United States v. Ewell,* 383 U.S. 116, 120, 86 S.Ct. 773, 776, 15 L.Ed.2d 627, at page 379.

It should be noted that the Court did not dismiss the indictment but remanded the case to the Supreme Court of Texas, and this was another case where the defendant "had repeatedly demanded that he be brought to trial. * * *" The only "justification" for the State delaying the trial in Smith against Hooey was that the defendant was confined in a Federal penitentiary in another jurisdiction. The Court held in Hooey that, where the accused is so confined, the State has a constitutional duty to preserve his right to a speedy trial.

In *Dickey* v. *Florida,* 308 U.S. 30 (1970), the Court again confirmed the necessity of making a relative determination on whether the accused was denied his right to a speedy trial. In a case where an arrest warrant had been issued more than 7 years before the defendant was indicted and where the State had knowledge of the accused's confinement, the Court clearly made its holding in terms of the reasonableness of the delay, the prejudice to the accused, and the absence of a waiver. The Court noted that circumstances such as "crowded dockets, the lack of judges or lawyers, and other factors no doubt make some delays inevitable." In the Court opinion, Chief Justice Burger said:

> Here, however, no valid reason for the delay existed: it was exclusively for the convenience of the state. On this record the delay with its consequent prejudice is intolerable as a matter of fact and impermissible as a matter of law.
>
> In addition to exerting every effort to require the State to try him, there is present in this record abundant evidence of actual prejudice to petitioner in the death of two potential witnesses, unavailability of another, and the loss of police records. At page 38.

It should be noted that each of the four elements of the speedy trial test

was decided in favor of the defendant: First, the delay was more than 7 years; second, it was "exclusively for the convenience of the State"; third, there was "abundant evidence of actual prejudice"; and fourth, the accused had "exerted every effort to require the State to try him."

Mr. President, the right of speedy trial has been made applicable to the States and it has been preserved for accused persons confined in other jurisdictions, but the law as to the basic test has not changed substantially. As the Ewell Court said, "The right of a speedy trial is necessarily relative." *United States* v. *Ewell*, 383 U.S. 119 at 120 (1966).

As we consider speedy trial legislation, I believe it is appropriate that we discuss further the particulars of the right to a speedy trial. While I do not agree with all of the conclusions reached by Justice Brennan in his concurring opinion in the Dickey decision, some of his summaries of the state of the law on speedy trial are helpful. He noted that there are two groups of issues inherent in the proper application of the right to a speedy trial: First, those concerned with when during the criminal process the speedy trial guarantee attaches, and second, those concerned with the criteria by which to judge the constitutionality of the delays to which the right does attach. At page 41. With regard to when the right attaches, it is universally accepted that delays between indictment and trial are covered, *Lucas* v. *United States*, 363 F. 2d 500 (9th Cir. 1966), and the Supreme Court has held that delays between judgment and sentence are governed by the right, *Pollard* v. *United States*, 352 U.S. 361 (1957). There is some authority for attachment at the time of arrest, *Hedgepeth* v. *United States*, 364 F.2d 684 (D.C. Cir. 1966), and there are a substantial number of cases holding that the right does not apply to delays before either arrest or indictment. *Terlickowski* v. *United States*, 379 F.2d 501 (8th Cir. 1967). The ABA minimum standards for speedy trial recommend that the speedy trial period should begin when the accused is charged unless he is arrested earlier for the same conduct and held to answer; then the time begins from the day he was first held to answer.

The length of delay is the one criteria that is explicit in the right to a speedy trial. It is noted in the ABA Minimum Standards for Speedy Trial that speedy trial statutes range from 75 days to 6 months. At page 14. In rules adopted on January 5, 1971, the Second Circuit Court of Appeals established a period of 6 months for the courts of that circuit. A 6-month period was also set for the New York State courts by rule of the New York State Court of Appeals. While a statutory presumption for denial of speedy trial is an appropriate consideration for Congress, neither a 60-day period nor even a 6-month period is required by the Constitution.

The questions of reason for and source of the delay are part and parcel of one another; the answer to one usually implies the other answer. Courts have agreed that purposeful, oppressive, or unnecessary—whether negligent or intentional—delays by the Government are generally unjustifiable. In Klopfer the Court spoke of "unjustified postponement" and in Dickey the Court said that "no valid reason for the delay existed." In the ABA Minimum Standards for Speedy Trial delays are discussed in terms of "necessary" and "unreasonable." At pages 32, 40. It seems more appropriate to judge a delay under the Constitution according to its reasonableness. It should also be noted that defendant participation in delay nullifies the right to a speedy trial with respect to specific delays. Justice Brennan noted:

> It has been held, for example, that an accused cannot sustain a speedy trial claim when delay results from his being a fugitive from justice, making dilatory pleadings or motions, or failing to object when a continuance is granted the government, or from delay occasioned by his incompetence to stand trial, e.g., *United States* v. *Davis*, 365 F. 2d 251, 255 (C.A. 6th Cir. 1966). *Dickey* v. *Florida*, 398 U.S. 41 (1970), concurring opinion.

It is clear that some evidence of prejudice is necessary because the right to a speedy trial is designed to protect against fundamental unfairness and every major Supreme Court case on speedy trial discusses the right in terms of prejudice to the defendant. However, there is a possibility that the constitutional law will develop toward a presumption of prejudice in especially long delays. This position was explained by Justice Brennan:

> Thus, it may be that an accused makes out a prima facie case of denial of speedy trial by showing that his prosecution was delayed beyond the point at which a probability of prejudice arose and that he was not responsible for the delay, and by alleging that the government might reasonably have avoided it. Arguably the burden should then shift to the government to establish, if possible, that the delay was necessary by showing that the reason for it was of sufficient importance to justify the time lost. *Dickey* v. *Florida*, 398 U.S. 56 (1970).

In considering the constitutionality of delays, it is clear that, since the right to a speedy trial is a personal right, it can be waived. However, a waiver will probably not be proved by the "silence or inaction" of the defendant. Dickey, concurring opinion at page 41. Mr. President, the concurring opinion of Justice Brennan in the *Dickey* case was concluded with a brief synopsis of the major issues inherent in the constitutional right to a speedy trial. He said:

> Arguments of some force can be made that the guarantee attaches as soon as the government decides to prosecute and has sufficient evidence for arrest or indictment; similar arguments exist that an accused does not lose his right to speedy trial by silence or enaction, that governmental delay which might reasonably have been avoided is unjustifiable, and that prejudice ceases to be an issue in speedy trial cases once the delay has been sufficiently long to raise a probability of substantial prejudice. At page 41.

There is one other aspect of the speedy trial guarantee that should be discussed before my specific amendments are outlined. There remains the question of the proper sanction for the enforcement of this constitutional right. In his Dickey concurring opinion, Justice Brennan said:

> Finally, what is the role of prejudice in speedy trial determinations? The discharge of a defendant for denial of a speedy trial is a drastic step, justifiable only when further proceedings against him would harm the interests protected by the Speedy Trial Clause. Thus it is unlikely that a prosecution must be ended simply because the government has delayed unnecessarily, without the agreement of the accused. At page 52.

However, the position for dismissal advocated by S. 895 and which is supported by the ABA minimum standards for speedy trial, would be fully justified as a proper legislative enactment if some enforcement method were devised to insure good faith cooperation by the defense.

Mr. President, my amendment would make four changes to S. 895. It would make the statutory trial period more realistic and would provide reasonable incentives to insure the cooperation of defense counsel. It is quite apparent from a review of the speedy trial case law that the Constitution does not mandate a 60-day period for speedy trial. This amendment would adjust the statutory period for trial from 60 days to 4 months. I believe that it would be an unreasonable burden on our criminal justice process and would hinder the cause of justice if we enact at this time a 60-day trial period enforced by dismissal. It would be substantially more equitable to society and immensely more wise to adjust the period to a shorter time later than to adopt a short period now, penalize society for violations which could prove to be unavoidable, and then be forced by an outraged public to lengthen the trial period to a reasonable time. I believe the adjusted period speaks for itself and is essential to the ultimate success of S. 895.

The remaining provisions of this amendment has two main objectives; they provide for mandatory documentation of excludable delays and provide moderate sanctions against unreasonably dilatory defense tactics. There is also clarification language added to some of the exclusion sections and the addition of one other excludable period for court congestion resulting from "exceptional circumstances." This new exclusion does not attempt to excuse delays arising out of chronic congestion, but is designed to accommodate delays caused by certain unique, nonrecurring events such as riots or other mass public disorders.

The additional language at the beginning of subsection 3161(c) is designed to tighten up the procedure for the determination of excludable delays. The first two substantive changes on page 5 are designed to produce finality on the waiver questions. This language is essential to avoid yet another possibility for endless appeals on the various aspects of the right to a speedy trial. The sanctions which are added to section 3162 will insure the cooperation of the defense. It would be unconscionable to provide a statutory speedy trial period with dismissal as the penalty for unreasonable prosecution delay and not provide an enforcement mechanism against unreasonable defense delays. The sanctions I have included are moderate measures which will not stifle legitimate defense tactics; they are aimed only at unreasonable delays.

Mr. President, we will undoubtedly hear arguments questioning the constitutionality of sanctions against dilatory defense tactics. First, it must be pointed out that only one of these sanctions are aimed at the defendant; most are directed at the tactics of the defense counsel which amount to unreasonable delays in the process of justice. Such delays obstruct justice and can be punished. Second, courts have always had the inherent power to discipline errant defendants and lawyers. This power in the Federal courts is codified in 18 U.S.C. 401 and authorizes the court to punish summarily three types of contempt by fine or imprisonment: first, misbehavior which obstructs the administration of justice, second, misbehavior of official acts of officers, and third, disobedience or resistance to its lawful writ, process, order, rule, decree, or command. This statute does not authorize unreasonable sentences and it does not escape the due process requirements of the Constitution such as trial by jury of serious offenses, *Bloom* v. *Illinois,* 391 U.S. 194 (1968) and trial by another judge where the questioned conduct is an emotional attack on the personal integrity of the judge, *Mayberry* v. *Pennsylvania,* 91 S. Ct. 499 (1971), but the power to punish for a variety of contemptuous conduct is clearly constitutional. The Supreme Court has held that sentences for criminal contempt of up to 6 months may constitutionally be imposed without a jury trial. *Cheff* v. *Schnackenberg,* 384 U.S. 373 (1966).

If Congress can empower the Federal courts to punish contempt by imprisonment, we can certainly authorize the punishment contained in this amendment—by conviction of contempt for a purposeful refusal to proceed with trial, by reducing compensation provided to the defense counsel, by denying access to the court for a short period, or by causing a report to be filed with the discipline committee of the local bar. The sanctions I have proposed are consistent with the recommendations of the ABA minimum standards for the prosecution function and the defense function—tentative draft. In the commentary on standard 1.2, the potential damage caused by unchecked defense tactics which are unreasonable is discussed in clear terms:

One of the great temptations that befalls a lawyer is to abuse procedure and employ dilatory tactics in order to gain time for the advantage of his client. Delays sought in hope that testimony will be lost or become stale, that the prosecution parties will be inconvenienced until they abandon the case, or to continue illegal activity or for other corrupt purposes undermine the entire system. These practices also bring the bar into disrepute. Such tactics may backfire when judge and prosecutor realize they are being employed; stern judicial response may then operate to injure an accused. At page 180.

In standard 1.2 three types of delays are prohibited:

(b) It is unprofessional conduct for defense counsel to misrepresent facts or otherwise mislead the court in order to obtain a continuance.

(c) It is unprofessional conduct for defense counsel intentionally to use procedural devices for delay for which there is no legitimate basis.

(d) A lawyer should not accept more employment than he can discharge within the spirit of the constitutional mandate for speedy trial and the limits of his capacity to give each client effective representation. It is unprofessional conduct to accept employment for the purpose of delaying trial. At page 154.

Unprofessional conduct is defined as conduct "subject to disciplinary sanctions." At page 154.

Mr. President, my amendment makes four basic changes to S. 895. The speedy trial period is lengthened from 60 days to 4 months. A new excludable period of delay is added to cover court congestion due to exceptional circumstances and clarifying language is added to two exclusion paragraphs. Language is added to subsection (c) to require that excluded periods be set out in the record and to require that all requests for continuances be by sworn statement. And a new subsection (b) is added to section 3162 to provide sanctions against unreasonable delays by the defense in order that defense cooperation will be insured under this new procedure designed to give effect to the right to a speedy trial.

These sanctions are moderate and they are essential to the cause of justice. They are absolutely necessary to insure that, in our zeal to preserve the right to speedy trial for the accused, we do not deny society its right to justice.

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

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

AMENDMENT NO. 452

On page 2, line 14, strike "sixty days" and insert in lieu thereof "one hundred and twenty days".

On page 2, line 16, strike "sixty" and insert in lieu thereof "one hundred and twenty".

On page 3, line 1, strike "sixty days" and insert in lieu thereof "one hundred and twenty days".

On page 3, line 5, strike out "sixty days" and insert in lieu thereof "one hundred and twenty days".

On page 3, after line 22, insert the following:

"(3) Any period of delay resulting from congestion of the trial docket when the congestion is attributable to exceptional circumstances.".

On page 3, line 23, strike out "(3)" and insert "(4)".

On page 4, line 1, strike out "(4)" and insert "(5)".

On page 4, line 9, strike out "(5)" and insert "(6)".

On page 4, line 15, strike out "(6)" and insert "(7)".

On page 4, line 21, strike out "(7)" and insert "(8)".

On page 5, line 1, strike out "(8)" and insert "(9)".

On page 5, between lines 12 and 13, insert the following:

"(d) All periods of delay excluded under subsection (c) of this section shall be set forth in writing in the record of the case. All requests for continuances shall be by sworn statement by the prosecutor, or by the defense counsel and the accused.".

On page 3, line 24, immediately after the period, add the following: "A defendant shall be considered absent whenever his whereabouts are unknown and, in addition (A) he is attempting to avoid apprehension or prosecution, or (B) his whereabouts cannot be determined by due diligence. A defendant shall be considered unavailable whenever his whereabouts are known but his presence for trial cannot be obtained by due diligence."

On page 4, line 16, immediately after "of", insert a comma and the following: "or with the consent of,".

On page 4, line 20, immediately after the period, add the following: "A defendant without counsel shall not be deemed to have consented to a continuance unless he has been advised by the court of his right to a speedy trial and of the effect of his consent.".

On page 5, line 14, immediately before "If", insert "(a)".

On page 5, line 19, immediately after the period, insert the following: "After the reading of the information or indictment the judge shall address the defendant personally and determine that the defendant understands his right to a speedy trial and his right to object to any periods of delay which have been determined to be excludable."

On page 5, line 21, immediately before the period, insert the following: "and waiver of the right to contest the determinations of excludable delays".

On page 5, between lines 21 and 22, insert the following:

"(b)(1) In any case in which the court has set a date certain for trial and on such date the defendant, his counsel, or both, fail to proceed to trial without justification consistent with section 3161 of this chapter, the court may punish the responsible person for criminal contempt.

"(2) In any case in which defense counsel (A) has agreed on a date certain for trial with knowledge that a defense witness would be unavailable; (B) has filed a motion for the purpose of delay which is totally frivolous and without merit; or (C) has filed a sworn statement for a continuance which contains a false statement material to the granting of the continuance, the court may punish the defense counsel by—

"(i) decreasing, by 25 per centum, his compensation pursuant to section 3006A of title 18, United States Code, if counsel is appointed;

"(ii) a fine of not to exceed 25 per centum of his compensation if counsel is retained;

"(iii) denying him the right to practice before that court for a period of three months; or

"(iv) filing a report with an appropriate disciplinary committee.

"(3) The authority to punish provided for by this subsection shall be in addition to any other authority or power available to the court.".

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 347

At the request of Mr. BAKER, the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Texas (Mr. BENTSEN) 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.

NOTICE OF HEARINGS ON S. 343 AND S. 344

Mr. CANNON. Mr. President, as chairman of the Subcommittee on Privileges and Elections, I announced on September 15, 1971, my intention to schedule public hearings on Senate bills S. 343 and S. 344.

Those bills would require officers and employees of all branches of the Federal Government to file statements of income, assets, liabilities, and other pertinent data.

I now announce that the hearings will be held on Thursday, November 4, 1971, beginning at 10 a.m., in room 301 of the Old Senate Office Building.

Anyone who wishes to testify or submit a statement should contact the staff of the Subcommittee on Privileges and Elections in room 310, Old Senate Office Building, or call extension 55647.

NOTICE OF HEARING ON RURAL ELECTRIFICATION

Mr. McGOVERN. Mr. President, I would like to announce to my colleagues that the Subcommittee on Farm Credit and Rural Electrification, of which I am chairman, will hold hearings on rural electrification on October 26 and 27, in room 1114 of the New Senate Office Building, beginning at 9:30 a.m. on both days.

HEARING SCHEDULED FOR OCTOBER 20, 1971, ON ENERGY POLICY AND NATIONAL GOALS

Mr. JACKSON. Mr. President, on Wednesday, October 20, 1971, at 10 a.m., in room 3110 of the New Senate Office Building, the Committee on Interior and Insular Affairs will hold a 1-day symposium on energy policy and national goals. Prominent spokesmen and representatives from conservation and consumer organizations, from industry, from the academic community, and former Government officials have been invited to prepare papers on this subject. After the papers have been reviewed, a representative group of the authors will be invited to appear before the committee to discuss the relationship between energy policy and the attainment of agreed upon national goals.

This hearing is being held pursuant to Senate Resolution 45, a resolution authorizing the Senate Interior and Insular Affairs Committee, with ex officio representation by the chairman and ranking minority members of the Senate Commerce and Senate Public Works Committees and the Joint Committee on Atomic Energy to undertake a comprehensive study of national fuels and energy policy.

Mr. President, I ask unanimous consent that the following materials be printed in the RECORD at the conclusion of my remarks:

First. The Senate Interior and Insular Affairs Committee's study plan to implement Senate Resolution 45.

Second. The memorandum of the chairman transmitting to the committee members a committee print containing a background paper on "The Evolution and Dynamics of National Goals in the United States," prepared by Dr. Franklin P. Huddle, Science Policy Research Division, Congressional Research Service, Library of Congress, at the request of the Committee on Interior and Insular Affairs, U.S. Senate.

Third. The memorandum of the chairman transmitting to the committee members a committee print containing "Selected Readings on Economic Growth in Relation to Population Increase, Natural Resources Availability, Environmental Quality Control, and Energy Needs," prepared by Mr. Wallace P. Bowman, assistant chief, Environmental Policy Division, Library of Congress, at the request of the Committee on Interior and Insular Affairs.

The purpose of the October 20 symposium is to undertake a review of declared and generally acknowledged national goals and their relationship to the elements and content of a national fuels and energy policy.

Energy policy is not an end in itself; energy is a tool, and energy policy is a method of directing the useful employment of that tool. Energy policy must, therefore, be considered against a larger background than simply the problem of how to supply the energy that is demanded by society. Energy policy should be designed to promote and attain a broad range of generally agreed upon national goals, many of which are only indirectly related to existing or proposed energy systems.

It is my hope that the committee's review of "Energy Policy and National Goals" at the scheduled symposium will produce discussion and general consensus in two major areas: The process of goal formulation and the substance of the goals themselves. With respect to the process, it is important to understand, or at least be sensitive to, how latent public desires and needs are translated into tangible national goals. With this process in mind, members of the committee can better appreciate the profound changes in basic values which are presently taking place in America and, hopefully, provide insight and guidance in the development of policies designed to attain new and changing goals.

Second, to the extent that agreement can be reached on the substance of the Nation's major goals, the committee will gain a powerful analytic tool that will be of great assistance in determining priorities on a rational basis, rather than merely calculating the short-term consequences of specific actions. Agreement on abstract goals will not, of course, mean that there will be agreement on specific energy policies or specific strategies to achieve the goals. Consensus will, however, provide a common reference point from which policy options may be discussed and judged. A continuing effort to evaluate energy policies in light of their relationship to national goals will assist analysis by making the inevitable conflicts and tradeoffs between competing goals and objectives more readily identifiable.

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

SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE, NATIONAL FUELS AND ENERGY POLICY STUDY PLAN TO IMPLEMENT SENATE RESOLUTION 45

A. BACKGROUND

The mandate for the Senate Interior and Insular Affairs Committee's study of National Fuels and Energy Policy is a very broad charter which touches at some point on virtually all of the country's long range national goals. S. Res. 45 declares that adequate supplies of energy are essential to national welfare; it recognizes projections of increased population growth and energy consumption; it acknowledges conflicts between existing goals and policies; and it concludes that a Senate Committee study is needed to determine what, if any, changes in policy and law are needed to coordinate and provide an effective national energy policy.

Section 1 of the Resolution authorizes the Committee to:

(a) make a full and complete investigation and study . . . of the current and prospective fuel and energy resources and requirements of the United States and the present and probable future alternative procedures and methods for meeting anticipated requirements, consistent with achieving other national goals . . .

(b) make . . . a full and complete investigation and study of the existing and prospective government policies and laws affecting the fuels and energy industries with the view of determining what, if any, changes and implementation of these policies and laws may be advisable in order to simplify, coordinate, and provide effective and reasonable national policy to assure reliable and efficient sources of fuel and energy adequate for a balanced economy and for the security of the United States . . .

Section 2 directs the Committee to give consideration to:

(1) the proved and predicted availabilities of our national fuel and energy resources . . .

(2) projected national requirements for the utilization of these resources for energy production and other purposes . . .

(3) the interests of the consuming public, including the availability in all regions of the country of an adequate supply of energy and fuel at reasonable prices and including the maintenance of a sound competitive structure . . .

(4) technological developments affecting energy and fuel production, distribution, transportation . . .

(5) the effect that energy . . . has upon conservation, environmental, and ecological factors, and vice versa;

(6) the effect upon the public and private sectors of economy of any recommendations made under this study . . .

(7) the effect of any recommendations made pursuant to this study on economic concentrations . . . particularly as these . . . may affect small business enterprises;

(8) governmental programs and policies now in operation . . . and their interaction with other governmental goals, objectives, and programs; and

(9) the need, if any, for legislation designed to effectuate recommendations . . .

The investigation and study contemplated by S. Res. 45 is very sweeping. The time available is relatively brief for such an important mandate.

The proposed Study Plan was prepared with a view towards accomplishing as much as possible within the limitations of both time and funding available to the Committee. These limitations dictate that: (1) existing data and information be relied upon wherever possible; (2) a very small staff be assembled with substantial reliance on the Congressional Reference Service and on con-

sultants on an "as needed" basis; (3) the focus of the study be on realistic and attainable policy options; (4) cooperation and close assistance of executive branch agencies be fostered; and (5) many decisions restricting the potential scope of the study be made.

The proposed Study Plan is in four parts which, to the extent possible, will be conducted concurrently. The first part deals with a review of national goals and their relationship to existing energy policy. The second part deals with the known and potential supply of energy resources and with projection of future energy demands. The third part of the Study Plan contemplates a review of existing policy constraints on energy supply and demand and the identification of alternative policy options which could influence supply and demand. In the fourth part of the Study, selected, topical energy issues will be reviewed in depth and tested in relation to the general, systematic studies conducted in the other three parts.

Throughout the Study, two major time frames will be considered.

The first time frame, from 1971 to 1980, will cover the short range energy situation. Because of the long lead time in capital construction, corporate planning, and research and development of new energy technologies, the range of policy options for the period 1971 to 1980 is quite limited.

The period of the second time frame, 1980 to 2020, presents fewer constraints on policy options and provides the lead time necessary to undertake virtually any new policy initiatives which may be necessary to influence the energy situation in the long-term future. Accordingly, separate recommendations are proposed for the short and long range energy situation.

1. National goals

In the final analysis, the development of new energy policy options and the selection of recommendations must be related to a set of legislatively declared or generally agreed upon national goals.

The desirability of existing and proposed energy policies can only be judged in terms of how effective they are in achieving agreed upon objectives. An initial phase of the Committee's energy study would be a review of legislatively established national goals and the relationship of both existing and proposed energy policies to them. It is hoped that as a result of this review, general agreement can be reached on the major national goals the U.S. energy policy *ought* to assist in attaining.

Agreement on abstract goals will not, of course, mean that there will be agreement on specific energy policies or specific strategies to achieve the goals. Agreement on abstract goals will, however, provide a common reference point from which policy options may be discussed and judged. A continuing effort to evaluate energy policies in light of their relationship to national goals will assist analysis by making the inevitable conflicts and trade-offs between competing goals and objectives more readily identifiable.

Many of the current conflicts in the energy field are often oversimplified in the sense that the need for balance and rational trade-offs has not been identified for the public. Current examples include the "either-or" debate on "energy versus environment," progress versus conservation," "growth versus no-growth." A goal oriented analysis of some of these questions would help in understanding the real problems which are posed and would contribute to better decision-making.

The relationship between energy policy and declared national goals will be a matter of continuing interest in all aspects of the Study. It is proposed, however, that specific work on this phase of the Study be confined to the preparation of some background documents and the convening of a symposium to discuss National Goals and Energy Policy.

Four background documents are now in preparation. The first reviews national goal formulation and implementation as a general process. The second compiles major energy statutes and analyzes legislative statements of the goals various Federal energy programs are seeking to advance. The third analyzes Executive Branch statements of "goals and objectives" in the energy field as set forth in FY 72 PPBS program memoranda. The fourth discusses the national energy policies of selected European countries.

Participants in the Committee's energy symposium would review these documents, prepare papers for submission in advance, and participate in a discussion with members of the Committee. Participants would include representatives from the energy industry, public interest groups and universities.

2. Supply and demand

The second major part of the Committee's study will be to compile and attain general agreement on the essential facts concerning the physical supply of energy resources and the probable future demand for energy resources. The Study Plan discussed and outlined below is a proposed procedure for assessing these facts.

For the most part, the Committee will be relying on and utilizing data which have already been developed or which are now being developed to form an accurate picture of these facts.

Fortunately, there is a substantial amount of data which can be used. The focus of the Committee's effort will be to examine the assumptions which underlie these projections and to develop a range of supply-demand projections against which to develop and test policy options and alternatives.

Supply and demand studies will be developed for each of the principal energy resources (coal, oil, gas, unclear fuels, etc.). The potential of sources such as fusion, solar energy and others will also be assessed and introduced into the projections.

To the maximum extent possible, the estimates developed in the supply-demand part of the Study will reflect only the constraints imposed by the physical availability of the resource and "non-policy" economic limitations. Constraints imposed by existing policy on the availability and utility of energy resources—such as FPC price regulation, environmental standards, import-export policies—will be dealt with in part three of the Study Plan.

For each of the principal energy resources, a high, probable and low supply and demand projection would be developed. An effort would also be made to identify physical opportunities to increase supply or decrease demand.

In addition to developing high, probable and low supply and demand projections, it may be valuable to base a special category of demand projections on historical trends of energy consumption. This category of demand projections would show the U.S. energy "future" *if* existing policies are not revised in the years ahead.

Special attention must be given to consideration that 25% of the energy consumed in the U.S. is used for the generation of electrical power and the special problems of electric power generation and transmission. This aspect of the nation's energy system deserves attention because of the important role of electrical power in affording flexibility among the uses of fuels, and because electricity is the fastest growing form of energy use.

The part of the Study devoted to developing reliable supply and demand projections would, in large measure, be handled by the Committee staff, by consultants and by the Federal agencies. The focus would be on evaluating existing data, identifying assumptions and developing an objective statement of the physical supply situation and probable future demands.

Developing the data will probably require hearings with respect to each of the major energy resources. Ideally, hearings would come after initial staff analyses and would provide an opportunity to test the data and the assumptions.

3. Policy constraints and policy options

A. EXISTING POLICY CONSTRAINTS

When some understanding has been achieved concerning the relationship between supply and demand for energy, impact of the constraints imposed by existing policies must be studied and evaluated. A few examples of existing policy constraints are:

Rate regulation on production, transportation, and sale of energy.

National security contingency requirements.

Utility regulation of facilities, sites, safety, reliability and service.

Pollution control and environmental protection standards.

Foreign policy and relations with other nations.

Tax structure.

Fuel import limitations.

Mineral leasing and Federal resource management policy.

Support for energy research and development of new technologies.

Identification and description of existing policy constraints will be carried on concurrently with the accumulation of supply and demand information. The Executive agencies have received questionnaires which provide the Committee with the agencies' statements on existing conflicts and on the policies which presently govern or relate to their energy activities. Similar questionnaires will be prepared for the various energy industries, State regulatory bodies and financial institutions which finance the energy industries.

After a basic compilation of existing energy policies has been obtained, and the supply and demand projections have been developed, the Study will examine the effects which existing policies are having upon energy availability and demand. The hearing process and questionnaires will be of particular value in this part of the Study. The views of a wide variety of participants in the energy industries; Federal, State and local government; conservation and consumer groups; and others will help to identify the explicit and implicit policies which exist and the constraints which they impose on the energy system.

Two types of hearings could be held. First, a series of directed hearings based upon the results of the information developed by the Study would insure comprehensive coverage of all policy aspects of the energy system. Second, hearings could also be held on topical energy issues or events such as blackouts or brownouts, fuel shortages or energy related environmental controversies. These hearings could provide useful case studies which would describe the operation of existing policies, test the assumptions underlying current projections, and, perhaps, suggest the need for policy revisions in specific energy areas.

As an understanding is acquired of the effect which existing policies are having upon energy availability and demand, it will be possible to develop recommendations for policy changes which will remove disfunctional constraints and facilitate the work of government and industry to meet the nation's energy needs.

B. POLICY OPTIONS AND ALTERNATIVES

Concurrent with the review and identification of "existing policy constraints" a parallel effort will be made to identify policy options and alternatives which could remove unnecessary constraints and which could in-

crease energy supply or decrease energy demand. Some examples of available policy options were set forth in the President's June 4 Energy Message:

Expand supply by accelerating Federal leasing programs.

Reduce consumption (demand) by requiring increased insulation in new housing construction.

Accelerate research and development by increasing Federal investment in breeder reactor and coal gasification technology.

Initiate an oil shale leasing program.

The identification of the range of policy options and alternatives available would rely heavily on the hearing process, questionnaires and the experience of the Federal agencies.

A rigorous effort must be made to identify the social and economic cost of proposed options and what their probable impact would be if adopted. Examples of some areas of "impact significance" which would be used to test the policy option or alternative include:

Consumer cost.

National security.

Environmental quality.

Regional energy systems.

Industry's incentive to explore, produce and deliver energy.

Existing policies.

Inter fuel competition.

4. Parallel inquiries into major policy issues

INTRODUCTION

The foregoing three parts of the study constitute a systematic and comprehensive approach towards an understanding of the energy system. It will also be necessary to conduct more specific inquiries into some aspects of energy policy which are recognized to be important issues of current concern. These inquiries will provide different viewpoints of important features of the energy system, will highlight the interrelationships among policies, and will help to suggest possible policy revisions.

Two types of inquiries which will parallel the first three parts of the Study will be made: First, topical inquiries which deal with commonly identified energy issues of particular public concern. Second, "integrative" inquiries which are principally concerned with examining the way various factors of the energy system and energy policy interact in a particular situation. Examples here might include the "efficiency" of energy use or "transferability" between energy resources.

The issues in each of these categories which could be the subject of auxiliary and parallel inquiries will be identified as the Study progresses. Examples of some of the types of issues the Committee may wish to consider are set out below:

A. TOPICAL INQUIRIES

1. Price regulation in energy industries.
2. End use controls.
3. Nuclear safety.
4. Federally owned energy resource leasing policies.
5. Reliability of electric generation and transmission.
6. Review of pending energy related legislation.
7. Dependence on foreign energy resources.
8. Tax policy in the energy field.
9. Financial requirements of energy industries.

B. INTEGRATIVE INQUIRIES

1. Efficiency of energy conversion.
2. Transferability between energy resources.
3. Energy consumption and a "growth" policy.
4. Federal role in energy research and development.
5. Competition, concentration and industry structure.
6. Federal-State relations in energy regulation.
7. Federal organization for energy administration.
8. Security of energy supply.

C. PROCEDURE FOR DEALING WITH THE ISSUES

To narrow the issues and sharpen the questions in connection with the review of major energy issues, it may be desirable to:

1. Invite prepared position papers on major energy issues, as identified by the Committee, from the appropriate Federal officials and from recognized authorities on the subject in question. Invitations to governmental, industry and academic specialists who could contribute to a better understanding of the issues would also be issued and opportunity given for submissions and commentary on the above papers.

2. Based in part on the papers and submissions, a report would be prepared by the staff. This report could serve as background documents for the hearings. It may be appropriate to hold regional hearings as well as hearings in Washington, D.C.

5. Preparation of final report

MEMORANDUM

To: Members and Ex-Officio Members of the Senate Committee on Interior and Insular Affairs.

From: Henry M. Jackson, Chairman.

Re: National Fuels and Energy Policy Study Pursuant to S. Res. 45.

As we enter the latter one-third of the twentieth century, the growing forces of change—social, environmental, technological—pose important and fundamental questions about our national goals. The forces of change also pose important challenges to our governmental institutions, to long standing values and traditions, to our economy, to the manner in which we share national wealth, to our environment, to our strength as a nation, and, finally, to our capacity to make rational decisions about controlling change and bringing into being the kind of future we desire for ourselves, for our children, and for humanity as a whole.

The energy policies that the nation follows in the years and decades ahead will be a primary determinant in how these challenges are met. It is therefore appropriate that at the outset of the Committee's study of National Fuels and Energy Policy a review of declared and generally acknowledged national goals and their relationship to the elements and content of a national energy policy be undertaken.

Energy policy is not an end in itself; energy is a tool, and energy policy is a method of directing the useful employment of that tool. Energy policy must, therefore, be considered against a larger background than simply the problem of how to supply the energy that is demanded by society. Energy policy should be designed to promote and attain a broad range of generally agreed upon national goals, many of which are only indirectly related to existing or proposed energy systems.

National goals are, by necessity, a set of abstract expressions of the desires and aspirations of the American people. They are found in the Constitution, the laws and the regulatory practices of government; they are a reflection of the traditions, the culture, the ethics and the hopes of the American people. A nation's goals provide a framework for analysis within which existing and alternative policies can be considered and tested. Energy policy is a means of achieving national goals, and one test—perhaps the only test of an energy policy—is its success in attaining the social and political conditions expressed in goal declarations.

Goals are future oriented. They contemplate a set of desired conditions which day to day decisions should assist in attaining. Because of this, any attempt to formulate policy without a careful appreciation of the ramifications and consequences of energy policy options will be shortsighted and of doubtful consistency with the long range public good.

A fundamental question, then, at the outset of this important study of National Fuels and Energy Policy is the identification of relevant national goals, how they were formulated, and how they were implemented. The following study entitled "The Evolution and Dynamics of National Goals in the United States" was prepared at my request for the use of Committee members by Dr. Franklin P. Huddle, Senior Specialist in Science Policy, Congressional Research Service, Library of Congress. It will be a useful background document for a symposium on "Energy Policy and National Goals" scheduled for early October.

The study selectively reviews the history of national goal formulation beginning with the Preamble to the Constitution of the United States. For the purposes of the Committee's symposium, an especially helpful section of the study will be that part delineating the process and the specifics of national goal formulation from the Eisenhower administration, through those of President Kennedy and Johnson, to the present Nixon administration. While members of the Committee may not agree with the conclusions expressed in Dr. Huddle's study, it does provide a useful point of departure from which the Committee may review national goals and identify the role of energy policy in the implementation of national goals.

While this study is not directed specifically at energy problems, a clearer understanding of the process of national goals formulation will help to provide a better understanding of the role that energy policy plays in assisting the achievement of stated national goals.

It is my hope that the Committee's review of "Energy Policy and National Goals" at the scheduled symposium will produce discussion and general consensus in two major areas: the process of goal formulation and the substance of the goals themselves. With respect to the process, it is important to understand, or at least be sensitive to, how latent public desires and needs are translated into tangible national goals. With this process in mind, members of the Committee can better appreciate the profound changes in basic values which are presently taking place in America and, hopefully, provide insight and guidance in the development of policies designed to attain new and changing goals.

Second, to the extent that agreement can be reached on the substance of the nation's major goals, the Committee will gain a powerful analytic tool that will be of great assistance in determining priorities on a rational basis, rather than merely calculating the short-term consequences of specific actions. Agreement on abstract goals will not, of course, mean that there will be agreement on specific energy policies or specific strategies to achieve the goals. Consensus will, however, provide a common reference point from which policy options may be discussed and judged. A continuing effort to evaluate energy policies in light of their relationship to national goals will assist analysis by making the inevitable conflicts and trade-offs between competing goals and objectives more readily identifiable.

Another important feature of the Committee's review of national goals will be a recognition that the nation's major national goals are not always consistent and harmonious. Quite the opposite. Dr. Huddle's study notes, for example, that even within the confines of the normative declarations found in the Constitution there are conflicts among goals.

Perhaps the only sure generalization that can be made about national goals is that in many important respects they are competitive, often contradictory, and that they

change with time. For example, "security of energy supply," "low cost," and "quality environment" are commonly cited as important energy policy goals. In many ways, however, these goals are mutually incompatible given today's technology. As a result, the statutory framework, the administrative actions, and the specific policies adopted to serve one or more of these goals frequently work at cross purposes with other policies and other goals and desires. It is no wonder then that a governmental energy policy which must serve widely disparate goals, and seek to accommodate them all, often results in a compromise that fully satisfies no one.

The complexity of a national energy policy is further confused by the fact that in many areas of policy concern, single purpose, mission oriented agencies pursue narrow mandates which touch on only one or, at best, a few goals of significance to a comprehensive energy policy. A further complication is that there are institutional layers of policy—Federal, State and local—which are not always consistent.

A better understanding of the goal conflicts in existing energy policy will insure that proposed policies which are recommended to the Committee are tested and evaluated in a comprehensive and critical manner, that important values are not ignored, and that trade-offs are identified and consciously evaluated.

While the Committee's review of the relationship between energy policy and declared national goals will be confined to the early portion of the study, this general topic will be a matter of continuing review and interest in all aspects of the Committee's study in the months ahead.

MEMORANDUM OF THE CHAIRMAN

To: Members and Ex Officio Members of the Senate Interior and Insular Affairs Committee.

Re: National Fuels and Energy Policy Study Pursuant to S. Res. 45.

Topic: Background Material for Symposium on Energy Policy and Energy Growth.

Whatever economic future this Nation chooses will be fundamental to the formulation of national fuels and energy policy. The selected writings in this committee print[1] have been assembled to provide representative and thoughtful views on future economic growth, with particular stress on the relationships of population increase, natural resources availability, environmental quality control and energy needs. This material will provide the committee with useful background reading for symposia and hearings scheduled later this year in conjunction with the study of National Energy Policy.

Among the peoples of the world, we have the reputation of being strongly committed to the development of energy resources, technologies, and management skills for the purpose of increasing the efficient and expanded production of goods and services. Without the multiplier effect of modern energy production, which has vastly supplemented the primitive muscle power of man and animals, the steady-supply of consumption goods we now produce would be impossible. Our phenomenal economic growth over the past several decades has been based on an abundance of low-cost fuel sources, readily available for diverse and rapidly changing industrial processes. One need only look at the low level of fuels consumption per capita in the less developed countries to comprehend the strong tie between our own energy production and economic status.

If, in the future, limitations of energy supply should develop, inevitable consequences would, of course, occur in the characteristics of economic growth. This potential development would raise complex and fundamental issues of public policy—for example, the need would arise for allocating available energy sources among economic sectors and controlling consumption levels per capita. Several influential groups are endeavoring to persuade the American public, and indeed the world community, to accept a new view of economic growth which would emphasize the concept of "equilibrium," as distinct from the traditional concept of an ever-expanding economy. Much of the support for the equilibrium concept stems from deep concern over the problems associated with population increase, resource scarcity and environmental quality. The more sophisticated writings on this subject reflect an interesting growing debate and perhaps new philosophical attitudes in the field of economic theory.

NEW PATTERNS OF ECONOMIC GROWTH?

Section I of this document contains a series of writings which contrast the positions of the business-as-usual advocates with those who would radically alter and devise new controls for our expanding industrial capacity. In the lead article, E. J. Mishan expresses his conviction that the continued pursuit of economic growth along present lines is wholly responsible for our serious ecological and social crises. "Once convinced of the close connections that exist between economic growth and the less amiable features of our civilization," he states, "we could no longer anticipate an eventual improvement in our condition by the simple expedient of moving with greater or less momentum along this familiar path. We would think differently, we would act differently, and eventually we would live differently." A similar view is offered by David Hertz, who urges a retreat from the consumption syndrome "to an environmentally balanced set of demands" in which the consumer calls for "simpler, but perhaps more satisfying products instead of the technological complexities of the developed nations' life styles." And yet, as Anthony Crosland points out in his interview with Alfred Friendly, we can hardly mobilize a new consensus around "no growth" to protect the environment if it is only to be conserved "at the cost of retaining quite horrible environments for the poor." An industrialist's view is given by Henry Ford II who sees the assumption of "forever providing more and more goods for more and more people" being seriously challenged by the recognition "that more goods do not necessarily mean more happiness." While the traditional responsibility of business is to make a profit for the stockholders, Ford stresses that the terms of the control between industry and society are changing: "We are being asked to contribute more to the quality of life than mere quantities of goods."

POPULATION POLICY: IMPLICATIONS FOR ECONOMIC POLICY

During 1970 what has been labeled the "ZPG movement" (zero population growth) gained wide attention in the press and academic community. Several articles in Section II discuss the reasons why cessation of population growth should be combined with a goal of limiting future economic growth. Paul and Anne Ehrlich see population control as being absolutely essential "if the problems now facing mankind are to be solved." But they argue that even if population growth were halted immediately, all other human problems—"poverty, racial tensions, urban blight, environmental decay, warfare—would remain." Population control, they contend, is the keystone for a "massive campaign . . . to restore a quality environment in North America." By contrast, David Wolfers calls the ZPG movement a romantic, not scientific, approach: ". . . the objective is a careless example of round-number preference." Similarly, Ben Wattenberg, in an essay entitled "The Nonsense Explosion": finds that population control is simply another fad of crisis in America. "The critical facts are that America is not by any standard a crowded country and that the American birth rate has recently been at an all-time low."

Jack Rosenthal reports that the Federal Government's chief demographer, Conrad F. Taeuber, also questions the relative importance of population control: "Our population problem is one of tackling the agenda for improvement of our environment," he states. "A lowered rate of population growth may facilitate the tackling of these tasks—but it would be only one element in the programs which need to be developed." Ansley Coale warns that a zero rate of increase in the United States starting immediately is not feasible: "The reason is the age composition of the population that our past history of birth and death rates has left to us." Our population today is especially young and in order to attain a zero growth rate immediately "it would be necessary to cut the birth rate about in half. For the next 15 or 20 years, women would have to bear children at a rate that would produce only a little over one child per completed family."

NATURAL RESOURCES: SCARCITY OR PLENTY?

There is a healthy, continuing debate over the relation between natural resources availability and economic growth. Several recent reports issued by researchers at Resources for the Future, Inc. (RFF) conclude that the outlook for adequate supplies of resources is reassuring. Given the present state of technological advance and assuming future advances in research and development, the RFF studies indicate that our economy "is winning its independence from the traditional natural resources sector to a remarkable degree. Ultimately, the raw material inputs to industrial production may be only mass and energy . . ." Reviewing these findings, John Krutilla suggests that "the traditional concerns of conservation economics—the husbanding of natural resource stocks for the use of future generations—may now be outmoded by advantages in technology."

While these findings appear to be consistent with RFF's economic analysis of the historic decline in the cost of resource commodities—food, fuels, metals, water and the like—a contrasting survey made by physical scientists appointed to a study committee of the National Academy of Sciences (NAS) indicates serious problems of future scarcity: ". . . true shortages exist or threaten for many substances that are considered essential for current industrial society." The NAS committee expects that abundant cheap energy will *not* be a panacea for waning supplies and that husbanding is still a valid conservation need: "Innovation of many kinds will be needed—in methods of finding ore, in mining, in extraction of metals, in substitution, in transportation, and in conservation and waste disposal. For all reusable materials in short supply, appropriate laws or codes restructuring economic incentives could facilitate conservative recovery, more efficient use, and reuse, thereby appreciably extending now foreseeable commodity lifetimes."

A FIT ENVIRONMENT

One of the most complex tasks we face in the United States, and one that inevitably involves added costs in the production process and public sector, is satisfying the increasing demand for prevention of environmental degradation. The Council on Environmental Quality (SEQ) in its most recent report (a portion of which is reprinted in Section IV) speculates that the costs of environmental cleanup will be high but not

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[1] Prepared under the direction of the Committee by Wallace D. Bowman, Assistant Chief, Environmental Policy Division, Library of Congress. Part I presents topical excerpts. Part II presents complete texts of selected writings from books, journals, newspapers, government reports, and conference papers.

prohibitive for business and government. Yet the President's Message, accompanying the CEQ report, is less optimistic: "How clean is clean enough?" the President asks, and then asserts that we should not seek "ecological perfection at the cost of bankrupting the very taxpaying enterprises which must pay for the social advances the Nation seeks." Edwin Dale poses the question: How is the problem solved, then?—and finds the solution in technology: "The very energy and inventiveness that gave us this rising output—and got us to the moon—can do things about pollution." Barry Commoner warns, however, that in most of the technological changes which have accompanied the growth of our economy since 1946 "the new technology has [had] an appreciably greater environmental impact than the technology which it has displaced, and that the post-war technological transformation of productive activities is the chief reason for the present environmental crisis."

ENERGY NEEDS

The readings in Section V deal with energy requirements as related to economic growth. Paul McCracken, Alvin Weinberg and others express strong optimism concerning this Nation's capacity to meet the needs of the future, and indeed see energy as the key to buying time needed to solve the problems of population increase and environmental decline. But others including Paul Ehrlich and John Holden question the desirability of pressing on with current consumption patterns which reflect a doubling of electricty used every ten years and require twice as much energy of all kinds every fourteen years. By contrast, W. G. Jensen sees a very wide horizon for energy and urges a positive outlook: ". . . when all has been said and done, the basic essence of the situation is such that there is no longer any clear reason why the governments of the industrialized countries . . . should not formally adopt as a first principle of their energy policy the firm decision to go ahead, in the best interests of peoples everywhere, and whatever their field of activity or interest . . . toward an avowed, dynamic, and undisguised cheap energy policy." Howard Odum lays emphasis on technical planning: "For survival we may need such national projects as the development of a giant passive analog network model for stimulating man's system of energy and economics in detail."

These abbreviated comments illustrate the often contradictory and diverse opinions that exist in the case of each of the five basic subjects covered in this "reader." While the Committee's work is confined to a study of national fuels and energy policy, our contemplation of the future cannot escape the implications of the economic strategies suggested in these readings, I have ordered the readings to be compiled as a Committee print to provide a convenient basis for continuing discussions of the viewpoints they represent and the implications they hold for our work and our Nation's future.

HENRY M. JACKSON,
Chairman.

NOTICE OF HEARINGS ON DEPARTMENT OF THE INTERIOR SHALE OIL LEASING PLAN

Mr. MOSS. Mr. President, this week the Bureau of Land Management announced the issuance of the first oil shale core drilling permit under the Department of the Interior's leasing program first announced several months ago.

For several years, we have received recurrent reports that a Federal oil shale development plan had been worked out which would foster the oil shale industry. Now that the announced program is underway, there have been several expressions of concern drawing attention to the "lukewarm interest" displayed by the oil companies in the new leasing program. I invite the attention of the Senate to two articles: one from the Oil Daily for September 21, 1971, the other from the Deseret News of September 16, 1971, expressing disappointment in the program of the Interior shale leasing plan to date. I ask unanimous consent that these be printed in the RECORD at the conclusion of my remarks.

I, too, have become concerned by the slow start and delay in what appears to be a tedious and strung out proposal that ranges from application to permit, to inspections, to final leasing late in 1972.

I am hopeful that my bill, S. 2510, providing a vehicle whereby industry and Government moneys will be expended jointly in bringing into being the technology for commercial development of new energy sources, may provide added stimulus in expediting the development of this new energy source.

On November 15 at 10 a.m., in room 3110 of the New Senate Office Building, Washington, D.C., the Minerals, Materials, and Fuels Subcommittee of the Committee on Interior and Insular Affairs will conduct an oversight hearing to review the oil shale leasing program of the Department of Interior, and to review the role of federally owned oil shale resources in the context of a national fuels and energy policy.

The subcommittee will also take testimony on S. 2510, investigating the feasibility of commercial development of oil shale resources.

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

[From the Oil Daily, Sept. 21, 1971]

INTERIOR SHALE LEASING PLAN OFF TO SLOW START

WASHINGTON.—Prospective developers of federal shale oil lands under a program announced several months ago by Interior secretary Rogers Morton have shown only lukewarm interest so far, according to word out of the Interior Department.

Some officials are trying to maintain optimism that the program outlined by Morton will get off the ground and fly—but they can not disguise their disappointment of the scarcity of requests for permits for advance core-drilling.

Morton had hoped for enough strong interest in the development program to pick out two prospective lease sites in each of the three prime shale oil states—Colorado, Wyoming and Utah—sometime next spring for possible leasing late in 1972.

But, Interior officials say that only about a half dozen core-drilling permit applications have been filed and these are all in Colorado. One group, known as Cameron Engineers, Denver, has filed for six core-drilling permits in the western Piceance Basin, running in a string generally north and south, and one has been filed by Shell, about 12–15 miles east of the Cameron string.

A Utah group showing some interest in the program conferred here about two weeks ago with Interior officials on drilling permits, but no application has been filed yet.

The program promises, however, to be tedious and strung out, even if all the preliminary steps from first core drilling to final leasing go as planned.

Each core drilling site must be analyzed by Interior to make sure there will be no excessive environmental impacts.

[From the Deseret News, Sept. 16, 1971]

LITTLE INTEREST IN OIL SHALE

(By Arnold Irvine)

Thre was something of a hue and cry in Utah, Wyoming and Colorado, a little over a year ago when then Secy. of the Interior Walter Hickel held up approval of federal oil shale lands in the three states.

Mr. Hickel said he wanted to study further the environmental considerations before allowing any development of the shale deposits.

In June of this year, a new Interior Secretary, Rogers C. B. Morton opened the door to the oil companies inviting them to conduct "informational" drilling in the shale areas of the three states to determine what parcels of land they would prefer to lease.

NO BIG RUSH

The department then would award up to six oil shale leases based on the informational drilling results.

Was there a big rush for drilling permits? There was not.

Up to now, just two companies have applied for drilling permits in Colorado, according to James E. Keogh, chief, division of technical services, Bureau of Land Management Salt Lake office. The two are Shell Oil and Cameron Engineering, Inc.

NO APPLICATIONS

No applications have been made in Utah, and as far as Mr. Keogh knows, none have been filed in Wyoming.

The shale deposits in Colorado are the richest. Utah is next and Wyoming has the thinnest deposits.

Why the lack of interest by the oil companies?

"What is really needed is more financial incentive, possibly an increased tax advantage to balance off the tremendous costs of pilot programs," opined Howard R. Ritzma, petroleum geologist for the Utah Geological Survey.

BILLION-DOLLAR PROGRAM

"You're looking down the road at about a billion dollars a year just to get the oil shale program started. Not many industries have that kind of money to spend on it under the present tax incentives," he said.

Mr. Ritzma sees the proposal for a joint government-industry corporation to develop the oil shale deposits as a possible answer to the present virtual impasse.

This would further theidea of a unitized approach in the shale development which was advocated in the report of the Utah Committee on Environmental Problems of Oil Shale. Mr. Ritzma headed the committee which submitted its report to the Department of the Interior last February.

UNIFORM DEVELOPMENT

The unitized idea would have shale operations carried out uniformly throughout the three-state area. Rules governing land and water management and other environmental matters would be the same throughout the industry.

The joint government-industry approach is embodied in a bill introduced in the Senate this week by Sen. Frank E. Moss, D–Utah.

HEARINGS ON HOUSING INSTITUTIONS MODERNIZATION ACT OF 1971

Mr. SPARKMAN. Mr. President, as I announced in the Senate on September 21, the Subcommittee on Housing and Urban Affairs will hold hearings October 13–15, 1971, on S. 1671, the Housing Institutions Modernization Act of 1971. At the time of the announcement, I commented on the significant section relating to the Federal chartering of the stock

savings and loan associations and the conversion of mutual associations to stock form. I included in the record an exchange of correspondence on this subject with the Honorable Preston Martin, Chairman of the Federal Home Loan Bank Board.

It has been brought to my attention now that the State of Michigan has recently enacted legislation on this same subject. It may be helpful to our hearings to take into consideration some of the concepts included in the Michigan law. The Michigan statute, unlike S. 1671, establishes statutory guidelines for conversions rather than leaving it entirely to future regulation. I am sure there are some who may see merit in the idea of setting forth in the law certain safeguards such as those spelling out the rights of existing depositors to an equitable share of the stock to be issued upon conversion.

I am submitting a key portion of the Michigan law so that it will be available for study prior to the hearings, and I ask unanimous consent that it be included in the record at the conclusion of my remarks. The committee welcomes comments from witnesses on these provisions.

Should the committee approve the concept of Federal stock charters, it may want to include some specific protection to the savers and perhaps the Michigan example will be useful.

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

EXCERPT FROM ACT NO. 44, STATE OF MICHIGAN; JUNE 23, 1971

Sec. 513. (1) A federal savings and loan association may vote to convert itself into a capital stock association under this act by adopting a plan of conversion as provided for in section 514 at any meeting duly called and held to consider the action. The required vote to effect such conversion shall be not less than 51% of all the votes cast in person or by proxy at the meeting. The supervisory authority may refuse to approve the application and decline to issue a charter and file the articles of association if he has reason to believe that the plan of conversion is not fair and equitable to all the members or that sufficient provision is not made to protect the interests of the depositors of the prospective capital stock association. Copies of the minutes of the proceedings of the meeting of members verified by the affidavit of the secretary or assistant secretary of the federal association shall be filed in the office of the supervisory authority and mailed to the federal home loan bank board within 10 days after the meeting. The verified copies of the proceedings of the meeting when filed shall be presumptive evidence of the holding of the meeting and of the action taken.

(2) At the meeting at which conversion is voted upon, the members of the federal association shall also vote upon the directors who shall be the directors of the capital stock savings and loan association after conversion takes effect. The directors shall execute and submit to the supervisory authority 3 copies of the application to convert and articles of association together with a plan of conversion provided for in this act. All the provisions regarding property and other rights contained in section 391 shall apply, in reverse order, to the conversion of a federal savings and loan association into a capital stock association organized under this act.

Sec. 514. The conversion of a state mutual association or a federal savings and loan association, both hereinafter referred to as "mutual association", into a capital stock association shall be effected in accordance with a plan of conversion adopted by the members as provided in sections 511 or 513 and consistent with the provisions of this section. The plan shall provide that:

(a) Each account holder in the mutual association shall receive a withdrawable account in the capital stock association equal in amount to his withdrawable account in the mutual association.

(b) The named record date for determining the respective interests of account holders shall be that last fixed and published annually by the supervisory authority.

(c) An officer, director or employee of the association and his associates shall forego any participation in the initial distribution of capital stock to the extent that he increased his account by more than $20,000.00 during the 6 months preceding the record date established pursuant to section 515. The term "associate" of a person means parents, spouse, sisters, brothers, children or anyone married to 1 of the foregoing persons; any corporation of which the person is an officer, director or owner of more than 10% of the outstanding voting securities; any trust of which such person is a trustee or substantial beneficiary; and any partnership of which such person is a general or limited partner.

(d) The amount of stock to which a savings account holder is entitled shall be determined on the basis of the ratio of his savings with the association on the record date to the total savings of the association on the record date, as applied to the initial issuance of capital stock. Each savings accountholder as of the record date shall receive without cost capital stock and scrip, denoting fractional stock interests of less than 1 share, representing an interest in the net worth of the mutual association as of the record date; but a savings account holder shall not be entitled to scrip representing fractional interests of less than 1/5 share of stock. In lieu of issuing scrip denoting fractional interests of less than 1/5 share of capital stock, whole shares representing the aggregate of all interests less than 1/5 share shall be issued to a trustee with instructions to sell the aggregate shares and distribute the proceeds pro rata to the savings accountholders entitled thereto.

(e) If, in connection with the conversion, a sale of capital stock for cash will occur, savings accountholders shall have a preemptive right to purchase such capital stock for a period of not less than 14 days from the date the offer to sell capital stock is made.

Sec. 515. Annually during the month of January a Statewide record date for determining the respective interests of account holders shall be published by the supervisory authority. Such date shall be not more than 18 months prior to its publication.

Sec. 516. The legal and federal insurance reserves of a capital stock association resulting from the conversion of a mutual association shall be not less than 5% of its savings deposits.

ADDITIONAL STATEMENTS

MEETING OF THE ADVISORY COUNCIL OF THE KENTUCKY COAL MINE RESEARCH INSTITUTE AT MOREHEAD STATE UNIVERSITY, MOREHEAD, KY.

Mr. COOPER. Mr. President, yesterday the advisory council of the Kentucky Coal Mine Research Institute met at Morehead State University. The council received a report prepared by Prof. David Hylbert, on the result of his investigations, made this summer, of eastern Kentucky coal mines. Professor Hylbert's report analyzes the problems of the coal industry, both underground and surface-mining, and makes important recommendations.

The Kentucky Coal Mine Research Institute was established by small coal operators in eastern Kentucky with Cloyd McDowell of Harlan, Ky., as chairman, and has joined forces with Morehead State University under the able leadership of President Adron Doran to establish research and training programs to advance the technology and working standards of our mines. I wish to note that William Halsey, of my office, and a representative of Senator Cook's office attended this important meeting.

I am pleased to have Dr. Hylbert's report, and I shall study his analysis, and recommendations with great interest. The Federal Coal Mine Health and Safety Act of 1969 has been in existence now for just a year and a half, and it is my strong belief that the Congress needs to review the progress as well as the problems rising under this act, and to consider amendments to make the act more workable as well as effective if we are to advance the health and safety of those who work in our underground mines, stop the unnecessary closing of nongassy mines, and the resulted shift to strip mining.

Mr. President, I ask unanimous consent that a list of the members of the advisory council, together with Dr. Hylbert's report, be printed in the RECORD.

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

ADVISORY COUNCIL, KENTUCKY COAL MINE RESEARCH INSTITUTE

COAL INDUSTRY

Mr. E. P. Auxier, Beth-Elkhorn Corporation, Jenkins, Ky.

Mr. Arthur Bradbury, Turner Elkhorn Mining Company, Prestonsburg, Ky., 41653.

Mr. Harry Campbell, President, Big Sandy-Elkhorn Coal Operators Association, Pikeville, Ky., 41501.

Mr. J. D. Carter, The Pittston Company, Stone, Ky.

Mr. Hershel E. Childers, Beth-Elkhorn Corporation, Jenkins, Ky.

Mr. U. A. Cobb, Kentucky Carbon Corporation, Kanawha Valley Building, Charleston, W. Va.

Mr. George E. Evans, Jr., President, Evans Industries (National Steel), Post Office Drawer 53, Lexington, Ky.

Mr. Paul E. Hayes, Attorney-at-Law, Prestonsburg, Ky.

Mr. Frank Heinze, Turner Elkhorn Mining Company, Drift, Ky.

Mr. Robert Holcomb, Vice President, Pike County Coal Operators' Association, Pikesville, Ky.

Mr. S. H. Kegan, Beth-Elkhorn Corporation, Jenkins, Ky.

Mr. Fred Luigart, President, Kentucky Coal Association, Lexington, Ky., 40501.

Mr. Cloyd McDowell, President, Harlan County Coal Operators Association, Harlan, Ky., 40831.

Mr. Frank C. Medaris, Executive Secretary, Hazard Coal Operators' Association, Hazard, Ky., 41701.

Mr. Paul Patton, c/o Kentucky Elkhorn Coal Company, Virgie, Ky., 41572.

Mr. John Preece, Cody, Ky., 41808.

Mr. B. F. Reed, Treasurer, Turner Elkhorn Mining Company, Elkhorn & Alma Coals, Drift, Ky., 41619.

Mr. Norman Yarborough, Eastover Mining Company, Brookside, Ky.

Mr. Dave Zegeer, General Manager, Beth-Elkhorn Coal Company, Jenkins, Ky., 41573.

MOREHEAD STATE UNIVERSITY

Mr. James Chaplin, Geosciencies.
Mr. Alex Conyers, Business Administration.
Dr. Paul Ford Davis, Academic Affairs.
Dr. Adron Doran, President.
Dr. John Duncan, Graduate Programs.
Dr. Charles Ward, Applied Science and Technology.
Dr. Robert Hill, Business Administration.
Dr. Ray Hornback, Public Affairs.
Dr. Thomas Morrison, Economics.
Dr. Morris Norfleet, Research and Development.
Dr. Charles Payne, Physical Sciences.
Dr. Roscoe Playforth, Social Science.
Dr. James Powell, Education.
Dr. Madison Pryor, Biological Sciences.
Dr. Norman Roberts, Industrial Technology.
Dr. Gene Scholes, Assistant to the President.
Dr. William Simpson, Sciences and Mathematics.

REPORT TO THE KENTUCKY COAL MINE RESEARCH INSTITUTE: RESEARCH POSSIBILITIES AND EVALUATION OF PROBLEMS IN COAL MINE SAFETY AND TRAINING IN EASTERN KENTUCKY

(By David K. Hylbert, department of geosciences, Morehead State University, September 23, 1971)

DIGEST

Purpose of investigation

This report summarizes the results of an investigation conducted for the Kentucky Coal Mine Research Institute in eastern Kentucky aimed at evaluating problems in coal mine safety and training and research priorities.

Findings and conclusions

The Federal Coal Mine Health and Safety Act of 1969, while implemented for the safety of coal miners, has caused confusion and economic hardship for most mine operators in eastern Kentucky. Accident reports indicate that fatalities have increased since passage of the act.

Complaints made by coal operators and miners concerning the act may be placed into two "categories"—those common to most mines and those common to specific mines. It is concluded that these "categories" of complaints reflect the diversity of conditions in mines, and that the 1969 act is too inflexible to provide maximum safety under a wide range of mining conditions. It is recommended that immediate research and testing in several mines might offer solutions to some of the immediate problems in such areas as ventilation, dust control, and haulage design.

Accidents and loss of production may be traced in part to deficiencies in training of coal miners. Many miners apparently have low educational levels. Miners also tend to "drift" from mine to mine. Absenteeism is high at some mines and many miners show a lack of concern for their own safety. Perhaps certification of miners by the state is desirable to insure that every miner has at least some training.

An extensive study of present miners is recommended to guide the development of training programs for new miners. Educational programs might also include the principles of economics and consider also the miner and his family in terms of safety programs.

The 1969 act requires mine operators to provide a program of training and retraining for employees in health, safety and for certification in conducting certain tests in the mine as required by law. A major problem of these training programs is that of reaching many men scattered throughout a large area. It is recommended that:

Programs of instructor training be initiated to reach more men.

The use of mobile training units be considered.

The development of a clearinghouse for educational material pertaining to health and safety be considered.

With the complexities of modern mining techniques a reexamination of training methods in coal mine principles is needed. Accident reports show that most mine accidents could have been avoided and that carelessness, disregard for or ignorance of safety rules or the lack of knowledge of how to do a particular job is usually the cause. The present method of training is often the "learn by doing" method where unsafe work habits are easily acquired.

It is concluded that every miner should receive comprehensive training in coal mine principles as well as health and safety. In order to accomplish this goal the Kentucky Coal Mine Research Institute might:

Establish extension classes dealing with coal mine principles near coal mine communities.

Consider the establishment of a permanent training center with classroom, underground mine surface mock-up, and underground mine facility for actual experience in an essentially non-producing mine.

Surface mining accounted for about 48 percent of the total coal production in Kentucky in 1970 and has increased steadily during 1971. There has been much public criticism aimed at surface mining, but many responsible coal operators argue that land-use benefits may be derived by surface mining methods.

New federal and state regulations present new problems to be considered by surface mine operators, both as to health and safety practices and to pollution controls.

It is recommended that:

Programs be developed for the training of equipment operators with provisions for certification of surface mine foremen.

Consideration be given to the future use of land to be surface mined.

Research be considered in the treatment of mine water.

INTRODUCTION

This report is respectfully submitted to the Kentucky Coal Mine Research Institute Advisory Council. It summarizes the results of an investigation of mining areas of eastern Kentucky conducted by the writer, David K. Hylbert, Assistant Professor of Geoscience, Morehead State University, Morehead, Kentucky.

Purpose of investigation

The Kentucky Coal Mine Research Institute was formally organized on April 30, 1971 at a meeting at Morehead State University. The Institute was organized as a response to the many problems facing the coal mining industry in areas of health and safety for miners and from the standpoint of environmental control. At present, the Institute is composed of an Advisory Council which consists of representatives of the coal mining industry, various federal and state agencies, and Morehead State University. Elected officers are: Mr. Cloyd McDowell, Chairman; Dr. Morris Norfleet, Vice Chairman; and Mr. George Evans, Secretary.

As originally outlined, the purposes of the Kentucky Coal Mining Research Institute were:

(1) To identify specific problems in the area of mining health and safety which need immediate research attention.

(2) To study problems that would require a longer period of research and development to bring about results and establish priorities on the immediate and the long range problems for program development possibilities.

(3) To identify the areas in which additional trained personnel will be needed by the coal mining industry and to assist in developing programs to provide the needed trained personnel.

(4) To identify programs of an educational nature, that would benefit the mining industry.

(5) To establish an interdisciplinary and interagency approach to pull together all of the resources within the state of Kentucky to focus on problems relating to coal mine research.

(6) To arrange for on-site laboratory experiences for researchers involved in the Institute and place at their disposal the various pieces of equipment and other research information which would be used in this endeavor.

As a preliminary procedure, it was proposed by the Institute that an individual spend the summer months in the eastern Kentucky area in order to study problems confronting the coal industry and to provide information relevant to the development of short and long range research and training priorities. This report contains the results of this investigation.

Methods of investigation

During the course of this investigation, from June 1, 1971 through August 15, 1971, underground mines, surface mines and reclaimed surface mine sites were studied in order to familiarize the writer with mining operations and problems confronting mine operators and miners. Interviews were held with coal mine operators, working miners and officials of state and federal agencies. Mining journals and other literature pertinent to this study were consulted. The Annual Reports and Bulletins of the Kentucky Department of Mines and Minerals, and the Bureau of Mines Accident Reports were especially helpful in analyzing production and safety conditions in mines.

It should be emphasized that this report considers only the eastern Kentucky coal industry, but that many of the conclusions may be applied to western Kentucky and other areas as well, especially to the neighboring states of Tennessee, Virginia, and West Virginia.

The writer would also like to emphasize that conclusions presented in this report are his own and do not reflect the conclusions of the Kentucky Coal Mine Research Institute or Morehead State University.

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The writer would like to express his appreciation to the officers and members of the Kentucky Coal Mine Research Institute Advisory Council and to the many coal operators, mine supervisors, representatives of the Kentucky Department of Mines and Minerals, U.S. Bureau of Mines, and officers of coal associations who offered many helpful suggestions partinent to this study. Arrangements were also made for the writer to tour several underground and surface mines and this help is also appreciated.

FEDERAL HEALTH AND SAFETY ACT OF 1969

Major provisions of the act

The Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173) repealed the Federal Coal Mine Act of 1952. The purpose of the 1969 act as declared in Section 2(g) is:

". . . it is the purpose of this Act (1) to establish interim mandatory health and safety standards and to direct the Secretary of Health, Education, and Welfare and the Secretary of the Interior to develop and promulgate improved mandatory health or safety standards to protect the health and safety of the Nation's coal miners; (2) to require that each operator of a coal mine and every miner in such mine comply with such standards; (3) to cooperate with, and provide assistance to, the States in the development and enforcement of effective State coal mine health and safety programs; and (4) to improve and expand, in cooperation with

the States and the coal mining industry, research and development and training programs aimed at preventing coal mine accidents and occupationally caused diseases in the industry."

Major provisions of the act include mandatory health and safety standards applicable to all underground coal mines. As originally enacted, interim safety standards became effective on March 30, 1970 and interim health standards on June 30, 1970. However, the Secretary of the Interior is impowered to promulgate improved standards as deemed advisable based on research demonstrations, experiments and such other information as may be appropriate.

Health standards of the 1969 act

Health standards of the act include the following areas: (1) respirable dust, (2) dust resulting from drilling rock, (3) noise exposure levels, and (4) provisions for medical examinations.

Safety standards

The major areas of coverage provided by the act relevant to safety include: (1) roof support, (2) ventilation, (3) electrical systems and equipment, (4) combustible materials and rock dusting, (5) blasting and explosions, (6) fire protection, (7) emergency shelters, (8) mine communications and (9) hoisting and mantrips.

The act requires each mine operator to submit suitable roof control and ventilation plans for approval by the Secretary of the Interior. However, electrical requirements are to be applied uniformly to all mines.

Enforcement of the act

In order to insure compliance of mandatory health and safety standards provided by the act, the Department of the Interior is charged with an inspection program designed to protect the health and safety of the miners. The act gave the Bureau of Mines broad authority to enforce standards and to correct unsafe or unhealthy conditions. Mine operators who are found in violation may be issued violation notices or have penalties assessed against them. Coal mine operators are also required by the act to conduct certain inspections and to provide inspection reports to the Bureau of Mines.

EFFECTS OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT

The 1969 act has undoubtedly improved working conditions for miners in many respects. However, many people associated with the coal industry in eastern Kentucky have charged that the act has actually created hazards.

According to figures from the 1970 Annual Report of the Kentucky Mines and Minerals, 3,274,105 tons of coal were produced in Kentucky per fatal accident in 1969 compared to 1,407,959 tons per fatal accident in 1970. A total of 33 men were killed in Kentucky coal mines in 1969 compared to 89 in 1970, and 26 fatalities have occurred through June, 1971.

It might be argued that the increase in mine accidents has resulted because the coal industry has been much more active since the 1969 act with more man hours of exposure. However, it would seem logical that such an improved safety act would result in a significant reduction in accidents even with increased activity in the mines. During the course of this investigation, interviews with management personnel and miners during visits into underground mines disclosed many complaints concerning the 1969 act. It was found that some complaints were common to practically all mines visited, whereas some complaints were voiced at only certain "categories" of mines.

COMPLAINTS COMMON TO MOST MINES

The gassy classification

Prior to the enactment of the Federal Health and Safety Act of 1969, the Bureau of Mines recognized a twofold classification of mines based on the presence of methane—gassy and nongassy. The gassy mine was one in which tests with a flame safety lamp showed the presence of methane, a gas ignition had occurred, or an airsample taken one foot from the face, rib and roof indicated methane gas in quantity greater than 0.25 of 1 percent. Conversely, a nongassy mine was one where gas had not been detected by a flame safety lamp, no gas ignition had occurred, or where gas had not been found in quantity greater than 0.25 of 1 percent in an airsample taken one foot from the face, rib and proof.

Testimony given by several leading authorities in the coal mining industry in Kentucky and Virginia before the U.S. Senate Subcommittee on Labor prior to the enactment of the Federal Health and Safety Act of 1969 argued against the abolishment of the distinction between gassy and nongassy mines. It was pointed out that in 1969, about 5 percent of the mines in Kentucky were classed as gassy and that if all mines were to be classed as gassy the cost of converting nonpermissible equipment to permissible as required in gassy mines would cause the closing of many small mines. It was also pointed out that mine explosions can be traced to human carelessness, smoking, or improper procedures in blasting and not to gassy conditions in a mine properly classed as nongassy.

However, the advice of such testimony was not followed and provisions in the 1969 act now force all mines to operate as if they are in fact gassy.

In the course of this investigation, practically everyone interviewed in eastern Kentucky, including coal operators, working miners, and some federal and state personnel were personally opposed to classifying all mines as gassy. In fact, this single part of the 1969 act is protested more than any other.

More important than personal opinion, however, is the fact that the prohibitive cost of converting nonpermissible equipment to permissible or to replace nonpermissible equipment has caused many smaller mines to close as was predicted. Pike County, which is the leading producer of underground coal in Kentucky, had approximately 615 underground mines operating in 1970 according to official estimates. At present, Pike County has only about 275 mines operating with more predicted to close. This trend is present in other counties in eastern Kentucky as well. In addition to the prohibitive cost of permissible equipment, other factors have contributed to the closing of small mines. Many of these mines were in existence before enactment of the 1969 act and were developed and engineered in such a way that compliance with new requirements is much more difficult and costly than for a new mine. Also, many small mines have not developed the management capability to cope with the complexities and bookkeeping involved in complying with the 1969 act. The closing of small mines is also making an economic impact on communities where coal is the major local industry.

Mine explosions and ignitions have continued to occur in Kentucky as was predicted. However, these have been caused by carelessness, ignorance of or the disregard for safety regulations in existence prior to the 1969 act and not by gassy conditions. An example is the mine disaster of December 30, 1970 at the Finley Coal Company, Leslie County, Kentucky where 38 men lost their lives. According to the Kentucky Department of Mines and Minerals, this mine explosion obviously resulted from the use of explosives which were not legal for underground use.

Multiple protection for belt lines

In addition to fireproof conveyor belts, the requirement that such belts be further protected by deluge-type water spray systems is a common complaint, largely because of the needless added cost involved.

Foreman's duties

Many complaints center around the additional duties for which the mine foreman is responsible under the new act. These duties involve extensive record keeping, testing for methane, roof conditions, dust control, etc. Many foremen maintain that they cannot conduct these duties and direct their men at the same time.

Penalties

The major complaint concerning penalties assessed by the Bureau for noncompliance is that priorities have not been well established which results in confusion for the coal operator. Operators complain about excessive penalties for failure to comply with standards that have nothing to do with safety.

Decrease in productivity

Most mine operators indicate that productivity has decreased about 20% to 25% because of the 1969 act. Coupled with this complaint is that many miners are so preoccupied with compliance that too little regard is given for safety practices.

Recordkeeping

Records required by the 1969 act are so time consuming to maintain that supervisory personnel at all levels are hard pressed to keep up with them.

Required equipment changes

Numerous complaints have been made by coal operators concerning costly equipment changes, especially electrical, that they have been instructed to make by Bureau inspectors, only to have inspectors inform them at a later date that the same changes must be altered again.

Supervisory personnel

Most coal operators have indicated a need for the training of supervisors in mines. The shortages of qualified supervisors appears to be caused at least partly by (1) the reluctance of men to assume the added responsibility of a supervisory position, especially the added responsibilities imposed by the 1969 act and (2) the loss of supervisors from mines because of recent recruitment drives for mine inspectors.

COMPLAINTS COMMON TO SPECIFIC MINES

Many complaints concerning provisions in the 1969 act vary from one mine to another. Some of these are discussed below:

Ventilation

The act provides that a minimum of 3,000 cubic feet per minute of air shall reach each working face and that 9,000 cubic feet per minute shall reach the last open crosscut in any pair or set of rooms. For most mines in eastern Kentucky this represents an increased amount of air and is designed to help eliminate the danger of gas accumulation and oxygen deficiency, and provide adequate dust control. Complaints concerning increased ventilation include:

(1) There is little if any danger of gas accumulation in a mine previously classed as nongassy so increased ventilation is not necessary for gas control.

(2) Large quantities of air tend to create a dusty condition and cause float dust to be carried great distances along travelways.

(3) Too much ventilation creates a serious hazard by bringing in large amounts of humid air during the summer which causes wet, unstable roof conditions along travelways. However, during the winter, large amounts of dry air increases the dust problem by drying the mine. In addition, several mines reported freezing conditions extending long distances into travelways and low temperatures at the working face.

(4) The installation of check curtains has caused an increase in haulage accidents. These curtains are used for the control of ventilation in mines and must be hung across travelways used by shuttle cars. Several fatalities have resulted from shuttle

cars running through check curtains and colliding with an obstruction in the roadway or the rib.

Water sprays

Water sprays on the working face are beneficial for dust control. However, some miners complain that to much water makes working conditions very unpleasant, especially if the mine temperatures are low.

Trailing cable splices

Many coal operators believe that the requirement permitting only one temporary cable splice in 24 hours adds nothing to safety and is unreasonable. However, other operators believe that this requirement is beneficial in that they now tend to take better care of their cables.

Belt haulage and power connection units

Several mine operators pointed out that the requirement that conveyor haulage entries and power connection units be on intake air would carry smoke and fumes of a fire originating on a belt or power unit to the working face. Others maintained that this would not be a problem if a separate entry for intake air is provided. This is reasonable, but it is not a solution for mines where such separate entries are not practical or for very small mines.

Conclusions

After visiting mines of various sizes operating in several different seams of coal it soon becomes obvious that problems related to one mine may not apply to other mines, even in the immediate area. Such diverse factors as coal height, top and bottom conditions, the presence or absence of water, and type of mining method used present individual problems that must be dealt with in the safest possible manner. It is felt that many complaints, especially those that vary from one mine to another, are the result of the fact that the 1969 act is too inflexible in consideration of differences in mining conditions. For example, in mines operating in low coal, complaints about requirements of too much ventilation and water sprays at the working face causing wet conditions are common, whereas operators mining high coal do not tend to have these complaints. This is understandable if the miner must crawl rather than walk.

This is not to say that every mine should be operated under a different set of regulations. However, there is a very strong possibility that hazards may be introduced if all mines must operate strictly under the same regulations.

Recommendations

Recommendations concerning complaints voiced by mine operators and others are not designed to circumvent the 1969 act, but to assure that the ultimate in safety might be achieved for every miner. The only means by which this objective can be accomplished is through research and testing in mines in the immediate area.

POSSIBLE RESEARCH IN UNDERGROUND MINES

It would be beneficial to the health and safety of miners if the following studies were conducted:

(1) Ventilation requirements, rock dusting and water sprays on equipment are basically designed to eliminate the danger of gas ignitions, coal dust explosions, and respirable coal dust. It is recommended that the Kentucky Coal Mine Research Institute consider a cooperative effort with the Bureau of Mines in conducting detailed studies at several mines in the area, each operating under different conditions, in order to determine what procedures may best be prescribed. These tests would perhaps involve detailed dust sampling, various methods of dust abatement, ventilation considerations and such other tests that might offer a solution to some of the problems that now exist.

It is felt that these studies should be implemented immediately because any unsafe practices should be corrected as soon as possible.

(2) Before requiring mine operators to make costly changes in mine equipment design or operation before the effects of such changes are fully determined in regard to health ad safety, it would seem appropriate that such equipment be thoroughly tested to insure that such equipment changes will safely perform the desired function for which it was intended. It is suggested that the Kentucky Coal Mine Research Institute might cooperate with the Bureau of Mines and make available such testing at local mines.

(3) A continuing research project that might prove very beneficial to the coal industry would be an analysis of safety features on mine machinery designed by coal companies or individuals. Reference here is made to innovations that increase safety on machines, but are not to be patented. Several safety features added to mine machinery were observed during this investigation, some of which were not costly and could be added by even small mines if desired. The Kentucky Coal Mine Research Institute would be in a favorable position to distribute these ideas.

(4) Addition Research—There are many research possibilities related to underground mines. However, based on visits into underground coal mines, the writer believes that there is a need for immediate research in the following areas:

(a) Roof Control—The Kentucky Department of Mines and Minerals Annual Report for 1970 indicated that, from 1961 through 1971, about 52 percent of mine fatalities in Kentucky coal mines resulted from the fall of roof, rib and coal. Further, about 42 percent of these falls occurred at the working face.

It was evident from accident reports, however, that a large number of fatalities from roof falls resulted from unsafe work practices. It would seem that training programs outlined in this report would be an important factor in helping to alleviate this problem, as well as actual prevention of roof falls.

(b) Research in Mine Ventilation—The design of ventilation systems is apparently much needed because of changes brought about by the 1969 act. Perhaps the development of the use of auxiliary fans would help in this area. Research in the design and construction of line practices and check curtains is apparently much needed.

(c) Underground Haulage and Material Transport—Haulage accidents are second only to roof falls in Kentucky coal mines. The 1969 act has complicated underground haulage design because of ventilation requirements and research in this area is needed.

(d) Mine Illumination—Several mines visited by the writer were much better illuminated at such critical areas as the working face and loading points. Several coal operators, however, indicated that low coal conditions made portable lighting difficult, especially at the working face. Research in devising acceptable methods of providing adequate illumination under a variety of mining conditions that will not unduly hamper coal production is recommended.

APPARENT DEFICIENCIES IN TRAINING AND ATTITUDES OF MINERS

During this investigation many mine operators appeared to employ well qualified miners. However, interviews with management personnel in some mining areas of eastern Kentucky disclosed that the education level of miners is often quite low. Many men working in the mines apparently have 6th to 8th grade educations or less. Another problem is that many miners are "drifters" and work only a short time at a particular mine before moving to another mine. Related to this problem is the relatively high absenteeism found in many mines. It is fairly common for some employees to consistently miss one or more days a week. The great danger when this occurs is that another man must substitute for him who may not have enough experience to do that particular job safely.

There apparently exists an important underlying problem commonly expressed by management personnel that it is difficult to define. It involves the disinterest shown by many miners for basic economics and the important role they play in the production of coal. Disinterest is also shown in concern for their own safety and well being. Safety classes and chest X-ray programs offered by employers, for example, are often avoided.

Conclusions

It should be stated that not all miners in the eastern Kentucky area fall in the category of those described above. However, a significant number do and these attitudes must be considered in any proposed educational programs.

Recommendations

If possible, young men who do not possess an adequate education should be encouraged to increase their education before entering the mining industry. With the increased complexities of modern mining, working miners need a higher education level than that of many present miners.

It is also recommended that the Kentucky Coal Mine Research Institute consider the possibility of some kind of miner certincation within the state. Some states, Pennsylvania and West Virginia for example, provide apprentice programs by law whereby apprentice miners work under certified miners until they qualify for certification themselves. This approach insures that the new miner, at least, begins work in the mines under qualified personnel. Perhaps training programs considered by the Kentucky Coal Mine Research Institute would include provisions for certification upon completion.

With the development of programs involving the training of new coal mine personnel, an extensive study of present miners is recommended. This study would be voluntary on the part of the miner and would be of such a nature as to include educational level attained and other background information, basic attitudes and opinions the miner might have toward training he has received. This information might be obtained from the greatest number of men by using questionnaires and interviews, perhaps supplemented by information from company files.

A study of this kind should be very comprehensive and include large numbers of men because conditions appear to differ greatly from one mining locality to another.

It is further recommended that training programs for new miners should perhaps include the consideration of other topics in addition to mining principles and safety. For example, the basic principles of economics and the miners role in the coal industry may be desirable. Although perhaps extending beyond the aims and purposes of the Kentucky Coal Mine Research Institute, consideration of the miner and his family may have merit. Presently, safety programs in the form of spot television announcements are in use by the U.S. Bureau of Mines in Kentucky and West Virginia. They recognize that the family may cause the miner to consider his safety. The Kentucky Coal Mine Research Institute might apply the same reasoning in programs aimed at helping the miner raise his standard of living.

TRAINING OF MINERS IN HEALTH AND SAFETY

The Federal Coal Mine Health and Safety Act of 1969 requires that coal mine operators must make available a suitable program of first aid training and retraining for employees. Also, every coal mine operator must provide a program of training and retraining of both qualified and certified persons to conduct tests in the mine related to health and safety. These include tests for oxygen deficiency, methane and air flow.

The real problem in coal mine training and retraining in Kentucky is that of reaching many men who are scattered throughout a relatively large area. In 1970, the Kentucky Department of Mines and Minerals reported that approximately 28,000 men were employed in the state in mining activities. As many as 75 percent of these men were employed in small, independent mines which makes the task of training and retraining very difficult.

In order to combat this problem the Kentucky Department of Mines and Minerals has expanded its program of training and mine educational instruction in addition to its inspection duties. Also, some of the larger coal companies in Kentucky have developed excellent health and safety programs. Many of them have classrooms and utilize their own staff as instructors. It should also be noted that some of them assist in health and safety training for miners who are not employed at that mine, but as a service to the area.

The Bureau of Mines, while not engaged in the training of working miners in principles of health and safety directly, has formulated plans to provide training programs for the training of instructors from the industry and to develop educational material to be rented, loaned or sold (depending on type of material) to the operator.

Conclusions

The Bureau of Mines has stressed that their inspectors have too heavy a load in regular inspection duties to carry on health and safety instruction as well. Also, the Kentucky Department of Mines and Minerals does not have an adequate staff or facilities to provide health and safety training as rapidly as necessary to meet requirements of the 1969 act, even with the development of its expanded training program.

Recommendations

One of the major problems involved in training programs, especially those that (1) require only a short time to complete but must reach every miner and (2) must be repeated or updated as required by law or as technology develops is that of making these programs available to the miner. The larger mines usually have classroom facilities, but the major problem involves the smaller mines. These mines may make use of space available in local schools or other buidings for classes, or conduct classes in makeshift places at the mine. For the benefit of these smaller mines the possibility of the use of mobile training units is recommended. Such units are presently in use by the Bureau of Mines in mining areas in Virginia and are commonly used in other industries with excellent results. These units are highly recommended for use in Kentucky for the following reasons:

(1) They would provide a self-contained unit which could be designed to make maximum use of audio-visual aids and demonstration materials.

(2) Instructors would not have to improvise in makeshift classrooms.

(3) Scheduling would be simplified and more miners could be reached because the units would be located at or near one or perhaps several mines.

(4) The use of this type of unit would enable coal operators to schedule training and retraining programs for their employees as required by law.

It is recommended that these training units would perhaps coincide very well with the Kentucky Department of Mines and Minerals present training program and perhaps could be scheduled by the state.

Other recommendations

Other recommendations concerning health and safety include:

(1) The Kentucky Coal Mine Research Institute might, through cooperative efforts with the Kentucky Department of Mines and Minerals and the Bureau of Mines, develop an extensive instructor training program. Both of these agencies employ instructors who could be used by the Kentucky Coal Mine Research Institute to train instructors for the industry. One of the great needs is the training of certified personnel and more instructors would help alleviate this problem.

(2) The Kentucky Coal Mine Research Institute would be in an excellent position to serve as a clearinghouse for educational material pertaining to health and safety in the mines. This would include such material as is presently available or might be developed and offered for use or sale by various private concerns, state and federal agencies, educational institutions, the coal industry or the Kentucky Coal Mine Research Institute. The Institute would also be in a position to analyze, or to provide data from the industry for analysis as to the effectiveness of new or existing educational material and/or programs.

TRAINING OF MINERS IN COAL MINES

Principles and safety

Underground coal mining has long been regarded as a dangerous occupation and much adverse public opinion has resulted from mine accidents and disasters, some of which have taken scores of lives. It is not to be denied that underground coal mining puts men in a "hostile environment" and every effort must be made to protect them. During the course of this investigation several facts have become evident concerning the working conditions and training of miners:

(1) Outcries against coal mine operators as being heartless, absentee owners who consider the miner as an expendable item does not appear to hold true in eastern Kentucky. The larger companies usually conduct the most extensive training and safety programs, while in the majority of smaller mines the owner is likely to work underground with his men.

(2) If the safety records of coal companies are studied, it is found that some companies have a much better record than comparable industries. The best safety records appear to be at those companies where extensive safety and job analysis programs are conducted.

(3) Accidents are largely caused by carelessness, disregard for or ignorance of safety rules or the lack of knowledge of how to do a particular job. Accidents may be caused, for example, when a machine operator is absent and a man inexperienced in that job must take his place during a particular shift.

(4) With modern mining techniques, the miner of today needs to be much better trained, not only in mining techniques and safety, but also in regard to mining regulations now in effect. Many miners regard many regulations as foolish and do not take them seriously.

(5) One of the major problems involved in training miners is to determine when and how such training is to be given. Most coal operators feel that it is the miners responsibility to volunteer some time before or after his shift to attend classes. However, miners are usually not receptive to this arrangement.

Present method of coal mine training

In order to consider improvements in the training of coal miners, it is well to evaluate present training methods. Traditionally, a new man might begin work in a small mine and learn to operate a particular piece of machinery under limited supervision by a co-worker before he is "on his own." He may remain at a smaller mine and receive some safety training through the Kentucky Department of Mines and Minerals instruction program, or he may later be hired by a larger company and receive additional training by that company. This is basically the "learn by doing" method and under ideal conditions with qualified co-workers the results would perhaps be adequate to some extent. However, if a man is instructed in the use of a machine by a man who has unsafe work habits, these habits are likely to be acquired by the trainee. Even with later training these unsafe habits tend to be continued. Several coal operators have indicated that they would rather hire and train a new man with no coal mining experience than one who had learned by dubious methods.

The point to emphasize in outlining the method of training of a new miner is that, in the majority of cases, training in coal mine principles and safety takes place after a new miner begins work in a producing mine. Without constant supervision in an underground mine one mistake might cost not only the life of the inexperienced miner but also the lives of those around him.

It is readily apparent that men will continue to be injured and killed in mines if they are not adequately trained in mining principles before they enter a producing mine.

Conclusions

Due to the tremendous projected increase in the production of coal in Kentucky and the Nation and because of the proven effectiveness of extensive health and safety training of new personnel in the coal mining industry where it is practiced, it is believed necessary to consider such training for all miners.

Recommendations

In order to establish an adequate training program aimed at new miners and to perhaps aid in the retraining of experienced miners it is recommended that the Kentucky Coal Mine Research Institute consider the following:

(A) In order to provide initial classroom training, extension classes might be established dealing with general coal mining principles near coal mine communities. It is recommended that initial programs might be patterned after those in effect in other localities. West Virginia University, for example, has had experience in conducting extension classes of this nature. Morehead State University and other institutions would be in an excellent position to offer guidance and classroom materials. Cooperation with the coal mining industry and the Kentucky Department of Mines and Minerals would be necessary to secure instructors. With the development of initial programs, the Kentucky Coal Mine Research Institute might consider the establishment of a regional training center for permanent classroom facilities.

(B) In addition to classroom instruction, new miners need practical experience. The Kentucky Coal Mine Research Institute would be in a position to work toward devising elaborate methods permitting trainees to learn various mining techniques under controlled conditions. Some possible training aids to be considered include:

(1) Underground mine surface mock-up. A simulated underground mine built on the surface would provide a safe, but realistic means of teaching and learning mining techniques. It is well to note that Pennsylvania is presently considering the use of simulated mines in training programs.

One individual in the mining industry proposed that a possible research project would be to design and construct mock-ups of various mining machines that could simulate actual conditions in the mine. These types of machines are now used in pilot training programs and driver education programs with apparent success. With the development of these machines actual conditions could be simulated, perhaps on a screen, as well as potential dangers which the student would have to deal with.

(C) As a necessary part of any training program it is felt that actual mining experience under proper supervision in a producing mine is necessary. This part of the training

would likely be on a short term basis, possibly four to six weeks, if the trainee has had previous experience in a simulated mine and classroom training.

One way to accomplish this would be to assign trainees to actual mines as apprentices under constant supervision. However, it is recommended that consideration be given to the possibility of the development of a regional training mine by the Kentucky Coal Mine Research Institute. The advantages of such a training mine are as follows:

(1) Consideration could be given to the selection of a mining site with "favorable" mining conditions such as good roof conditions, adequate coal height, etc.

(2) This type of mine would be essentially a non-producing mine so training could be carried out with emphasis on safety and mining techniques. However, such coal as would be produced might be used to help finance the mine.

(3) If desired, trainees could be rotated to several machines or jobs such as shooting, timbering or electrical work in order to gain general mining experience and also to determine which specialities they might prefer or for which they would be best suited.

(4) The mine would also be available for use in the training of supervisory personnel, instructors, and inspectors.

It is realized that such a mine would have to be operated under proper supervision with an adequate staff of experienced miners and instructors.

In summary, an ultimately developed regional training center designed primarily for the training of new miners, but used also perhaps for retraining purposes, would be advantageous for the following reasons:

(1) A relatively short term but full time training program for new miners would provide a pool of miners for the region who would be trained before going into a producing mine. Safety and production records should be better as a result.

(2) In time initially trained miners should reduce or replace the need for mines to carry on extensive training programs themselves.

(3) This type of training program should attract more and better educated men to the mining industry. These men could also be screened as to their abilities in various mining functions.

(4) A regional training center would provide an outlet for training materials, including those materials developed by the Kentucky Coal Mine Research Institute.

(5) Public relations would be greatly improved as result of "an industry helping itself". Kentucky would undoubtedly become the leader in coal mine training and hopefully coal mine safety.

(6) Properly trained men who become certified to make tests in mines as required by law would greatly assist mine foremen in their duties.

SURFACE MINING IN EASTERN KENTUCKY

During 1970, the Kentucky Department of Mines and Minerals reported that approximately 48 percent of the coal produced in the state was from surface mines. Out of a total of 125,308,395 tons produced, 61,809,368 tons were from surface production and 63,499,027 tons were from underground mines. Also, out of a total of 28,261 persons employed in mines in the state, 7,260 were employed in surface mines and 21,001 in underground mines. Surface mines, then, employed approximately 25 percent of the miners in Kentucky. Surface mining in the state has increased steadily during 1971.

Public criticism

The increase in surface mining in recent years has been accompanied by an increase in public criticism. Much of this criticism has been justifiable because of irresponsible operators who made little or no effort to reclaim land and the fact that most states have been slow in formulating and enforcing reclamation laws. These practices have resulted in "orphan lands" or surface mined lands that have not been reclaimed. The Kentucky Department of Natural Resources estimates that 40,000 acres of such barren land in western Kentucky and 25,000 acres in eastern Kentucky are in need of restoration by extensive grading and revegetation.

In 1964 Kentucky enacted one of the stronger state laws concerning surface mining and reclamation procedures. However, at present the surface mines are faced with continuing opposition that would either prohibit surface mining entirely or demand total reclamation of surface mined areas. Those critical of surface mining maintain that reclamation as practiced is not satisfactory and that many of the benefits of surface mining are not practical or are outweighed by such harmful effects as:

(1) Siltation of streams from stripping operations.

(2) Stream pollution and the destruction of water wells and natural springs used for water supplies.

(3) Destruction of timber by surface mining.

(4) Landslides and slumping on outslopes of spoil banks.

(5) Unsightly "scars" left by surface mining on hillsides.

Visits to surface mine sites and reclaimed areas in eastern Kentucky during the course of this investigation have shown that many surface mine operators are operating responsibly in meeting or actually exceeding existing reclamation laws. Surface miners argue in favor of surface mining and auguring for the following reasons:

(1) In contour stripping, surface mining produces level benches on otherwise hilly terrain which can be used for housing, industrial sites, agricultural purposes, land fill sites, etc.

(2) Large amounts of coal lying near the surface can be mined safely only by surface methods.

(3) Surface mining provides employment in areas where jobs are scarce.

(4) Recreational areas, lakes and game preserves can be constructed on surface mined sites.

(5) Roads and firebreaks produced by surface mining help to protect existing timber and provide access to fires for fire-fighting equipment.

Presently there are new regulations being imposed at the state and federal levels to further improve surface mining conditions. Water pollution controls regarding acid mine drainage and siltation are being implemented during 1971 as are new regulations by both the Kentucky Department of Mines and Minerals and the U.S. Department of the Interior concerning health and safety practices in surface mines.

It should be emphasized that many responsible surface mine operators in Kentucky are conducting testing and research programs of their own aimed at developing better reclamation techniques and land use potential.

Conclusions

As is the case with underground mines, surface mines are presently in a confusing transition period. It is probable that surface mines will experience even greater difficulty in regard to the training of certified personnel than underground mines because many federal regulations are new to surface mines, such as methane and oxygen deficiency tests. Many coal operators also stated that they were unsure of the necessary qualifications for surface mine foremen.

Recommendations

With the continuing increase in surface mining and with the ever increasing need for reclamation of surface mine sites, it seems appropriate to consider the following training programs:

(1) Surface mine foremen—At the present time Kentucky has no specific training program for surface mine foremen. The Kentucky Coal Mine Research Institute might consider the development of such programs in cooperation with the Kentucky Department of Mines and Minerals. Such programs would be of special benefit if they included satisfaction of requirements for certification under federal regulations. Elements of reclamation, the use of explosives and other subjects pertinent to surface mines would be appropriate.

(2) Surface miners and equipment operators—The Kentucky Coal Mine Research Institute might also consider training programs for surface miners because similar deficiencies are found in relation to underground mines. Accident reports, for example, show that new or inexperienced heavy equipment operators and other personnel are often involved in accidents. Programs might include not only the proper operation of heavy equipment, drills, augers, etc., but also elements of reclamation and health and safety principles.

Should the Institute consider the development of a regional training center for underground miners, the development of programs for surface miners at that facility is recommended.

POSSIBLE RESEARCH PROJECTS IN SURFACE MINES

Treatment of mine water

A research project applicable to both surface and underground mines involves the treatment of mine water. Preparation plants and coal washers have problems in the control of "black water." Also, methods to control dissolved solids and the pH of mine water drainage is needed, especially in areas where acid conditions are present.

Pre-planning of surface mine sites

It would seem that in many cases surface mining could be carried out with more regard for future land use before actual mining has begun. This is presently done, for example, in the planning of water retention in strip pits for lakes. Perhaps the Kentucky Coal Mine Research Institute could, within the framework of reclamation regulations, act in an advisory capacity between future land developers and surface mine operators in developing surface mine sites. In this way, perhaps some of the conflicts of interest and objections to surface mining might be overcome.

Uses of surface mine sites

In regard to future land use of surface mine sites, many experimental programs have been initiated such as orchards, greenhouses, vegetable gardens and poultry farms. The Kentucky Coal Mine Research Institute might consider these projects as research possibilities. Another problem concerning lakes and recreational areas developed on mined sites involves not only the construction of these areas, but their future management as well. One of the major criticisms aimed at the mining industry in eastern Kentucky involves lakes that are polluted and recreational facilities vandalized after their construction. It is likely that studies involving the future management and maintenance of such recreational areas would go far in producing a better image for the industry.

Other research possibilities

Although many of the basic problems involving revegetation, surface erosion, control of landslides and stream pollution have been solved to some extent, more research in these areas is recommended as reclamation procedures becomes more complex.

POSSIBLE PUBLICATIONS FOR THE KENTUCKY COAL MINE RESEARCH INSTITUTE

The Kentucky Coal Mine Research Institute would have at its disposal within the state a wide spectrum of talent and resources needed for the drafting and publication of literature useful to the mining industry.

The types of publications needed at present might be divided into two categories, educational and informational.

Educational publications

Publications of an educational nature would include those developed by the Kentucky Department of Mines and Minerals for the training of mine employees, supervisors, inspectors and operators. However, especially with the passage of the 1969 act, these publications need to be revised and updated to include new information and regulations.

In addition, any publications developed for use in special training programs initiated and conducted by the Kentucky Coal Mine Research Institute would be especially valuable because they could be analyzed as to their effectiveness under controlled classroom conditions. The development of correspondence courses might prove effective for some training courses. Correspondence courses might serve to cover certain subject matter areas entirely, or perhaps to significantly reduce the classroom time necessary to present certain courses.

Information publications

The Kentucky Department of Mines and Minerals now provides a monthly bulletin with general mine information, statistics and accident reports. However, these reports are not directed at the working miner. Discussions with mine operators and especially miners themselves have indicated a need for a general publication in "easy to read" form to be sent to the miner. This publication would include general mining news with accident prevention information the miner might find useful in relation to his particular job.

Another type of informational material might be in the form of a manual, prepared in cooperation with the U.S. Bureau of Mines that consists of a digest of the 1969 act and subsequent amendments. Several coal operators have indicated that confusion exists in regard to the interpretation of various parts of the act and such a manual may prove valuable.

SUMMARY

During this investigation it became evident that Kentucky has a tremendous potential for supplying coal to the Nation. However, the coal industry in Kentucky has been deficient in providing necessary training and research for the miner's safety. This is not to criticize those who are charged with this responsibility, because evidence seems clear that the major reasons for this failing may be found in the lack of personnel and a unified effort to carry on adequate programs. It would seem that the founding of the Kentucky Coal Mine Research Institute would be a major step forward in the unification of agencies and institutions in Kentucky in achieving safe mining practices.

TRIBUTE TO JUSTICE BLACK

Mr. HARTKE. Mr. President, I would like to take this opportunity to pay tribute to our late Supreme Court Justice Hugo Lafayette Black. Few men in the history of our Nation have made the contribution to the development of constitutional protections for our citizens that Mr. Justice Black has made. His passing leaves a substantial void on the Supreme Court, and American constitutional law has lost one of its finest contributors.

The former Chief Justice Earl Warren has spoken of Mr. Justice Black's "unflagging devotion to the Constitution." This was a devotion that he approached with unequivocal singlemindedness. While many others were being swept along by the tides of "McCarthyism," Mr. Justice Black was one of the few who was willing to bear the brunt of public antipathy in maintaining his integrity and devotion to the Constitution as he saw it.

Thirty-four years ago President Franklin Delano Roosevelt selected Hugo L. Black from among the ranks of this body to serve on the U.S. Supreme Court. Apparently his only question at the time of his appointment was to ascertain where he could serve his country best. No one can deny that while sitting on the Supreme Court he served his country to the best of his ability. Many volumes have been, and will continue to be written on Mr. Justice Black's contribution to the development of American constitutional law. Therefore, I will not attempt to catalog his 34 years on the Supreme Court in this short space. Rather, like the rest of the country, I mourn the passing of a great man who with unswerving devotion was committed to the Constitution and the common man.

PILOT AIRBORNE RECOVERY DEVICE

Mr. SAXBE. Mr. President, in 1967, the U.S. Air Force had a pressing need for a system to keep aloft airmen whose aircraft had been shot down in combat. They called it a discretionary descent system—a system that would keep the pilot in the air until a friendly aircraft could arrive to rescue him.

The idea was to reduce the number of American servicemen who become prisoners of war or missing in action.

The problem was turned over to Wright-Patterson Air Force Base at Dayton, Ohio. It, in turn, presented it to Goodyear Aerospace Corp., of Akron, Ohio. Goodyear has a long history of balloon and lighter-than-air experience, and conceived—almost on the spot—of a hot-air balloon system to keep the airmen aloft.

It is called PARD—for pilot airborne recovery device. Basically, it consists of a hot-air balloon that unfurls above the airman's parachute. The hot air lifts the pilot up to 10,000 feet, out of the range of enemy small-arms fire. It can keep him aloft for up to 30 minutes, so another aircraft can arrive and "air snatch" him to safety. The pilot also has the option to cut loose the balloon and descend to earth on his parachute.

The PARD system has gone through two successful development phases, and is now ready to be man-rated, when funding becomes available from the Air Force.

I ask unanimous consent that an article about this breakthrough in pilot rescue systems, which was published in the Norfolk, Va., Ledger-Star on September 22, 1971, be printed in the RECORD.

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

PILOT RESCUE DEVICE OFFERS "SKYHOOK" FOR DOWNED FLIERS

(By Jack Kestner)

NORFOLK.—Of the scores of Navy and Air Force pilots shot down over North Vietnam, probably not one descended in his parachute without fervently wishing for a "sky hook" to keep him airborne and out of the hands of the enemy.

Goodyear Aerospace Corporation has invented one.

Called "PARD" for "Pilot Airborne Recovery Device," it'll keep a pilot dangling in the sky for as long as 30 minutes—usually ample time for a recovery aircraft to snatch him away from death or capture.

Although developed specifically for the Air Force, both the Navy and the Army have expressed an interest in the device.

Key element in the system is called a "ballute" (contraction for balloon and parachute).

After the pilot ejects from his disabled aircraft, his main parachute opens normally. Then, at his discretion, he can employ the PARD system.

The ballute, attached to the top of the main chute, is inflated as air rushes through its vents.

A burner is suspended below the ballute and fed from a tank of butane gas strapped to the pilot's back.

This ignites, forcing hot (250 degrees) air into the ballute and providing a lift capable of halting the pilot's descent and lifting him above range of small arms fire—up to 10,000 feet if he likes.

A rescue craft is then sent to his position. Using a cable, it snags the ballute and either reels in the pilot or else tows him to friendly territory where he can complete his descent by means of his main chute.

In the event the pilot becomes disabled when his aircraft is shot down, a built-in safety device activates the system. It is preset to stabilize him at 6,000 feet.

"The system looks good so far," says Air Force Col. Albert P. Lovelady, director of the Life Support Systems Program Office at Wright-Patterson, and former commander of rescue operations of Vietnam.

Ten test drops have been made at El Centro, Calif. using dummies. Ejection tests have also been made at the Naval jet car test facilities in Philadelphia and Lakehust, N. J.

In the drops over the desert at El Centro, the dummies were successfully retrieved by an Air Force JC–130 Hercules aircraft.

The Air Force went to Goodyear in 1967 (when pilot losses in North Vietnam were running so high) with a request for "a discretionary descent device." Engineer Fred R. Nebiker is credited with inventing the PARD system, which was granted a patent last year.

Although designed primarily to prevent death or capture by the enemy, the system can also be employed by pilots descending into rugged territory where a parachute landing would involve high risk.

Future plans call for testing it in an F4 Phantom II jet fighter.

"Funding has not been appropriated for this due to the lack of priority," a Goodyear spokesman said. "It is hoped that the Air Force and using commands will be able to increase the priority."

Colonel Lovelady says that the system "could provide that one more chance our pilots need when forced to bail out over hostile territory."

The Defense Department lists 234 "known captured" Air Force airmen in Vietnam, and 143 "known captured" Navy personnel.

It will never be known how many of these could have been rescued if PARD had been operating since the beginning of the war.

SENATOR WINSTON L. PROUTY

Mr. BAYH. Mr. President, in an age when politics have been criticized as being inadequately creative, I am especially proud to have served in the Senate with Winston Prouty, of Vermont. Win was a true public servant: During 33 years he consecutively served Vermont as mayor, State representative, U.S. Representa-

tive, and U.S. Senator. His varied experience with the problems affecting the people of Vermont gave Win a remarkable broad perspective on what legislation could best solve those problems. And as a result, we have an expanded and more generous social security system, a fuller manpower training program, and a bipartisan Senate effort to strengthen the Administration on Aging by increasing its funding. I am confident that Win's legislative efforts will serve as a strong foundation for any future congressional action in the areas of his expertise. We have already witnessed a great public interest in improved health care and in more efficient hospital facilities. Win was a pioneer in this field. We have heard both parties advocate the concept of a minimum income level. Win was one of the first proponents of this concept also.

Senator Prouty served 12½ years as a Senator. During that time, he gave generously of his time and encouraged the Nation to similarly give generously of its resources to all citizens. Although Win avoided undue publicity or extravagant campaign expense, he was reelected to various offices 12 times during his career; such an endorsement by his constituents is ample tribute to the fine legislative record of the late Senator from Vermont.

I can only express my personal gratefulness for the chance to have known Win and to express Marvella's and my deepest sympathy to Jennette and the family. The Senate has lost a fine colleague and leader.

THE C–5A AND THE CIVIL RESERVE FLEET

Mr. SYMINGTON. Mr. President, because of a conviction that the Air Force had need for a large airplane with great range and huge lift capacity as well as special operating characteristics, I have supported the C–5A program. I was persuaded that this new airlift technology could provide rapid deployment for troops and equipment needed to meet proper defense commitments without stationing large military forces overseas. I believe the C–5A will meet the characteristics and requirements which were set out for it and that it can serve the purposes intended.

I am concerned, however, with the suggestion which has been made that these planes might be used in extensive routine transportation of ordinary cargo. The full implementation of that possibility could mean the substantial dismantling of the civil reserve air fleet. The Congress has supported the C–5A on the basis of the need for a plane to permit rapid deployment of forces and special outsize and heavy military equipment, not routine transport operations.

There has been some claim that the C–5A is a low cost per mile aircraft. Although experience is very limited, there is no indication that it is an inexpensive airplane to operate. On the basis of the record of previous MAC operations, there is every reason to believe that this aircraft, like its predecessors, will be very little cheaper than military contract operations if crew and capital costs were excluded and if such costs are included the operation would without any question exceed civilian contract costs.

During hearings on military airlift procurement policies held earlier this year by the Aviation Subcommittee presided over by the junior Senator from Nevada (Mr. CANNON), there were indications that the Air Force intended to take all international cargo traffic away from the civil carriers whose aircraft make up the CRAF fleet. With hearings that have been resumed, I am hopeful this matter will be clarified.

It has been the policy of both the executive branch and the Congress for years that the CRAF fleet would be looked to in time of emergency for substantial airlift capacity for both passengers and cargo. We cannot expect the civil carriers to maintain a state of ready response to an emergency if all the peacetime international military cargo business is taken from them and flown on military planes bought for another purpose.

We know the C–5A has far exceeded its estimated cost. I hope that the Department of Defense will not use the huge override costs of the C–5A as an excuse for what could result in the destruction of the civil reserve air fleet.

COALITION FOR CHANGE

Mr. HART. Mr. President, politicians are fond of calling for new coalitions to bring about orderly change.

All too often, the call for a coalition remains rhetoric, and little or no thought is given to mechanics of establishing a joint effort.

At the annual meeting of the National Urban League in Detroit this July, Daniel H. Kruger, professor of labor and industrial relations at Michigan State University, presented a paper discussing both the need for a black-white coalition and the ground rules for establishing a successful coalition.

I ask unanimous consent that Professor Kruger's paper be printed in the RECORD.

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

COALITIONS AS MECHANISMS FOR SOCIAL CHANGE

(By Daniel H. Kruger)

Blacks cannot solve their problems of economic and social deprivation in isolation, because they are fully enmeshed in a society dominated by whites. Whites control the economic resources needed to provide Blacks with meaningful equality of opportunity. Whites control the social institutions through which many social services are delivered, which can enhance the quality of life of Blacks. Thus, the solution of the economic and social problems of Blacks lies as much in the white community as in the Black community. A joint effort by both Blacks and whites is required if social changes are to take place which will improve the socio-economic status of minorities and the poor.

Soaring rhetoric just will not solve the crucial problems of the vast majority of Blacks. Black is beautiful, and this feeling, this esprit de corps, can enhance the self perception of Blacks. But standing alone, "Black is Beautiful" will not create one job nor improve the quality of education nor provide better housing. "Telling it like it is" may shock the listener or provide for some catharsis for the teller; but standing alone, it does not bring about social change. "Doing one's thing" likewise may have psychological value; but standing in isolation, it will not contribute to the resolution of the critical problems of education, employment, housing, and health.

Blacks cannot go it alone—tempting as this strategy may be. It is understandable why the cry of Black Power has its appeals. When one looks at the large cities and sees the growing number of Blacks who are living in the central cities, one can conclude that Black Power can indeed bring about needed change. The whites, however, control the important institutions which determine the life blood of the cities. Moreover, the great cities are in such financial difficulties, that controlling the city may be an empty shell. These cities need the help of both the state and federal government if they are to provide the essential services in sufficient quality and quantity to their residents. There are at least three reasons why the Blacks and the poor cannot go it alone.

Blacks and the poor are in a minority. Although Blacks are increasingly becoming a very substantial minority, and in many cases a majority in numerous central cities, they will have extreme difficulty in achieving their demands without the cooperation of the majority. Black mayors, for example, have to draw upon the skills and purses of the whites as well as the Blacks.

This suggests a second reason. Resources are limited for achieving those goals which will improve the quality of life. The large cities with heavy concentration of Blacks do not have the necessary revenue to expand needed services. The rising taxes of many cities, along with other problems, have accelerated the exodus of whites from the city to the suburbs. At first, it was just people who were moving out; now it is firms—both business and industrial. The exodus—the outmigration of these firms—is of crucial importance because when these firms and offices leave the central cities, they carry with them jobs.

These jobs are crucial in a job economy. Almost 90 percent of the labor force are employees; that is, they work for some employer—private or public. In a job economy, the job has become a most valuable piece of property because it provides the central means for obtaining income. The job is the most important economic activity in the lives of most Americans. Jobs are highly perishable. They disappear with changes in technology, with changes in national monetary and fiscal policies as well as fiscal policies of local governmental units. In 1971, jobs are scarce and will continue to be scarce until there is a powerful stimulant to the economy. Blacks and whites need jobs.

The movement of the firms out of the central city has another effect. It alters the tax base in the central city while increasing the tax base in the community where the new facility is located. The central cities can ill afford to lose tax revenues.

There is a third reason why Blacks and the poor cannot go it alone. No minority group, even with high motivation, has all the skills needed to bring about systems change. Whites can help manipulate the power levers, can open doors, and supply technical assistance. Blacks and concerned whites can bring about change by pooling their skills, their resources and their energies. The task is of such magnitude that all citizens who want to see America live up to its professed ideals must join hands. The clock is running out for economic separateness and closing out those who want to join forces to help eradicate racism. The socio-economic problems multiply in complexity and magnitude. The longer the nation delays—the longer the nation permits divisiveness. Blacks and concerned whites cannot afford to polarize themselves. The nation is playing for high stakes. The kind of society we shall have

hangs in the balance. All concerned citizens—Black, Brown, Red and White—have a crucial interest in the building of an open society.

Since the Blacks and the poor cannot go it alone to bring about needed social change, what are the alternatives? How can both Blacks and concerned whites work together to bring about those changes which will make America a better society for man? Another related question is what kind of organizational structure is best suited to mount the thrust needed to bring about those changes which will improve the quality of life for Blacks and other minorities? The organizational structure is important because it provides the mechanism, the machinery, for mobilizing and organizing the necessary resources—both human and financial—to bring about desired and needed social changes. The organizational structure also provides the framework for managing the efforts and energies of Blacks and concerned whites who have joined hands to bring about the series of solutions demanded by the complexity of social and economic problems confronting the nation.

An important mechanism for bringing about social and economic changes is the coalition. What is a coalition? It is an alliance of parties or individuals for joint action or purpose to achieve a specific objective. Through a coalition, cooperative efforts of Blacks and whites can be brought together and can be welded into a dynamic thrust. A coalition can be temoprary or "permanent". It has a temporal dimension. It can exist as long as the members of the coalition feel that it is necessary to maintain the cooperative efforts. Moreover, a coalition can be formal or informal. A formal coalition is one in which all individuals and groups proclaim their intent to work together and are guided by general rules. An informal coalition is when the individuals or groups are working on the same problem, exchange information, but the efforts are not coordinated or directed. Our concern is with the formal coalition as a mechanism for systems change.

A coalition to be successful must have utility; it must be going somewhere; it must be doing something constructive. A coalition dedicated to bringing about social change must have a strong commitment of its members. A coalition is held together by mutual goodwill and by a common cause. Goodwill and commitment are the cement which binds together the members into a coalition.

A coalition to succeed must have consensus on the objectives to be achieved. Majority vote on a position to be taken does not mean that the position is the best one. A margin of one vote is a shaky foundation on which to build.

An effective coalition is built on the self interest of its members, both individually and collectively. Whites join in a coalition with Blacks because of self interest. There must be something in it for the individuals to join forces. This self interest can take several forms. One form is the growing realization that the majority of the society cannot prosper if one crucial part of it languishes. Put another way, some whites feel that their security is threatened if something is not done to bring Blacks and other minorities into the mainstream of American life. This viewpoint underscores that no man can be free unless all men are free. Another aspect of self interest, and this is stated in its boldest terms, is riot insurance against burning and looting. Some whites participate in coalitions in the hopes that riots and confrontations can either be eliminated or minimized. For some whites, participation in a coalition is in the Judeo-Christian tradition. As is stated in the Bible—"justice, justice, justice shalt thou pursue." There are those whites who join a coalition with Blacks to improve their image with their children, who in many instances have identified with the efforts of Blacks to eradicate racism. Still another group of whites join hands with Blacks for political purposes—i.e. to get Black support in elections.

There are undoubtedly other forms of self interest which motivate whites to join coalitions with Blacks.

The question may thus be raised—does it really matter what motivates whites to join coalitions with Blacks? It would seem that the critical point is that whites want to become involved and by their behavior have indicated a willingness to participate. I for one do not try to analyze individuals' motives for participation in the civil rights movement. I am more interested in their behavior and actions. As we are told in the Bible—"By ye actions, ye shall be judged."

In addition to self-interest, a coalition to be successful must be issue-oriented. It should use the rifle approach rather than the shotgun approach. By this it is meant that the coalition focus on limited narrow objectives rather than take on all the problems of society. A limited objective approach enables like-minded groups to join forces to work towards achieving the objective. For example, there are groups interested in improving the environment but are not interested in improving housing. Through a limited objective approach, the coalition could enlist the support of all groups interested in that objective—black and white, rich or poor, public and private, young and old.

At any one moment in time, there are a number of groups working on a particular issue. Take the concern with the high unemployment rate of veterans. The Federal Government, the American Legion, the Veterans of Foreign Wars, and the National Urban League, to mention several groups, are concerned with this issue. They are seeking a series of solutions which hopefully will ameliorate the problem. Although there is no formal coalition of these groups, they are working on the same problem. I use this issue as an example because it exemplifies that other special interest groups like the veterans organizations are working on a problem which includes Black veterans. It would indeed be remarkable and unprecedented if the Veterans organizations and the National Urban League were to be working together on improving the accessibility of Blacks to housing in the suburbs.

Another criterion for an effective coalition is that it cannot adopt an "all or nothing" posture or attitude. Rarely can a group of concerned individuals, parties or organizations achieve the ideal objective. If the coalition takes a position that only the ideal will be acceptable, its effectiveness as a change agent will be diluted or rendered impotent. A case in point is welfare reform. There is legislation before the Congress which, if enacted, will provide a guaranteed income to all families in the United States. This is a significant and radical social policy for this country. Some individual groups have expressed their disfavor with the proposed income levels and are working for its defeat. It is not my intent to discuss whether the proposed income level under Welfare Reform is adequate or inadequate. What is important to me is that there is an opportunity to establish a basic principle of a guaranteed income for all families. A bit of history may be helpful to understand my position that what is important is the principle, not the amount, of a particular benefit or income at one moment in time.

In 1934, when the Social Security Act was being discussed in Congress, there was concern that the level of benefits for the old age benefit for retired workers was too low, and that coverage was too limited. When the Act was passed in 1935, only the retired worker was covered. In 1940 when the first Social Security benefit was paid, the average primary monthly benefit for retired workers was $22.71. In 1970, it was *$120.95*, a 434% increase. Improvements in the benefits and coverage have taken place frequently since 1935. The historical experience with the Social Security program is an excellent example of the importance of establishing a general principle and then working continuously to expand the benefits. This should be an important lesson for coalitions in their efforts to bring about social change.

Another criterion for a successful coalition is that it must develop its strategy carefully. Of paramount importance is the strength of the threat. Unfortunately, there appears to be the need for some kind of threat to alter the status quo. What is needed is enough of a threat to cause the majority community to start changing its own attitudes and allocation of resources in ways far more favorable to Blacks and other minorities, but not so much of a threat so as to cause total withdrawal of white cooperation, sympathy and support. Pressure must be applied to bring about change; but the key question is how much pressure?

How much pressure to exert, how to organize resources effectively, is a function of leadership. A coalition, to be successful in bringing about change, must have dynamic leadership, leadership which will inspire the members to exert their best efforts. Leadership is necessary to attract the support of other groups in the society to its cause. Leadership must be of such quality that it is recognized by the public officials at all levels of government. Leadership is needed which will give the coalition vitality and excitement.

Another criterion for a successful coalition is to focus on changing the methods of operations of existing institutions, to make them more responsive to the changing environment, to make them more accountable for their actions. The emphasis should not be on creating new and special programs for Blacks, other minorities and the poor, but in eliminating the need for special programs. For example, if the public schools were providing quality education for all students, would there be a need for remedial educational programs to teach individuals basic reading, writing and computational skills? If building codes were enforced, would the decay of the city have been arrested? If vocational programs were universally available in high schools, would there have been the need for federally supported manpower programs for the disadvantaged?

If employers had developed personnel practices and procedures which screened in job applicants rather than screened them out, would there be the need for special programs of recruitment? If the system had been responsive, would we have needed the special programs of OEO? If the government agencies—at all levels of government—had been genuinely concerned about the humanity of the persons to be served rather than on services rendered, would there be the outcry of racism? These agencies appeared to be more interested in what I call talleyoism—marking the tallies, marking the units of service, rather than being interested in the humanity of the individual to be served.

There are sound reasons why the effective coalition must focus on systems change rather than on creating special programs. Special programs eat up scarce resources to pay administrative costs. There is a scarcity of financial resources, and therefore it is just not possible to finance all the special programs needed to improve the socio-economic problems of the minorities and the poor. This is the economic justification for the coalition to focus on systems change. In my view, special programs take the white community off the hook. The white community can say—"Why, we have a special program for the disadvantaged!" Special programs are, in too many instances, a salve for the conscience of the white community. They can serve as a

deterrent, a hinderance to systems change. They provide a shield behind which the white community can hide. The coalition must force the whites to reexamine the modus operandi of the social institution in order to bring about changes which will improve the quality of life for all Americans.

A successful coalition needs adequate financial resources in order to reach its goals. Motivation and commitment are important ingredients for success, but they must be buttressed by financial resources to purchase staff, supplies, and to communicate. The ability to obtain monies is an important fact of life for coalitions.

The continued existence of a coalition depends on achieving some victories, some successes. This does not mean that all battles can be won, but the coalition must show that something constructive is happening. Measuring successes are difficult because there is no effective yardstick or standard of measurement. For example, the coalition may have been involved in lobbying for a law or change in law which on the surface appears like a significant victory; but the administration of the law negates its intent. The coalition can not measure its success by the units of service it renders. It cannot measure its success by the reduction in the number of poor.

We can, however, get a reading on its effectiveness by looking at what is happening. For example, public awareness over the problems of discrimination and racism has been heightened. In my view, one of the most important victories has been in the area of employment—yes, even in times of high unemployment. The nation is becoming more manpower conscious; it is becoming more concerned about the development and utilization of its manpower resources. It was and is the Black man who is forcing American employers—both private and public—to reexamine their hiring practices, and selection techniques. Civil rights legislation, the Equal Employment Opportunity Commission, and the Federal Courts have all been involved. The hero, however, in this exciting unfolding drama is the Black man. Increasingly, the employer can not hide behind arbitrary hiring standards such as unrealistic educational requirements and ability to pass some kind of test not related to job performance. We may have reached a point where at last the credentials society is beginning to come under attack. The nation has suffered substantially as a result of the establishment of so many credentials which are unrelated to performance. The war has not been won, but important battles are being won. I do not claim that the coalition of Blacks and whites is singly responsible for this critically important breakthrough, but its presence was felt in a number of ways.

Coalitions are useful mechanisms because of their flexibility and applicability to different settings. A coalition can be formed to resolve a problem or attempt to bring about change in the neighborhood, or in the city, at the state and national level. It does seem, however, that coalitions are formed primarily to operate at the national level. The National Urban League has itself been a member of many National coalitions. These alliances, for example, lobby before the Congress in order to influence national legislation either positively or negatively. They seek the enactment of proposed legislation or they seek to defeat proposed legislation or to modify it. Coalitions operate at the national level in order to influence national legislation, to shape national effort, and to have a national platform for purposes of communication.

There, however, appears to be little effort at forming coalitions at the state level, especially as they relate to the socio-economic problems of minorities. State government is not dead. The actions of state government greatly affect the lives of Blacks and other minorities. It is the State Highway Department which decides to build expressways through the ghettoes. It is the State Department of Education which distributes state aid to local school districts. This Department can and does shape and influence educational policy within the State. The State Welfare Department supervises the allocating of funds for AFDC and other public assistance programs. It is the gatekeeper for welfare programs. The State Employment Service operates local offices in many cities throughout the State. These offices play a crucial role in the implementation of the federally supported manpower training programs. The states also support institutions of higher education.

In my view, there are too many citizens who have written off the states. They proclaim that the states do nothing. They have already prepared the obituary for state government. This is sheer nonsense. An obituary is premature—state governments are alive but not doing well. Nevertheless, the states are still very important public jurisdictions. They are the dispenser of funds and preparers of regulations and rules for such crucial areas as education, social services and employment. There is indeed, need for effective coalitions at the state level, especially in those states where Urban League's affiliates operate. The actions and activities of state governments cannot be ignored nor should they be immuned from public scrutiny. Coalitions at the state level must be established in order to unite efforts directed towards needed social change.

At the local level the Urban League affiliate, by its very composition, plays the role of a coalition of concerned citizens—both Blacks and Whites—to bring about social change in the community. The Urban League affiliate is a coalition as well as an organization. It is an organization with rules, procedures, strategies and programs. As an organization and as a coalition it seeks to bring about improvements in the quality of life of minorities and the poor. The local Urban League focuses its efforts on systems change—economic, social and institutional It attacks the root causes of suffering of Blacks—poor quality education, poor health, poor housing and high rates of unemployment. The Urban League affiliate can and should be the focal point of systems change. It, however, cannot do alone the massive task of providing equality of opportunity, equal options and equal results for all Americans. Thus, at the local level, the Urban League affiliate joins forces with other groups—to form a coalition of organizations to work together on specific problems. It contributes its skills, its resources into a common pool along with other groups. Thus, in a real sense, the Urban League affiliate operates on two planes of action, two dimensions. It carries out its *own* activities and programs for its constituencies—the Blacks, other minorities, and the poor. It also has another dimension—its relationships and cooperative efforts with other groups in the community who are working on specific problems relating to the activities and concerns of the local affiliate.

The local Urban League has a third dimension. It provides the foundation for the National Urban League. It is the operating arm of the National Urban League efforts at systems change. Thus, in another sense, the National Urban League is a formal coalition of local Urban League affiliates, pledged to serve the nation by helping minority groups and the poor to improve their socio-economic status.

Thus, the National Urban League and its local affiliates are both an organization and a coalition. A coalition that, in the words of the prophet Isiah, has as its purpose "to seek justice, relieve the oppressed."

In July 1970, in New York, Mr. Whitney Young in his keynote address at the annual meeting of the National Urban League stated—

"I believe that the time is now for broad coalition . . . And I believe that whether they pursue their own self interest or because they move their idealism to a higher more realistic plane—a new coalition can be forged that will once more return America to a sense of purpose and a will to justice."

Later, in his last keynote address he said, "only by unified action can we forge the alliances across racial lines that promise progress."

Strong as the National Urban League is, it cannot go it alone. It needs the support, cooperation and commitment of other citizen groups interested in social justice. It needs the effective support of business, industry and labor in its efforts. Furthermore, the National Urban League must establish a special kind of coalition with the Federal Government. The National Urban League has survived for sixty years without Federal support; it can continue to survive without that support. The National Urban League, however, can be helpful to the Federal Government. Through its affiliates it can assist in the delivery of services; it can develop experimental and demonstration programs; it can serve as a kind of ombudsman for minorities in their relationship to federal agencies. Lastly, to be effective it must, where practical, build effective coalitions at all levels of government—national, state and local.

The National Urban League and its 100 local affiliates must develop the kind of leadership which can build effective coalitions of concerned citizens. Effective coalitions are essential if we are to build the Responsible Society. The formula for a Responsible Society is very simple. The society must respond to the hopes, aspirations and needs of all of its citizens. In the process of responding to these needs the society becomes responsible. To bring about the Responsible Society there must be responsible coalitions which themselves respond meaningfully to the needs of the citizens.

Responsible coalitions are directed to one goal, one objective: to bring about systems change—social, economic and institutional—so that all Americans regardless of race, color or creed will indeed have their inalienable right to life, liberty and the pursuit of happiness. The National Urban League as one responsible coalition asks no more, no less of America.

UNIVERSITY OF NEW HAMPSHIRE PROJECT TAPPING RESOURCES OF SEA

Mr. McINTYRE. Mr. President, for many years the University of New Hampshire has had on its faculty skilled scientists with a keen interest in the coastal waters of our State.

These scientists are working in the Jackson Estuarine Laboratory of the University of New Hampshire, an impressive oceanography lab devoted to tapping the untold resources of the sea.

The executive officer of the university's office of marine science and technology is Prof. E. Eugene Allmendinger. He is aided by a large group of experts including Prof. Galen E. Jones, Godfrey Savage, and E. Howard Stolworthy.

These men deserve credit for attempting to make the fields of oceanography and ocean engineering productive for the entire State—not just the seacoast region.

One of the exciting aspects of the research being done concerns EDALHAB 11 which is an underwater sealab used by the laboratory for exploratory and fact-gathering purposes.

Last spring three UNH divers, Mark

Hertel, Thomas Glennon, and Erick Sawtelle, spent 5 days under the sea in the lab as a team of undersea scientists gathered information on the effects of prolonged underwater habitation on the human body.

The contributions these men have made to the study of the sea is a tremendous achievement for the State of New Hampshire. Today I wish to cite that accomplishment that these men have achieved.

Mr. President, I, therefore, ask unanimous consent to have printed in the RECORD an article entitled "A University and the Ocean," published in the New Hampshire Petroleum Council News.

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

CORRIDOR TO THE SEA

The University of New Hampshire is active in the fields of oceanography and ocean engineering. In the words of Professor E. Eugene Allmendinger, the Executive Officer of the University's Office of Marine Science and Technology (OMSAT), "This activity is vital to the realization of the full potential that New Hampshire's 'Corridor to the Sea' has for advancing the well-being of the entire State—not exclusively its seacoast region."

In elaborating, Professor Allmendinger points out that the State's "Corridor to the Sea" is that area of land and water whose 20-mile axis begins at the University's Durham campus and extends seaward to the Isles of Shoals. This corridor possesses a unique inventory of assets which is capable of promoting the best marine-oriented interests of New Hampshire—at state, regional and national levels. These assets include:

1. a rich variety of marine environments
2. an academic base at the University with recognized competence in marine-oriented education, research and service
3. several marine-oriented federal, state and industrial activities
4. a centrally located outlet on the Gulf of Maine
5. an essentially ice-free harbor and river
6. the "proximity to" and yet "remoteness from" the Greater Boston area.

Professor Allmendinger concludes by stressing that New Hampshire's very significant challenges and opportunities in marine affairs should be associated with the "Corridor to the Sea" concept and not with its modest length of coastline, for the Corridor is indeed a feasible site for a major East Coast marine center.

Secrets of the sea are not easily divulged. Yet, over the ages man has designed various structures in search of whatever it may be that is held fast in Davy Jones' locker.

For some time now the Engineering Design and Analysis Laboratory has been developing an underwater habitat system. In the fall of 1967 a group of students were encouraged by their professors to design and build a shallow water sealab. It was named EDALHAB for Engineering Design and Analysis Laboratory HABitat. In the summer of 1968, after a successful test in Winnipesaukee, it was put aside.

This spring, however, a new, multi-phase, multi-interest program was prepared for EDALHAB. One facet of the program was designed to carry out undersea observation of Pacific dungeness crabs. These creatures are considered a delicacy on the West Coast, the same as lobsters are here in New England. And lobsters are becoming more scarce as each year passes. Some scientists have suggested that the Pacific crab might be introduced into the cold Atlantic waters and, if successful, the lagging lobster supply could thus be supplemented and New England's fishing economy bolstered.

Another facet of the scientific tests conducted in connection with the EDALHAB II project was an evaluation of a telemetry system for monitoring physiological data from a diver. Using this system, signals corresponding to heart rate, body temperature, respiration rate and water depth can be transmitted acoustically from the diver to a surface receiver and then displayed as traces on a chart type recorder. The test data obtained for the telemetry system will be used in the development of a complete system which will enable topside personnel to continuously monitor the diver's status and provide assistance when needed.

Perhaps the major purpose, and the one upon which the other two projects depended, had to do with the EDALHAB II itself. The problem here was to transport, implant and retrieve the habitat with ease and economy. In addition, of course, it was important to find out what problems would exist in living under the sea.

Wherever there is an underwater project of long duration, a habitat such as EDALHAB II appears to be a necessary tool. By using an underwater habitat, divers can decompress after a long series of dives rather than after a single dive. This makes it possible for the diver to work not just a couple of hours each day, but perhaps six or eight hours. The ability to make longer dives is particularly desirable when the purpose of the dive is to study marine life on the ocean floor, as was the case with the Pacific dungeness crabs.

The transformation of EDALHAB I into EDALHAB II was a project in itself. Two and a half years of inactivity found EDALHAB somewhat rusted and with much of its equipment in need of repair or replacement. The thickness of the welds was checked with an ultrasonic device. The frame had to be rechecked to make sure it would withstand the rigors of handling on the surface and the underseas environment. A new mooring system had to be developed, and under the direction of Croydon B. Pearson, Jr., a series of anchors, cables and moorings was designed. Each of the two habitat main anchors was made by placing six railroad wheels on a steel shaft. Each railroad wheel weighed in excess of 700 pounds.

In cooperation with the Woods Hole Oceanographic Institution, the catamaran LULU was assigned to furnish the transportation and support system for EDALHAB II. LULU was developed originally as the mother ship of the famed deep-diving submersible ALVIN which was named for its creator, Al Vine. The LULU was named for Mr. Vine's mother.

The twin-hulled vessel arrived at the Port Authority dock on Friday, April 23. Along with other necessary equipment, a two-compartment decompression chamber, built by UNH students, was lifted aboard by crane under the direction of Dr. Godfrey Savage, Director of the Engineering Design and Analysis Laboratory. EDALHAB II was lowered into the water, floated into position between LULU's twin hulls and drawn up into position for traveling, similar to the way ALVIN would be positioned on her platform.

Also supporting the operation and serving as a hotel ship was the research vessel UNDAUNTED of the Cape Fear Technical Institute of North Carolina, as well as the JERE A. CHASE from the UNH Jackson Estuarine Laboratory.

Following the boarding of equipment and personnel, the tiny scientific fleet headed for a preselected site 350 yards from Appledore Island on a bearing of 300° M north from the Island's radar tower. Appledore is the larger northern island in the group of islands off Portsmouth Harbor known as the Isles of Shoals. At the selected point the water runs to a depth of between 50 and 65 feet. EDALHAB II was lowered and moored at a depth of 40 feet, measured at high tide to the bottom of the entrance trunk.

At 7:40 p.m., Sunday, April 25, the three UNH divers—Mark Hertel, Thomas Glennon and Erick Sawtelle—entered EDALHAB II. They did not surface again until Thursday morning, April 29, the first diver breaking the surface at 9:00 a.m., the other two following at five-minute intervals. As soon as each arrived he was immediately escorted into the decompression chamber where they spent the next twelve hours.

In constant attendance and assisting the UNH divers was a team of professional divers known as the Boston Sea Rovers. Throughout the four days there were two doctors in attendance—Dr. Joseph MacInnis of Ocean Systems, Inc., and Dr. Horace Argeles of Argentina.

The EDALHAB II exercise was funded by the Sea-Grant Program of the National Oceanic and Atmospheric Administration (NOAA) and the Office of Naval Research through its support of the deep-diving submersible program at Woods Hole, Mass.

The story of EDALHAB II, including the underwater phase, was filmed in color by William "Smokey" Roberts who took some 4,200 feet of magnificent film.

WOMEN IN POLITICS

Mr. BAYH. Mr. President, I believe that the staff of the Library of Congress, particularly the Congressional Research Service, deserves the praise and commendation of all Members of Congress. The information and research that the Library provides to all Members to assist us in carrying out our legislative responsibilities are invaluable. The Congressional Research Service, a department within the Library, works entirely as the research arm for Members of Congress and committees. There many specialists provide up-to-the-moment information on a limitless number of subjects, often within a matter of minutes.

The capable staff of the Congressional Research Service has provided a great deal of assistance to me in my efforts to secure equality of treatment for women under the law. One such staff member is Morrigene Van Helden, an analyst in the American National Government Division, who has provided inestimable materials relating to the various activities that women have become more involved in during the past few years in their striving for equality.

Mrs. Van Helden provided excellent background information for an amicus curiae brief that I recently filed as attorney for the National Federation of Business and Professional Women's Clubs in two sex discrimination cases pending before the Supreme Court.

Mr. President, Mrs. Van Helden's outstanding work in the field of women's rights has recently received the public recognition it has deserved. I ask unanimous consent to have printed in its entirety an article from the Evening Star, August 25, 1971, entitled "Her Specialty: Women in Politics."

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

HER SPECIALTY: WOMEN IN POLITICS

(By M. Margaret Green)

A congressman wants an objective study of the arguments for and against the Equal Rights (for women) Amendment . . .

A senator wants a reliable count of the proportion of women candidates elected to

office as compared to the proportion of men or a comprehensive run-down of all pending legislation that would affect women . . .

Mrs. Morrigene van Helden will save their staffs hours of research by preparing the information, if she hasn't already anticipated the demand.

A DEMAND

Officially an "analyst in American national government" at the Library of Congress, Mrs. van Helden has developed a specialty in women in politics because of the accelerated demand for such research among legislators gauging public interest.

The "government and general research" division for which she works is only one of 10 departments within the Congressional Research Service—all charged with the compilation of facts, background material and analysis for federal law makers.

"I try to keep up," she says softly from the pile of newspaper clippings, yet-to-be-read articles and open books, a pile exactly like that on all staff members' desks whether their specialty be Indian affairs, student groups and movements or a combination of topics related to American government.

"The way specialties develop is according to need," she explains. "When I first came (four and a half years ago), there was a lot of interest in the Kennedy family and the assassinations.

"For a time we also had a lot of calls about etiquette and protocol at the White House and then about presidents' wives and families.

"It sounds like a smooth progression from the Kennedys to wives and families to women, but it wasn't quite that way."

GENERAL ISSUES

Questions about women in politics and occasionally in law are coming "more and more often," she says, with the emphasis most often on general issues.

From her research she has compiled "almost a history of women's rights in the 20th century."

That "history" is in the form of numerous multilith studies available to senators and representatives only, but sometimes made public through congressional offices—never through the library.

Some of the topics: the effect of world wars on the feminist movement; debates on the women's suffrage movement; women who have served in Congress.

On her own initiative she researched women in the national legislature, "how they got there and how long they stayed."

"One aspect of this job is to anticipate the needs of Congress," she says, but when she began preparing for a predicted onslaught of questions about women candidates and office-holders she found current sources contradicting themselves.

ORIGINAL SOURCES

As often happens, she went to original sources to pull together her on set of statistics.

"Sources vary" in their reliability, she says, "especially now because the women's rights movement has just gotten going in the last few years. There's no one source to go to."

One indication that the public attitude to a new feminism has changed, she says, is the extent of coverage so-called "women's lib" receives in the commercial press.

First, "every magazine" almost routinely carries features on the subject.

Second, coverage has shifted from initial generalizations or skepticism to a "more intellectual, academic" approach and consideration in specialized journals such as the Harvard Law Review.

Her own attitude has changed slightly because of her research.

"I'm more sympathetic to some women because the traditional view of a woman is 'wife and mother and everybody gets married,' she says, "but 38 percent of the labor force is women and one eighth of these women are heads of families.

"These women certainly shouldn't be discriminated against because of the traditional ideas about women.

"Maybe a few years ago I might have said, 'Nothing like that has ever happened to me; I'm not affected by it.'

"Now I would say, 'If it's a problem to one woman who's trying to raise a family it's a problem to everybody in this society.' "

Her reading preferences have been altered because of her job also. She finds herself reading every possible book and article on the status of women, even at home.

"I'm interested in the subject now so that I don't treat it just as a job. I'm curious and very interested."

ECONOMIC STATUS

Most of the questions that come to her are on the economic status of women, she says, rather than the sociological aspects of today's feminism.

She is not asked for her opinion nor would she want to volunteer it.

There are times, she admits, when someone asks for facts to back up a certain point of view.

"I keep up with everything and sort of direct people in the direction they choose," she says.

She will do research for them or choose reference books and weed out available sources if they want to study an issue on their own.

"We don't make judgments," she says. "We don't say, 'You're wrong' or 'I don't agree with you.' "

Mrs. van Helden holds a B.A. from Bucknell with a major in education. "That came from changing my major so many times," she laughs.

"I was offered a job in Montgomery County, teaching journalism, civics and physical education or some fantastic string of things," she recalls of her first job-hunting days in Washington.

The teaching position wouldn't be available, however, until the next semester and the interviewers suggested she might be happy at the Library of Congress where she could indulge her far-flung curiosities.

"I love libraries," she concludes. "I couldn't be happier because during my whole childhood Saturday was the day for the library; the day you took three books back, took three more out and spent the whole day snuggled up reading them."

IMPLICATIONS OF PLANNED NUCLEAR TEST IN AMCHITKA, ALASKA

Mr. PELL. Mr. President, the Saturday Review for September 25, 1971, contains a most thoughtful commentary by its editor, Mr. Norman Cousins, on some of the implications of the planned nuclear test explosion in Amchitka, Alaska.

As we prepare for the United Nations Conference on the Human Environment in Stockholm next year, and as concern over the need for international action to protect the human environment increases, I believe that Senators will find Mr. Cousin's article particularly thought provoking. I ask unanimous consent that it be printed in the RECORD.

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

AMCHITKA AND TRIBALISM

What is most characteristic of modern man is not his power but his powerlessness, not his ability to mobilize vast force but his inability to protect himself against it.

Consider the plan of the United States to detonate underground a nuclear bomb with the equivalent force of five million tons of TNT—a bomb 250 times more powerful than the explosive dropped on Hiroshima. The projected site of the explosion, Amchitka Island in the Aleutians, is closer to Canada, Japan, the Soviet Union, and China than it is to the continental United States. Citizens of those countries and, indeed, citizens from all over the world have expressed alarm. They have cited the apprehension of scientists over possible radioactive leakage into the atmosphere or the sea, with consequent effects of unpredictable damage to the food chain and to all forms of life. They are also worried that the explosion may trigger earthquakes or tidal waves.

These apprehensions may be wholly correct or wholly incorrect or partially incorrect. This is not what is most important. What is most important is that no impartial authority now exists for determining the validity of the charge or for protecting the human interest where it comes into conflict with the national interest. Where do human beings go to register their concern over possible harm to their habitat or to their lives that may be caused by a powerful nation? Do they go to the United States government itself? It is the United States government that proposes to do the exploding. The United States government is not an impartial authority in determining the accuracy of charges made about the risks of the Amchitka test. It is not a court of appeals, The President of the United States may bow to the weight of world public opinion and and call off the tests, but this does not change the bizarre fact that no supreme court or agency exists in the world today for considering questions that apply to the safety and welfare of mankind as a whole.

Should human beings bring their concern before the International Court of Justice? This court tries to resolve disputes between nations. The name of the agency is misleading. It is not in fact a court. It has no statutory law behind it and no enforcement machinery to support it. It is an arbitration agency that functions only in those cases where all parties to a dispute are willing to turn to it. Its decisions are not binding.

What about the United Nations? The United Nations has authorized a far-reaching world conference in Stockholm next year for the purpose of dealing with the mounting threats to the world environment. It is difficult to see how tests of nuclear explosions, whether in the air, sea, or underground, and by whatever nation, can be excluded from any consideration of world environmental hazards. But the Stockholm conference will have no authority to direct the United States, or the Soviet Union, or France, or China to forego future nuclear tests.

Here, then, is the tragic flaw in the organization of human society. The ultimate need on earth is for the protection and preservation of life. Yet, no workable authority exists beyond the nation. The nation arrogates to itself the authority and the power to decide what it does not only inside but outside its borders. What it does inside or outside its borders may constitute, as the Amchitka test illustrates, a possible danger to other people and to the world environment as a whole. But there is no legal process by which such danger can be averted. In a larger sense, there is no legal process by which human destiny can be protected and served.

The newspapers recently carried prominent accounts of a meeting of American and Soviet scientists for the purpose of "tuning in" on the universe. The meeting considered ways in which scientists could monitor the universe for signals from planets possibly inhabited by creatures possessing

intelligence and advanced communication skills. If contact with other planets should in fact be made, and if the earth-dwellers are able both to send and receive information, what shall we say about our life on earth? Shall we say that we have developed the human intelligence to a point where we need fear only ourselves, that the most extensive exercise of collective brainpower is directed not to human needs but to evermore advanced techniques for killing off humans, that the natural environment is being fouled at a prodigious rate, and that the earth-dwellers have never outgrown their tribalism, of which national sovereignty is an all-powerful manifestation?

Despite the historians, there has been only one age of man. It is the age of primitive man. The beginning of the age of civilized man, when it comes will be marked by his political, philosophical, and spiritual awareness of himself as a member of a world species with world needs and with the capacity and desire to create world institutions to meet these needs. Humankind need not sacrifice the nation to create such institutions. It need only recognize and assert an allegiance of humans to one another beyond national boundaries and to do those things in the human interest that the nation as an organization is incapable of doing.

The present mode of life on earth is madness, which is nonetheless lethal for being legal. Rational existence is possible, but it calls for a world consciousness and a world design. People who develop the habit of thinking of themselves as world citizens are fulfilling the first requirement of sanity in our time.

THE PUBLIC AND NATIONAL SPENDING PRIORITIES

Mr. HART. Mr. President, last August the Priorities Council of Jackson, Mich., and the American Friends Service Committee polled 250 residents in three Jackson County precincts on the question of national spending priorities.

After studying the results of the poll, Robert Wischmeyer, a reporter for the Jackson Citizen Patriot, concluded:

Jackson area residents don't agree with the way the Federal government spends their tax dollars, if a survey of 250 residents . . . can be applied on a broader scale.

It seems to me that the reasons supporting that conclusion might be instructive as we in Congress continue to debate national spending priorities. I ask unanimous consent that Mr. Wischmeyer's article be printed in the RECORD.

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

AREA RESIDENTS, U.S. SPENDERS DIFFER

(By Robert Wischmeyer)

Jackson area residents don't agree with the way the federal government spends their tax dollars, if a survey of 250 residents in 14 Jackson County precincts can be applied on a broader scale.

The Jackson Area Priorities Council and the American Friends Service Committee (AFSC) conducted a poll last month in Jackson, Blackman Township and Summit Township.

Pollsters passed out questionnaires with 10 categories of government spending listed: Administration of justice, agricultural resources; communication and transportation; economic aid to the developing world, and foreign relations; economic development, labor, commerce and industry, manpower training and labor; health, education and welfare; housing and urban development; military, defense and related spending; natural resources; space exploration.

Residents were asked to tell, in each category, if they would spend much more, more, the same, less or much less of the federal tax dollar. They were also asked to assign a portion of each dollar to each category.

Congress in calendar year 1970 appropriated $167 billion and spent it in the following manner; military and defense related, 63.7 per cent; health, education and welfare, 16.2 per cent; communication and transportation, 3 per cent; agricultural resources, 2.7 per cent; economic development, labor, commerce and industry, manpower training and labor, 2.6 per cent; general governmental expenses, 2.4 per cent; housing and urban development, 2.1 per cent; natural resources, 2.1 per cent; space exploration, 2 per cent; administration of justice, 1 per cent.

Of the 63.7 per cent for military and defense related spending, 45.1 per cent was for the 1970 military program, 6.1 per cent for Veterans Administration, and 12.5 per cent for national debt. (Nearly 80 per cent of the national debt is war-created.)

Jackson area people wouldn't spend federal money that way at all. They would spend much more, for example, on health, education and welfare. Seventy-seven per cent would spend more, 14 per cent the same amount and only five per cent less.

Fifty-nine per cent would spend more in housing and urban development and 64 per cent would spend more for natural resource development. Sixty-two per cent would spend more in the administration of justice.

Economic aid to the developing world, and foreign relations would not do as well, however. Sixty-one per cent would spend less, only 10 per cent more, and none "much more."

Polling was done in Wards 1, 4 and 6 of Jackson, in precincts 2 and 3 of Blackman Township and in Precincts 3 and 4 of Summit.

Some inmates of Southern Michigan Prison and some students at Jackson area high schools and Jackson Community College were also polled.

Frank Anderson and John Cihon, local co-chairmen of the project who assisted a team of AFSC pollsters, said that results will be sent to Rep. Charles E. Chamberlain, R-6th District, and Michigan Senators Robert P. Griffin, Republican, and Philip A. Hart, Democrat.

Here is a detailed breakdown of the poll:

Question: How would you divide up one federal dollar? (After the average answers given by Jacksonians, the actual amount spent by the government is listed in parentheses. Figures are equal to the number of cents.)

Health, education and welfare: 19 (16.2)

Military, defense and related spending: 12.7 (63.7)

Administration of justice: 11.4 (10)

Economic development, labor, commerce and industry, manpower training and labor: 11.2 (2.6)

Housing and urban development: 10.4 (2.1)

Natural resources: 10.4 (2.1)

Agricultural resources: 8.5 (2.7)

Communication and transportation: 6.9 (3.0)

Economic aid to the developing world, and foreign relations: 4.8 (2.2)

Space exploration: 4.7 (2.0)

These over-all figures varied according to location of residents polled, and in a few categories there were large spreads.

For example residents in Ward 6 of Jackson would give only 4.44 cents of each dollar to the administration of justice and 31.9 cents to health, education and welfare. Wards 1 and 4 and Precincts 2 and 3 of Blackman Township, on the other hand, would allot 14.45 cents to administration of justice and only 17.9 cents to health, education and welfare.

Differences in the racial, economic and sociological makeup of the two areas can be seen in those contrasting figures.

Interestingly, the inmates at Southern Michigan Prison would give 15.41 cents of every dollar to the administration of justice, four more cents than the over-all total. They would also allot 21.9 cents to health, education and welfare, almost 3 cents more than the over-all figure.

Student responses show only small variations from the over-all figures in most categories. The three exceptions were in health, education and welfare (1.53 cents by students, 19 overall); economic development, labor, commerce and industry, manpower training and labor (7.97 cents by students, 11.2 overall); and military and defense related spending (20 cents by students, 11.2 overall).

What are the residents' priorities for assignment of federal money in the 10 categories, as opposed to what the government now assigns? Here is how the 250 persons replied (figures are percentages):

Administration of justice: Much more, 15; more, 47; same, 25; less, 5; much less, 2; no opinion, 6.

Agricultural resources: Much more, 7; more, 36; same, 30; less, 16; much less, 3; no opinion, 8.

Communication and transportation: Much more, 6; more, 23; same, 48; less, 12; much less, 4; no opinion, 7.

Economic aid to the developing world, and foreign relations: Much more, 0; more, 10; same, 23; less, 38; much less, 21; no opinion, 8.

Economic development, labor, commerce and industry, manpower training and labor: Much more, 17; more, 41; same, 22; less, 12; much less, 1; no opinion, 7.

Health, education and welfare: Much more, 43; more, 34; same, 14; less, 3; much less, 2; no opinion, 4.

Housing and urban development: Much more, 26; more, 33; same, 27; less, 8; much less, 3; no opinion, 3.

Military, defense and related spending: Much more, 1; more, 5; same, 24; less, 23; much less, 45; no opinion, 3.

Natural resources: Much more, 22; more, 42; same, 28; less, 2; much less, 1; no opinion, 5.

Space exploration: Much more, 1; more, 6; same, 19; less, 25; much less, 45; no opinion, 4.

PRESIDENT NIXON'S APPEARANCE BEFORE THE ECONOMIC CLUB OF DETROIT

Mr. GRIFFIN. Mr. President, on Thursday, September 23, 1971, President Nixon appeared before the Economic Club of Detroit and responded to questions for an hour. I ask unanimous consent that the text of his brief introductory remarks and a transcript of the questions and his responses be printed in the RECORD.

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

REMARKS OF THE PRESIDENT IN RESPONSE TO QUESTIONS AT THE ECONOMIC CLUB OF DETROIT, SEPTEMBER 23, 1971

The PRESIDENT. Mr. President, members of the Economic Club of Detroit, all of your distinguished guests who are with you here tonight, and all of those who are listening on national radio and also on television:

I first want to express my appreciation to this distinguished organization for inviting me back. I have appeared on two occasions in other capacities. I am honored to be here

for the first time as President of the United States.

I particularly appreciate, too, the warm welcome that not only we have received in this hall, but as we drove in from the airport. The signs that we saw on some of the buildings, and all the other various activities that we witnessed, were something that we deeply appreciated.

Let me say, too, that having spoken to this club on other occasions, I have recognized that the usual format is for the speaker to speak a while and then to answer questions. I know that those members of the club, however, who greatly favor the questions and the answers, certainly the questions, more than they favor the speaking. So tonight I am following the format, a format that all of those listening on radio and television should know—you in the hall have already been informed—of making this an entire question period.

I will not take the time of the questioners except to pay tribute to some of those who have come from Michigan to Washington to work with this Administration and have made contributions to it. They have come with me on the plane tonight.

First, to the former Governor of this State, the Secretary of Housing and Urban Development, George Romney, one of the trusted Members of our Cabinet, a man who is one of my top advisers on domestic matters, and also one who is the driving spirit behind one of the greatest housing booms this country has ever had, with, incidentally, a new high this month as well.

Second, the Chairman of the Council of Economic Advisers, one of the architects of the new economic policy, Dr. Paul McCracken.

And third, from the Congress of the United States, first the Republican Leader of the House, Congressman Gerald Ford from Michigan, a man who has been of enormous assistance to this Administration in some of the very close and tough fights we have had on some legislation that seems to have been of great interest to the nation as well as to the people of Michigan.

Then, on the other side of the Capitol, the man who has served as the Whip, the second ranking Republican of the United States Senate on the Republican side, Senator Bob Griffin.

Since this is the motor capital of the world with some interest in what is going to happen to the excise tax on automobiles, I want this audience to know that of all the people in the House and the Senate who talked to me about that—and some did quite often—he was the most influential of all. We give him the major credit.

Now I would also, of course, on this occasion point out that it would be hard to find from any State of the Union four men who have made a greater contribution to this Administration than those that I have just named from the State of Michigan.

We appreciate what the State of Michigan has done for this Administration and the nation in the personage of these four men.

I also tonight would like to be able to thank the State of Michigan for sending us Alex Karras. George Allen, incidentally, the coach of the Redskins, and an old friend of mine from the Los Angeles days, asked me to give him his regards, but I didn't realize that this was going to be a mixed audience, so I can't pass them on at this point.

But I do know this—that I noted with interest that before the game with St. Louis last Sunday, that Alex Karras pointed out that he didn't want to go to a team that was a noncontender and didn't have a passer. After what Washington did to St. Louis I can only say this. We have lost the Senators, but watch out for the Redskins.

Now, with that we will go to the questions, and I turn first to the right, to Mr. Aymond.

QUESTION. Mr. President, this is the first question: It has been reported that you will announce the Administration position on Phase 2 of wage-price controls by mid-October. It does not seem appropriate to inquire into the nature of those controls at this time, but this question is concerned with longer term considerations.

What is the policy of your Administration as to the ultimate elimination of controls and return to the sort of free market economy we had prior to August 15, and when do you think this may be accomplished?

The PRESIDENT. First, with regard to Phase 2, it will be announced well before, thirty days before the elapsing of the 90-day freeze.

Second, as I have indicated, it will be effective. It will cover the whole economy. It will have to concentrate primarily on those areas of the economy, major industries, for example, where there is the greatest possibility of inflationary tendencies having effect on the balance of the economy, but all of the economy will be covered.

As far as the duration of Phase 2 is concerned, we are not going to set a limit on it because we believe that its duration should depend upon how effectively it deals with the problem. However, our commitment is to return to the free market forces as the most effective way to move this economy forward. But until we can deal with the problem of inflation, deal with the problem of wages and prices as they force up the cost of living for all Americans and deal with it effectively, we believe that it is necessary to have controls with teeth, backed up by Government.

And in that respect, while it is going to be also necessary to have voluntary cooperation from management, from labor, and support from the American people, which we presently have in very great volume, it is also essential that there be Government sanctions to back it up and there will be.

But having said all these things, our major commitment in the long run is to return this economy as soon as we have cooled the fires of inflation, to return it to those strong free forces that have brought us so far in the period that we have been a free economy.

QUESTION. Mr. President, this is a three-part question. You might call it a typically Detroit question. Do you think the automobile contribution is still a major part of the pollution problem and are the further required emission standards really worth the cost to the consumer, and what cost analysis is being made of automotive safety and emission standards, and why are such cost studies not made prior to the issue of regulations?

The PRESIDENT. I quit beating my wife last week, too! (Laughter)

Mr. Boyd, the question is not only pertinent to Detroit, it is pertinent to the whole country, because when we look at the automobile industry, we realize that it provides one out of six jobs in this country. It also provides an enormous driving force for an economy as we are moving upward at this time.

Now, with regard to the emission standards, I understand that Mr. Ruckelshaus, working with industry in the Detroit area, will have an announcement in the next few days with regard to a new engine that in preliminary tests meets the very strict standards of the Clean Air Act.

Whether that is an indication that we will be able to go further along that line remains to be seen, because the 50,000-mile test has not yet been passed.

On the second point, it is vitally important that in this whole area of the environment, whether it is in the area of water pollution or air pollution, or any other area, that more attention must be given to the cost factor as well as to the factor that we are interested in of cleaning up our air and cleaning up our water.

I believe that as far as this Administration is concerned, as a result of the direction I have given to the Environmental Protection Agency, that we are bringing more balance into that program. Let's understand one thing: We all want clean air and clean water. Sometimes I have heard people say, "Wouldn't it be great if we could go back to the way America was in the beginning. Wouldn't it be great if we didn't have all of this great industrialization that pollutes our air and pollutes our water." The answer is: Not at all.

I have been in countries that have no industrialization. I have been in countries that have very few automobiles, and let me say I would rather live in the United States of America.

I think that we have to realize that when the Congress, or an Administration carrying out the will of the Congress, sets certain standards to clean up the air or clean up the water we must weigh against that how many jobs is it going to cost, and if it is going to cost a disproportionate number of jobs, well what good it is going to be able to accomplish, then we have to reevaluate the decision.

I have talked generally to your questions because it seems to me that it is important not to be more precise than that, since some of these matters as you know will be the subject of directives in the future.

I simply want you to know, however, that weighing these matters, balancing these things is very much in my mind and in the minds of those carrying out the policy of this Administration.

We are committed to cleaning up the air and cleaning up the water. But we are also committed to a strong economy and we are not going to allow the environmental issue to be used sometimes falsely and sometimes in a demagogic way basically to destroy the system—the industrial system that made this the great country that it is.

QUESTION. Mr. President, would it not be desirable for your Administration to launch a comprehensive campaign to educate the entire American public, including some politicians and perhaps some labor leaders, that the most effective creator of jobs is growth and corporation profits.

The PRESIDENT. Incidentally, so that the members of our television audience and radio audience will know, we do have a labor leader here tonight and so we have both represented.

And I realize that as I talk out there to the television audience in the Detroit area and to the radio audience across the country that there will be many who represent the areas from labor as well as those from management.

Now, to say anything for profits before this audience is like the preacher talking to the choir. And to be very candid with you, there are a lot more votes in being against profits, in being for controlling profits than there are in being for it.

But let me talk, if I may, not just to this panel and not just to this group of business leaders and some labor leaders and educational leaders here, but let me talk to those people in the Detroit area and across this country who are thinking about how do we get more jobs in America, how does our system really work.

Now, first, with regard to our freeze, when you control prices and costs there is automatically some control on profits. Second, when there is control of prices and costs, the only way that there can be more profits is for the industry involved to expand and that means more jobs and we think that is good.

Now, the second point that should be borne in mind is who are those who get the profits, who benefits from profits? Well, first the government is the major beneficiary. One dollar of every two in corporate profits goes to the government. We would not have the money, for example, for education, to help the poor, the poverty programs, and all the rest unless it were the fact that we had

profits of which 50 percent go to the Federal Government for its taxes.

Then there are 100 million Americans who share in profits, either as stockholders, as members of mutual funds or who are beneficiaries of profits in one way or another. And beyond that, the major reason that profits are essential to a strong growing economy is this: Where are jobs going to come from? How is it going to be possible for the American worker who receives—and we hope this will always be the case—the highest wage in the world, real wage, approximately twice as much as his next competitor in the world—how is it going to be possible for him to compete with other workers in the world? Only if he has the equipment and the machinery, the organization that gives him a competitive advantage over those from abroad.

Where do we get that? It is only through profits that industry can buy the new plant, the new equipment that will make our workers more productive and therefore more competitive in the world.

And so putting it quite bluntly, let me say I am for profits because I believe that more profits means more jobs. And at this particular time we need more jobs.

It is very easy to say let's control profits, let's limit profits and let's have an excess profits tax and, of course, the argument for saying that is that you are taking care of the big man and helping the little man. But when you really look at what makes this economy work, when you really look at what produces jobs, it comes from profits being plowed back into industry and making American workers thereby more competitive, and thereby producing more jobs.

And I am for that, and I think every American would be for it if he understood it that way.

I will turn to Mr. Younglove.

QUESTION. Mr. President, I was told we could interrupt.

THE PRESIDENT. Sure.

QUESTION. I would just like to say this: I am sure that the labor movement and the leaders of the labor movement want to see companies and corporations make good profits, but we are concerned about the corporations that make fantastic profits such as—let's take the finance industry. I don't know what productivity the finance industry gives to the American people except hugh profits to themselves, and also take the drug industry. Again, here is an industry that makes fantastic profits, and I could go on with many other ones.

It just seems to me that this is where we are talking about—the labor movement feels that if there is going to be a freeze on wages, then there ought to have been a freeze in some of these areas, not cutting profits down to where companies couldn't modernize their plants and couldn't go forward, because I agree with you that if we don't have modern equipment we can't compete with other people in other lands. And they certainly have got them. So I do feel that we are for it, but at the same time, I think we ought to look at the exorbitant profit areas.

THE PRESIDENT. Mr. Younglove, as a representative of the steel union, one of the strongest unions, as we know. I think that you have, of course, very properly recognized that the interests of a union leader, and of obviously his membership, is to deal with a profitable corporation.

I would say heaven help the labor leader that is trying to make a good contract with a corporation that is losing money, it is better to have one that is making profits.

Now, second, I think it is particularly important that you pointed up the need for profits being plowed back into businesses, so that we could be more competitive. For example, look at steel. We find that steel today, and you know this is the case, in Japan and Germany, some of the most modern steel plants in the world—perhaps the most modern one in Japan.

We should not resent that, but I say let's see that the American steel industry makes enough profits so that it can be competitive and your members can be competitive with the steel workers of Japan and Germany.

When we try to pick out this segment or that segment of the economy, you name the finance industry, bankers, I presume, and that would be an easy one to be against because there are a lot more borrowers than there are bankers, but let me say, Mr. Younglove, let's talk about interest rates for a moment. Why don't we limit interest rates?

Well, if you have ever gone to a bank, it is sort of like you can drive the horse to water, but you can't make him drink. Applying that to a banker, you can limit the interest rates, but you can't make the banker loan the money.

So, when you come to this matter of interest rates, it isn't just a question of limiting the interest; it is a question of providing some system under which the money that is needed for a growing economy is forthcoming. Now, your great financial institutions, it is true, have made profits, but it is also true that since this freeze began, interest rates have come down, not a great deal, but they have come down. We want them to continue to come down.

As far as the general principle, however, of looking around the economy and once we see a very successful business making a profit, say: "Ah, because you are successful, we are going to penalize you by limiting your profit." I don't think that is good for America. I think we ought to reward success rather than to penalize it.

QUESTION. Mr. President, your DISC proposal will help American export of goods, and therefore create and retain the jobs of American workers. But is this enough to restore our normal trade surplus in this competitive world today or is additional help to our exports needed to balance the aid that other countries like Japan give to their exporters?

THE PRESIDENT. Mr. Gerstacker, this is a subject to which we have given a great deal of attention through Mr. Peterson's new Council on International Economic Affairs which you are probably familiar with.

First, let me refer to that section of our new economy policy which directly attacks this problem. We have applied a ten percent surcharge on imports from abroad. Now, in applying that surcharge, however, I have indicated that we must not look upon it as being a permanent wall around the United States. A permanent wall of tariff barriers and of quotas around the United States would be good short-term policy and disastrous long-term policy. It would be bad for the consumers of this country by raising their prices. It would be bad for the producers of this country because we would not be competitive. The United States producer simply wants an equal shot, an equal chance.

Now, insofar as removing that surcharge is concerned, we are not going to be belligerent. We are not trying to declare war on the other great trading nations. The United States is proud of the role it has played over the last 25 years in proceeding to assist the whole system of international economic cooperation. But at this point the nations that were on their backs 25 years ago, our allies in Europe, as well as those who were against us, the Germans, are now on their feet and competing with us.

The same is true of the Japanese in Asia. We are glad that we helped to make it possible for them to compete with us. But at this point it is also essential that that competition be one where it is fair for American business, and where their business people will not have advantages that we do not have.

Now that means that we need a new approach to the problem of exchange rates. We need a new system. The other one was crisis-prone and that is one of the reasons why the surcharge will not be removed until we get action on that front. It means, also, that we need to reduce some of those impediments, artificial barriers to American goods abroad. All that we want there is fair and free trade for our goods, just as we hope we can provide fair and free trade for theirs.

We come finally to the basic point: Can American producers compete with others in the world without some subsidy? It may be necessary in some areas that there be subsidy, and we should consider that. We have got to see to it that the American workman, the highest paid workman in the world, is not driven out of competition because an unfair advantage is obtained by a workman abroad who is paid less because his government subsidizes him and our government doesn't subsidize ours. It is subsidy only in that area that we would favor, but generally, the hope of the future and the hope of America is in a new system which will be fair and which will be free through reducing barriers rather than to have more artificial barriers.

QUESTION. Mr. President, the American Institute of Architects is preparing recommendations for national urbanization policy which we believe is compatible with your national growth policy. Central to our recommendations is the use of a national transportation system to implement such a policy.

Would you, Mr. President, feel disposed to support a proposal that the Highway Trust Fund expand its general transportation fund in order to build such a national transportation system?

THE PRESIDENT. Mr. Hastings, as you are probably quite aware, you have incidentally hit about one of the most sensitive political issues we have in this country. I just met with a group of Governors enlisting their support and we have their support of the wage-price freeze.

If there is one sensitive issue, Governor Milliken will tell you in his state it is: "What are you going to do about that Highway Trust Fund?" The same is true with regard to the Congress.

On the other hand, looking toward the future, looking toward a comprehensive transportation policy for the country, I believe that we cannot be rigid with regard to the Highway Trust Fund. I believe that if the only effective way of solving our mass transit problems, our problems of congestion and the rest, is through some approach which would use some of these funds in other directions, I think we have to consider it.

I don't have a specific proposal before me and until I have one, of course, will not approve it. But I don't think we should enter this problem with a closed mind.

QUESTION. Mr. President, this question perhaps calls for an answer along the lines of the educational ones suggested earlier. In your opinion, sir, is it impossible for the United States Government to limit its spending to the amount of its income and forget deficit budgeting as a way of life?

THE PRESIDENT. I would answer the question by saying that whenever our economy is producing at full capacity, we should, under no circumstances spend more than what the tax system produces. In other words, we should always have a budget which is balanced when our economy is producing at full capacity.

When our economy is not producing at full capacity, however, it has been true at least in the last 25 years—and this was true even in the Eisenhower Administration in 1958 when we had a deficit of over $10 billion—it has been true that government spending, to pick up the slack in the economy, can be justified.

Now, let us look at this Administration. In our first year, in our first two years, as a matter of fact, we submitted budgets and

lived within budgets that were relatively balanced or close to balanced.

This year and in the year 1972, fiscal 1972, our budgets are out of balance. They are out of balance in the conventional way, out of balance in the sense that we are spending more than we are getting in in taxes. But on the other hand, they are balanced in another way.

We are limiting our spending, with the cooperation of the Congress, we hope, to what the tax system would produce if it were producing at full employment, and we believe that that kind of spending is not inflationary. If it goes beyond that, then it would be inflationary.

So, my answer to your question is that what we want to do—and I hope we achieve this goal soon—is to get this economy back to full capacity without war, to have full employment, and when we have that we can have a balanced budget in a conventional sense.

QUESTION. Mr. President, what are your administrative policies and practices to combat discrimination and segregation in housing in cities and suburbs to do two things: First, to reduce the necessity of school busing, and secondly, to increase the employment of minority persons in suburban firms and factories through a rapid transit system?

The PRESIDENT. Mr. Kornegay, we have a number of policies in this area which Governor Romney could perhaps describe in greater detail than I could on this program. You, of course, are aware of the fact that through the Philadelphia Plan and through a number of other initiatives, we have opened up job opportunities for minority groups that have not existed before.

We also have opened up business opportunities through our initiatives in the field of minority business that have not existed before.

With regard to housing, we have followed the practice, which we think is a proper one, of seeing that there is an equal opportunity for all individuals, regardless of race, to have a chance to move into any housing. We have enforced the law and we will continue to enforce the law in that respect.

Now, when you go to a further point, the point I think that you suggest, or you may be suggesting, that we should use the power of the Federal Government to force so-called integrated housing. I would respectfully suggest that that kind of a program would not be workable and it is not one that I think can be justified.

We will, of course, not subsidize through the Federal Government, and do not, housing that is segregated. But on the other hand, to go to the other extreme and to use the power of the government to change housing patterns, change them forcibly, rather than to have those patterns change on a voluntary basis by having an open housing program in which any individual who has the opportunity can move where he wants, we believe that that kind of an approach, of a forced housing policy, is one that will not work.

Mr. Richardson.

QUESTION. Mr. President, all the questions submitted seem to have an inordinate preoccupation with the interest rates. So, the primary question here is: What will the policy of Phase 2 be with regard to interest rates?

The PRESIDENT. As you know, interest rates are not covered in the freeze. With regard to Phase 2, the matter is still open, particularly with regard to loans affecting consumers. As you know, through the Federal Reserve there are some tools that are available in that respect.

We have not yet made a decision with regard to interest rates. I would say that what happens to interest rates for the balance of Phase 1, whether they continue to, shall we say, "stay where they are" or go down, will have a great deal of effect on whether we feel it is necessary to have the Federal Reserve move in with the power that they have, particularly at the consumer level, on interest rates in Phase 2.

Mr. Winkelman.

QUESTION. Mr. President, as you know, the cities of our country have many critical problems, one of which is an antiquated welfare system that is very bad from everyone's point of view, the recipient, the case workers, and the public. What could we look to as your role and what action can we expect in resolving this problem in the frame of reference of your new economic program?

The PRESIDENT. As you know, Mr. Winkelman, one of the major initiatives of this Administration, one that we have had before the Congress now for over a year—almost a year and a half—has been a massive welfare reform.

The present welfare system is a national disgrace because it is a system which makes it more profitable for a man to go on welfare than to go to work. That is why the key to our welfare reform proposal is to provide for the working poor an opportunity for individuals to move off welfare, even to lower paid jobs, so that they can, rather than to have a disincentive to work, we want to remove the incentives to stay on welfare, we want to increase the incentives to get off welfare and to work.

We want to get away, too, from the present system—and that is what our Family Assistance Program is also directed to—the present system which I think is unconscionable, of having welfare snoopers going around to enforce what I think are unenforceable provisions of the present welfare system.

Now, with regard to that welfare program, as far as the President is concerned, and the Administration, we have laid it before the Congress. I have emphasized it in every speech. I emphasized it again when I spoke to the Congress on September 9. It has passed the House. It is now before the Senate. I believe that before the Congress goes home for Christmas this year, they ought to move on the welfare program and do something about it.

QUESTION. Mr. President, it is estimated that Phase 1 of the freeze cost American working people more than $500 million just in wage increases that already were agreed upon through the collective bargaining process. Because of this freeze, this huge amount of money was retained by the companies. Also, many thousands of individuals have had their wages frozen at a time when they were already behind other wage earners, and many in the same industry. How will these inequities be resolved?

The PRESIDENT. Mr. Younglove, one of the inevitable consequences of a freeze is that there are inequities, as you equally shared during the period of the freeze.

One of the reasons that a freeze cannot be extended beyond 90 days—oh, possibly it could go for 120 days—is that those inequities will eventually blow it up. The massive public support for the freeze—and it runs about 70 percent, including over 60 percent among union members, as you know—that massive public support would tend to erode if the inequities such as the ones you have referred to and teachers' salaries are another example, if they were allowed to sit there and fester.

Now, to answer your question as to what happens when the freeze is over, however, would not be appropriate. It is a matter that we are considering as we look at Phase 2.

It is a matter which we, of course, will address ourselves to. One of the reasons that we have to move from a freeze which allows for no flexibility to a Phase 2 operation is to take care of such inequities as you have described.

Now we will go back to the right again. I don't mean that you are on the left, understand. (Laughter).

QUESTION. Mr. President, you were correct a little over a year ago in saying it was a good time to buy stocks, and apparently a number of people are looking for a winning formula, because we have had a number of questions precisely as follows:

Would you put your money into the stock market at this time?

The PRESIDENT. When I made that statement that we ought to buy stocks—and if anybody took that advice you wouldn't be here, you'd be out spending it right now, the money you would have made—but, in any event, when I made that statement, I got a lot of criticism around the country because they said after all, people rely on what the President says, and then if the stocks go down, it is going to be very detrimental to their interests and, of course, to the interests of the President as well.

Let me put it this way: An individual should buy stocks if he has confidence in the future of the American economy and confidence in the future of America. So I will answer your question by saying I am confident about the future of the American economy and I am confident about the future of America, and you can judge from that that I would buy stocks for that reason, because of that confidence.

Let me tell you what I base it on. I base it on first, what has happened to this economy since the first of the year, the leading indicators are up 15 percent since the first of the year, retail sales, as you know, Mr. Gerstacker, are up 15 percent since the first of the year, and running 8 to 9 percent above a year ago at the present time.

Automobiles and, of course, I would have to admit that part of this may be due to the fact that some people are buying automobiles while the freeze is in effect, but on the other hand, it must not go without noting that automobiles are 25 percent higher in the month ending the 20th of September than they were a year ago.

We find also that as far as the economy generally is concerned, it moved up at the rate of 8 percent in real growth in the first quarter and 5 percent in real growth in the second quarter, $33 billion in the first quarter, $22 billion in the second quarter.

I said at the first of this year that 1971 would be a good year and that 1972 would be a very good year. I will modify that to this extent: The last quarter of 1971 will be very good, and 1972 will also be, as I have indicated, a very good year.

Now, based on that, I would say that anybody that bets—and that is what you do when you buy stocks—long term, don't sell, don't go for those short-term gains; keep it for six months—but anybody who bets long term on the future of America and this economy is going to win his bet, in my opinion.

QUESTION. Mr. President, I think we had over 200 questions on this subject so I picked three here and I will make it another three-part question: Now that there are two vacancies on the Supreme Court, do you think it timely for a woman to become a Supreme Court Justice, or do you believe that a nominee for the Supreme Court Justice should have substantial judicial experience, that we should in fact promote our best judges or have you ever considered appointing Martha Mitchell?

The PRESIDENT. Well, answering the third part first, Martha Mitchell is not a lawyer, but that is not, incidentally, an inhibition as far as appointments are concerned because the Constitution does not require the President to appoint a lawyer to the Supreme Court. So, she should—or could—be considered, I should say, but her husband won't recommend her, so consequently that rules that out.

Second, with regard to women, I believe that a woman who is qualified should be appointed to any court, district court, circuit court or Supreme Court. I have instructed the Attorney General, as he looks over the nominees that he is going to present to me, the recommendations, to be sure that qualified women are included if they meet the general standards that we have set.

Now, with regard to the qualifications—and answering the question very seriously now—that I am looking for, I am frankly looking for judges who—and you can always judge a man who is going to make an appointment on his track record—I am looking for men who will have a similar judicial philosophy as the Chief Justice of the United States, Mr. Burger, whom I appointed, and Mr. Justice Blackmun.

I believe that the Court at this time could well use two more judges, men with that judicial philosophy. I am more interested in the judicial philosophy than I am in what part of the country they come from and whether they are a woman or a man.

Now, is it a requirement, and should it be a requirement, that the judge or the nominee be one who has judicial experience? The answer is no. Mr. Justice Frankfurter was a teacher. He was one of the great judges; whether you agree or not with his philosophy, he was a great judge.

Mr. Justice Brandeis, who was one of my heroes when I was in law school, one of the great dissenters along with Holmes, was a man who was a great practicing lawyer, a labor lawyer primarily, fighting great causes but that did not mean that he did not become one of the great judges.

So teachers, legislators, for example, with great experience in the Judiciary Committee of the House or Senate, they are also good possibilities. That gives you an idea of where I am turning.

QUESTION. Mr. President, is news of current developments in Mainland China likely to change any of your travel plans? And the second part of the question is, just what do you expect to realize from your proposed visit to Mainland China?

The PRESIDENT. I do not expect the current developments to change our travel plans, and those plans will be announced incidentally, at an appropriate time in due course.

With regard to what we intend to accomplish, I think it is important for us to put it in the context of what we cannot accomplish and do not expect. Some rather naive observers have assumed that because I was going to Mainland China, that the differences between Mainland China and its 800 million people and its government and that of the United States—that those differences would evaporate. They will not.

There are very deep differences between the United States and the Government of Mainland China—the Peoples Republic of China. Premier Chou recognized those in his public statements and in more detail in his private meetings with Dr. Kissinger. Those differences, however, now will be discussed.

They will be discussed by the President of the United States and by the leader of the Peoples Republic of China. There have been no conditions on either side, but we have agreed to talk about those differences.

Now, let me tell you why I think that is important. Ten, fifteen years from now, there will be between 900 million and a billion people in Mainland China. Ten or fifteen years from now, they will be a very significant nuclear power.

For Mainland China and its 900 million or a billion people at that time to be out of the family of nations, isolated from the rest of the world, would be a danger to the rest of the world which any man who is President of the United States at this time should try to avert if he can. What I am trying to do is simply to open a dialogue, move toward more normal relations, so that these differences which will continue to exist between our two countries—so that we will talk about them and not fight about then, now or 15 years from now.

QUESTION. Mr. President, a two-part question on the value of the dollar and international problems: Why don't we make Europe and Japan pay the cost of their defense umbrella that we furnish to them, and not, Mr. President, by the purchase of our military equipment or our treasury bonds, but in those good old U.S. dollars that they say they have too many of and don't want any more?

The second part of the question is, after we properly floated our dollar, U.S. controls on capital exports by banks and industry are now counter-productive. They help the foreign governments keep their currencies like the Yen and the Mark artificially cheap in relation to our dollar, and this hurts our American jobs.

Why don't we eliminate the capital export controls immediately, and incidentally then we would have some people we could put to work on the wage-price freeze?

The PRESIDENT. First with regard to the capital export controls, this is a matter that we have considered and it is a goal to which we are dedicated. As we move from this temporary period with a surcharge, with the dollar floating, our goal is to move toward a new system with regard to international exchange rates which will be more responsive to the changing dynamic world scene in which we presently find ourselves.

The old rigid pattern can't be patched up so that it will work again, and work effectively.

With regard to the burden sharing, which is the term usually used for the Japanese and the Europeans for whom we provide a defense umbrella assuming more of a share of the burden, with regard to burden sharing, this is a matter that is constantly under discussion between the United States and our friends in Japan and our friends in Europe.

I do not think, however, it would be helpful to answer the question in a way that would, in effect, be belligerent, that would put them on the spot from a domestic political standpoint at this time.

Just let me respond this way: We are going to meet with the International Monetary Fund next week. There will be other meetings in the future. The position of the United States is going to be strong and firm with regard to seeing that our American producers get a fair deal and fair trade throughout the world.

On the other hand, the position of the United States is going to be outward, not inward. We are going to try to build a new international monetary system under which we can all live and compete more effectively.

And the position of the United States, I think should also be interpreted as one which will recognize this fact: 25 years ago, the United States could afford to be very generous as it dealt with the nations that were on their backs. There was nobody in the world that could compete with us.

Today the United States has some difficult competitive problems, due to some artificial barriers that I mentioned, due to unfair exchange rates which we will attempt to correct. As far as we are concerned, we say, therefore, we will not give up the surcharge as some have advocated in order to placate our friends who are concerned about it; we are not going to give up the surcharge and we are not going to move precipitately with regard to the international monetary situation until we can be assured that we are building a permanent foundation for fair, free international trade in the future.

That is our goal and consistent with that goal, of course, would be getting rid of these capital controls to which you refer.

QUESTION. Mr. President, we are all terribly concerned about the deterioration of cities and the tendency for our policies or lack of policies to turn the cities over to the lower income people in our society.

Do you see any moves that we can make that would make it more economically attractive for developers to rebuild our cities and revitalize our cities instead of continuing the westward ho philosophy of moving on and using up our raw land indiscriminately in urban sprawl.

The PRESIDENT. Mr. Hastings, the problem here is one that simply cannot be solved by Washington. That is something which I am glad to note the people of Detroit recognize. You have your New Detroit Committee, of course, which has been very effective in dealing with some of the problems that are not only Detroit's problems, but the problems of cities generally. You have the Detroit Renaissance Committee which is working on the problem of rebuilding the downtown area.

Now, in this particular case I think what is perhaps indispensable to a new approach to the problem of cities is that kind of civic responsibility on the part of the cities involved.

No city can be saved by Washington. A city can only be saved by the residents of that city, if they determine to do it.

QUESTION. A quick question, Mr. President: Detroit is numbered among those great metropolitan areas facing critical financial problems. What are the prospects for revenue sharing this year? Detroit desperately needs this help.

The PRESIDENT. I said a moment ago that I didn't think the Congress should go home for Christmas unless it passed welfare reform. Revenue sharing is in exactly the same position. Revenue sharing has the support of over 70 percent of the people of this country. It has the support of most of the Governors, most of the Mayors, most of the county officials. And it is time for the Congress to start reflecting what the country feels and to pass revenue sharing and help the cities.

QUESTION. Mr. President, has your Administration discounted the plan to give tax credit to firms which hire the unskilled and hard-core unemployed?

The PRESIDENT. No, we have not discounted that plan. As a matter of fact, Mr. Kornegay, we are, in our Domestic Council within the Cabinet, we are considering every possible method that we can devise to see that the groups that are left behind are brought back into the mainstream of our society. That is one method, of course, that could be effective.

QUESTION. Mr. President, I think our time has expired. I have received the signal from our TV director down here. We thank you very much for your time and the privilege of being with you here this evening.

The PRESIDENT. Well, I regret that we couldn't have more questions, but let me just say in conclusion that I have appreciated this opportunity to meet with the distinguished members of the panel. I wish that we had a chance to answer many more of the questions that I see piled up here.

Let me suggest this: Write me a letter, I just might answer it.

HUGO BLACK—DEFENDER OF THE BILL OF RIGHTS

Mr. HUMPHREY. Mr. President, this past week our Nation lost a great man who had played an important role in defending the Constitution and the Bill of Rights during his 34-year tenure on the Supreme Court.

For Hugo LaFayette Black the Constitution was a document that he regarded as "the absolute guarantee of individual rights." And during the many years he sat on the Court, Hugo Black

exhibited an intense commitment to the Constitution that few men in our time have equaled.

His passing means that the Nation has lost a brilliant legal philosopher and a judicial activist on our highest Court.

Hugo Black's opinions chronicle some of the most important cases before the Supreme Court during the last three decades. The opinions he rendered on Youngstown Sheet & Tube Co. against Sawyer; Gideon against Wainright; Barenblatt against United States; are all examples of the work of one of the keenest judicial minds of this century.

Mr. President, I ask unanimous consent that the very excellent chronicle of Justice Black's life and work, published in the Washington Post of September 26, be printed in the RECORD.

There being no objection, the chronicle 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., was 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 big 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 antimonopoly 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 charge 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 widespread 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 in 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 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 conscience, 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 governmental 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, inormal, 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 juridical 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."

TRIBUTES TO SENATOR MARGARET CHASE SMITH, OF MAINE

Mr. CASE. Mr. President, it is a pleasure to call to the attention of her fellow Senators, two well deserved tributes to the senior Senator from Maine.

In the August 1 issue of Family Weekly, MARGARET CHASE SMITH leads the list of "Our Five Enduring Women." As the article puts it:

Senator Smith is a lady of courage, consideration, convictions.

The August issue of Pageant magazine, in an article entitled "Beautiful People" also hails the "courage and conviction" of Senator SMITH.

Mr. President, I commend both publishers on the wisdom of the selection, and I ask unanimous consent that the text of the articles be printed in the RECORD.

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

OUR FIVE ENDURING WOMEN: SMITH, KENNEDY, BUCKLEY, LUCE, MESTA

(By Irene Corbally Kuhn)

These are the women who don't need a frenzed national movement to be "liberated," the elder stateswomen of America, all of them familiar faces and names on the national scene.

Sen. Margaret Chase Smith is a 31-year veteran of both houses of Congress and the only woman among 99 men. Perle Mesta and Clare Luce have been respectively Minister to Luxembourg and Ambassador to Italy; and Mrs. Luce was also a Congresswoman. The other two, Mrs. Joseph Kennedy and Mrs. William F. Buckley (Sr.) are mothers of elected officials. Rose Kennedy, mother of eight, is the only woman in American history who has had three sons in national office at the same time—John in the White House, Bobby and Teddy in the Senate. And when her late husband was Ambassador to the Court of St. James's, she was the first lady of the American Embassy on London's Grosvenor Square. Aloise Buckley is the mother of James F. Buckley, Senator from New York, and of the Conservative movement's founder, William F. Buckley, Jr., Editor of *The National Review*, newspaper columnist and once candidate for Mayor of New York.

They are all plentifully endowed with good looks and brains; all are gracious hostesses and smart dressers. None is young in years any more, but all are regular dynamos when it comes to generating energy for their particular projects, families and friends.

All five women are widows; and they are all very, very rich. thanks to having had the foresight to marry men who were extremely successful. Only Mrs. Smith had a different legacy from her husband. She inherited the late Clyde H. Smith's following and was first elected to the House in 1940 to fill the vacancy he created. She earned her own money.

SENATOR MARGARET CHASE SMITH

Senator Smith is a lady of courage, consideration, convictions.

As to courage, there is her refusal to give up when she had first one, then another operation on two arthritic hips. The excruciating pain never stopped the lady from Maine. She went zipping around the Senate in a wheel chair for well over a year. On other occasions, she used a modified golf cart, gaily decorated and festooned. Now, with artificial hip joints, Margaret Smith gets around very well under her own power and swims daily in all seasons.

As for consideration, she is highly organized, makes a fetish of answering every letter and wire and keeps herself and her staff to a regular eight-thirty to five routine. She does not believe in working her staff overtime; the work gets done efficiently and on time. The Senator may take work home, but she does not expect her staff to do so.

And as for convictions, these are a legend on the Hill. When Maggie believes in something, she keeps her own counsel, sticks to her guns. On controversial bills, her vote is her secret until she casts it.

Music is the key to her friendship with Hildegarde, the charming blonde singer-pianist, as indestructible in her own way as the Senator. The two women have much in common. Both have solid American roots, the Senator's planted deep in Maine, Hildegarde's in the Middle West. Both have a beguiling quality which charms without cloying. And both women affect the same feminine trick of using a fresh rose as a signature. The Senator wears a bud in her buttonhole or on her blouse; Hildy holds a long-stemmed beauty in her hands as she sings.

Senator Smith holds 65 honorary degrees from colleges and universities, has been on the Gallup Poll's list of "most admired women in the world" nine times since 1954 and has received 51 national honors.

CLARE BOOTH LUCE

Youngest of the elder stateswomen (together with Mrs. Smith), Clare Booth Luce wears many becoming hats—including those of author, playwright, artist, actress, war correspondent, politician, diplomat and sportswoman. She is a real beauty, fragile-seeming and delicate, but "a rose in a steel vise" is the way one writer described her.

She is the friend of almost everyone worth knowing in our times. And—since she has a forceful, independent and strong character, with a wit as sharp as a stiletto—she has a few enemies.

Among these, count the erstwhile maverick Senator from Oregon, Wayne Morse. His vitriolic attacks on her in the Senate compromised her usefulness as the Ambassador to Brazil—an Eisenhower appointment which the Senate had overwhelmingly approved. She had earlier done a fine job as Ambassador to Rome.

Mrs. Luce resigned, but she had the last word against Morse. In a public statement she thanked the Senate for its overwhelming vote of confirmation and added: "My difficulties, of course, go some years back, beginning when Senator Wayne Morse was kicked in the head by a horse."

Born into a good family with no money, she married millionaire George Brokaw when she was 20. Their daughter, Anne, who was killed in a motor accident at 18, was her only child. She divorced Brokaw and, despite her beauty and charm, did not marry again for some years. Finally, in 1935, she became the wife of Henry R. Luce, founder of the Time-Life publishing empire. Their marriage lasted happily for 32 years, until Luce's death in 1967.

Clare Booth Luce is many women in one, but she is primarily a doer, an achiever. She makes a success of everything to which she turns her hand and gives her heart.

PERLE MESTA

"The hostess with the mostest," at age 80, is still the party-givingest gal in Washington, where she lives in a luxurious penthouse atop the Sheraton Park Hotel, It has been a long trip from Oklahoma for Perle, born Pearl Shirvin, daughter of an oil pioneer. He gave his daughter a taste for politics and a lot of beautiful folding money. She used to go to Republican conventions with him until she married George Mesta, rich, handsome, self-made Italian-American machine-tool manufacturer. He took her to Democratic conventions and left her a fortune when he died in 1926. She has always used it well and generously.

Her friend President Harry Truman appointed her Envoy Extraordinary and Minister Plenipotentiary to tiny Luxembourg. This was the first time an American President had sent a full-time Minister to Luxembourg. And Perle Mesta was only the third woman in our history to hold a top-ranking diplomatic post.

Perle Mesta is unique in having inspired a succesful musical, "Call Me Madam," with Ethel Merman belting out the lyrics. (Some say she was more like Perle than Perle herself.)

Her parties are fun. She can get anyone she wants to attend. The late Vice President Barkley used to dance soft-shoe numbers; General Eisenhower once sang "Home on the Range;" Harry Truman played the "Missouri Waltz" for her and her guests until even he must have been sick of it.

Although she lives in Washington and flits around the world, her official voting residence is Newport, R.I., where she still owns Mid-Cliffe, her first and only house.

Her never-fail good party recipe, she says, is cool guests, cool music, hot food and a warm hostess. And as one Washington newshen sagely remarked, plenty of lettuce and a Vice President on ice helps.

[From Pageant magazine, August 1971]

The really beautiful people are seldom profiled in the high-fashion magazines or spoken of in international society columns. The Beautiful People are Ralph Nader, William Proxmire, Gaylord Nelson, Muhammed Ali, Joan Baez and David Harris, Bella Abzug, and Margaret Chase Smith.

The Beautiful People are those who act with courage and conviction in situations that invite conformity and silence. And, you know, you can be a beautiful person, too!

TRIBUTE TO SENATOR ELLENDER

Mr. BELLMON. Mr. President, the State of Louisiana has made many important contributions to American life. Our country's political and social history bears the mark of many strong leaders who came from that great State.

Last Friday, the Senate honored one of those leaders, the Honorable ALLEN J. ELLENDER, on the occasion of his 81st birthday. Although I was necessarily absent and unable to join in the special observance that was held, I would like to have the RECORD show that Oklahoma as well as the other States holds the highest regard for our distinguished colleague from Louisiana.

Perhaps no other living Senator has had a greater impact on my State than ALLEN ELLENDER. Agriculture is of primary importance in Oklahoma, and many of our citizens make their living from the land. Throughout his more than three decades of service in the Senate, including 18 years as chairman of the Committee on Agriculture and Forestry, Senator ELLENDER has worked tirelessly to maintain a strong and healthy farm economy. He has had a hand in every piece of major farm legislation since the Agricultural Adjustment Act of 1938. It was my privilege to serve under him on the Agriculture committee until he relinquished his chairmanship to the able Senator from Georgia (Mr. TALMADGE) to become chairman of the Appropriations Committee, and I know of his dedication to rural development.

Of equal importance to Oklahomans is Senator ELLENDER's service on the Appropriations Committee. During the past 16 years, he has headed the Subcommittee on Public Works Appropriations. In this capacity, he has played a major role in the development of water resources in the State of Oklahoma and in our region. The Arkansas River navigation system, which is bringing countless benefits of an inland waterway to our part of the country, could not have become a reality without his support and encouragement. The citizens of Oklahoma are also indebted to his support for many other public works projects in our State.

As the dean of the Senate, ALLEN ELLENDER holds the respect and admiration of his colleagues. His energetic and vigorous leadership is an example for all of us to follow.

Although I have been associated with him only a relatively short time, I have benefited greatly from that association. I am pleased to be serving on two committees with him and I look forward to continuing to work with him in the interests of Oklahoma and the Nation.

Finally, my tribute to the Senator from Louisiana would not be complete without a personal observation that he is probably the finest gumbo cook I know.

I join other Members of the Senate in

congratulating Senator ELLENDER on a lifetime of distinguished service and wishing him well in his future endeavors.

ATTORNEY GENERAL MITCHELL'S ACCOMPLISHMENTS PRAISED

Mr. GRIFFIN. Mr. President, the current issue of Forbes contains an article by its editor in chief on Attorney General John Mitchell. In the article, Malcolm Forbes points out that the achievements of the Department of Justice during Mr. Mitchell's stewardship are perhaps unexcelled.

Moreover, the article states that Mr. Mitchell's accomplishments have been largely overlooked or obscured, and he enumerates the current Attorney General's record in crime and narcotics control, penal reform, civil rights, environmental protection, and antitrust.

Mr. President, this list of achievements deserves the attention of the Senate. I ask unanimous consent that Mr. Forbes' article be printed in the RECORD.

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

[From Forbes magazine, October 1, 1971]

THAT'S ALWAYS THE WAY IT IS FOR JOHN MITCHELL

Take the publishing of that top secret report of our involvement in Vietnam, revealing an incredible distrust and misleading of the American people and their Congress on a scale and with a cynicism that few would have dreamed possible by a U.S. government. Who gets nearly as much blame as the perpetrators? Attorney General Mitchell, of course—because as the Constitutionally-charged chief law enforcement officer of the United States, he is the one who must go to court to try to halt publication of top secret documents.

Never mind that Mr. Mitchell told newsmen: "I hope a way will be found to let the American people know what is in those documents. I think it is absolutely essential that they have such knowledge and have it at the appropriate time and in the appropriate circumstances." That was a footnote at the bottom of one story, while front page, day after day, were the Attorney General's court actions.

If Mr. Mitchell is making a major speech outlining progress of his department's massive and quite successful efforts to cope with the spreading hard-dope menace, his wife's hairdo or what she said before she hung up on the telephone to some newsman gets all the play that day.

In Civil Rights, it's not what his department has done by way of enforcement that counts, but its hesitancy in pioneering in new ways where it hasn't been specifically charged with responsibility.

If it's antitrust, the one that might have gotten away understandably gets infinitely more attention than the increased number of prosecutions and the sizable diminution in numbers of corporate combinations.

There's a wee touch of irony in the fact that during the successful Nixon Presidential campaign, which John Mitchell managed, the growth of crime in all areas and particularly in the streets of urban America was a burning election issue; it currently isn't such a hot issue because the Attorney General has done much to lessen the problem and thus has lost the issue.

It's likely that soon Mr. Mitchell will be leaving the Cabinet to head once more the President's campaign for the Presidency. Before he bows out as Attorney General and again brings his quiet, two-fisted perceptions back to the political wars, I think it's high time more people were aware of the very considerable and quite extraordinary accomplishments of the man in the tough job he has held for almost three years.

The Department of Justice's "war on crime" has shown some very real successes: During the period 1968–70 approximately half of the top bosses of the nation's two dozen organized crime syndicates were indicted or convicted. Some 27 pieces of legislation, developed by Justice to aid it in its crime fight, have been passed by Congress. The number of U.S. marshals and assistant U.S. attorneys has been substantially increased, as have grants to local law enforcement agencies. The efforts have begun to pay off. In 1970 the crime rate dropped in 22 cities of more than 100,000 population. An even more encouraging sign was the fact that in the first three months of 1971, 60 major cities reported an actual decrease in crime.

Recognizing that rehabilitation could be one of the keys to stemming the crime wave, a ten-year program has been developed to modernize the Federal prison system, with greater emphasis on correction therapy and job training.

The department has shouldered the major share of the Nixon Administration's all-out campaign on the narcotics problem. The amount of heroin and cocaine removed from the domestic market more than doubled from 1969 to 1970, tripled in the case of marijuana.

Civil Rights: Due largely to Justice Department action, the percentage of black children in the 11 southern states attending desegregated school systems increased from less than 6% in the fall of 1969 to 92% in the fall of 1970. Action in fair employment and public accommodation cases has been stepped up.

Protection of Environment: Justice has greatly increased legal action against polluters. Cases under the Refuse Act quadrupled in 1970 compared with the preceding two years; a landmark ruling against thermal pollution was won; and a consent degree with the Big Four auto manufacturers was signed, which should speed up the development of an auto smog device.

Firm action has helped create a climate in which conglomerate mergers have markedly decreased; 112 anti-trust cases were filed in 1969–70.

In summary, John Mitchell as Attorney General has been the most effective gangbuster, crime-coper and menacer to the drug menace who ever held the Attorney General's office.

No one seems to think or talk about that, though.

Additionally, he did manage the successful Nixon campaign, though no one ever seems to give him credit for being one of the more astute minds in the political arena.

Probably no one in such a continuous limelight has been given more blame for things beyond his power and less kudos for accomplishments within his power.

I don't think the man really minds that very much—so long as he can get his next big job done—President Nixon reelected.

TRANSFER OF AMPHETAMINES TO SCHEDULE II

Mr. TOWER. Mr. President, on August 2, I joined as a cosponsor of S. 674, a bill which would transfer amphetamines and other stimulant substances from Schedule III to the more stringently controlled Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970. At that time, I was extremely concerned with the fact that the quantity of these drugs being produced greatly exceeded legitimate medical needs, and that this excess was contributing to the growing problem of drug abuse.

I was very much pleased to receive a letter from Mr. John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, which informed me that such a transfer has been successfully completed, only 2 months after Attorney General Mitchell ordered all amphetamines and methamphetamines to be transferred to Schedule II. I wish to express my appreciation to Mr. Ingersoll and Attorney General Mitchell for their outstanding contribution to our Nation's effort to combat effectively the menace of drug abuse.

Mr. President, I ask unanimous consent that the text of the letter be printed in the RECORD.

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

UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF NARCOTICS AND DANGEROUS DRUGS,
Washington, D.C., Sept. 17, 1971.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: In the September 17 issue of the Federal Register, Attorney General Mitchell proposed that methylphenidate (Ritalin) and phenmetrazine (Preludin) be transferred from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Officials of the Ciba-Geigy Corporation, manufacturer of the two products, and of Boehringer Ingelheim, owner of the United States patent on phenmetrazine, have waived their rights to hearings on the proposed transfer. I would note that these waivers followed negotiations between company representatives and representatives of the Bureau of Narcotics and Dangerous Drugs and that both companies cooperated fully throughout.

You will recall that on July 7, the Attorney General ordered all amphetamines and methamphetamine made subject to the stringent controls of Schedule II. Thus, in slightly more than two months an entire range of stimulant drugs have been rescheduled without the need for hearings. This result clearly demonstrates the efficacy of the new law but I recognize that no statute operates in a vacuum. The continuing concern expressed by members of the Congress over the proper scheduling of various drugs has, in no small measure, aided this Bureau in its endeavors.

I am grateful to you for your own particular interest.

Sincerely yours,

JOHN E. INGERSOLL,
Director.

INNOVATIONS IN EDUCATION

Mr. HARTKE. Mr. President, there are few people who would not agree that public school education must adapt to major changes in society. Anyone who has spent a day or more in a classroom knows that today's student will not tolerate many of the educational practices of past generations.

The rapid changes in technology coupled with the social revolution which has taken place during the past 15 years have placed a special strain upon our schools. In some States, voters are rejecting as many as half the school budgets. There have been student strikes

and faculty strikes and, tragically, there has also been violence.

On a more positive note, valuable innovations are taking place. One which I have watched with great interest has been in Gary, Ind. There a private company was given the responsibility of supervising the learning process at an inner city public school. A recent article in the New York Times reports that pupil performance has improved substantially under this arrangement.

Mr. President, I commend this article to my colleagues and ask unanimous consent that it be printed at this point in the RECORD.

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

PUPILS IMPROVE IN SCHOOL RUN BY PRIVATE COMPANY

(By Seth S. King)

GARY, IND.—The reading and mathematics skills of pupils in a school here have been significantly improved since supervision of the learning process was taken over by a private company that guaranteed to improve the skills or give back the fees it is charging.

A report issued today on the first year of the four-year experimental program showed that nearly 73 per cent of the pupils at the Banneker Elementary School reached or exceeded the national norms in reading or math skills or both in the first year.

A year earlier, 75 per cent of the children in the all-black school in Gary's shabby inner city performed below national norms in reading and math.

And Banneker was no exception. In Gary's 35 other elementary schools, where 60 percent of the enrollment is black, at least three-fourths of the children who reached sixth grade levels could not read at the national norms.

The Schools Superintendent, Dr. Gordon L. McAndrews, said that "as encouraging as the first year's results are, no definite conclusions will be drawn at this time, but we're optimistic that future results will be even better than those obtained so far."

Last year Gary became the first city in the United States to turn over the direction of an entire school to a private educational service company.

Behavioral Research Laboratories of Palo Alto, Calif., was signed to a four-year contract for $2.6-million and given complete authority to hire Banneker's teachers, establish its system of instruction, and provide whatever books and materials the company chose.

In return, the company is obligated to refund the per-pupil costs, which are calculated at the same level as those in the other elementary schools, for any child who fails to reach or exceed national sixth-grade norms in reading and math.

MANAGER SELECTED

BRL, as the company is known in Gary, brought in as its "school manager" Donald G. Kendrick, a 34-year-old black who is a computer systems expert.

He hired 25 of the 34 teachers previously assigned to Banneker. He also hired 28 "learning supervisors," most of them parents from the Banneker district who were interested in helping to educate their children.

The children above kindergarten were tested and then grouped, largely by levels of skill in reading and math rather than by age or grade.

Much of the teaching was done by teams of teachers on what Dr. McAndrews said was a more individualized basis than in the other Gary schools. The books and materials used at Banneker were more highly programed for individual use than in the other schools, he said.

This same system has been installed again this school year and 700 students are enrolled under BRL direction at Banneker.

This past June the Center for Urban Redevelopment in Education, a nonprofit group headed by Dr. Bernard Donovan, former New York City Superintendent of Schools, gave Banneker's pupils a series of readiness and achievement tests similar to those used nationally in establishing norms for city children.

In a reading readiness test given to the kindergartners, 46 per cent reached an average level. Thirty-five per cent were rated high normal and 9 per cent superior. Only 10 per cent were below reading readiness levels, Dr. McAndrews said.

The 91 first-grade students averaged a combined score of 1.7 in reading and math, Dr. McAndrews reported, showing they were about two months behind the national norms.

But in the equivalent grades two through six, 396 of the 546 pupils, 72.5 per cent, were average or above in either reading or math, or both.

Pupils in other Gary elementary schools were given the same type of achievement tests they had taken in the past. These were different from those given at Banneker and thus no direct comparison with results in other Gary schools was possible.

BRL is obligated in its first two years to refund per-pupil costs only on sixth graders who do not meet the norms in both reading and math. But after three years of instruction, it must refund for all below-norm pupils who have attended Banneker for three consecutive years.

TOWN AND GOWN IN MARQUETTE

Mr. HART. Mr. President, those over 30 often advise our young people "to work within the system to bring about change."

And all too often the tones accompanying that advice indicate beliefs that too many young people need that advice, that too many young people favor instant rhetoric over the long pull required to achieve change.

Admittedly, one example does not make a case, but I believe efforts of Northern Michigan University students to improve conditions in the university's hometown of Marquette more accurately portrays the moods, goals, and activities of students than those beliefs.

This summer, NMU students launched programs to develop answers to the pollution of Lake Superior and the erosion of its shores. In addition, students continued such activities as working in the camp for physically handicapped children run by the university's speech clinic.

I ask unanimous consent that an editorial from the "Mining Journal," about these projects be printed in the RECORD.

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

CAMPUS-COMMUNITY PROGRAMS

Northern Michigan University students and faculty members are working on a couple of unusual projects this summer that hold promise of bettering conditions in the local community. Financed by modest grants from governmental agencies, student-faculty teams are tackling the problems of waste disposal and shoreline erosion.

One group of 12 NMU students and an assistant biology professor are using a $12,000 National Science Foundation summer research grant to try to find a way of converting such waste products as mine tailings, fly ash, sawdust, sewage and garbage into a composite soil that could be used for top soil or as an additive to enrich the soil.

The students have laid out 64 small plots into which they are placing various mixtures of the waste ingredients to test their nutritional values in hopes of finding a combination that will replenish the soil and improve the growing of crops and lawns.

In other words, they are trying to solve a fundamental environmental problem through the process of recycling—converting solid wastes into usable products.

Through their research the students will gain knowledge regardless of the outcome of their experiments—and they just might hit upon something that will be of great benefit to mankind.

Another faculty-student team of four is utilizing a grant of $8,000 from the Water Resources Commission of the Michigan Department of Natural Resources to conduct a study of the nagging and costly problem of Great Lakes shore erosion.

The group's engineering study will encompass privately owned land in the Upper Peninsula fronting on Lakes Superior and Michigan. The team will map and classify the shorelands, particularly those that are unplatted and undeveloped so that erosion probabilities can be projected before private owners invest in developments.

The study should help to minimize future losses through erosion.

Although these projects are new this year, the principle of university cooperation in community projects is by no means new. An example of earlier projects of this kind is the university's cooperative program in speech therapy with Bay Cliff Health Camp, a program that currently is in its eighth year.

Under the program, the NMU Speech Clinic cooperates with the camp for physically handicapped children to provide therapy to virtually all of the 200 youngsters attending the camp. Graduate students taking part in the program—and there are 16 of them this summer—benefit by gaining experience and college credits in speech therapy, and the children enrolled in the camp benefit from the therapy.

Numerous other examples of mutual benefits to campus and community through cooperation could be cited, but those mentioned above should be sufficient to give some idea of the scope of this practice.

WTOP CONDEMNS SATURDAY NIGHT SPECIALS

Mr. BAYH. Mr. President, in recent editorial comment, Mr. Norman Davis, speaking for WTOP radio and television, expressed support for the bill that I have proposed to prohibit the sale to the public of domestically made "Saturday night special" handguns.

The "Saturday night special" has been the subject of inquiry of the Juvenile Delinquency Subcommittee and during hearings of September 13 and 14, we heard a number of witnesses express their support for and the need for enactment of this legislation.

I intend to conduct further hearing on this subject on October 5 and then hopefully, the subcommittee will report favorably upon it so that we may move it to the Judiciary Committee and then to the Senate floor for action.

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

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

OUTLAW THE "SATURDAY NIGHT SPECIAL"

Senator Birch Bayh is attempting to outlaw the "Saturday Night Special." We believe his bill deserves overwhelming support.

The "Saturday Night Special" is a lightweight 22-caliber handgun. It can be purchased widely by almost anybody for as little as $8.95. It is poorly-made, inaccurate when fired, and is extremely dangerous.

In 1970, according to the Senate Juvenile Delinquency subcommittee, $630,000 "Saturday Night Specials" were manufactured in this country. They were involved in an awful lot of homicides.

Handguns increasingly are snuffing out the lives of policemen—67 two years ago, 72 last year. And for the first time, police organizations such as the national Fraternal Order of Police are beginning, on a limited basis, to support gun control. The F-O-P has endorsed the Bayh bill. So has the District's Chief of Police, Jerry Wilson.

The gun lobby is either quiet about the bill or wishy-washy about it. But in no way can the crudely-made "Saturday Night Special" be considered a safe gun for use by anybody for any purpose.

Senator Bayh's bill serves a very limited scope and would cover only a small portion of the handguns which wound and kill thousands of Americans each year. We support the bill, but with the hope that Congress will come to realize and to act on the mortal social danger posed by *all* handguns. Handguns should be rigidly limited to law enforcement officials and to sportsmen, and it shouldn't be hard to write a law to accomplish that.

The "Saturday Night Specials" are of benefit to no one, and we urge Congress to move swiftly to ban them.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

APPOINTMENT OF LEO CHERNE TO U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Mr. PELL. Mr. President, the Senate yesterday approved the appointment of Mr. Leo Cherne of New York as a member of the U.S. Advisory Commission on International Educational and Cultural Affairs. As one who has known Mr. Cherne for many years, and as one who has great admiration and respect for his many accomplishments, I was delighted to give my support to the Senate confirmation of Mr. Cherne's appointment.

Mr. Cherne, who has served for more than 30 years as director of the Research Institute of America, has distinguished himself in many fields—as an author, a scholar, an executive, an educator, and a sculptor. With his broad range of interests and his deep knowledge, with his qualities of human warmth and compassion, his taste and versatility, he is truly a Renaissance man. One evidence of this is his membership in the French Legion of Honor.

He has shown outstanding leadership in several fields, serving as director of the American Arbitration Association, director and chairman of the Executive Committee of Freedom House, and chairman of the board of directors of the International Rescue Committee.

It is in this last role that I have come to know him best as I have served on that board under his leadership for 15 years.

Mr. President, I believe we are indeed fortunate that Leo Cherne has agreed to give to the Advisory Commission on International Educational and Cultural Affairs the benefit of his wisdom and experience.

HELLS CANYON-SNAKE NATIONAL RIVER

Mr. PACKWOOD. Mr. President, since returning from the August recess, hearings have been held by Senator BIBLE'S Subcommittee on Parks and Recreation on S. 717, a bill to establish the Hells Canyon-Snake National River. Two long days of hearings were held on September 16 and 17, and another day is scheduled to complete the witness list for September 30. I want to thank the distinguished chairman of that subcommittee for holding these hearings, and for his graciousness in allowing me to sit in as an observer.

The president of the Hells Canyon Preservation Council, Pete Henault, of Idaho Falls, voiced the fears of conservationists around the country when he stated recently:

Conservationists are in a box. Time is running out for Hells Canyon! The forested areas on either side are under attack from logging, road construction, mineral exploration, and four-wheel-drive vehicles. Oregon's only significant elk population is being decimated because of a greater access due to road building, a proliferation of vehicles which don't need any roads, and a rapidly increasing population. Aquatic life is on the decline because of inadequate minimum allowable flow and because of the severe fluctuations in the flow from Hells Canyon Dam . . . archaelogical sites are being destroyed by vandals . . . beaches and flat areas suitable for camping, most of which is private, homesteaded lands, are being locked up by their owners or offered for sale.

This is, in fact, the most imminent danger facing Hells Canyon today: the loss of these few river-front sites suitable for future public use . . . if Congress does not act soon to protect the natural beauty of these areas, and the public's right of access, it will be too late.

Mr. President, we had individual citizens, representing citizen groups relating to fishing, recreation, and conservation, travel across the country to tell their story to this committee. These were individuals who did not have their travel expenses paid by some industry, but had to meet those expenses either out of their own pocket, or from their organizations' treasury of donations from thousands of other concerned Americans. And these witnesses poured their hearts out.

Following the hearings on September 16 and 17, there was a good deal of news coverage recapping the events of those 2 days. I ask unanimous consent to have printed in the RECORD an article entitled "Hells Canyon: Dry Gulch or Cesspool?" written by Jim McAlister and published in the Intermountain Observer on September 25, 1971.

Mr. McAlister has stuck with the issue at hand and discusses frankly what we stand to lose as a nation if we do not take steps now to protect this area from further deterioration and seek to repair the damage already done.

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

HELLS CANYON: DRY GULCH OR CESSPOOL?

For the information of large conservation organizations, Senators and Congressmen the Snake River rises in Yellowstone Park and flows into and out of Jackson Lake, Jackson Hole, the Grand Canyon of the Snake and into Idaho. After winding some seven hundred miles through Idaho it enters Hells Canyon by way of three impoundments. In the last fifty odd miles of Hells Canyon it is a free-flowing, highly contaminated torrent of from 5,000 to 40,000 cubic feet per second.

Hells Canyon has been pictured and written about in most publications devoted to conservation and outdoor activities. The surrounding countryside was the home of the last intelligent North Americans to be crushed by Slobbus Americanus.

A few of us slobs inspired by the memory of the tragic Nez Perce (who did not have pierced noses) believe the entire Snake River is an important waterway. Even after getting the brushoff by the major conservation organizations we missed defeating one of the more deadly attacks in the Idaho House by three votes. This in a state where irrigation associations not only write the laws but are considered exempt from the law, gives us some pride. The vote was 35 for the Guffey Dams to 32 for the river. Next year we will not waste time and effort seeking help.

Professional conservationists either ignored us or said there was no problem. We were advised to work for and contribute money to their various projects.

We were told the Snake would be saved because Senator Packwood and all big conservation groups are working to make Hells Canyon a National River. Could we also set aside one tenth of Lake Erie as a National Recreation area?

DRY GULCH THE SNAKE

We have information for folks who believe a Hells Canyon National River has anything to do with the 800 plus miles of river above the Canyon. The Idaho Water Resource Board has the plans and believes it has the clout to use every drop of water in the Snake and its tributaries before this fluid reaches Hells Canyon. So—Hells Canyon National River will be a dry gulch. In case the engineers are able to place a dam at the lower end it will be a cesspool. In either case as sheep have denuded much of the canyon walls it will make little difference.

On the weekend of July 4th, 1971, the White River ceased to flow below Bull Shoals Dam in Arkansas, which resulted in a complete fish kill in over 22 miles of the best trout water in the Midwest. This is a small thing compared to the salmon and steelhead kills on the lower Snake and Columbia, but remember the Midwest sportsman has more political power than his brothers in the Northwest. The fish kill on the White was unnecessary, avoidable and a direct result of the go-to-hell attitude of the engineers.

This is merely to point out that those who depend on a government agency to protect their lakes, rivers or woods are fresh out of protection.

In the thousands of words published on and about Hells Canyon and all the literature from conservationists that comes to this desk we see no mention of the fact that the Snake River exists above the canyon. Sure it is foul. Water that gets past Minidoka Dam is mixed with all the waste Burely, Buhl and Twin Falls can pour in before it gets pure water at Thousand Springs. So—naturally another dam is planned at the springs.

An attorney representing the large irrigation corporations admits that his clients have rights to about twice the water in Idaho rivers and impoundments, affirms their intent to use it and graciously offers to share any of the nonexistent remainder. Any sug-

gestion in the press that some treasury raid for more dams could be unwise brings a flood of hate mail so its is considered political suicide to question any such project. Even the opposition to the proposed $55-million dam on the Teton River deplores only the loss of the trout fishing and suggests that it would be better to pump the water out for the use of the irrigators. No public official in Idaho has as yet dared to suggest that a running living river is of value.

Sen. Bob Packwood of Oregon, with the assistance of every major conservation organization in these United States, is laboring mightily to assure us of a National River Through Hells Canyon. Just in case these people are successful in obtaining the necessary legislation, what are the chances of having some water running down it?

TURN OFF THE PAYETTE

The proposed Garden Valley Dam would shut off the flow of the South and Middle Forks of the Payette River. This project includes a tunnel through the mountains to tap the North Fork at Cascade Lake, thereby grabbing the water in the entire Payette drainage which is the largest tributary below Henry's Fork. The first step in the above plan is the Swan Falls-Guffey project and the works include irrigation of some hundreds of thousand acres in the Mountain Home Desert using any water that might otherwise flow down the Boise and Payette rivers.

The Southwest Idaho Water Project proposes to irrigate 500,000 acres of Southwest Idaho Desert. Allowing five acre-feet of water to grow potatoes and sugar beets on this area, we find that 2,500,000 acre feet of water would be pulled out of the Snake and tributaries before it reached Hells Canyon. This is only in Southwest Idaho. Look up the river while it still exists.

Impounding Blackfoot Marsh leaves only the effluent and waste from Pocatello to run into the Snake. The Ririe Dam on Willow Creek, already under construction, will keep the water from the Caribou National Forest from reaching the river. Lynn Crandall Dam on the South Fork of the Snake would drown out the only remaining section of clean water canyon on this fork and wipe out some of the best cutthroat and brown trout fishing in Idaho. However, as by this time the remaining salmon and steelhead runs into Idaho would be a memory, we may as well make it total.

Did you ever wonder how salmon and steelhead could swim and leap over Dagger Falls, Swan Falls, Upper and Lower Salmon Falls to spawn in the clean gravel of Idaho creeks without suffering attrition from nitrogen poison? The descendants of these fish cannot get over the fish ladders of the Columbia without dying of the bends. Do not tell us the answer as we have sold our cow and have no further use for the bull.

Air and water in southern Idaho are so saturated by nitrogen compounds from cattle manure that it is a wonder every citizen of the area does not come down with the bends.

For instance: we have a real estate developer who is actively engaged in subdividing Garden Valley while at the same time lobbying for the water project that will flood the area. The promoters of additional irrigation say they wish to promote development of Idaho land by responsible individuals and use all Snake River water for the benefit of every citizen in the state. They do not say to whom these individuals would be responsible. As they claim to control the Idaho Legislature and our congressional delegation, it is certainly not to any authority in the United States.

Among the many benefits accruing to the citizenry from additional irrigation will be the doubling of the present population. To a people who have chosen Idaho because of its open space, clean air, water and outdoor pleasures, this is no great boon. Another benefit is a wide tax base. This is a big deal—for the irrigators—it will cost the taxpayers some ten dollars for every buck the freeloaders pay for water in addition to the millions they already knock down in government subsidies.

PROMOTERS' ENEMY

Idaho has a few citizens who work hard for a quality environment. These folks are known to the promoters as environmentalists and are subject to continuous attack before the legislature and in the press. Apparently the freeloaders who believe that all public lands, tax dollars and water should be used for their private gain consider environmentalists as the enemy. It is, possibly, annoying to have somebody hollering, stop thief, every time you reach for the loot. It is the old story of how the law will jail a man or woman who steals a goose from off the common, but turn the greater rascal loose who steals the common from the goose.

Our friend Pierre Pulling identified pieces of Idaho that are already sterile from salt irrigation deposits. When the entire Snake River is a string of reservoirs evaporating in the arid West the water will be increasingly saline. It will also carry various toxic substances including methyl mercury. Our state Health Department already warns that fish caught anywhere in the Snake between American Falls and Hells Canyon are unsafe for food. Indigenes pay no attention, assuming that store bought food carries a heavier load of chemicals.

Salt puts irrigated lands out of production permanently. One day a scientist will publish a paper explaining why Great Salt Lake is saltier than the Middle Fork of the Salmon. This will have no effect on irrigators who intend to make it and get out.

The Snake River can become a string of silted pools growing algae under the summer sun, empty during fall and winter, muddy impoundments catching more silt in the spring.

Hells Canyon is magnificent, but friend we have been face to face with a bull moose in the wilderness. We have, also, seen a stuffed moose head and there is one hell of a difference.

SOVEREIGNTY OVER PANAMA CANAL ZONE

Mr. HUGHES. Mr. President, in our Government's efforts to bring its relations with other countries in line with the Guam doctrine, there is a need for new approaches to the protection of our vital security interests in ways which will improve, rather than impair, our friendships abroad.

To deal with the long-existing controversy of U.S. control of the Panama Canal Zone, the distinguished senior Senator from California (Mr. CRANSTON) has a creative suggestion that I believe merits our thoughtful consideration. He would return sovereignty over the zone to the Republic of Panama while preserving the right of the United States to own, operate, and defend the canal.

I, therefore, ask unanimous consent that Senator CRANSTON'S recent testimony on this subject before the House Foreign Affairs Committee be printed in the RECORD.

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

STATEMENT BY SENATOR ALAN CRANSTON FOR THE INTER-AMERICAN SUBCOMMITTEE OF THE HOUSE FOREIGN AFFAIRS COMMITTEE, SEPT. 27, 1971

I am pleased to have the opportunity to express my views to the Inter-American subcommittee of the Foreign Affairs Committee on the continuing controversy over whether the United States should maintain its sovereignty over the Canal Zone.

I would first like to discuss the notion that the United States owns the Panama Canal Zone. It does not. It never has. It doesn't even have sovereignty over the Canal Zone.

By treaty agreement with the Republic of Panama in 1903, the United States "has the power and authority within the Zone . . . which the United States would possess and exercise if it were the sovereign of the territory."

For the past sixty-eight years we have exercised that power and authority—causing hard feelings, bitterness and scorn between Panamanians and other Latins on the one hand, and the Americans on the other. It led to tragic riots in 1959 and 1964, and to suspension of diplomatic relations between our two countries after the latter incident. I believe it is time to acknowledge that it is no longer to our advantage to maintain this supposedly sovereign position.

We have heard statements to the effect that we must stay supreme in the Canal Zone to protect the Canal, and maintain the balance of power in the Western Hemisphere. We have heard statements to the effect that giving up our alleged sovereignty over the Canal Zone is tantamount to relinquishing control of the Canal itself. If we place these statements in the context of hard facts—facts which do not get very much publicity or news analysis—we will see that this nation has been upholding in the Canal Zone the remnants of the "Big Stick" policy which succeeding administrations have sought to eliminate elsewhere in the hemisphere. We have sought to eliminate this policy with Franklin Roosevelt's Good Neighbor Policy, and later with John Kennedy's Alliance for Progress. Yet we remain in the Canal Zone, waiting for the next riots to occur.

The Canal Zone is a strip approximately 50 miles long and ten miles wide—five miles on either side of the Canal which bisects it. It was created on the presumption that the United States should have an area within the Republic of Panama over which it could have complete jurisdiction—this because of the great influx of American civilian and military personnel who were anticipated to supervise the construction and later to operate and defend the Canal.

Whether or not there was any justification for insisting on a U.S.-controlled zone to ensure the safety and comfort of Americans who were building the Canal in 1903, that justification hardly remains in 1971. There is no question as to the legality of our presence in Panama. It was fully agreed to by the Panamanian government. For ten million dollars and $250,000 a year the United States was leased the Canal Zone in perpetuity. It was a contract that fit perfectly well into our quest for territorial expansion and influence at the turn of the century. But one wonders if Panama, in its zeal for independence, struck a bargain with the United States which it probably never would have agreed to under quieter times.

Secretary of State John Hay wrote, in a letter to a leading Senator of the time: "As it stands now, as soon as the Senate votes we shall have a treaty in the main very satisfactory to the United States, and we must confess. . . not so advantageous to Panama. . . You and I know too well how many points there are in this treaty to which a Panamanian patriot could object."

In the years since John Hay wrote that letter, the United States has built what has become a colony of mostly white Americans who reside in the Canal Zone year after year, and some, generation after generation. Most of the Americans who live in the Canal Zone do not have any occupational association with the Canal itself. In fact, of the 15,000 workers employed in the Canal Zone,

only 4,000 are Americans, and of that figure, only 1,289 work on the Canal. The other Americans are employed in support services which perpetuate community life such as schools, movie theatres, bowling alleys, commissaries, golf courses and a zoo.

The Zone has nicely paved roads, lovely suburban homes, and 15% differential on top of an inflated pay scale to entice people to come down from the States. The Canal Zone is a far cry from the jungle swampland that Walter Reed and his associates found in attempting to clear the land in the early part of this century. It is a haven of segregated little communities, with whites pretty much having exclusive domicile of the towns of Balboa and Diablo Heights, and non-US Panamanians and Jamaicans living in the Latin communities of Pedro Miguel and Paraiso. It is nonsense for this nation to perpetuate such an obvious affront to the host country on the excuse that we are thereby better protecting the canal.

The fact is that the Canal Zone has little to do with protecting the canal from invasion. According to Major General Donnelly P. Bolton of the Office of the Deputy Chief of Staff for Military Operations, Department of the Army "no significant Navy or Air Force high performance combat units are based in the Zone. Most Air Force activity is oriented toward supporting such activities as disaster relief or military assistance. Navy elements are engaged primarily in administrative and strategic support activities." The Army forces in the Canal Zone consist of one infantry battalion on the Atlantic end of Zone, and one mechanized infantry battalion on the Pacific side. General Bolton continues, "Army units located in the Zone can be broken down to 46% in combat and combat support, and 54% in combat service support, headquarters, or military assistance activities.

It is important to note that in case of an attack on the Canal Zone, General Bolton says, "Reinforcement for the Zone would come from the pool of Army and Air Force units assigned to the U.S. Strike Command, MacDill AFB, Florida, and Marine and Naval elements assigned to the CINC, Atlantic Command in Norfolk, Virginia."

Clearly, the Canal Zone, and the forces residing there, do not provide significant protection for the Canal. The real muscle comes from forces based within the continental United States. The Canal Zone-based forces provide little more than police protection in case of an invasion from within the Republic of Panama.

How then can we justify our grand presence in Panama? How does the presence of a colony of civilians help contribute to the stabilization of this area of the world? Very little. On the contrary, it is my firm belief that the continuing existence of the Canal Zone provides much fuel to the militant factions in Panama and elsewhere in Latin America who point to the Canal Zone as a colonialistic outrage, fenced apart from the horrible slums which neighbor alongside.

I believe the United States should now relinquish its jurisdiction over the Zone. The State Department and the President of the United States have recognized that a new arrangement must be effected between our two governments—an arrangement which is fair and equitable, and which does not jeopardize our security or commercial interests. I support these efforts for a new treaty, but I feel that the negotiating team is not seeking to go as far as is necessary to eliminate the wrongful situation which continues to fester like an uncared-for wound. The U.S. negotiating team now believes that the Canal Zone should be vastly reduced in size, with commercial interests in the Zone assigned to Panama. It does not propose, as has been alleged, to turn over the entire Canal Zone, including the Panama Canal, to Panama—nor do I propose such a step. The team has also called for a gradual phase-out of American legal jurisdiction over cases involving Americans in the area.

The idea seems to be that more and more Americans will leave as Panamanians assume more jurisdictional control. I question the need for any continued American control over the affairs of civilian Americans in the Republic of Panama. Does the United States exercise control of this nature in any other area of the world where Americans choose to work and reside? The answer—except in diplomatic missions and on military bases—is no, not even within the Republic of Panama. Why should Americans living in the Canal Zone and working on the Panama Canal be treated any differently? If an American chooses to work abroad elsewhere, he does so knowing that he must abide by the laws and live according to the rules of the host country.

The United States does not need the Canal Zone in order to operate the Panama Canal. Because we permit unrestricted passage to countries of all political allegiances, including North Korea and Communist China, it cannot be said of us, as has been said of Egypt in the case of Suez, that we exclude our enemies.

We should make clear to Panama that in giving up jurisdiction over the Zone we are not giving up our military bases, nor the right to defend the Canal from alien aggressors or from aggressors within the Republic of Panama, even if our forces must cross over Panamanian soil to do so. Those rights should be an inherent part of the new treaty, and it is a small price for Panama to pay. It will also assuage the fears of those who feel the United States will lose the Panama Canal by making such concessions.

In summary, I believe the United States should return all aspects of sovereignty in the Canal Zone back to the Republic of Panama; and that the United States should continue to own and operate the Canal as a world utility, retaining all rights to defend the Canal, even to the point of moving our armed forces into the Republic of Panama to do so.

We in the United States might look toward our own country to seek an analogy to the Panama Canal Zone situation. What if the British had built the Erie Canal in the early 1800's and set up a Zone of their own to run it? How then would the Americans of today feel toward a British Colony living alongside of Buffalo, New York, and Cleveland? Is the only difference really the fact that we Americans are a vast world power, capable of removing such unwanted colonies, while the Panamanians are helpless to do anything about their own situation except make noises which are faint on the world scene?

If we are to behave as the greatest nation in the world—and we must—then we must set a proper example for nations large and small, rich and poor, around the world. We must solve such frictions before they become major confrontations. We must in effect initiate solutions before the guns are fired, and blood is drawn. Too often, we have been a nation of reactors. Let us act in a preventive way, and gain friends who will know that it was the United States that took the first step forward—not a step backward in retreat.

NATIONAL RURAL DEVELOPMENT CENTER

Mr. PEARSON. Mr. President, on April 5 of this year I introduced the National Rural Development Center Act—S. 1507. The bill would establish a national center to carry out research in all aspects of the American rural community, and the factors of economic growth and population distribution patterns. The objective would be to build a solid and extensive information base in order to better achieve the goals of rural development and balanced national growth.

The bill has been well received, and I am pleased that 21 Senators have joined as cosponsors.

The proposal was based on a report by a special study group of the National Academy of Sciences. Mr. President, because of the growing interest in this proposal, I ask unanimous consent that this National Academy of Sciences report be printed in the RECORD.

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

A NATIONAL RURAL CENTER: APPLYING SCIENCE TO IMPROVE THE QUALITY OF RURAL LIFE

PREFACE

The Office of Economic Opportunity asked the National Academy of Sciences to create a Study Group to recommend "the design of a 'Rural Institute of Applied Science and Social Change' or preferable institutional arrangements" to bring science to bear on the problems of rural poverty. This task was undertaken by the Division of Behavioral Sciences of the National Research Council.

Several assumptions were implicit in the request. First, rural poverty is an urgent social problem as well as a condition with costly consequences for the individual. Second, institutions dealing with the problems of rural poverty are inadequate in number and thinly spread over widely dispersed populations. Third, applied science and technology can make a contribution to the reduction of rural poverty. The assignment to the Study Group was open-ended in that the group was left free to question the assumptions and to recommend institutional arrangements that it concluded would be most helpful.

In the conduct of its activities, the Study Group first sought to gain an appreciation of the scope and nature of rural poverty and of the larger context in which the problem is embedded. The rural poor in this nation are numbered in millions. The conditions identified by the Study Group aroused its compassion and increased its sense of urgency. At the same time, however, it recognized that the problems of poverty are exceedingly diverse and vary with ethnic group and with region. They have social as well as economic roots. Moreover, the problems of rural poverty, while distinctive, are intimately related to the problems of poverty in urban centers. To an important degree, poverty in the cities began as poverty in rural areas.

As it carried its inquiries into the field, the Study Group found rural institutions underdeveloped and thinly spread. Yet, in state after state, it found that major institutions of society—governmental, private enterprise, and educational—appeared to have much greater potential capacity for dealing with rural problems than they had been able to bring to bear, either separately or collectively.

As this new issue was identified, a Task Force on Existing Institutions, chaired by Mark Massel, was created. It undertook an extensive inquiry into the operation of institutions presently concerned with rural poverty and rural development. The aim was to gain an appreciation of the practical problems of institutions in promoting social change in rural areas and to assess the possibilities of encouraging the existing organizations to strengthen their capabilities. This Task Force sought to aid the Study Group as a whole in understanding what such institutions were doing currently, what needed to be done, what issues should be considered in formulating the design of new institutions, and which existing organizations could carry on pertinent functions.

The Task Force on Existing Institutions traveled into a number of the regions of the

rural United States to study communities, local government, regional development districts, federal action agency programs at the community and state levels, and university and community college programs formed in response to community and regional needs. Its members and staff conducted discussions with hundreds of state and local leaders, participants in community action programs, university administrators and faculty, community medical service doctors, extension agents, and members of private research institutions in eleven states: California, North Carolina, New Mexico, Oklahoma, West Virginia, Colorado, South Dakota, North Dakota, Minnesota, Tennessee, and Kentucky. In addition, they also met with representatives of federal agencies and participated in conferences and meetings on subjects related to the study.

The outcome of these and related inquiries led to the Study Group to move toward the design of a national center and regional institutes that would facilitate rural development. They would also provide linkages that would facilitate changes in the institutions of government, private enterprise, and higher education, enabling them to relate more effectively to the problems of rural America. New goals are needed for these institutions, as is improved coordination among their many programs. So are better means of sharing and learning from their various experiences. New institutional arrangements will be effective to the degree that they induce major shifts in problem definition, in boundary relationships among organizations, in career incentives, and in feedback from the action environment. For this, a far better fit between the behavior of existing institutions and the realities of the quality of rural life is essential. In short, significant change in major institutions is required, and this, it appears, means that the individuals of which they are composed have to become sensitive to reward systems predominantly oriented toward the issues of the external environment—the quality of rural life.

The Study Group resisted easy acceptance of the third assumption—that applied science and technology have a contribution to make to the reduction of rural poverty. A Task Force on Design Criteria, chaired by C. West Churchman, was created to identify the elements of the process involved in providing scientific and technological knowledge that would be used in improving the quality of rural life and alleviating poverty.

In its deliberations, the Study Group as a whole found the relationships between knowledge and social change complex and to a degree intractable to satisfactory delineation. Thus, some of its members maintained that the initiative for change must come from science and technology—the providing end, so to speak. From this viewpoint, the users do not normally understand their problems and what might be available to them well enough to know what assistance to request. In contrast, others emphasized that poverty groups cannot be helped much by solutions delivered from the top down. Poor people, they hold, must work out solutions to their own problems. Neither services nor enterprises, when imposed by others, last very long.

Out of such very different perspectives, the Study Group came gradually to conclude that the choice is not between "top down" and "bottom up" use of applied science, but that the issue should be framed in terms of the nature and quality of the relationships within which individuals and institutions might work together to achieve common objectives. Poor people need the skills of the experts, but experts equally need the unique knowledge of their own condition that the poor possess. Both are essential to the definition of common objectives and the means for attaining them. Coordinated action by several major institutions also requires the delineation of common goals and operational objectives appropriate to the action environment. Only then does coordination of programs become possible and effective. Improvements in the quality of rural life, it appeared to the Study Group, therefore, depend on the evolution of new relationships, both among major institutions and between the institutions and the poor. Specialized knowledge is essential, but improvements in the process by which it is brought to bear on real problems are critical.

The Study Group included a very wide range of experience and knowledge. Obviously, a report of this compass cannot do full justice to the diversity of viewpoints and understandings that the group brought to the problem. Nor can it reflect accurately the difference that emerged among its members with respect to the way in which the central thrust of this report should be represented. Consequently, it should be emphasized that, while the Study Group as a whole supports the recommendation made to the Office of Economic Opportunity, each member does not necessarily concur with every finding and suggestion set forth in this report.

The institutional arrangement on which a wide consensus was reached focuses first on the tasks of applied science at the national level. Processes of goal formulation, program coordination, and institutional invention are involved. Next are requirements, from the regional level, for advice to state and local groups, for regional technical services of various kinds, and for support of community and regional planning. The overriding objective is to facilitate adaptation of the enormous existing potential institutional resources of society to the urgent task of improving the quality of rural life and alleviating rural poverty. To this end, the Study Group limited itself to one major action recommendation.

ACKNOWLEDGEMENTS

The Study Group wishes to express its appreciation for the cooperation of the staff of the Office of Economic Opportunity, particularly to John W. Powell, Rocco Fazio, Ira Kaye, and Bette Mahoney. It is also indebted to the staff of the Division of Behavioral Sciences, notably to Henry David, its Executive Secretary, and to Alexander L. Clark for their contributions to its work.

It acknowledges with gratitude the special assistance given by the following: James G. Maddox, Executive Director, Agricultural Policy Institute, School of Agriculture and Life Sciences, North Carolina State University at Raleigh; Arthur A. Blumenfeld, Associate Director, Institute for Social Research and Development, The University of New Mexico, Albuquerque; James D. Trickett, Industrial Development Assistant, Office of the Governor of Oklahoma, Oklahoma City; Orlie J. Boehler, Executive Director, Southern Oklahoma Development Association, Ardmore Air Park; Earl V. Price, Executive Director, Central Oklahoma Economic Development District, Shawnee; and Max Myers, Director, Institute of Social Sciences for Rural-Urban Research and Planning, South Dakota State University, Brookings.

The Study Group is also grateful for the comments and suggestions made by those charged with the task of reviewing this report by the Division of Behavioral Sciences: Heinz Eulau, James N. Morgan, William H. Sewell, and Robin M. Williams, Jr.

Finally, the Study Group recognizes its indebtedness to the scores of dedicated men and women throughout the country in universities, government, and enterprise who gave of their time to engage in a dialogue with its members in order to help define the nature of new institutional arrangements that would be most beneficial for rural America.

SUMMARY RECOMMENDATION

The Study Group recommends that the Office of Economic Opportunity take the necessary steps to secure the establishment, in the form of a public corporation, of a National Rural Center. Creation of a Center in this form would, of course, require action by the President and the Congress. The primary purpose of the Center should be to provide leadership in organizing a concerted effort to apply scientific knowledge to remedy the conditions of rural poverty.

When established, the National Rural Center should consider, as a matter of high priority and in consultation with existing institutions, the need for regional applied science institutes to deal with problems of rural development and rural poverty. The National Center should fund one such regional institute on an experimental basis before making a commitment to the creation of a number of them.

One of the major functions of the National Rural Center would be to provide leadership to institutions of the higher-education community in identifying means whereby they could serve more effectively the objectives of rural social and economic development. In addition, the National Rural Center and regional institutes, as they are established, should concern themselves with the design and development of competent, vigorous, and well-led action agencies in rural America and with the effective linkage of the action agencies with institutions of higher education and other sources of technical assistance.

I. INTRODUCTION

In the nation's outpouring of concern for its poor, attention has been concentrated upon the problems of the slum dwellers of the big cities to the relative neglect of the corresponding, and in some ways more intractable, problems of the rural poor.[1]

Poverty is more prevalent in the rural areas than in the cities, which have been the center of attention. As the President's National Advisory Commission on Rural Poverty put it in its report, *The People Left Behind:*

It may surprise most Americans to know that there is more poverty in rural America, proportionately, than in our cities. In metropolitan areas, one person in eight is poor, and in the suburbs the ratio is one in 15. But in rural areas one of every four persons is poor.

Some 30 percent of our total population live in rural areas, but 40 percent of the nation's poor live there. Within this total there are nearly 3 million families, plus a million unattached persons.

The millions of rural poor are often isolated and largely unattended. While the urban poor have finally called attention to themselves by vocal and organized protest, the rural poor have been inarticulate. Their response to the deprivation and poverty of their lives may be characterized as silence and apathy.

[1] The terms "rural" and "non-metropolitan," which are used interchangeably in this report, deserve comment. The traditional census definition of rural includes those living in places of less than 2,500 in the open country and on farms, all told about 65 million people. In our discussions, for convenience, we have tended to view the population outside the standard metropolitan areas as rural. Yet this or any other arbitrary dividing line between "urban" and "rural" can be misleading because a small city over 2,500 in a rural setting partakes of the character of the surrounding area and shares its problems, while not inconsiderable numbers within metropolitan areas, particularly in the south and west, are still essentially rural in attitudes and outlook. In all, we estimate that the "rural" population exceeds 80 million, something over one third of the nation.

Many rural poor, moreover, live in poor regions. The lack of a sound economic base in many rural areas is reflected in limited and deficient public services. The rural poor have even fewer opportunities for work, and less access to adequate health care, education, and housing than do the urban poor. Their participation in the political processes through which these circumstances might be changed is limited. The people around them are also relatively disadvantaged. Employment in traditional industries such as agriculture, mining, and lumbering has declined. Development of new employment opportunities has tended to lag behind such development in urban areas. Many of the firms that have located in rural areas are from low-wage, slow-growing sectors of the economy.

Technology relevant to rural areas warrants a special research and development effort. On the one hand, general technological advance has significantly reduced the disadvantages of rural living and in some respects integrated rural people with an urban society. It has also made important contributions to increased labor productivity in agriculture and other sectors of the economy. On the other hand, in reducing the need for labor without providing alternative rural employment opportunities, technology has wrought a special hardship on many rural people. There is a need for the development of technologies particularly adapted to invigorating the smaller-scale enterprises in rural areas or for creating new enterprises capable of developing economic viability. There is also a need, in both the private and public sectors, to reduce the disadvantages of distance and lack of population density.

In the course of field inquiries, the Study Group found many opportunities for using applied science and technology to improve rural conditions. New health-delivery systems, employing modern technology, can be devised. Small-scale sewage and water systems for towns and villages can be improved. Marketing assistance for cooperatives—design, styling, and sales—is not now sufficiently available. New educational technologies—including computer-assisted instruction—may be of special value for dispersed populations. Small towns require assistance in developing joint information systems to meet a variety of needs. Many rural counties can benefit from a wide range of technical assistance, including law, engineering, and the social sciences, to cope with growing problems of urbanization. Throughout rural areas, the study of resources and needs, the design and promotion of programs—in short, community development—could benefit from the utilization of existing scientific knowledge.

The nation's interests will be served by programs which alleviate rural poverty, facilitate rural development, and broaden the technological base of rural society. Not only rural residents but also city-dwellers would benefit. The programs arising from urban congestion are unlikely to be relieved wholly within the cities. What can be done to reduce the pressure of increasing population upon the cities by making the non-metropolitan areas more prosperous and more livable will help to make the cities more viable—socially, economically, and governmentally. President Nixon, in his State of the Union Message of 1970, declared: "We must create a new rural environment that will not only stem the migration to urban centers, but reverse it."

The problem of population congestion is made more threatening by the prospects of further population growth. In the next 30 years, 60 to 100 million people may be added to the population of the nation. Concurrently, the demand for energy, transportation facilities, and public services of all kinds will mount. Faced with these trends, urban America will encounter ecological constraints of increasing variety and severity, and the costs of coping with them will continue to mount. More attention will have to be directed to comprehending and planning for acceptable relationships among population, production, and physical resources, including land. In view of these considerations, the space of rural America has come to play a continuing role of increasing significance.

II. A NATIONAL RURAL CENTER

As recently as 100 years ago, rural America *was* America. As cities grew, they were viewed by many as special entities, separate and apart from the main body politic. In part, this sense of separateness had led to the identification of the peculiar problems of the cities as somehow requiring special consideration—and to the evolution of special, separate institutions to deal with them. In recent years, universities have organized urban studies departments, offered courses on "urban problems," and established urban-research centers. At the national level, a wide range of institutions have been established to concern themselves with the special problems of the cities. These include lobbying organizations such as the United States Conference of Mayors and the National League of Cities; research organizations such as the Urban Institute; and groups organized to mobilize public opinion and induce action such as the Urban Coalition and the Urban Coalition Action Council.

As long as America was predominantly rural in its values and in the location of political power and distribution of governmental benefits, there was solid justification for the establishment of such institutions concerned with the interests of the urban minority. However, in an urbanized America, the minority that needs the kind of specialized attention and representation once demanded by the rising cities is the people of rural America. Neglect once characterized the nation's treatment of its cities. Now it appears in the treatment of non-metropolitan areas. The rural areas are at a special disadvantage, for the cities are by their nature centers of communication, and have had newspapers (and later radio and television) and publicists available to call attention to their problems and needs. Rural areas, by their nature, tend to lack these means of communication.

Today, rural areas exhibit the same need for specialized institutions concerned with their problems and circumstances that was felt by the cities half a century ago. In the states, it has been met in part through the system of land-grant colleges and agricultural extension services. However, these institutions do not wholly meet the present needs of rural areas, for they tend to perceive "rural" in narrow terms, and to a great degree serve commercial agriculture as an industry rather than rural people, nonagricultural as well as agricultural. Yet the agriculture-oriented institutions of the states are slowly broadening their range of concern in an awareness that most people who live in rural areas no longer derive their livelihoods from agriculture.

The absence of institutions concerned with the peculiar problems of rural areas is most conspicuous at the national level. There are no rural counterparts of the United States Conference of Mayors, the Urban Institute, or the Urban Coalition. (The National Association of Counties represents urban and metropolitan as well as rural counties.) There is no single government department with a rural-oriented mission comparable to that of the Department of Housing and Urban Development. The Department of Agriculture, of course, is not a department of rural development, either in name or in fact. It is basically an agriculture-oriented department administering programs aimed at enhancing the welfare of agriculture as an industry. Its programs of broader impact upon rural America as a whole have been grafted upon its original agricultural mission and are limited geographically as well as functionally.

Our concern as a Study Group has been with only one aspect of the country's institutional structure—its institutions for the application of science and technology to rural development and the elimination of poverty. In this area, the Study Group's conclution is clear: Rural areas now require the same kind of specialized institutional attention that has been recognized as required by the cities. Rural values and life styles are among America's important assets. Balance in the growth of rural and urban sectors is desirable. The potential capacity of existing institutions should be focused more sharply on rural problems. Rural people need improved services and expanded opportunities. Better communication, especially of successful experiences in dealing with poverty conditions, is necessary. Science and technology have a positive and vital role to play in rural development and the alleviation of rural poverty along each of these dimensions. But the positive use of scientific knowledge requires a focal point of leadership.

Consequently, the Study Group recommends that the Office of Economic Opportunity take the necessary steps to secure the establishment of a National Rural Center, in the form of a public corporation, to provide leadership in organizing a concerted effort to apply scientific knowledge to remedy the conditions of rural poverty. We believe that, to ensure independence and stability, the Center should be chartered as a public corporation. Creation of the Center in this form would, of course, require action by the President and the Congress.

The National Rural Center would have four primary purposes:

To develop and organize information and data relevant to the formulation and administration of national policies for rural development.

To facilitate by a variety of means the exchange of experiences in rural development among communities, action agencies, and educational institutions.

To assist in bringing together, through clearing houses and other linking arrangements, the institutions now concerned, in some way and to some degree, with problems of applying science and technology to the solution of rural developmental problems. The ultimate objective would be to associate pertinent but now separate institutions in a loose system.

To determine the need for, and assist in bringing into being, such new institutions as may be needed at the regional, state, and local levels to assist rural areas and localities in the ulitization of science and technology.

In its function of providing information to policy-makers and men of action on a national basis, the National Rural Center would seek to aid them by addressing several basic questions:

What should be the nation's policies regarding rural development and rural poverty? What social as well as economic policy and program alternatives should be considered in formulating those policies?

What should be the patterns of development of the nation's rural areas? Taking into account new technologies as well as present economic constraints, which areas can be developed, and which cannot?

What techniques of development are appropriate and effective? What governmental programs will assist processes of development?

What has been the experience in the United States and in other countries with attempts to develop underdeveloped areas? What has worked, what has failed, and why?

To provide information bearing on these questions, the Center will have to engage not only in research but also in the design and testing of a variety of demonstrations, experiments, and even large-scale pilot programs. The Center, on request, should offer specific comments on proposed programs and

plans for developmental investment. It should engage in the systematic exchange and assessment of actual experience throughout the world as well as in the United States, and would serve as an information clearinghouse.

Policy and information

There is an urgent need to formulate practicable and acceptable goals for rural development and the alleviation of rural poverty. In addition, goal formulation must be effectively linked to systematic efforts to achieve better coordination of programs. These activities would involve very complex processes. Interest-group and agency concerns are conflicting. The causes of poverty are multiple and its impacts on various segments of the community vary. Groups and regions with high incidence of poverty are diverse. Rural development has to be perceived as a complex multi-variant problem.

More needs to be known about the environment in which rural people live.

New techniques are required to improve the quality of their lives.

Rural people need to be better prepared to thrive in whatever environment they find themselves.

Moreover, rural development goals for the nation must take account of the interactions between metropolitan and non-metropolitan areas. The mobility of the population, the shifting patterns of production, and the changing requirements for services are indicative of the interdependence of rural and urban America.

Systematic understanding of the complementary interests and aspirations of metropolitan centers and their rural hinterlands is essential.

Knowledge of complex relationships, as between settlement and land-use policies on the one hand and development and poverty on the other, is urgently needed.

Ways must be conceived for facilitating a goal-setting process that is transactional, involving not only nation, state, and local governments but also virtually all affected groups.

Applied science can help to achieve improvements in the quality of rural life. It can also provide an objective basis for mutually reinforcing rural-urban development. Finally, by reducing gaps in knowledge, it can facilitate the formulation of goals at the national level.

In a federal system, common purpose must substitute for centralized control and direction to a very considerable degree. Information is needed to facilitate the emergence of common purposes and a stable consensus as a basis for action. In part, this requires inquiry into the value and operational implications of alternative formulations of goals. In part, it requires that the results of those inquiries be disseminated to a wide public. At every level, there is a need to reduce the distortions of ideas that result from inadequate information.

At the level of states, regions, and communities, a clearer understanding of the content, meaning, and local implications of national goals is needed.

At the national level, information is needed to provide flexibility to take account of regional and group differences, similarities, and interrelatedness.

In this undertaking, heavy emphasis must be placed upon the development of communications systems that provide information relevant to the conditions of all who are or who need to be involved.

Opportunities for the work of action agencies to serve multiple objectives need to be identified and roles suitably modified.

Many people see the possibility of incorporating existing poverty programs in established agencies. Some also envision the development of new poverty programs by such agencies. They view these poverty programs not only as appropriate to the established agencies but also as contributing to the revitalization of their basic services and organization.

National problems and potentials should be reflected in goals and programs at the regional and local levels.

Systematic studies are needed to translate broad goals into a series of regional and local operational objectives in fields such as employment and enterprise, health and education, recreation and conservation.

Most of the analysis in support of regional and local operational objectives could be done by specialized agencies concerned with particular functional areas. However, information and analysis primarily concerned with the relationships among functional objectives and the coherence of the totality of regional and local efforts are also required.

Definition of goals cannot, of course, be carried out in a vacuum. That process must be closely related to the resources available for achieving stipulated goals.

Consistency studies must be undertaken to provide a basis for coordinating the goals and operations of each organization with those of others.

The end to be sought is a comprehensible correspondence between national goals and local objectives, and between objectives and resources available at the local level that provide a realistic basis for progress toward the national goals.

Decision-makers at each level need special kinds of information:

They need to know the extent to which the goals and programs they are considering are socially and technologically feasible.

They need an understanding of the interrelatedness of social and economic problems and a way of assessing the effectiveness of alternative programs for their resolution.

They need to know the elements of certainty and uncertainty in the information from which action will stem.

The need for an orderly system of goal definition and review is more acute both in a period of and for effecting rapid social change. Enactment of sound legislation, formulation of effective programs, efficient administration, and other functions of good governance depend increasingly on accurate appreciation of important factors in the existing situation and on improved formulation of goals. Increased interchange of experience and techniques by those engaged in the effort is vital.

System design

Nowhere, so far as the Study Group could determine, does there exist an applied science institution concerned with the entire range of interlinked rural issues. Indeed, scores, perhaps hundreds, of organizations have responsibilities in one or another area of rural life. While the feasibility of combining all major programs and activities affecting rural America is doubtful, effective action to alleviate rural poverty is not likely to occur without improvement in the delineation, coordination, and coherence of activities of major institutions that affect rural life.

This situation and these requirements call for the creation of a system of institutions concerned with rural affairs, but in a loose rather than tightly unified system.

The system needed for attending to rural affairs is simultaneously conceptual and informational, technological and institutional.

It is necessary (1) to determine the scope and character of such a system; (2) to delineate the applications of science that can contribute toward better understanding of the goals, problems, and potential contributions of existing institutions; and (3) to acquire a better understanding of specific constraints under which institutions now operate. Building on this knowledge, the networks of communication needed to link together the elements of existing institutions relevant to the achievement of objectives in rural America will become feasible.

The institutional resources that could conceivably be brought to bear on rural poverty and development are enormous. However, the task of making this potential a practical reality is difficult and complex. Its mobilization will require new institutional capacity. Universities provide a wide range of services but they are not designed for this task. Full participation of private enterprise requires an appropriate framework of public policy. The federal system is only recently beginning to be organized to provide leadership. Yet, a number of the practical steps that could be taken are evident:

At least some universities could be drawn further toward vigorous concern with applied problems, community services related to rural needs, and rural poverty problems.

Extension services could be induced to move further along the path to a comprehensive concern for rural life.

New mechanisms could be devised to facilitate the exchange of experience among universities, action agencies, and communities.

The development and administration of federal programs affecting rural areas could be systematically examined.

Private enterprise could acquire deeper and more systematic understanding of the advantages of investment in rural America and awareness of the indirect benefits that would consequently accrue both to society and to business and industrial firms.

The concept of a system includes the idea of the development of communities as a whole, and by implication rejects the idea that society is an aggregation of groups with altogether separate or conflicting interests. The aim is to widen perception of common interest, create new social linkages between the various groups of society, and communicate alternatives. Ultimately, the system links a whole community, and by disseminating information, facilitating communication, and providing a framework for defining needs and establishing priorities, promotes social integration and development. Obviously, informed identification with wider interests of the community will not come easily or quickly to many. But systemic links hold the promise of encouraging such growth, and, in the process, lessening tension and conflict between social groups as they recognize their interdependence within the total society in this difficult time of transition. Care must, of course, be taken to prevent the notion of informed cooperation from becoming an avenue to coercive conformity.

Institutional framework of the center

If the National Rural Center is to serve flexibly and effectively as a source of independent evaluation and advice in the formation and execution of governmental policies, as well as a resource for private planning, it should not be a part of any existing governmental department or agency. Nor should it be subject to Executive Branch control or wholly dependent upon public funds. Yet, to assure continuing support, it should be chartered by the Congress as a public corporation.

The structure of the governing and policy bodies for the Center and the mode of selection of members should be designed to foster the objectives of independence and sustained support. Probably no design is fully satisfactory from the standpoint of these objectives, but a mixed system would appear to serve best. Structurally, either a single board of trustees, or a dual arrangement providing for both an advisory council and a board of trustees, might be considered. Whatever the nature of the governing body, the initiative for the selection of members should probably be in part governmental, and in part lie with one or more suitable independent nongovernment institutions such as the National Academy of Sciences, the state academies of science or the American Association for the Advancement of Science. If, for example,

there were to be a single 15-man board of trustees, eight might be appointed by the President of the United States and seven designated by non-governmental institutions. Alternatively, if the structure provided for both an advisory council and a board of trustees, the members of the former might be appointed in equal proportions by the President and the Presiding Officers of the House and Senate, while members of the latter might be selected, in part, by non-governmental institutions. Under such a dual arrangement, the board of trustees would be the legal entity responsible for the direction of the center and the advisory council would be concerned with providing a broader public-interest context for its activities. Whatever the structure, it should be stipulated that no member of the board of trustees should simultaneously hold a government office. Whether or not required by law, the practice in choosing board members should be to solicit nominations from educational, scientific, and rural-oriented organizations.

The permanent staff of the Center, organized under a Director chosen by the trustees, should remain small. Its basic functions would be four: (1) research, including evaluation of existing programs and institutions and development of data bearing upon national policy alternatives; (2) design, including demonstrations and experiments to test new arrangements; (3) training through short courses and extension programs of persons engaged in rural and non-metropolitan development work; and (4) operation of an information clearinghouse, including a publications program.

Many of the research and design activities, as well as much of the training, should be contracted out. The permanent staff could be augmented by temporary personnel obtained from other institutions on a rotation basis, not only to bring to the Center a wide range of talent but also as a method of reducing institutional isolation and fostering common approaches to training for rural development and the alleviation of rural poverty.

Funding the center

Certain initial funding prerequisites should be satisfied. These are: (1) sufficient initial unrestricted funds to enable the staff to plan a sustained and coherent research, development, and training program; (2) freedom from overdependence on any single funding source; (3) freedom to attract funds from outside the government; and (4) an assured flow of funds for a period sufficient to permit a reasonable assessment of accomplishment—probably five years.

To satisfy these requisites, the Center should have:

(1) a basic and continuing Congressional appropriation,

(2) authority to solicit and receive grants, and

(3) authority to contract with agencies of government.

The proposed National Rural Center would fill an institutional vacuum and would find itself without competition from any existing bodies formed to serve comparable purposes. However, the same cannot be said about applied science institutes to be established in the field. In certain regions, it may be possible to modify the role and resources of existing institutions to perform new functions. The land-grant universities with their experiment stations and extension services, for example, were created in part for the purpose of bringing scientific knowledge to bear upon the solution of agricultural problems.

Yet representatives of the most active of such institutions are among the first to testify that today they fall short, collectively, of filling the needs for assistance to rural areas that they themselves have defined. They are constrained by narrow definitions of missions in their basic characters and by rigidities built up in their long years of operation. Their resources have been committed by tradition to activities—mostly related to commercial agriculture—that, although important, would probably be given relatively low priority in any fresh and objective appraisal of rural problems and their solutions. While recognizing this fact, the institutions as a practical matter, find it difficult to make any such fresh appraisal and redirect their resources.

Moreover, existing institutions, with a few exceptions such as the Appalachian Regional Commission, are largely state-sponsored and state-oriented. Occasionally, universities have cooperated across state lines in attacking regional problems, but such experiments are exceptional and often transitory.

III. REGIONAL APPLIED SCIENCE INSTITUTES

Creation of regional applied science institutes

Regional applied science institutes could perform functions analogous to those proposed for the National Center: research on problems of development peculiar to specific regions; assistance to state-level policy-makers and institutions in program development and operation; training of state and local personnel; provision of intra-regional informational clearinghouses. Regional applied science institutes should complement, not displace, existing institutions in each region. The goal is to link and reinforce existing activities to achieve viable systems capable of improving the quality of rural life.

As a matter of high priority, the National Rural Center should consider, in consultation with existing institutions, the need for regional applied science institutes as part of the institutional system for dealing with problems of rural development and rural poverty. The National Center should fund one such regional institute on an experimental basis before making a commitment to create a number of them.

Geographic scope of regional institutes

Initially, study is needed to determine the political, social, cultural, and economic characteristics that best define "regions" for practical purposes. The regions of rural America vary greatly with respect to their readiness for change, the opportunities they offer for intervention, and the capacities and limitations of their existing organizations. Regional institutions must reflect these differences if they are to be effective.

The territory to be served by regional institutes could vary widely. Presumably an institute would concern itself with more than one state, but its jurisdiction might cover whole states or it might embrace only parts of states, much as the Appalachian Regional Commission concerns itself only with the mountainous segments of its participating states. One possible approach might be to associate the regional institute with a regional developmental body such as the Appalachian Regional Commission or a multi-state organization formed under the Public Works and Economic Development Act of 1965. Another alternative would be an institute devoted to the problems of a rural region with a single major metropolitan center.

A key factor to be considered in the design of a regional applied science institute, whatever its territorial extent, is its relationship to the decision-makers and interest groups in the area. The institute would have to be responsive to the needs of the region for specific advice and assistance. At the same time, it would have to have the independence necessary to ensure that the advice is based on the best scientific and technical knowledge available. Clearly, a regional applied science institute should serve state and local governments, private enterprise, institutions of higher education, and community action groups. It should be capable not only of providing assistance on specific problems but also of assisting in the design of new institutional arrangements to meet the needs of the region. The agenda of institute activities ought to be worked out in concert with the people of the region.

Performance agenda

In the development of a performance agenda for a regional institute, the following elements deserve consideration:

Advice to state and local governments and interest groups:

On the coordination of existing programs

On the costs and benefits of supplementing exisitng programs

On application of new and existing federal and state programs

On the use of the region's institutions of higher education and other sources of advice and technical assistance

On processes for setting priorities among the needs of local communities

Design of regional services, including:

Clearinghouse services to facilitate the sharing of operating experiences both within the region and with other parts of the country.

Regional social and economic indicators to enable the people of the region to know their present status and to follow changes through time.

Technical and training services to assist in the development of the intermediate growth centers and other population clusters in the region.

Assistance in improving the quality and coherence of a wide range of interpersonal development services ranging from child development, through career guidance, to family-life assistance.

Aid in the creation of computer-assisted communication networks to serve the varied needs of individuals, firms, and communities for timely and integrated information.

Regional research capabilities to provide a systematic appreciation of the interdependencies between the region and the nation.

Support of regional program and planning activites such as:

Regional program-development bodies made up principally of decision-makers concerned with intermediate engineering and facilities development in the region.

Regional planning councils engaged in the creation of longer-range alternative plans for the region; these councils might be drawn mainly from among younger people.

Periodic regional conferences to consider the goals of the region and progress made toward them; the conferences might include representatives of a wide range of interest groups as well as bodies like the two discussed above.

Management of regional institutes

A regional institute could be organized and managed in any of several ways. It might be controlled by the National Center as a direct subsidiary, by a single institution in the region such as a government agency or a university, by a consortium of such institutions, or by a private group. In addition to funds for administrative overhead and technical costs, the regional institute might be provided money for allocation to local governments and groups upon the presentation of proposals for research or demonstration projects. The dispersal of funds by an institute sensitive to local needs and having a detailed regional knowledge capacity would tend to encourage local initiatives and might result in more effective programs.

If appropriate evaluation studies of programs in their experimental form showed them, on balance, to be valuable and effective, they could be introduced more widely. Normally, an institute would not be directly responsible for an action project beyond the design stage, but responsibility for action

should not be entirely ruled out if no other agency is prepared to deploy and test the model. For all these purposes, an institute would need to develop strong and continuing relations with key people in action agencies and with important figures in the state and local governmental units and in the economic life of the region.

IV. A ROLE FOR HIGHER EDUCATION

Universities and other institutions of higher learning have recognized the major contribution they could make both to improving the quality of rural life and to achieving an appropriate rural-urban balance in the distribution of economic opportunity and population. Every institution visited by Study Group members was undergoing, at least to some extent, a self-examination of its role in assisting the development of the non-metropolitan areas it serves. In experimenting with new forms of service, they were creating research institutes focused upon economic and community development; broadening extension services into new fields; and instituting new forms of training for rural people and their community leaders.

A major function of the National Rural Center would be to provide leadership to institutions of the higher-education community in identifying means whereby they could serve more effectively in achieving the objectives of rural, or non-metropolitan, development.

Specifically, this would require the capacity—

To indicate how colleges and universities might organize most effectively to serve as intermediaries in translating findings and conclusions of research into local programs of action.

To assist the universities and colleges in developing a division of labor in their research activities and improving the exchange and dissemination of their research findings.

To identify, in each region, the highest-priority problems for the allocation of institutional resources for research in rural development.

To discover how the university extension services, traditionally focused upon individual development, could apply their techniques more effectively to community development.

The whole concept of social technology—the application of science to improve communities in much the same manner that it has been applied to improve transportation, communication, and consumer durable goods—would have to be systematically explored by the National Rural Center together with other institutions. Change does occur, with or without planned scientific or technological input, and an almost universal consensus exists that some changes are better than others. Few would dispute that affluence is better than poverty, health better than illness, education better than illiteracy, conservation of resources better than despoliation, and wide participation in democratic processes within a community better than limited participation. Given these accepted values, the object of social technology would be to find means of attaining a greater measure of each of those values in rural areas without an accompanying loss with respect to other values. Science and technology would thus be at the service of the community in the attainment of its own objectives, on the assumption that these objectives will be attained more quickly and more fully with their aid than without it.

Social change in educational institutions

If the rich resources of educational institutions are to be turned to the problems of rural development, a number of changes in their behavior are necessary:

First, educational institutions would have to conceive of themselves as an intellectual forum for the entire community—not simply the young but the older people as well; not simply the powerful, but also the poor.

Second, educational institutions must actively seek to bring together people working on different aspects of common problems but who, in the course of their separate tasks, may not often sit down together for a free exchange.

Third, out of these community conversations, at first perhaps rather structured but later more general, the needs and capabilities of the area must be identified.

Fourth, requirements for applied science research, technology development, application strategies, and service capabilities must be defined and obtained.

In this connection, there may be much to be learned both positively and negatively, from the experiment in the establishment of "urban observatories" at six universities, under sponsorship of the National League of Cities with funds from the Department of Housing and Urban Development.

Community colleges are among the most rapidly growing institutions in American education. Unfortunately, they are too often regarded as merely performing a specialized educational function between secondary schools and the universities. Yet they can be the means for bringing together at the community level the broad range of talents that must be mobilized and cultivated for development. The relative isolation of many technical functionaries, public or private, must be overcome.

Serious study and testing of two hypotheses are suggested: First, that, if the concept of a community college includes service and the application of knowledge, as well as teaching, it can make an invaluable contribution to the quality of life of a rural area. Second, that, if a community college can bring together and provide a forum for the professional, technical, and entrepreneurial talent of the area, it may make a decisive contribution to viability and development of the community.

Community colleges have a potential for becoming centers through which applied science is brought to bear on the problems of communities and rural areas. They can contribute to enriching the knowledge environments of their natural regions. Indeed, a considerable number of institutions that are struggling to become "full-fledged universities" could play relevant and valuable roles if they came to look upon themselves instead as applied-research, service, and teaching centers in their areas. For example, there is a widespread need to train indigenous people to work with the poor to provide basic skills and information. Community colleges have a special role to play in this field but, as yet, few are in a position to undertake to meet the need. Centering knowledge capabilities around the community colleges would complement the general trend toward multi-county developmental planning and action.

University institutes—Problems and potentials

University institutes are the response of the discipline-based structure of institutions of higher learning to the growing necessity of group research efforts, the increasing demand for problem-oriented research, and the desire of faculty to tap new sources of funding.[2]

There has been sufficient experience with university institutes to identify some prerequisites for their success. Thus, the administration of the university should appreciate not only their value but also their special administrative needs. Faculty should be committed to an interdisciplinary approach to research problems. Time and a relatively intensive work association should be provided to permit the development of effective interdisciplinary problem-solving capacity. Moreover, it must be recognized that some of the fatcors critical for success may in part or whole be outside the control of the university.

For example, federal funding practices that help to enhance the problem-solving capacity of university institutes and stimulate incipient and existing interest in regional problems of national importance are needed. Rural development offers one illustration of an important problem area not yet highlighted by federal funding practices. Federal funding procedures may help or hinder the work of university institutes in other ways. Functional fragmentation in funding constitutes a continuing impediment. Even more critical is the need for regular support for general management of the institutes. One finds institutes simultaneously trying to carry out programs, trying to get the universities to change so that programs can be carried out more effectively, managing several categories of funds and preparing proposals for others, and all without significant general management support.

If research is to contribute to the solution of problems, the researchers and those engaged in action must function as a team. In other words, research, development, and application must move forward together.

Ways to compensate for the spatial and psychological remoteness of some university institutes from the rural communities to be served should be developed and demonstrated. Those engaged in research need a valid, even if vicarious, appreciation of the environments in which the problems to be solved are located. And those seeking applied science assistance need some comprehension of the world of research. When a university is located in a major metropolitan area, attention of faculty is more likely to be focused on urban problems than on those of the more distant towns and villages. Even when there is interest in the latter, the task of acquiring a sensitive appreciation of the rural environment may be difficult and time-consuming. Hence, it may be necessary to the success of an institute concerned with rural development not only that it have the capacity to do effective work but also that the institution in which it is located have an interest in and be oriented toward rural people. In many cases, this probably requires that the home institution be a land-grant university.

There is a general need to define the potentials and the limitations of university institutes with respect to issues of non-metropolitan development and the problems of rural poverty.

At present, the activities of university institutes with a concern for rural development extend from teaching and research all the way to the conduct of action programs. Some university institutes, like the Agricultural Policy Institute in North Carolina, are concerned primarily with policy issues. Others, such as the Institute for Social Research and Development in New Mexico, center their activities mainly on providing advice and technical assistance. Still others, such as the Regional Services Institute in Colorado, are directly engaged in carrying out action programs.

There is need for information and leadership that, on the one hand, will enhance the growth of explicit university commitment to rural development and the reduction of rural poverty, and, on the other, will assist university administrations in defining and accepting research and training roles in which the university can be most effective.

Ways and means must be found to induce a significant proportion of the faculty to recognize that, in the development of their own disciplines, significant rewards are to be found in the cultivation of applied science and the provision of technical assistance to action agencies and communities within their

[2] The issues touched on in this section are treated in detail in the report of the Advisory Committee on the Assessment of University-Based Institutes for Research on Poverty, Division of Behavioral Sciences, National Research Council, now in preparation.

natural regions. If these ways and means are to be found, the present discontinuity between the theoretical development of disciplines and the work on special applied problems will have to be overcome. This is not to suggest that the university itself become an action agency or that it neglect its responsibilities for education and research. The university can play a supportive role in the development process in a region and, at the same time, strengthen its primary educational function. Involvement in the resolution of rural problems can contribute directly to the performance of the education function. As a minimum, a university that expects to respond to the challenge of rural development must provide a central point to which action agencies and individuals can come with their problems, and from which they can be directed to specialists either within or outside the university.

Extension services

Extension programs have a bridging effect. They seek to assist people where they are, both geographically and psychologically, and to do this by diffusing useful and practical information and encouraging its application. Education in action was the original intent of the act initiating federally supported extension activities in 1914.

Extension also links three levels of government. It links the state land-grant colleges and universities with the federal government, and it links both of these with local governments and local people.

From the outset, agriculture and home economics education in rural America have been the primary concerns of extension. Extension, however, had two other objectives that bear on the problems of rural development. One is to increase the competence and willingness of rural people to assume leadership and citizenship responsibilities. The other is to prepare them to take organized group action toward improving their welfare.

By the mid-point of this century, as the relative significance of the agricultural sector of the economy continued to decline, questions began to be raised about the role of the extension services. The main points of criticism were: first, that extension services were not reaching a significant proportion of the rural population; second, that they were not adequately concerned with or equipped for fostering nonagricultural development; third, that their concern with agriculture tended to result in relative neglect of the problems of the villages and small cities of rural America.

In 1958, a landmark report, *The Cooperative Extension Service Today*,[3] took account of these criticisms and made recommendations for surmounting them. Changes introduced in the last decade in West Virginia, Missouri, North Carolina, and at least a dozen other states followed the directions proposed in that report.

However, much work is yet to be done to increase the relevance of the extension activities of the land-grant universities, particularly in focusing directly on the problems of the rural poor.

The extension services have a superb basic communication structure for the diffusion of useful knowledge. When a particular program for which an extension service is given responsibility has as its objective the alleviation of rural poverty, in some instances the service has displayed considerable capacity to carry the objective through effectively. In one of these instances, the extension services have recently trained community workers and carried a nutrition-education program directly to the people in the poverty group.

[3] Report of the Subcommittee on Scope and Responsibility, the 1957 Extension Committee on Organization and Policy, American Association of Land-Grant Colleges and State Universities and the U.S. Department of Agriculture.

V. THE ROLE OF THE ACTION AGENCIES

The application of science to the solution of problems of rural poverty—or any other set of problems—depends upon bringing together those with felt needs and those with knowledge. Scientists may possess the knowledge, but it cannot be applied until someone in or on behalf of a rural area sees the utility of that knowledge and asks that it be applied.

In the present institutional structure, there are weaknesses on both the providing and receiving ends. Most states have more expertise available for the solution of community problems than is being utilized. Study Group members and staff talked with numerous scientists and technicians in universities and elsewhere who, having devised programs for community development, were seeking places to establish them. It seemed anomalous that the initiative for the application of knowledge usually came from the knowledge institutions themselves. One would have expected the communities that were admittedly in dire need of assistance to be clamoring for attention from those with technical-assistance resources, but many were not being heard from. Most nonmetropolitan areas have not yet identified their needs for help, defined their programs of action, and organized themselves to speak through informed and acknowledged spokesmen. Universities cannot take it for granted that their work is germane to the needs and issues of rural areas. Localities are thwarted because they do not know what they need, what resources are available to help them fill their needs, and how to procure the resources.

The preceding section was concerned with development of the facilities that could be created in institutions of higher education; this section is concerned with the equally important question of development of organizations in the rural areas competent to identify the scientific and technical resources they need and to locate and utilize them.

The National Rural Center and regional institutes, when and as they are established, must concern themselves with the design and establishment of competent, vigorous, and well-led action agencies in non-metropolitan America and with the effective linkage of the action agencies with the institutions of higher education and other sources of technical assistance.

Specifically, they should:

Appraise the various types of action agencies that have been established on local and federal initiative, and develop the requisites for effective organization, including those that relate rural and urban regional interests.

Serve as sources of information and advice to federal executives and legislators in the process of rationalizing the present uncoordinated approach of the several federal agencies concerned with rural development. Serve state officials in analogous ways.

Organize training programs that would bring together the needy and the knowledgeable in ways that are likely to lead to effective modes of interaction.

Facilitate more effective involvement of private enterprise in rural development.

Rural governments are frequently limited in scope and relatively undifferentiated as to function. The rich diversity of organizations that exists in metropolitan centers is lacking in the non-metropolitan hinterland. Federal and state agencies have traditionally been organized on a functionally fragmented basis. Private developmental groups usually have been rather narrowly concerned with industrial promotion.

Federal and state officials administering programs of development of non-metropolitan areas appear to agree that it is essential to integrate or at least coordinate them so that they constitute a broader and more concerted effort. Federal and state governments have established new kinds of governmental structures for that purpose—economic-development districts, area planning and development commissions, and so on. These normally cover from two or three to a dozen counties in order to obtain greater leadership resources and make possible the development of regional—as distinct from strictly local—solutions to rural problems.

These structures, however, show high diversity and are uncoordinated. Within the same area, one may find as many as half a dozen different multi-county structures sponsored by one or another federal or state agency, some comprehensive in their missions and some narrowly functional, with overlapping boundaries. They tend to divide rather than unite the area's leaders. Nevertheless, these structures have served to bring professional talent into the rural areas, to center systematic attention upon the factors in the life of those areas that impede development, and to prepare comprehensive developmental plans and concerted action programs.

The time has come to apply scientific knowledge in the fields of sociology, economics, and public administration in an intensive analysis of all these varying experiments. Such analysis would be a continuing process, and no single preferred or best solution is likely to emerge in the foreseeable future. Nevertheless, it should be possible to evaluate experience, identify patterns that work better than others, and organize an interchange of information among the states and among the multi-county structures themselves.

Information and communications

Rural communities, as a whole, face serious communications problems. The information they need is remarkably diverse, and the task of finding and integrating the knowledge relevant to a particular problem is demanding. In this area, the community function of higher education is limited. As one moves from the local to the national level, the complexity of the communication problem multiplies. Knowledge transformation becomes more difficult both within and among institutions.

There is an acute need to improve the inter-institutional pattern for dissemination of information to meet the needs of rural individuals and communities.

Common interests are difficult to perceive if the information base is partial and fragmented. Conflict among groups and communities stems in part from deficiences in knowledge transformation and dissemination. New patterns of information flow are needed to nourish common norms, purposes, and interorganizational understanding.

Substantial investments are now being made in advanced technological systems for the gathering and dissemination of information—the collection, collation, and utilization of potentially valuable knowledge. The information and communication sectors of the economy are among those growing most rapidly. Management and scientific information systems have received major attention for some time, but interest in advanced information systems responsive to job, education, and health needs as defined by the individual citizen is a rather recent development. Study and experimentation on the application of modern information techniques to the problems of small and medium-size communities has scarcely begun, but the objective holds great promise and should be pursued.[4]

[4] For discussion of information systems to serve urban areas, see Chapter 5 of *A Strategic Approach to Urban Research and Development—Social and Behavioral Science Considerations*. A report by the Committee on Social and Behavioral Urban Research, Division of Behavioral Sciences. National Academy of Sciences Publication 1728 (Washington, D.C.: National Academy of Sciences 1969).

To provide a broader information environment for local decisionmakers requires not just amassing the knowledge, but delivering it in the appropriate form and sequence to create an effective learning environment. New knowledge is needed to keep up with developments in particular fields such as law, medicine, and education. Equally important, however, is the information that permits rural leadership to obtain integrated understanding of its tasks in the context of the changing environment in which it now operates.

Communication is needed that increases the sensitivity of local leadership to the problems of human development, environmental control, and modification of local institutions.

The multi-county developmental organizations now being established in the states of the Appalachian region and elsewhere are designed to identify needs, examine alternative solutions, set priorities, develop concrete plans, and mobilize the resources necessary to carry out those plans. Such organizations bring together citizen leaders who know their communities and professional planners and administrators who have knowledge of outside resources, including federal and state programs.

While a corps of professionals is being developed who know how to tap sources of information, broad-gauge studies are necessary to lay out in a definitive way the range and character of rural information needs, and to examine the costs of the deployment of modern systems for meeting those needs.

Social entrepreneurship

Where a non-metropolitan area has a vigorous developmental program, or a series of successful projects, it can usually be traced to one or a few active and enterprising individuals who have many of the attributes of inventors and promoters in the world of private business and who might be labeled "social entrepreneurs." The social entrepreneurs may be public employees or private citizens, and they come from diverse backgrounds and occupational specialties, but they have in common a talent for "getting things done." Development of social entrepreneurship should be a prime objective of the National Rural Center and regional centers. Research is needed on the entrepreneurial techniques of this new class of rural leaders, and the most successful of them should be utilized as teachers of younger and less skilled counterparts in other communities.

Local resources for technical assistance

One of the obstacles to the effective linkage of knowledge institutions and local action agencies has been the assignment of funds for technical assistance primarily to those who provide, rather than those who use, the assistance. Consequently, it has been the knowledge institutions that have decided what fields of knowledge shall have priority for basic and applied research, and what kinds of experts shall be hired and made available to serve rural communities. The Study Group believes that the locus of initiative should be shifted, at least to some extent, so that the action agencies in the rural areas would have a greater share of responsibility for determining what technical-assistance resources should be developed and what research projects should be undertaken. This will be accomplished only if a portion of the funds is shifted from the agencies that supply the technical assistance to the agencies that utilize them. As in the private market for goods and services, the consumer will help determine what is produced.

A portion of the federal funds available for technical assistance should be appropriated to action agencies in non-metropolitan areas to be used for the purchase of technical assistance from universities and other knowledge institutions.

Technical assistance to poverty groups must be adapted to each particular poverty context and should have as a principal objective the initiation of a self-generating process of change.

Participation of the poor

Experience in various anti-poverty programs, in the nutrition programs of extension services, in certain public health programs, and in other fields demonstrates that individuals selected from among the poor can play a useful role in helping define the needs of the poor. Teachers and leaders are needed who, because they share a common life experience, find it natural to work with the poor where they are. These indigenous poverty workers must in turn be supported by more professionally trained people and provided with new skills and information as these can be assimilated. A first task of indigenous leaders is to assist the poor in defining their needs. Initially, this may be something as obvious as a need to know their rights under welfare programs available to them or the lifelong benefits of a proper diet for young children. Over the longer term, it may involve an appreciation of the need for group activities to attain particular social and economic objectives.

An appreciation of the significance of the community worker drawn from the groups to be assisted is not yet common at the various levels of federal and state agencies. Still less are there agreed methods for identifying, training, and supporting such workers. At the same time, a considerable body of experience exists in the extension services and elsewhere that could be analyzed and ordered and made generally available.

The most effective techniques for identifying, training, and supporting indigenous poverty workers and defining their roles should be determined and widely disseminated. Evaluation results of successful and unsuccessful programs should also be made available.

The alleviation of poverty requires not only change among the poor, but change among those in science and the professions. Continuing transactional communication is essential. The needy and the knowledgeable must both understand in some measure the other's situation. A sense of empathy, shaped by common experience and a continuous two-way flow of influence, is essential. The poor should be able to share with professional personnel the choice of relevant information. That information must be acquired from a variety of sources, integrated in terms of particular problems, and presented in the context of need as seen by participating individuals and organized groups.

Private enterprise

Rural development will require new kinds of knowledge about private enterprise, particularly larger-scale enterprise, and the role it might play in achieving its goal through provision of proper incentives and arrangements. Private enterprise will need better information as a basis for committing itself in a more effective way to a balanced national development.

In this connection, new economic issues arise. For example, what is the likely effect on national growth of a significant commitment to the reduction of intra- and inter-regional inequality? To what extent may possible short-run costs be offset by long-run benefits? There are also a number of important and interesting questions to be answered from a purely business point of view. What are the major determinants of the location of new businesses at the present time? How significant are change factors such as communications and transportation, which have experienced great technological transformation? To what extent have business judgments kept abreast of these changes and others that may be expected in the future? How seriously are the factors of educational and cultural facilities or social stability being taken into account? How does business define its role in improving the quality of life in American communities operationally?

Large enterprise, in which the management is remote from many of the places in which it operates, has special problems but also opportunities in this regard. There may be as great a need to delineate a broad community role for the manager of the local unit as there is concern for that degree of production decentralization that allows full scope for initiative. Community involvement, it will be necessary to recognize, requires substantial investments of time and resources.

With respect to the role of private enterprise, the Study Group identified requirements:

For the creation of a "clearinghouse" or "information utility" to store and disseminate information needed by communities and industries

For dissemination of information among rural communities as to the economic and socio-psychological factors that bear upon industrial location decisions

For systematic development of new corporate activities that contribute to community development and stability

For managerial employees and enterprise personnel to make both short-run and long-run volunteer commitments to work in connection with programs of rural development

For active participation of enterprise in the planning processes at the local, state, and national levels to enable management to become actively aware of the alternatives open to society and its communities

Rural (non-metropolitan) locations may conceivably provide more long-term advantages to corporations than are presently appreciated. These advantages could probably be enhanced by shared knowledge of national growth patterns, which in turn would be influenced by the location decisions themselves. At the same time, new methods of stimulating capital investment in non-metropolitan areas may ultimately be required. In some areas, increased private investment may be induced simply by improving the infrastructure and upgrading the labor force. In less advantaged areas, subsidies of various kinds may be necessary to increase the flow of private capital. The disparity in the availability of credit for rural as compared with urban areas is a universal complaint of rural development leaders. Clearly, many techniques and programs would be involved in affecting amelioration. But for any of them to be successful, knowledge would be needed:

On what it takes to attract outside capital for investment in speculative-type industrial properties in non-metropolitan areas

On how a new attitude and outlook among major enterprises toward investment in such areas could be created

On institutional changes necessary to improve the availability to credit for social and economic development in rural areas

Obvious mechanisms for developing perceptions of what private enterprise might contribute are forums within which industry, private action groups, professional associations, and government agencies could exchange views on problems of rural development. Another is an association of individuals interested in applying its collective knowledge and skills to the alleviation of rural poverty.

Rural America poses both a problem and

an opportunity for the nation. Better means are needed both to reduce poverty and to stimulate development. Improvement in rural areas can contribute to the quality of life of all—urban and rural. Progress is possible as the potential of existing institutions is mobilized for the task. To this end, a National Rural Center can make an important contribution.

HELICOPTER LOGGING

Mr. PACKWOOD. Mr. President, we who live in States embodying vast forest lands have heard much in the last 2 years about the potential of helicopter logging. At first it seemed only a pipe dream, but now it appears to be an idea whose time is well overdue. I have been pleased to see the Forest Service take an interest in this idea and endeavor to move it along toward fruition. I encourage them to continue their efforts. I should like to share with Senators who share my interests and concerns about logging an editorial published in the Salem, Oreg., Capital Journal, on September 20, 1971.

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

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

ARE THERE WAYS TO FINANCE ROUTINE HELICOPTER LOGGING?

We suspect that the biggest breakthrough in logging since the chainsaw is close at hand. It would be greeted just as enthusiastically by ecologists as by lumbermen, and it would have been brought about by the coolest, sharpest minds in both fields.

It would be helicopter logging, not as a gimmick but as an almost routine practice.

Helicopters now are used rountinely in the woods for many other things. Private companies, the U.S. Forest Service, the Bureau of Land Management use them to carry fire fighters, to pick up survey crews, to bring in quickly needed equipment parts, and to dump liquids on flames.

A small helicopter rents for $100 an hour or so, which is a lot. But imagine how much cheaper it is than letting a whole logging crew and half a dozen truck drivers sit idle until someone can drive a hundred miles over back roads with a part for the loader.

A huge helicopter rents for fantastic amounts, like $1,000 to $1,600 an hour. But one of them can carry 950 gallons of water to a fire and dump it from above. One load takes care of most young forest fires. So one load costs $3,000 or so. That's cheaper than flying in two dozen smoke jumpers and getting them back days later. And it's cheaper than letting the fire burn up costly timber for 24 hours until ground crews can hike in.

That much water, by the way, with the bucket it's in, weighs some four tons, which is as much as a short douglas fir log weighs.

If a helicopter can make four trips with short logs each hour, that's expensive. If it can double the number hour after hour, it's still $200 or so per log. This is more than it costs to take a log all the way from its stump to the mill now, and the helicopter would be hauling it only a mile or two down a slope to a landing at road's end. The remainder of the haul would be by logging truck.

But one Forest Service engineer tells us he thinks that before too long choppers may be the low cost solution—if you use all possible subsidies.

Experimental helicopter logging now uses few of these. It's being tried mainly only in areas where the last mile or two of road is just about impossible to build because of cliffs, wide rivers, etc. The basic road system and all the expensive equipment already have been purchased.

Our Forest Service friend suggests that they simply build the arterial logging road up the bottom of a canyon and stub it off without any spur system. All the yarding and loading would be done by helicopter. You'd have to buy no yarding and loading equipment. You'd have to purchase and operate fewer trucks, and hire fewer people to engineer and build roads. You could yard all winter in snow country, with absolutely no damage to the duff, when for-hire helicopters and pilots are underemployed and therefor cheaper.

Then, if you somehow pump the long-term indirect savings that go with a little-scarred hillside you mave have a surprisingly better cost picture. For example, helicopter logging likely would result in more natural reseeding and therefore less cost, and decreased fire danger, meaning less fire lookout and suppression costs.

In addition, there's a new point in a recent Department of Interior study. It has had little general attention, but it may contain the most important cost offset of all.

The report deals with the effects of pollution and siltation on the Coos Bay estuary. One of the conclusions was that money now used for dredging the ship channel and funds needed to protect silted marine life areas would be better spent at the sources of siltation. The major source, of course, is logging as it now is done. Hillsides are stripped of trees, bladed for roads and much of the duff is disturbed. The result is massive washing away of soil into the streams each time it rains for years.

The Department of Interior report doesn't detail siltation removal costs, because it's just about impossible to figure them since there is no way to counter all effects. But it's likely they amount to millions of dollars a year in each major watershed. If even part of this cost (such as Corps of Engineers dredge expenses) could be put into helicopter subsidy we might have something close to parity between conventional logging and removal by helicopter.

This might be so, we'll note, even without value being put on the esthetics of unscarred hillsides.

FINANCIAL STATEMENT BY SENATOR BAYH

Mr. BAYH. Mr. President, as the Members of this body well know, I have long supported the imposition of higher ethical standards on all of us who do the Government's business. I believe that these standards should be applied to members of the executive branch, to members of the judiciary, and to Members of Congress.

In order to indicate my good faith and my concern about the need for voters to have access to detailed information on the financial affairs of Members of the House and the Senate, I am today submitting a disclosure of my current assets and liabilities, together with my income for the year 1970. I ask unanimous consent that the statement be printed in the RECORD.

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

Personal financial disclosure Senator and Mrs. Birch Bayh—Assets, July 1971*

Cash in hand and in saving and checking accounts (approx.)	$4,500
340 acre farm, Vigo County, Ind. (at market value)	68,000
Residence, Washington, D.C.:	
Cost:	
Lot	25,000
House	75,000
Less mortgage, balance due	56,403
Net	43,597
Securities placed in blind trust in May 1970 with Terre Haute First National Bank (based on May 14, 1970, market value; present value unknown)	45,655
Miscellaneous assets:	
348 share Vigo County, Ind., Farm Bureau Cooperative Association, Inc., patron account No. 21880	1,740
Farm Producers Marketing Association	250
Tangible personal property in him in Washington, D.C. (estimated)	6,500
Cash value of life insurance (approx.)	8,640
Buick sedan 1970:	
Book value	2,550
Less encumbrance	1,290
Net	1,260
Chrysler sedan 1970:	
Book value	5,100
Less encumbrance	3,800
Net	1,300
Total assets	181,442
LIABILITIES	
Personal liabilities:	
Merchants National Bank, Indianapolis (personal note)	5,000
Terre Haute First National Bank, Terre Haute (personal note)	5,000
Total personal liabilities	10,000
Deficit remaining on obligations incurred in 1968 campaign	8,485
Total liabilities	18,485
INCOME—1970	
Salary as U.S. Senator	42,500
Honoraria	48,656
Royalties	2,573
Farm income	6,199
Dividends and interest	393
Total income	100,321

* Does not include property which was purchased by Mrs. Bayh in her own name with the proceeds of her father's estate.

TRUTH IN SAVINGS

Mr. HARTKE. Mr. President, in May of this year, I introduced the Truth-in-Savings Act. This proposal is based upon the assumption that the educated consumer is the wisest consumer. If a consumer-depositor knows in advance what a savings institution intends to do with his money, he can then make a rational choice among various savings alternatives.

My study of savings institutions has revealed several cogent facts. First, different savings institutions offer different earnings rates for money on deposit and employ widely varying means to calculate those earnings. Second, most consumers-depositors are unaware of the specific earnings calculation method used by their banks, and many are unaware

of the current earnings rate. Third, most consumer-depositors have no idea whether the bank has calculated earnings properly or whether an error was made. Fourth, most consumer-depositors do not have the necessary information at their disposal to make it possible for them to corroborate the earnings calculations of their savings institutions. Fifth, no Federal regulatory agency conducts routine verifications of the accuracy of the earnings paid to depositors. Sixth, savings institutions use a myriad of terms to describe their earnings rates and savings opportunities. The profusion of terms and the lack of uniformity of definition for those terms leads to consumer confusion and frustration.

It is to end this confusion and to provide necessary information to the consumer-depositor that the Truth-in-Savings Act is directed. While the act would not materially alter the current business practices of most savings institutions, it would inject a welcome amount of rationality and uniformity regarding information which is disclosed to potential and actual depositors.

It is a fact that two banks may pay different amounts on the identical accounts with identical annual earnings rates and compounding periods. It is also a fact that the periodic earnings rate, rather than the annual earnings rate, is the rate which banks use to compute earnings, yet this rate is not generally available to the depositor. It is also a fact that neither the Federal Reserve Board nor the Federal Deposit Insurance Corporation has the authority or the inclination to check the accuracy of bank earnings calculations or end the confusion caused by the profusion of advertising terms.

Mr. President, my investigation of consumer-deposits has documented these facts and the need for corrective legislation. I urge my colleagues to study the Truth-in-Savings Act and the highly beneficial impact it will have on their constituents.

THE DOCK STRIKE

Mr. TOWER. Mr. President, at midnight tonight there is a strong probability that all the ports in the country will be closed to shipping. This would be due to a nationwide longshoremen's strike that would develop if the Atlantic and gulf coasts longshoremen walk off the job and join the west coast dockworkers who have been on strike for more than 3 months.

I would like to commend President Nixon for his efforts last weekend in Portland, Oreg., when he personally attempted to mediate the west coast dispute between the striking union and the Pacific Maritime Association. His personal intervention in this situation emphasized the tremendous economic ramifications which it is having on our economy, particularly our agricultural sector.

This segment of the Nation's economy has been irreparably damaged by the prolonged dock strike. If immediate action is not taken to halt the west coast dock strike and prevent the gulf coast and east coast dock strikes, foreign exports of agricultural commodities will suffer much more than a severe setback.

The immediate effect on agribusiness has been the loss of current exports because foreign buyers fear their purchase might be tied up on docks for a prolonged period of time. Perishable products rot in the packing crates if held for long periods of time, and nonperishable commodities tie up storage facilities. The west coast dock strike has already cost our Nation's farmers in excess of $215 million, of which about $40 million is in fresh fruit and vegetables. This is only a small loss compared to the potential long range effect. If Americans cannot be depended upon to furnish our foreign markets with necessary commodities when they are needed, then foreign buyers will look elsewhere for new sources of agricultural imports. This would cause U.S. producers to lose valuable markets. It is imperative that U.S. docks be allowed to operate.

The cost-price squeeze has already forced many farmers to turn to urban jobs for income. Last year over 600,000 farmers and ranchers left rural areas because it was impossible for them to farm on a profitable basis. This Nation cannot afford to continue to force farmers and ranchers into the city. If the current trend continues, U.S. consumers will find themselves paying much more than 16 percent of their annual income for food and fiber. I think it is time that both labor and management took a long look at the overall results extended strikes have in relation to the Nation's agricultural output. The increase in prices of farm machinery and tools, coupled with loss of markets, creates a double hardship which could break the back of the agricultural industry.

Mr. President, for more than a year I have on numerous occasions spoken of the urgent need to reform our outmoded governmental mechanisms to deal with emergencies arising from disputes in transportation industries. In February of 1970, the President recommended the Emergency Public Interest Protection Act of which I am a cosponsor. There has been little congressional action on this legislation, or for that matter alternatives to it. It has become obvious that the subject of permanent legislation to deal effectively and fairly with strikes of national proportions in the transportation industries is one meriting immediate congressional action. I am confident that the majority of the Congress is disgusted with the existing mechanisms under the Railway Labor Act which we now employ on a crisis-by-crisis basis. Certainly this is not the best method for insuring fairness.

Mr. President, I am not going to comment upon the various positions taken by the disputing parties. As a U.S. Senator, I do not believe I am in the proper position to decide specific points of disagreement in labor contracts. This is precisely the reason why it is imperative that the Congress pass permanent legislation to deal with recurring labor-management crises.

At present, existing and potential dock strikes are playing havoc with the economic health of the Nation. Repercussions of these disputes are negating some of the positive steps which the President has implemented to deal with our economic ills. If these strikes continue there is little doubt they will negate some of the steps the Congress will soon enact to revitalize our troubled economy.

By recommending permanent legislation to deal with labor-management crises, President Nixon has attempted to meet the problem. But, due to the failure of the Congress to act, the President and the Nation are now placed in an extremely difficult position. If we wake up tomorrow morning and find that the Nation's ports are completely closed, the President will have no choice but to invoke the Taft-Hartley Act's 80 day cooling-off period. I recommend that the President take such action in order that the Nation's safety be maintained.

Existing mechanisms are stop-gap in nature and should be replaced. The Emergency Public Interest Protection Act would establish permanent guidelines to deal with the many-faceted problems of labor-management crises. Its flexibility would relieve the President and the Congress from implementing make-shift measures to protect the economy. More important, this same flexibility would afford a high degree of incentive for disputants to arrive at a satisfactory agreement without direct government intervention.

I urge the Congress to act. The tenability of our economic system is at stake.

MICHIGAN'S WALKER CISLER

Mr. GRIFFIN. Mr. President, a few days ago in Detroit, Walker Cisler announced that he is retiring as the chief executive of Detroit Edison Co.

Knowing this man as I do, I have no doubt that Walker Cisler will be busier than ever building a better world.

Recently the Detroit Free Press published a thoughtful profile of Mr. Cisler, written by Hugh McCann.

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

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

CISLER AT 73: DYNAMO IN LIFE OF CITY

(By Hugh McCann)

Walker Lee Cisler is an old hand at press conferences.

In his 28 years with the Detroit Edison Co. he has handled many of them. But the one that he called at the company's service building on Third St. Monday afternoon was unique.

Cisler, 73, a prime mover on the civic and industrial scene in Detroit for more than two decades, stepped down as chief executive officer of Edison and handed the reins to a man 18 years his junior.

Cisler stood in the auditorium, slightly unsure of the mood he should allow himself, fingering the small maroon metal decoration on his dark blue suit. "It's the Legion of Merit of the United States," he said, his face glowing, his memory searching for the other medals . . . the Bronze Star . . . the Croix de Guerre . . . the Order of the British Empire.

In the electric power industry for most of his life, Cisler is one of the most knowledgeable men in his field. He is a man easily at home in important board rooms, often

at the head of the table; or as a guest at a civic banquet, or behind a speaker's rostrum.

More than three inches in "Who's Who" does not begin to catalog the business and professional boards and civic and political campaigns on which he has served. He is, in the corporate adjective, dynamic. A world traveler, a sought-after speaker, a name of influence, a man of contacts, a peripatetic organizer and doer, he is superbly aware of himself and his powers.

During World War II and since, Cisler has been decorated by 11 foreign governments for the work he has done in rehabilitating the gas, electric and water facilities of war-ravaged areas.

He tells proudly of the time he spent on the staff of Gen. Dwight D. Eisenhower during the war and it often seems as if some of the qualities for which the general became famous—notably the ability to spawn visionary schemes and launch excited young officers to bring them to fruition—rubbed off on Col. Cisler.

Cisler is Chairman of the Mayor's Committee for Economic Growth.

His keen civic interest is manifested in his membership in other organizations, such as the Economic Club of Detroit and the Michigan Committee of the Newcomen Society in North America.

He has been deeply interested in the field of education. He sits on the National Science Board, the Michigan Colleges Foundation, the Cranbrook Institute of Science and four or five other educational institutions.

On the business side, he is chairman of Fruehauf Corp. and a director of American Airlines, Burroughs Corp., Detroit Bank & Trust Co., Holley Carburetor Co., Eaton Corp., and several other top corporations.

Cisler, who was born in Marietta, O., in 1897, has spent his entire business career in the electric power industry. After graduation from Cornell University in 1922 with a degree in mechanical engineering, he became associated with the Public Service Electric & Gas Co. in New Jersey. In 1943 he left that organization and joined Detroit Edison as chief engineer for power plants.

On his way to the summit of his career—which was his term as first president of Fund for the Peaceful Atomic Development Inc.—he has collected more than 20 awards, honorary degrees and memberships.

But he began life as a farm boy.

Young Walker once rigged up an alarm system to warn him when a pet horse started acting up in the stable.

He also installed a small generator in the barn that provided light for the home he shared with his mother and sisters.

Cisler was serving as a consultant to the Atomic Energy Commission (AEC) when a committee of electric utilities officials began investigating nuclear energy's role in the future of their companies. In 1947 the AEC created an industrial advisory group to speed up industrial activities in the atomic energy field, including the development of atomic-electric power plants.

Cisler became secretary of the industrial advisory group.

In 1948 the advisory group asked the AEC to give private industry a piece of the action. The AEC agreed and by 1950 five utility-industrial combines proposed nuclear power plants.

Only one combine—Detroit Edison and Dow Chemical Co.—proposed a breeder reactor. The other four proposed water reactors. Cisler pushed the argument that a breeder reactor "would continuously produce amount of fissionable material in excess of that consumed.

"Thus breeder reactors would augment rather than consume the world's supply of fissionable material," he argued.

Building began on the Enrico Fermi plant in near Monroe in 1956. After a long legal hassle over the feasibility and safety of the installation, the plant went into preliminary operation in 1966.

Cisler's dream of bringing the first atomic power plant to Michigan was interrupted when a piece of metal blocked the flow of the sodium in the cooling system. The plant was closed down until February, 1970, when the AEC gave permission for the resumption of operations.

The Fermi Plant is owned by Power Reactor Development Co., a non-profit company supported by 21 utilities and manufacturers. When operating at full power the plant can feed 65,000 kilowatts into the Detroit Edison network. But the purpose of the plant is research, not power production.

As one of the most knowledgeable and influential men in the field of power generation, Cisler was successful in getting Detroit selected as the site for the World Energy Conference in 1974.

The conference will bring 6,000 persons from 67 countries to Detroit to discuss economic and environmental aspects of developing power for the future.

This kind of gathering of the peoples of the world is the arena in which Walker Cisler has thrived. "Ever since World War II," he says, "I vowed that I would give my resources to building and bringing the new forms of energy wherever mankind could best use them."

ONE MAJOR STEP FORWARD AND ONE STEP SIDEWAYS

Mr. PELL. Mr. President, this past month the Department of Transportation took a major step forward by releasing a report of its Office of High Speed Ground Transportation recommending the immediate expenditure of nearly one half of a billion dollars for improvements in the rail transportation system of the Northeast Corridor.

Unfortunately, the Secretary of Transportation did not say whether or not the administration will support the recommendations with administration-supported legislation.

This was another example of the administration indicating the need for a solution to a particular problem, but at the same time saying that it is not their policy to do anything about that problem at this time.

The New York Times, in a recent editorial, commented upon the importance of acting now on the recommendations included in the Northeast Corridor report.

The Times editorial stated:

Rapid and efficient implementation of the report would have implications far beyond the Northeast Corridor. It could signal the end of the progressively more serious congestion of the highways and airways, with its damage to the environment and its only slightly less serious impact on safety and comfort.

It would be my hope that the administration would take heed to those comments. And I would hope the administration would see fit to put its money where its words have been, and forward to Congress supplementary budget requests for the implementation of the recommendations of the Northeast Corridor report.

Mr. President, I ask unanimous consent that the New York Times editorial and the recommendations of the Northeast Corridor report be printed in the RECORD.

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

HOPE FOR PASSENGER RAILS

The Department of Transportation, after five years of study, has come to a conclusion that seemed inescapable from the start: high-speed trains are the only sensible answer to the traffic problem in such highly traveled areas as the Northeast Corridor linking Boston, New York and Washington.

The report should lay to rest two diametrically opposed approaches to the problem, which up to now appear to have dominated the thinking of Transportation Secretary Volpe. The first was his virtually unlimited commitment to superhighway construction, despite its environmental threat to land and air; the second was his fascination with the more appealing, but not immediately productive, idea of vehicles rushing through pneumatic tubes at 300 miles an hour. The combination of an ultra-conservative prescription for the present and dreams about a somewhat hazy future paralyzed any rational effort at constructive movement toward the solution of immediate problems.

The new proposal for a major investment in high-speed trains and the necessary track improvement—with highway expansion emphatically downgraded—offers the first realistic promise of quick action. Research and eventual development of truly revolutionary high-speed rail travel can still be pressed on an urgent basis. But the immediate need is for modernization of the kind that has contributed to the limited success of the New York-Washington Metroliner. The Transportation Department's three-year goal of a two-hour run between those key cities and a below-three-hour run between Boston and New York is an important first step in the development of a national rail policy.

Rapid and efficient implementation of the report would have implications far beyond the Northeast Corridor. It could signal the end of the progressively more serious congestion of highways and airways, with its damage to the environment and its only slightly less serious impact on safety and comfort. Communication links could be re-established between cities and indeed entire regions which, under the present Amtrak network, find themselves isolated and inaccessible.

The first stage of any sensible transportation policy is to keep passenger rail travel alive and effective through full application of all available technology. The second is to prepare for new breakthroughs later on. The department's latest study puts first things first by calling for immediate investments in equipment and roadbeds of the sort that will get high-speed travel off the highways and back on the tracks.

RECOMMENDATIONS FOR NORTHEAST CORRIDOR TRANSPORTATION

1. Report No.
2. Government Accession No.
3. Recipient's Catalog No.
4. Title and Subtitle; Recommendations for Northeast Corridor Transportation.
5. Report Date, May 1971.
6. Performing Organization Code, TPI–13.
7. Author(s): Myron Miller, NECTP Director, Melvyn Cheslow, Nancy T. Ebersole, John Gerba, Donald J. Igo, Walter Velona and Robert L. Winestone.*
8. Performing Organization Report No.
9. Performing Organization Name and Address, Strategic Planning Division, Office of Systems Analysis and Information, Assistant Secretary for Policy & International Affairs, United States Department of Transportation.
10. Work Unit No.
11. Contract or Grant No.
12. Sponsoring Agency Name and Address, United States Department of Transportation, 400–7th Street, S.W., Washington, D.C. 20590.
13. Type of Report and Period Covered, final report April 1970 to May 1971.

14. Sponsoring Agency Code, DOT/TPI.

15. Supplementary Notes.* The systems analyses contained in this report are the products of a government-industry team effort. Industry contractors included the MITRE Corp., Peat, Marwick, Mitchell and Co., and the Resource Management Corp. Significant contributions were also made by the National Bureau of Standards.

16. Abstract. The report recommends a series of policy actions necessary to resolve future short-haul intercity passenger transportation problems in the region. Emphasis has been placed on common carrier and highway improvements which are needed to insure relief of the most pressing problems during the "interim" 1970's time period, and actions necessary now to insure adequate lead time for "long term" solutions during the 1980's. The final report consists of the following documents:

Volume 1, *Summary Report*—Contains recommendations and supplementary conclusions, and discusses in highly summarized form the background to the Corridor's transportation problems, the general study approach and the evaluation of alternatives.

Volume 2, *Main Report*—Includes discussions of the Corridor's population growth patterns and the region's transportation system, the evaluation methodology, descriptions of the "interim" and "long term" alternative systems, and a comparative analysis of the alternatives as to their technological feasibility, economic costs and benefits and environmental impacts for the years 1975 and 1985.

Volume 3, *Technical Appendices*—Contains descriptions of methodology and detailed results of the Corridor's air and highway systems analysis and general environmental forecasts through 1985.

17. Key Words: Northeast Corridor, transportation planning, systems analysis and evaluation, system alternatives, net present value analysis, facility requirements, environmental impact, simulation, congestion, capacity constraints, fares, patronage, transportation coordination, regional transportation, NECTP, high speed ground transportation, high speed rail, STOL, VTOL, TACV, automated highway.

Distribution Statement: Unlimited.

19. Security Classif. (of this report), unclassified.

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21. No. of Pages.

22. Price.

CONCLUSIONS AND RECOMMENDATIONS: SUMMARY OF ACTION PROGRAMS

The actions recommended for the Northeast Corridor are designed to meet the growing demand for short-haul transportation in the region, while minimizing the costs and adverse environmental impacts of moving large numbers of people.

To provide transportation service for the interim (1970's) period, actions beyond existing plans are called for to maximize the utilization of the Corridor's unique transportation assets, i.e., the large investments in existing facilities. The (1970's) action program consists of:

1. Improvement of high speed rail service by reducing line haul time, improving passenger amenities, and increasing departure frequencies and schedules;

2. Development and implementation of a real-time highway information system to assist intercity drivers in making route choice decisions; and improvement of highway construction to provide additional alternative routes during peak travel periods.

To provide high speed common carrier service for the longer term (1980's) period, additional actions are recommended that must be performed now, so that the required information will be on hand for the investment decisions concerning the 1980's.

1. Immediate planning of a new high speed ground right-of-way along the spine of the Corridor;

2. Expansion and acceleration of research and development of tracked air cushion vehicles (TACV), with emphasis on developing an environmentally acceptable system;

3. Orientation of short and vertical take-off and landing aircraft (STOL and VTOL) R&D toward requirements for the 80's emphasizing airport and air traffic control system capacity, safety, noise and air pollution abatement, and ride quality;

4. Establishment of 1976 as a definite decision year for a Northeast corridor (NEC) intercity transportation investment program in the 1980's based on the evaluation of the results of R&D and Improved High Speed Rail operations.

To provide sufficient highway capacity for the long term, the following actions are required now to provide alternatives to continued proliferaton of conventional highways:

1. Expansion of the automated highway research and development program to define and evaluate possible concepts;

2. Preparation of proposed legislation for the Post Interstate Highway Program which will *permit* highways to be planned and built in such a way that accommodation to automated capability will be possible.

DETAILS OF ACTION PROGRAM

Recommendations for the Interim Period (1970's)

The Northeast Corridor Transportation Project concludes that, in the near term, increasing congestion at urban Conventional Take-off and Landing (CTOL) air terminals will preclude sufficient growth of both long and short-haul traffic to meet the air travel demands. It further concludes that the provision of improved, expanded high-speed ground service for short-haul travel along the NEC spine can help to alleviate increasing CTOL congestion while meeting the rising demands for travel. Major factors influencing these conclusions are (1) the increasing public sensitivity to adverse environmental impacts of the current air system, which militates against expansion of the air system (acquiring new land for airports, increasing operations), and (2) the increasing demand for long-haul domestic and overseas air service. Alternate air transportation concepts (such as STOL and VTOL) which could potentially provide improved service for short-haul travel are not considered practical for application in this time frame for reasons discussed in the next paragraph. The only system capable of increasing the speed of travel and which can be rapidly implemented is improved high-speed rail which expands and improves the demonstration service on the existing right-of-way between Washington and Boston.

STOL AND VTOL

In the Northeast Corridor Transportation Project's study of short and vertical take-off and landing (STOL and VTOL) aircraft for the '70's the early analyses were encouraging. However, the inclusion of more complete cost and environmental considerations raises serious doubts whether an effective and community acceptable city center system could be made operational during the '70's. Strong Federal fiscal support would be necessary to finance the urban STOL and VTOL terminals and air traffic control which are considered essential to fully exploiting the flexibility of these air systems.

Air *terminal* facilities are traditionally heavily supported by municipal agencies. Community opposition to VTOLport and STOLport sites currently exists because of noise, air pollution and safety concerns to a degree that early acceptance and/or municipal financial support are unlikely to materialize. The New York area is critical to transportation in the Northeast Corridor not only because it contains more than half of the population and it has a central position astride the Corridor spine, but also because more than 60 percent of all common carrier trips either begin or end in the New York metropolitan area. In this dominating part of the Corridor major opposition to new airports or expansion of existing airports has materialized. In addition, interference of STOL or VTOL flights with the already congested CTOL (both commercial and general aviation) air traffic may not be preventable in the '70's.

A final difficulty arises because of the expected disparity to ride quality and comfort between present CTOL jets and the turboprop STOL or helicopter VTOL postulated for the '70s. If passengers regard STOL or VTOL as a serious step backward, then significant passenger diversion by these CTOL competitors is not likely.

The NECTP recognizes that STOL and VTOL aircraft are presently providing limited feeder service to some Corridor CTOL airports. This is viewed as a adjunct to the conventional air system rather than a completely new alternative. The demonstration of improved technology on service of this kind could be the first step in testing user acceptance.

IMPROVED HIGH-SPEED RAIL (IHSR)

IHSR is a mode that could be developed out of the present Metroliner demonstration, taking advantage of the resource savings resulting from using existing facilities with unused capacity. Metroliner results plus analytical projections indicate that (a) more high-speed Metroliner-type cars, (b) better passenger amenities, (c) stepped up frequency of schedules and (d) availability of non-reservation and some non-stop service would attract significant additional rail patronage in the New York-Washington, New York-Boston, and (their) intermediate markets, thereby providing some relief to CTOL airport congestion.

Further improvements in speed should be achieved by upgrading the right-of-way. Expenditures of $100 million should be made for right-of-way improvements south of New York to permit approximately 2-hour nonstop New York-Washington service; and an additional expenditure of $190 million should be made north of New York to permit approximately 2¾-hour nonstop New York-Boston service. Approximately $70 million for terminal improvements and $100 million for additional vehicles would complete the investment required for this level of service. Approximately three years after the decision to proceed, full operation of the Improved High Speed Rail (IHSR) service could be available to the Boston-Washington traveler.

Capital will probably not be available for IHSR financing as a purely private enterprise. The existence of the quasi-public NRPC is the result of the inability and disinclination of private railroads to pursue the rail passenger market. The NRPC, however, is unlikely to have resources to invest in the Northeast Corridor, even if that corporation were to decide its most pressing problem lay there. The impetus must come from the Federal Government. Because the project is expected to be profitable, an outright grant is unnecessary. Federal support could take the form of a direct loan, guaranteed bonds or some similar arrangement.

Following such investment and as the IHSR system begins to operate (and its ridership levels increase), further investments could be made which would boost the capability of the IHSR to the level of 1½ hours nonstop city center service New York to Washington, and 2 hours nonstop city center service New York to Boston. Of major significance is the distinct possibility that such "second stage" investments could be financed from the earnings of IHSR system once the first stage is

completed. A decision regarding such additional investments should be made after obtaining the patronage response to the earlier improvements. In addition, the decision should be part of the broader long term decisions to be made in 1976.

On the basis of the foregoing, the Northeast Corridor Transportation Project recommends that:

The administration support implementation of improved high-speed, non-reservation, high frequency rail service along the Washington to Boston spine. The Department of Transportation should seek legislation to insure that necessary funding for this effort is made available (loans, loan guarantees, etc.) dot policy should be to stimulate improved high speed rail service to attract more short-haul passengers between New York-Boston, Washington-New York, and intermediate distances along the spine of the corridor. Total estimated cost is $460 million.

HIGHWAY

With regard to highway travel in the 1970's, the Northeast Corridor Transportation Project concludes that congestion problems will increase drastically over the next decade due to bottlenecks at the metropolitan areas where intercity traffic interfaces with urban commuter and week-end traffic. The existing and presently planned highway network, however, offers broad capabilities for alternative routing of intercity traffic around urban congestion points. Interim period network and connectivity improvements have been identified that will partially relieve intercity highway travel congestion.

But, full exploitation of the future capacity and flexibility of the Corridor highway network will require a capability for intercity drivers to make intelligent decisions concerning alternate routes based on actual traffic conditions. The analyses show that a real-time highway information system would provide the motorist with substantial benefits in delay avoidance—even if no further highway network connectivity improvements were made. On the other hand, with further network connectivity improvements the existence of a real-time information system gives the motorist the opportunity to take advantage of a wider variety of uncongested route alternatives. Similarly, an alternate spinal route, which avoids the major metropolitan areas and which could be achieved by minor improvements to an existing route, would be beneficial, especially at peak periods. In view of the large advantages to be gained from more intensive use of the existing highway network, the Northeast Corridor Transportation Project recommends both a real-time information system and network connectivity improvements as follows:

The early implementation of a real-time highway information system for the major highways of the corridor should be a high-priority departmental goal. Freeway-surveillance and ramp-metering control systems should be coordinated with the highway information system. Total estimated investment cost is $80 million.

In order to facilitate intercity highway movements along the congested Boston-to-Washington spinal network, the connectivity of the existing and planned network should be improved, particularly around the congested metropolitan areas, by constructing additional short sections of freeway bypasses and interchanges. The information system will enable drivers to get maximum benefits from these connectivity improvements which would cost an estimated $50 million.

The Federal Highway Administration should study alternative low cost means of achieving, in the 1970's, the consolidation of existing highways into a new north-south route which will pass outside of the congested metropolitan areas. One low-cost example could be implemented by just one 15-mile new section and further upgrading of existing and planned facilities at an estimated incremental cost of $60 million.

Recommendations for the long-term period (1980's)

The Northeast Corridor Transportation Project has performed a detailed examination of alternatives to meet the short-haul passenger transportation needs of the long-term period (1980's) and concludes that additional R&D is required to develop the necessary information to make investment decisions for the 1980's. The long-term action program, therefore, is designed to identify what must be done between now and a decision date (1976) to insure the availability of the information needed for rational decisions on long lead-time investments.

The Project has examined the use of both new air and high-speed ground transportation systems along the Corridor spine and concludes that there are significant R&D risks associated with each. If the recommended R&D programs are successful, however, the transportation requirements can be met. The Project also concludes that the IHSR, which would be operating in the 1970's, may be able to meet a significant portion of the 1970's requirements as well. Therefore, IHSR must be considered in the investment decisions to be made in 1976.

The prime alternatives considered for the long-term period include the tracked air cushion vehicle system (TACV), Improved High Speed Rail (IHSR), short take-off and landing aircraft (STOL), and vertical take-off and landing aircraft (VTOL). In addition, the potential of automated highways complementary to the above alternatives has been addressed.

Tracked air cushion vehicles (TACV)

TACV offers the potential for very good reliability, comfort and safety; high capacity; and decreasing passenger-mile costs at high volume. Because the acquisition of a sufficiently straight, continuous right-of-way will be a difficult and long-lead item for any high-speed ground system, the Northeast Corridor Transportation Project recommends:

The Department of Transportation should begin at once to explore possible routes for a right-of-way suitable for a tracked air cushion vehicle system and to investigate possible institutional arrangements for an operating system.

Research and development currently in progress on Tracked Air Cushion Vehicles is primarily aimed at problems of propulsion and cushion performance. In terms of environmental compatibility, the TACV powered by a linear induction motor has the potential for minimizing noise and air pollution (assuming the movement to nuclear generation of electric power continues at currently projected rate for the NEC).

Because of the great importance of alleviating noise and other environmental impacts, it is necessary that these factors be given added emphasis in the R&D program. A critical element in securing a TACV right-of-way will be its environmental acceptability. Accordingly, the Northeast Corridor Transportation Project recommends:

Research and development efforts for TACV should be expanded and accelerated and should include heavy emphasis on the environmental impact of the system (including electric power sources).

The Northeast Corridor Transportation Project recognizes that technological risks exist in the research and development for the TACV system and that socio-political risks are involved in securing new rights-of-way and in achieving proper institutional arrangements. One of the risks is that the fixed investments in right-of-way preparation and guideway construction are large and not easily recoverable. In terms of capacity and passenger-mile costs for high volume spinal traffic, the TACV appears to have an advantage over air systems. Actual decisions regarding ride comfort, safety, reliability, and environmental compatibility must await the results of research and development.

STOL AND VTOL

The Project recognizes the value of the greater flexibility, speed and network connectivity of STOL and VTOL air systems under consideration for the 1980's. The appropriate investment decision, however, hinges on the relative success of curbing environmental impacts through research and development efforts, as well as on the success of alternative measures.

The Northeast Corridor Transportation Project, therefore recommends that:

STOL and VTOL R&D, oriented toward meeting requirements for the 1980's, should continue emphasizing noise and air pollution abatement, ride quality, airport and air traffic control considerations, and

Alternate STOL and VTOL system plans should be examined and evaluated to facilitate decisions on possible future (1980's) implementation.

Major investment decisions should be deferred until the requirement is established to go beyond the interim recommendations and until the outcomes of the TACV, STOL and VTOL research and development programs are evaluated. A definite date should be set for such evaluation and the R&D programs oriented toward meeting such a date (recommended the year 1976).

To aid in the evaluation of the TACV, STOL and VTOL research and development programs, the Federal Government should make a determined effort to establish realistic environmental acceptability criteria and standards for common carrier systems.

AUTOMATED HIGHWAY

The Northeast Corridor Transportation Project concludes that automation of highways and the resulting benefits could reach fruition within the operable life of highways built in the next decade. Because of the huge investment represented by the highway system, it will be a serious mistake if Post-Interstate highway planning and construction preclude later installation of advanced technologies. Therefore, in recognition of the potential for high-speed, high-density operation through automatic control and guidance of individual vehicles (and for operation both on and off controlled highways) the Northeast Corridor Transportation Project recommends:

Effort should be expanded and accelerated to define and establish the desirability of moving toward automated highways. After completion of the requirements phase, and if affirmative, a research, development and implementation program should be established for an automated highway system in the corridor. The results of automated highway research will determine appropriate federal design specifications to direct the post interstate highway program so that new conventional highways may be adapted to automation with minimum expenditure.

Supplementary conclusions

Additional conclusion are presented which resulted from the analyses and the experience and insights developed during the Northeast Corridor Transportation Project study. Although important to the overall improvement of intercity transportation, they represent tentative findings and identification of possible areas for further study.

New York Hub Air Congestion

The necessity to provide additional or expanded facilities for increasing long-haul domestic and international air travel demand will continue to impact on the airport capacity of the Northeast Corridor. Despite favorable assumptions regarding major im-

provements in air traffic control, the widespread use of high-capacity jets, better rationalization of airline operations, constraints on general aviation operations, and the diversion of Corridor short-haul air travelers to high speed ground modes, the Northeast Corridor Transportation Project concludes that, unless additional actions to divert CTOL passengers are undertaken, the New York Hub area will, in all likelihood, face severe and unmanageable air congestion problems in the 1980's.

Northeast Corridor analyses indicate that one useful action would be to operate the three New York airports—JFK, LaGuardia, and Newark—in a manner that equalizes the delays at all three. This action would require scheduling operations into each airport proportional to its capacity and would result in some transfer of traffic from LaGuardia and Kennedy to Newark. But this action alone will not solve the New York hub problem. There could be substantial improvements in the efficiency of processing travelers from these three airports by including in the spinal rail or TACV system a connection to Philadelphia International Airport and Bradley Airport in Hartford, Connecticut, thus permitting operation as a regional air hub. Another approach to alleviate congestion is the diversion of some of the international travel, particularly that which is not specifically destined to the New York area.

The Northeast Corridor Transportation Project, while not having made an exhaustive study of all possible means of adding to New York airport capacity, calls attention to the following tentative conclusions which require further study.

Service proportional to supply instead of demand at the hub airports can be accomplished and used to increase hub capacity.

A proportion of the benefits of a fourth New York jetport could be achieved by the alternative method of connecting existing airports (New York Three-Airport Hub, Philadelphia and Hartford) to a spinal high-speed ground system, thus forming a regional air hub.

Some international and long-haul flights should be diverted to other Corridor airports to avoid congesting New York hub airports.

Institutional considerations

The NECTP multi-modal approach to transportation analysis and planning has served to highlight serious inequities among the modes in regulatory and taxation policies, and in providing command and control, terminals and rights-of-way. A high degree of cooperation among metropolitan, state, regional, and Federal governments (as well as cooperation within and coordination among modes) is needed to achieve efficient resource allocation in transportation. The attainment of the necessary cooperation and coordination is hampered by jurisdictional, legal, regulatory and other problems.

The Department of Transportation should press for and participate in reexamination of institutional, regulatory, tax and support status policies of transportation to facilitate the multi-mode approach necessary for efficient resource allocation in Corridor transportation.

Short-haul feeder and off-spine service

While the Project did not engage in an intensive study of feeder and off-spine transportation supplementary to spinal service, recognition is given to the flexibility and network connectivity characteristics of the air system in general and the STOL and VTOL modes in particular.

Consideration was given to a role for VTOL, STOL, CTOL short-range, and CTOL small-capacity air, as well as rail systems, for feeder and off-spine service.

All have potential for serving the feeder market. The VTOL and STOL appear to serve more economically those dispersed cities where land costs are high: small CTOL where land is not valued at premium prices; and rail, where track exists.

The Northeast Corridor Transportation Project, therefore concludes:

A follow-on study should be made to determine the best modes for short-haul feeder and off-spine type service as a supplement to the spinal Improved High-Speed Rail service in order to establish appropriate modal requirements for the interim and long-term periods. In this regard, early identification is needed of existing rail feeder lines to prevent possible premature disposal of these rights-of-way. Such facilities cannot now and should not be disposed of without prior consideration by the Interstate Commerce Commission.

High-speed ground transportation research and development

To high-speed ground modes requiring advanced technology are worthy of special mention, although they do *not* represent alternatives for the time period of the 1980's. The underground tube vehicle system has been eliminated as a feasible 1980's alternative because of the prohibitive cost of tunneling. If it becomes impossible to secure ground-level right-of-way, or a major breakthrough is made in reducing the cost of tunneling, underground high speed (tube) systems could prove a practical alternative in some spinal intercity as well as urban applications. In addition, tunneling into some cities will be required for the TACV alternative, and it may be even more necessary in the future as land use constraints and environmental pressures increase. Therefore, a major effort should be undertaken in tunneling technology to achieve a significant improvement in cost.

The technological development of magnetically levitated vehicles has not been considered sufficient to warrant their inclusion as 1980's alternatives. In a broad sense, magnetic levitation could be very nearly interchangeable with air cushions for vehicle suspension, and the technology could possibly form a natural follow-on to TACV. Magnetic suspension also has great potential for evacuated tube-vehicle-type systems that preclude use of air-cushion suspension.

The Northeast Corridor Transportation Project thus concludes:

The ongoing research in tunneling and in magnetic levitation technology, as well as in tube-vehicle systems, is necessary to the development of a broad based future capability for high-speed ground transportation.

Continuing DOT program for implementation

A continuing and concentrated evaluation effort will be required to insure that the foregoing recommendations are carried out in an effective manner:

The relative progress of the TACV and STOL/VTOL R&D efforts must be monitored and evaluated;

Study and analysis must continue on air-ground trade-offs;

Data collection and evaluation are needed to examine investments incrementally and to determine if expectations are being achieved;

Relationship of the transportation system to community acceptance needs to be continually assessed.

AWARD OF WRIGHT BROTHERS MEMORIAL TROPHY TO SENATOR CANNON

Mr. BIBLE. Mr. President, I have recently learned that my distinguished colleague from Nevada (Mr. CANNON) was to be presented the Wright Brothers Memorial Trophy for his outstanding service to U.S. aviation. This is an award which he has richly earned and richly deserves. Senator CANNON is a skilled jet pilot in his own right, and he has had a great record as a military pilot and has, over the years, kept up his proficiency in the various jet aircraft that have been developed.

He is, also, chairman of the Aviation Subcommittee of the Commerce Committee and has handled many of the aviation bills on the floor of the Senate.

I have personally flown with him many times; and as a matter of fact, during our recent August recess we flew together on several engagements.

A splendid editorial taking proper recognition of this high honor was published in the Las Vegas Review Journal of Friday, September 24, 1971. I 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:

SENATOR CANNON GIVEN HIGH HONOR

The state of Nevada was singularly honored this week with the announcement that Senator Howard Cannon will be presented the highest award in the field of aviation.

Cannon was named recipient of the Wright Brothers Memorial Trophy for outstanding services to U.S. aviation. The coveted award will be presented by the National Aeronautic Association at the Wright Memorial dinner of the Aero Club of Washington, D.C. on December 17.

To grasp the full significance of the selection of our junior Senator for the award, one must reflect only for a moment on the distinguished list of honorees in previous years.

In 1949 the Wright Brothers Memorial Trophy was presented to Charles A. Lindbergh. Three years later it was received by Lt. Gen. James H. Doolittle. In 1957 the recipient was United States Senator Stuart Symington of Missouri, former Secretary of the Air Force. Former Senator A. S. Mike Monroney of Oklahoma was honored in 1961, and the award went to Dr. Egor I. Sikorski in 1967.

This year it is Senator Howard Cannon of Nevada who will receive aviation's highest award and we share the pride all Nevadans must feel.

We are not surprised, however, about the selection of Senator Cannon.

After all, he is considered the United States Senate's authority on commercial and military aviation. He is the man his colleagues look to for leadership on virtually all aspects of aviation.

He is the chairman of the Aviation Subcommittee and was cosponsor and floor manager of the historic Airport and Airways Act which established a trust fund for development of our nation's airports.

He spearheaded the Senate inquiry into the adequacy of local air service and has been a leader in the efforts to insure air service for smaller communities. In Nevada, Elko and Ely have especially benefited from Senator Cannon's work to maintain air service in smaller cities.

Cannon has initiated and is continuing an investigation of the economic problems of the air carrier industry and of the needs of the air traveler, the ultimate consumer of aviation services.

Cannon is also an expert on military aviation matters. He is chairman of the powerful Tactical Air Power Subcommittee and has always fought for a strong air posture for this country's armed forces. A war hero who was shot down over Holland during World War II, Cannon evaded capture by the Germans for 42 days until he reached allied lines. When he left the service he remained active in the Air Force Reserve and now holds the rank of major general.

Before his election to the Senate in 1958, it was Cannon who represented the City of

Las Vegas before the Civil Aeronautics Board and his efforts were largely responsible for bringing more and better air service to Clark County to serve the needs of our growing tourism and recreation industry.

Cannon is still a jet pilot and has an FAA license for single and multi-engine aircraft, instrument rating and glider license. He was the first member of Congress to personally pilot the controversial F-111A aircraft.

So on December 17, the anniversary of Orville and Wilbur Wright's first flight, Senator Howard Cannon's name will be added to those of Lindbergh, Doolittle, Sikorski, Symington and Monroney.

Cannon is "Mr. Aviation" of the U.S. Senate and we are delighted he is receiving the recognition he so richly deserves.

SENATOR ALLEN ELLENDER

Mr. MUSKIE. Mr. President, I deeply regret that I was unable last Friday to congratulate personally the distinguished senior Senator from Louisiana on his 81st birthday. Senator ELLENDER combines the wisdom of his age with the vitality and enthusiasm of a young man.

At this point in his life he has the rare pleasure of looking back on a long, varied and distinguished career. A veteran, a city and district attorney, a State legislator, he has ably served the State of Louisiana as a U.S. Senator since 1937. In the Senate he has contributed and participated in an amazing variety of legislative proposals. For years he was a member of the Senate Labor and Public Welfare Committee and was one of the major supporters of the Education Finance Act of 1949, the first bill providing aid to primary and secondary education to pass the Senate in the 20th century. Although this bill was not enacted, it clearly is one of the foundations of our present student aid programs which have been so beneficial to young Americans. Also, he was one of the major supporters of the Housing Act of 1949, which forms the basis of many of our Nation's most important housing programs.

Senator ELLENDER has been a member of the Committee on Agriculture and Forestry without interruption since he entered Congress in 1937, serving as its chairman during the 82d Congress and from the 84th Congress to January 1971. In his work on the Agriculture Committee, Senator ELLENDER has played a major role in the drafting and enactment of such beneficial legislation as the rural electrification program, the soil conservation program, the School Lunch Act, and the food stamp program. Presently, Senator ELLENDER is chairman of the extremely powerful and influential Appropriations Committee, also serving as chairman of its Defense Subcommittee, which has oversight over all of the national defense programs in the United States. Senator ELLENDER brings good commonsense and uncommon concern about how the U.S. Government spends the taxpayers' money. Although Senator ELLENDER is careful how a dollar is spent, he has the vision to spend when it is necessary and in the public interest.

I would like personally to acknowledge Senator ELLENDER's contribution and leadership in an area of particular concern to me. As chairman of the Subcommittee of Air and Water Pollution, I have been concerned about the quality of the Nation's water. Senator ELLENDER has had this concern long before I came to the Senate. Through the years I have always found in him a sympathetic listener in connection with the problems of water pollution control. Perhaps I can give no better indication of Senator ELLENDER's effective championship of the needs of water pollution control than to quote the debate of November 12, 1969, on the Public Works bill of this year. In that debate I clearly outlined Senator ELLENDER's unsurpassed contribution:

Mr. President, the $1 billion appropriation included in this legislation for the Nation's water pollution control program represents the culmination of a great deal of hard work by a great many people. It represents to those of us who have lived with, developed, and maintained a deep interest in this program for many years, a significant victory for national priorities over budgetary expediency.

Mr. President, this victory could not have been achieved without the dedication, the interest, or the commitment of the senior Senator from Louisiana and the chairman of the Public Works Appropriation Subcommittee, Senator ELLENDER.

Senator ELLENDER promised to do his best to maintain a strong water pollution control program, and he has carried out that commitment. Last year, when nearly all domestic programs suffered from both budgetary and Appropriations Committee cuts, Senator ELLENDER achieved a Senate increase in the water pollution construction grant program of $22 million. The conference committee agreed on an increase of $11 million more than the budget request for water pollution—perhaps the most significant program increase in any of the national priority programs last year. When Senator Boggs and I appeared before Senator ELLENDER in 1968, he told us of his desire to see the level of funding equal to the demand for water pollution construction grants.

The information we had last year was inadequate. The Clean Water Restoration Act, at that time, was effectively 1 year old. The States had not begun to move to assess their own needs—to date a great many States have not. The demand for construction grants as estimated by the Department of the Interior reflected budgetary expediency more than program need.

This year when Senator Boggs and I joined the Citizens Crusade for Clean Water before Senator ELLENDER's subcommittee, the demand had changed. Several additional major States had joined the list of States with an inventory of water pollution needs. It was obvious that the demand for water pollution funds far exceeded the $214 million requested in the President's budget. Secretary of the Interior Walter Hickel attested to this fact when he indicated that $600 million could usefully be spent in fiscal year 1970. But the Citizens Crusade, Senator Boggs, Senator ELLENDER, and I were not satisfied with that estimate.

Senator Ellender asked the Department of the Interior to provide a detailed estimate of the backlog of construction grant applications. The Citizens Crusade for Clean Water, in cooperation with the Council of State Governments, requested the Governors of all affected States to provide up-to-date information on the amount of grant funds which could be effectively obligated in this fiscal year. The information provided by the Department and the Crusade indicated that more than the authorized billion dollars could be obligated, that the States were moving faster than had been anticipated and that even a fully funded program would be inadequate if reimbursable requirements were considered.

Mr. President, a man with a lesser commitment would have accepted the initial information of the Secretary of the Interior and appropriated an amount equal to that which was voted by the House of Representatives.

A man of lesser commitment would have accepted budgetary expediency over national priorities. Senator Ellender has fulfilled the faith of those of us who worked with the Public Works Appropriations Subcommittee, who committed ourselves to support the level of appropriation which he thought could be justifiably obligated, and who believed that he would work to see that the Nation's water pollution program is funded at the level of need.

I would like to reiterate what the above quotation from the CONGRESSIONAL RECORD makes so clear: that without Senator ELLENDER's loyalty, hard work, and dedication to principle, no progress in water pollution control would have been possible. This is just one of the many contributions that Senator ELLENDER has made in the U.S. Senate. He effectively champions an amazingly wide variety of interests in the Senate, made possible by his keen intellect and his capacity for hard work which is justifiably legendary. It is therefore a great pleasure to pay tribute to Senator ELLENDER, whose knowledge of the Senate is unsurpassed and whose effectiveness in the Senate is unequaled. I look forward to working with him in the future on many of the problems facing our Nation, and I also look forward to enjoying his delicious gumbo shrimp.

THE OREGON COAST

Mr. HATFIELD. Mr. President, recently the Oregonian, of Portland, published an informative series of articles by Paul Pintarich on sections of the Oregon coast. As a resident of Newport, Oreg., I read the series with interest.

From the hearings and discussions with my colleagues on the Interior and Commerce Committees, I think the problems highlighted by Mr. Pintarich are indicative of the situation across the country along our coastlines. Our attempts to formulate land use planning and coastal zone bills reflects the concern I am sure we all feel toward the future of our coastal areas.

Because of their interest to all Senators, I ask unanimous consent that this series of articles be printed in the RECORD.

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

[From the Oregonian, Sept. 19, 1971]

OUR CHANGING COAST: PLANNING FOR THE NEXT WAVE

(By Paul Pintarich)

(NOTE.—First in a series of articles which will attempt to explain the transformation in land use and development along Oregon's north and central coast.)

From Astoria to Cape Perpetua, the various towns and villages of Oregon's north and central coast fill the wide, flat places along U.S. Highway 101 as it passes through Clatsop, Tillamook and Lincoln counties.

Hugging beaches and rivers, clustered around harbors, lumber mills and estuaries, the coastal communities are caught between the sea and the Coast Range mountains, still relatively isolated from populous centers of the Willamette Valley.

As in the past, coastal life is a moving through of the seasons: Salmon run into the rivers with the first chill rains of fall, cows munch rich valley grasses for milk and cheese, trees are logged and berries picked.

Tourism is the gilded bonus of the warmer months—a bountiful and increasing harvest eagerly awaited and planned for by coastal residents during the cold times.

Wraps fall off the new motels, the "closed" signs disappear, restaurants open while cash registers clang happily full of welcome dollars.

BALANCE DISTURBED

Until recently, life on the coast has maintained a tenuous balance determined by the predictable seasonal cycle. But in the last 10 years, the balance has been disrupted, tilted towards chaos and environmental crisis by pressures of population, industry and rapacious land development.

Many of the tourists spilling over from the crowded valley are coming to stay, attracted by a slower life and property by the sea. Floods of out-of-staters also remain or purchase land for summer homes, subdivisions or speculation.

Newcomers join the natives in panning the golden stream of automobile-oriented prosperity flowing along 101. Many a once-quiet seashore resort has lost its natural attraction through excesses of 70-mile-an-hour "honky tonk" along the highway—stretches of which Sen. Mark Hatfield once called "the twenty miserable miles."

Paradoxically, once delighted civic and business leaders, ruing past Babbittry, are recognizing growing public concern which is reinterpreting "progress."

PROGRESS ALARMING

Not only is there vehement criticism of commercial development but off the main highway, in the secluded places where primary amenities are still the sun, open beaches and the sea, indiscriminate invasion of dunes and estuaries has become cause for alarm.

In the past year, prompted by environmentalists, coastal residents have become involved in a number of firefights and occasional full-fledged battles.

The enemy has become those who would build high-rises, condominiums, subdivisions and "improved highways" on what Gov. Tom McCall calls "the most important testing ground for planning in the world."

Acute concern for the future of the Oregon Coast resulted this year in the state's formulation of the 30-member "Oregon Coastal Conservation and Development Committee" (OCCDC), chaired by Wilbur Ternyik of Florence, who is a Clatsop Indian.

Assigned the task of preparing a guideline "plan for a plan" for the entire coast, the group this month selected the San Francisco consulting firm, David Bradwell & Associates, to prepare a land use framework which will be presented for approval before the State Legislature during the next four years.

Participating in the OCCDC are representatives of coastal local governments, the business community and private individuals from throughout the state.

Dave Pederson, planner for the Oregon Local Government Relations Division, said, "There is definitely increased pressure on the state from the federal government which is being felt by local government as well. The OCCDC has a legislative mandate to do something, but it will be up to the local governments to provide the input."

Pederson, who works closely with the governor, said the biggest problem on the coast today is relating year-round economies to recreation and tourism. "There are no easy answers to what kind of economic base there should be," he said.

Gov. McCall said "Everyone's flinging a lot of abstractions. It's apparent the techniques of planning are not now equal to the challenges of the day. We need to start with this plan for a plan."

M'CALL OPTIMISTIC

McCall, who is optimistic over the OCCDC, feels there are three levels of interest: Concern for the people living on the coast, interest among Oregonians in other parts of the state and growing concern by the federal government.

"Seventy five per cent of the people in the country live in the coastal states," McCall pointed out. "We have to consider the economic needs of these people in respect to the environment. I think many are afraid no development will be allowed and they'll be left to starve to death."

Ironically, people along the coast, who first reacted with suspicion, are becoming realistic supporters of regional planning. Inspired by statewide groups like the Oregon Environmental Council, they are making their presence known at city hall and are crowding to once empty planning commission meetings.

Developers are beginning to feel the backlash of public opinion and city and county officials are realizing the existence of long silent constituencies.

"We must stress there is a tremendous change of attitudes by everyone," the governor said. "It's ironic that for so long the people closest to our great natural treasures were the most likely to abuse them."

Whether the OCCDC effort reaches the stage of implementation or not, it has already served as a catalyst to local effort. No one wants the state or federal government to dictate the future and local planners are working overtime to accommodate an eventual regional framework.

In Newport, the Lincoln County Planning Commission has zoned the Yaquina Bay estuary, both land and water, and gained public support for an example of environmental foresight and good judgment.

Similar estuarine efforts are under way at Astoria, Tillamook, Coos Bay, Brookings, Lincoln County is looking at Siletz and Alsea Bays.

These efforts combined with enlightened land use programs, delight the fledgling OCCDC. Paul Coyne, OCCDC executive director, commented recently: "These will surely dovetail into our program in the future. And what is important here is the total response and support from the grass-roots on up."

SHOWDOWN DUE

Aesthetically, planners will continue to joust the high rises, the indiscriminate highways and the sprawl which threatens beaches and farmland.

"This is the put up or shut up time," McCall says. During the next five years we will have our last chance to preserve one of the greatest natural areas in the world. We must plan. It will be fatal if we don't.

"Unfortunately," McCall added, "planning and informing the public is sometimes like trying to throw a 60-yard pass with a football made of whipped cream."

[From the Oregonian, Sept. 20, 1971]

ASTORIA HOLDS KEY TO GROWTH OF CLATSOP COUNTY

(By Paul Pintarich)

(NOTE.—Second in a series.)

Clatsop County is Oregon's own far corner, a quiet region in terms of coastal land development, an area more attuned to realities of day-to-day industry than considerations of recreational potential.

Most of the county's 843 square miles consists of timberlands to the east, leaving the bulk of the population, nearly 30,000, concentrated in Astoria, Seaside and Cannon Beach, with the remainder scattered around fishing, logging and farming communities.

Any future growth, however, will occur near Astoria, and planners predict new subdivision developments for the now sparsely settled Caltsop Plain, home of the county's first homesteaders.

Factors considered in future growth are reemphasis of Astoria as a major deep-water port, construction in 1972 of the Amax Pacific Corp. aluminum reduction plant near Warrenton and an influx of tourists and retired persons as permanent residents.

HISTORIC PAST CITED

Remarkably beautiful on its hillside site, Astoria, Oregon's oldest city, is saturated with history of Lewis and Clark, John Jacob Astor's unsuccessful American Fur Trading Co. and a thriving commercial salmon fishing industry.

Today, this history brings tourists to the city's monuments and museums, with many others passing through to the sport fishing at Warrenton and the fine beaches at Ft. Stevens State Park and Clatsop Beach where the wreck of the Peter Iredale lies decomposing on the sand.

Farther south, the resort communities of Gearhart, Seaside and Cannon Beach swell in summer yet, remarkably, have not quite lost an other-era attractiveness despite tourist hoards.

County Planner Richard Bewersdorff, a native Astorian, smiles out at September sunlight and says he is not worried—yet.

A large leg cast hides a torn cartilage in Bewersdorff's right leg, and you know how young he is when he says it happened in a basketball game. But he has been county planner since 1969, a resident here all of his life, and his concern for the future is both emotional and aesthetic.

BREATHING TIME GRANTED

"Our major concern is Clatsop Plain, where we expect the greatest growth in subdivisions and planned unit developments. At present, development is stalled due to a lack of sewer and water facilities, but this gives us time to prepare a comprehensive land use plan that we can coordinate throughout the rest of the county as well."

Breathing time for Bewersdorff has been provided by a state Department of Environmental Quality (DEQ) freeze on construction until sewer and water problems have been solved.

Impact of the Amax plant will be crucial in Bewersdorff's planning. The $120 million facility is to be constructed on a 650-acre site east of Warrenton and is expected to employ 800 persons.

"But," Bewersdorff adds, "the plant should generate additional growth, perhaps as much as 2,000 or 3,000 new residents to the area."

ECOLOGY STUDIED

Warrenton, with its growing salmon sports fishery, lies at the mouth of Young's Bay where that smaller estuary joins the vastness of the Columbia River entering the sea. Tidelands, marshes, clam beds and spawning grounds will have to be considered and Bewersdorff is working closely with the Oregon Coast Conservation and Development Commission (CCDC) on ecological and land use planning.

Much of the north Clatsop County beachfront is public land. Around the horn from the mouth of the Columbia, and as far south as Camp Rilea, Oregon National Guard training ground, clean, expansive beaches remain, untrammeled by commercial exploitation.

Near Gearhart, however, and as far south as Arch Cape, the county lies ripe for land speculation and continued commercial growth along Highway 101.

Typical of the Oregon Coast, U.S. Highway 101 is an umbilicus that divides the Coast Range from the sea. The highway drops straight south through most of Clatsop County—Gearhart, Seaside, Cannon Beach and prime open space lying to seaward.

PLANNING ADVOCATED

Still seen between the towns are small farms, grazing cattle and low, hummocky

fields where real estate signs stand out and the land is zoned residential.

"Outside of Seaside," Bewersdorff explains, "all the open space west of 101 is R–1 with a 35-feet height restriction. We must consider the future of high rise locations now and then consider their relationship to the beach and highway."

Like many young planners, Bewersdorff is an advocate of planned unit development on the coast—concentrated clusters of buildings leaving open space—an enlightened, yet very expensive method of land use.

"So far we haven't had the influx of developers like other coastal areas," Bewersdorff pointed out. "We've had perhaps a tenth of what they have in Tillamook and Lincoln counties.

PROGRESS NOTICED

But all is not at a standstill in Clatsop County. At Gearhart, beach mecca for generations of Oregonians, the staid, three-story Gearhart Hotel is vacant—a beached anachronism surrounded by a school of sleek condominiums.

Nearby, there are new homes, other multiple units, but, so far, the aura of respectable complacency has been retained.

Down the road, everyone knows about Seaside, place of the Lewis and Clark salt cairn and Oregon's most popular resort since stagecoach days. Action at Seaside in summer is predictable, with throngs crowding Broadway and the Promenade admidst neon carnival clatter.

Since the Labor Day riots of the early 60s, Seaside has squared itself away to recapture some of its lost visitors. The city is also seeking federal urban renewal funds for facelifting, some of which has already been carried out by local businessmen.

New development has not been rapid or gaudy, but there have been skirmishes with environmentalists concerned over high rises on the beachfront and condominiums at the mouth of the Necanicum River.

HIGH RISES FAVORED

Faced with the unpleasant alternatives of high rise or sprawl, Mayor Elvin Goodman, supported by a majority of the city council, favors high rise and has stated: "Someday the Prom will be all high rise, like Atlantic City. You just can't hold back progress. Land is too expensive for individual families You have to go up in the air."

Nevertheless, plans for an 11-story building were dropped by a developer this year—out of fear of pressure from environmentalists—and a 25-acre housing development proposed near the Necanicum estuary is presently in federal court, result of an alleged illegal landfill.

Skirting Tillamook Head, Highway 101 moves away from the sea and through heavy timber before returning to pass by Cannon Beach.

Rapidly becoming an artsy craftsy kind of place, Cannon Beach enjoys a semi-seclusion which attracts artists, musicians, writers and builders of sand castles. There are motel and restaurant owners, too, however, but not to the point of saturation.

CANNON BEACH SPARED

Removed from the mainstream of 101, Cannon Beach has been spared overwhelming beach town blight yet recent environmental altercations have occurred to embroil ecologists, developers, residents and the state of Oregon.

Currently, there is a lingering conflict over a proposed 175-unit condominum on a 10½ acre site north of Elk Creek. Despite claims of developers, the state contends the project would block public beach access and ecologists are concerned for the fragile primary dune.

Back on 101, which leaves Clatsop County south of Cannon Beach near Arch Cape, developers are at work on a large roadside subdivision, moving heavy equipment and sewer pipe against a diminished backdrop of Haystack Rock.

In Astoria, Bewersdorff points at a map like all planners do and reflects: "Population growth is slow now, but when it comes we're going to be ready. I'd hate to see us go hog wild on development.

"For so long," he adds, "there has been so little development that I'm afraid people might get carried away and do it all wrong. It's the natural character of the county that people come to enjoy. That's what brings them here now and that's what will bring them here in the future. It must be preserved."

[From the Oregonian, Sept. 21, 1971]

PLANNING FIGHT BOILS WITH TILLAMOOK COUNTY COAST AT STAKE

(By Paul Pintarich)

(NOTE.—Third in a series.)

Tillamook County has long been described by the chamber of commerce as an idyllic land of "cheese, trees and ocean breeze."

Mainstays of the economy are still dairy farming and cheese making, lumbering and fishing, with recreation gaining and considered prime for boundless growth.

From Arch Cape south to Cascade Head, the county offers 75 miles of some of Oregon's finest coastal scenery. Included among natural features are Tillamook, Netarts and Nehalem bays, Neah-Kah-Nie Mountain and nearby Oswald West State Park, capes Lookout and Kiwanda, as well as a multitude of beaches, forests and streams.

Beneath this beauty, however, are enough planning and environmental dilemmas to fill the scenario of a grade 'B' movie.

The cast would include a besieged planning director, a controversial planning commission, a bewildered board of county commissioners and an increasingly aware, irate number of residents and landowners.

CONTROVERSY RAGES

There is also a struggling country newspaper, its staff dedicated to principles of environmental preservation.

Plot action, reaching a climax, swirls around a 50-unit, $500,000 motel-restaurant on a Twin Rocks sand dune, a trailer court nearby, proposed rerouting of U.S. Highway 101 north of Neskowin and threatened encroachment of subdivision development into limited agricultural land.

Intrigue is heightened by allegations about the nine-member County Planning Commission—six of whom are in real estate, development, building or building supply. (The other three are a dairy farmer, phone company executive and an attorney.)

Incensed over alleged planning commission conflicts of interest as well as inadequate zoning restrictions, a resident group—Home Owners in Tillamook County—is circulating petitions for a reconstitution of the planning body.

Ironically, in the last month some planning commission members have twice called for the dismissal of Planning Director Richard Smith, who has opposed motel and subdivision projects he feels could be detrimental to the environment.

Commissioners alleged Smith failed to prepare proper minutes of meetings and said he erased tape recordings of meetings without consulting commissioners. They also accuse him of spending too much time on "other activities."

Smith, a harried, heavy-set, heavy-smoking man, is the county's third planning director in seven years of the department's operation. He's been on the job three years.

Smith is growing battle weary, but he is bolstered by increased public support for planning reform. "We used to have planning meetings where maybe only one person would show up," he said, "now, I'd like to sell tickets."

In addition to the motel at Twin Rocks, Smith is concerned with proposed subdivisions in the Nehalem Valley, what he terms "schlock" along Highway 101 and environmental damage from "quickie" developments near Oceanside and Neskowin. He also has a responsibility of the county's many dairy farmers, who are angered over the loss of farmland to other uses.

Tillamook County's comprehensive plan calls for extensive studies of the area's geology, biological resources and flood plains. Smith would also like to see the county's estuaries zoned for proper ecological control, and he is in agreement with the policies of the Oregon Coastal Conservation and Development Commission.

PEOPLE IMPATIENT

But Smith must first await the outcome of continuing internecine squabbles before returning to effective planning.

"For so long," he said, "this area has been underdeveloped and relatively isolated. Now the people want to move immediately into rapid development and many don't care what kind of schlock comes in.

Those who do, however, support Smith through groups such as the Oregon Shores Conservation Coalition and the Oregon Environmental Council, which have made their presence known at public meetings—notably the recent State Highway Division hearing on an alternate routing of Highway 101.

Smith also mentions outside money involved in land speculation, stating, "it's a paradox. Some want outside dollars and development, but they don't want outsiders to live here."

He emphasizes the need for coastal design zones to aid comprehensive planning, and contends the planning commission has little understanding of what a comprehensive plan is.

"We need a commission that seeks the needs of all people, not just the developers. It's unthinkable to consider a commission like ours in this time."

He is adamant in reminding, however, that he is not against development. "I want good development," Smith said, "but with proper planning."

Jeff Brennan, chairman of the Board of County Commissioners, smokes a pipe and says everything needs to be calmed down so effective planning can continue.

"I think there are a few things which have to be rebalanced," he said. "We can't have the continued confrontations between the people and the planning commission."

Caught between the people and the Planning Commission, the county's three commissioners have defended Smith, and in August ordered a halt to all planning activity in the county to allow time to draw a new zoning ordinance.

NEW ZONING ORDERED

They have stated: "The (present) ordinance is deficient in providing for the proper zone types for a rural seacoast county. Additionally, the poorly written and deficient text of the existing zoning ordinance provides legal loopholes which defeat the objectives of sound zoning practice."

The bulk of Tillamook County is zoned A–1 (low-density, residential, agricultural, forestry and recreation) which, according to Smith—and a number of irate residents—allows just about anything.

"We feel planners should get into more responsibilities," Brennan explained, adding, "we don't want growth unless it's in an orderly fashion."

Outside the courthouse, away from the tumult and anger, Tillamook County still enjoys fresh air-fanned open spaces and miles of beaches not yet marred.

South of Tillamook, the controversy over rerouting 101 is in its fifth year, with the establishment and dairy farmers in favor

and in opposition to a large number of residents and environmentalists.

AWARENESS GROWS

At Cascade Head, the county awaits federal protection and there are many wary eyes on those who would develop one of the coast's finest unspoiled forest areas.

Neskowin has been invaded by a huge condominium and a state widening of 101, which has angered even Gov. Tom McCall, but the people are aware now, watching every move with involved interest.

A spokesman for the new awareness is the struggling North Coast Times-Eagle (3,000 circulation) operating the past year out of an old bank building in Wheeler.

Editor Robert Need and Publisher Dave Lardy have a staff of eight—and whoever comes in the door—and the air in charged with crusading journalism.

Need, whose office is in the vault, is a 20-year, retired Air Force master sergeant and he's campaigning against the establishment.

"We're working on the planning commission, the developers, and we're gaining support from the public—both in the urban areas and on the farm. For once, the people feel they have a newspaper of their own. It's always been my ideal to have a newspaper in which I could print the truth. It will be interesting to see what happens."

[From the Oregonian, Sept. 22, 1971]

LINCOLN CITY STRIVES TO IMPROVE IMAGE BY PLANNING FOR PEOPLE

(By Paul Pintarich)

(NOTE.—Last in a series.)

No native Oregonian needs to be told that in the last 10 years Lincoln County has become the controversial focal point of coastal development.

From Cascade Head south 52 miles to the tiny village of Yachats, Lincoln County offers some of the most spectacular scenery in the state—scenery that has attracted hordes of tourists, developers and subsequent sprawl and blight along Highway 101.

This is the county that earned the unfortunate sobriquet "20 Miserable Miles"; this is also the county working to live down the title through mounting public support for effective planning.

Most criticism is aimed at Lincoln City, an incorporation of former small towns which has become synonymous with bright lights, bad traffic and the "honky tonk" cliche.

Henry (Buz) Florip, chairman of the Lincoln City Planning Commission and manager of station KCBH, believes in a campaign of public awareness through the recently formed "Congress for Community Progress," a citizen planning advisory group.

Unofficial citizen participation actually began last year when a proposed highrise condominium was defeated by public wrath. The city charter has been amended to restrict city and beach front buildings to 30 and 45-feet.

"We also have a design ordinance," Florip adds, "and billboards will be phased out within the next two years. We're not for or against anything categorically, but judge proposals on their own merits."

Within Lincoln City, new developments have been closely watched. The massive Inn at Spanish Head and a new condominium scheduled for construction immediately adjacent received conditional use approval, their heights carefully within limitations.

The new, low and sprawling "Sea Gypsy Motel," at the mouth of the D River, however, has caused concern among those who know high winter tides. The motel has been open a month.

Florip is optimistic about the future. "People are beginning to realize that success brings success and there is more response to effective planning," he said. "Traditional concepts of 10 or 15 years ago are changing. Local businessmen are starting to say 'lets keep the place desirable. We can't treat the tourist as an evil. They come here because it's enjoyable and this mustn't be destroyed.' It's called planning for people."

North of Lincoln City, on the precious Salmon River floodplain, there is an amusement park called "Pixieland." Contrasted against the surrounding natural beauty, it speaks for itself.

Across 101, however, where the Salmon River winds to Lands End and the sea, developers have staked claim to 230-acres they call "Tamara Quays," whose brochures proclaim: ". . . an unusually attractive environment in which to live, appealing especially to fishing and hunting enthusiasts, artists and others who would be attracted to the central Oregon coastal country."

Planned are mobile home sites, a "trailer camper condominium subdivision," with private lakes, canals and other amenities that environmentalists say will destroy the last remaining undiked salt marsh in the estuary.

Mention Tamara Quays to County Planning Director Lynn Steiger and he winces. Steiger, supported by residents, businessmen and public officials, has just completed a zoning ordinance for all lands and water in Yaquina Bay.

Called a landmark in natural resource and waterway zoning, the Yaquina study was spearheaded by a task force formed, according to Gov. Tom McCall, "out of sheer terror"—the threat of an oil refinery locating on the bay.

CARTOON USED

Under the new zoning, industry, recreation and natural resources are specifically categorized and will hopefully remain in balance in perpetuity. The Oregon State University Marine Science Laboratory is on the bay, but Steiger and McCall feel it serves as a watchdog for the area and the entire coast as well.

Steiger is young, optimistic, with a sense of humor that is revealed on the cover of the county zoning regulations: A Bill Mauldin cartoon with an industrialist father standing with his son amidst a nightmare of factory pollution. The caption reads: "Someday, my boy, this will all be yours."

Steiger supports the Oregon Coastal Conservation and Development Commission (OCCDC), but feels local planners have the real responsibility for the future.

Outside of Newport and Yaquina Bay, Steiger looks forward to similiar zoning work at Alsea Bay at Waldport, and in the Siletz River estuary south of Lincoln City.

Steiger's problems are higher than tidewater now, he explains, emphasizing his concern for floodplain agricultural land being taken for recreational subdivisions.

"People here, especially in the rural areas, are not professional planners. We have to keep them from chopping up the land indiscriminately. We spend much of our time fighting these backfires."

COASTWIDE PLAN WANTED

East of the coastal strip tied by Highway 101, most of Lincoln County is private or public timberland. Outside of Lincoln City, Depoe Bay and Newport, the coast is fairly free, much of its preserved as parks.

Zoning controls height and density outside incorporated areas, with most beach front property zoned residential. The smaller communities, the Waldport and Yachats, receive planning assistance from Steiger's staff.

"What I would really like to see is a total land use plan for the entire coast," Steiger said. "We must decide now where we want to place high rises, subdivisions and still facilitate commercial growth and industry without destroying natural beauty."

Out of Newport, south on 101 along the fine, wide beaches, nature still retains the upper hand. Seal Rock is an inoffensive widening in the road, the nearby motels and restaurants are scattered and many retain a comfortable character of 10 years ago.

At Waldport there is more. Across the town, on the sandspit flattening north of Alsea Bay, the Pat Boone Inn hugs the water and someone has planted dune grass in neat rows. Behind, there are new beach cabins perched on the fragile primary dune, prone to erosion and change, and nearby are the signs, streets and sewers of a subdivision waiting to happen.

"We see the growth, what is happening there," Steiger says, "but we have time now, and hopefully the support to make sure the future goes well."

The county ends a few miles south of Yachats, still little more than a collection of buildings on a sharp bend in 101. There are open spaces, a few polite motels and an uncrowded gathering of homes in green fields above the ocean.

A woman ponders the future of the area and says, almost angrily, "Well, you won't see any of that crummy development around here. We like the beauty of this place and we aim to keep it that way. Not just me, but all of us."

SCHOOL LUNCH PROGRAM

Mr. McGOVERN. Mr. President, yesterday the Committee on Agriculture and Forestry reported favorably Senate Joint Resolution 157 which was introduced recently by the distinguished Senator from Georgia, chairman of that committee (Mr. TALMADGE). I was one of those who voted in the affirmative.

I urge Senators on both sides of the aisle to join in support of this joint resolution when it comes to the floor of the Senate. Senate Joint Resolution 157 has as its purpose "to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act." I am sure that the immediate question in the mind of every Senator is why, after passing amendments in 1970 to this act which instill in every poor child the Federal right to a free or reduced price lunch, we have at this time to follow up our commitment with a joint resolution to "assure" that that right is protected.

The key, in my mind, to this entire crisis faced by the lunch program today lies in the appropriations controversy of last spring. At that time the USDA requested of Congress the exact same appropriations for child nutrition programs as they received in the previous fiscal year. This was in spite of the fact that the participation of needy children in the program jumped from 5 million in May 1970 to 7.3 million in May 1971. This was in spite of the fact that Congress and President Nixon signed Public Law 91-248 in May 1970 which guaranteed that "any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at a reduced cost"—my emphasis—Mr. President, there are today at least 9 to 10 million such eligible children

How does USDA possibly think that it can squeeze an expanding and vital program, beset as is everything else by gross inflationary pressures, into a clearly inadequate budget? The answer lay in the reimbursement levels which the States

are allowed to use for subsidizing the school lunches. In March, April, May, and June of the last school year, the States were allowed to reimburse at a level of 12 cents for section 4—general assistance—and 48 cents for section 11—special assistance for the needy. Thus, the total reimbursement for a lunch served to a poor child was 60 cents.

On August 13, 1971, just weeks before schools were to open, the Department issued proposed regulations which would require the States to maintain an average rate of reimbursement of 35 cents, 30 cents for section 11 and 5 cents for section 4. Thus, to reimburse one poor child's lunch at 60 cents, a second poor child's lunch would have to be reimbursed at 10 cents. Is this not robbing Peter to feed Paul? Unfortunately, in this tragic situation, both Peter and Paul are poor children. How do we justify this in light of the clear mandate of Public Law 91–248? We cannot. USDA cannot. OMB cannot. If anyone can, then hungry children will remain unfed.

The resolution introduced by Senator TALMADGE in recognition of the fact that the proposed reimbursement rate is not adequate to enable the States to continue participation in the lunch program and to solidly achieve the stated goals of Public Law 91–248, authorizes the Secretary of Agriculture to use as much of the funds appropriated by section 32 of the act of August 24, 1935—7 U.S.C. 612c—as is necessary to carry out the purposes of section 11 of the National School Lunch Act, the provisions relating to special assistance for children from poor families, and with these funds, to provide a rate of reimbursement which will assure every needy child a free or reduced price lunch during this fiscal year. This authorization will remain in effect until such time as the Congress may provide an adequate supplemental appropriation. When Congress does so, the funds used from section 32 shall be returned so that they may be available for their original purpose.

Mr. President, when I learned of the proposed regulations, I immediately sent a letter of objection to Secretary of Agriculture Hardin. Shortly thereafter, I called an emergency hearing of the Senate Select Committee on Nutrition and Human Needs, of which I am chairman, to hear from State directors on the effects of the regulations if they were to be made final, and to hear an explanation of their alleged necessity from the Department and the Office of Management and Budget. Mr. Shultz, the Director of OMB declined our invitation to testify. Assistant Secretary Lyng represented USDA.

Of the effects of the regulations, I heard, along with other members of the committee, that the program would, in the words of 37 State directors, "be brought to a screeching halt" in terms of fulfilling the mandate of Public Law 91–248. I heard from the Department no satisfactory explanation of the need for this cutback in reimbursement rates.

In further response to USDA's failure to explain these regulations, a letter, promulgated by Senators COOK and HART and cosigned by 42 other Senators, was sent to President Nixon requesting his intervention in the matter. We have had no substantive response to that letter to date.

I cannot discover any other reason that could be offered for the proposed regulations other than an intent to curb the expansion of the program in order to conserve funds under the budget requested for fiscal year 1972, a budget that I have all along claimed to be inadequate in terms of expanding the program to reach all needy and eligible schoolchildren. The Department's actions in proposing these regulations only 3 weeks before school was to start and allowing for a period of comment of only 15 days is such an abuse of its regulatory power as to show a complete disregard for the responsibilities and obligations of the States regarding this program. This raises questions regarding the seriousness of such programs as revenue sharing which are to be directed at assisting the States in fulfilling their obligations and responsibilities.

Accordingly, Mr. President, I regard the swift passage of Senate Joint Resolution 157 as essential to the sincerity of Congress in giving poor children a right to a free or reduced price school lunch.

I urge Senators, once again, to give their full support to this vital measure proposed by the distinguished Agriculture Committee Chairman, Senator TALMADGE.

I wish to extend to the Senator from Georgia congratulations for his fine leadership in handling this matter. Senator TALMADGE has demonstrated that his word is unshakeable, and his commitment is among the strongest I have seen on this issue. We are all in debt to Senator TALMADGE for his role in seeing that Congress and the Nation fulfill their pledge to eliminate finally hunger among our schoolchildren.

OIL COMPANIES EXPENDITURES ON NATIONAL ADVERTISING

Mr. METCALF. Mr. President, I believe that Senators should know that some oil companies spend more on national advertising than they do on Federal income taxes. I ask unanimous consent to have printed in the RECORD a report by the Legislative Reference Service of the Library of Congress regarding this matter.

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

FEDERAL INCOME TAX PAYMENTS AND EXPENDITURES FOR NATIONAL ADVERTISING IN 3 MEDIA[1] BY THE LARGER OIL COMPANIES, 1969

	Federal income tax payments	National advertising expenditures
Standard (New Jersey)	$265,789,000	$5,091,076
Texaco	7,250,000	2,623,504
Gulf	4,264,000	11,762,475
Mobil	41,800,000	4,004,221
Standard (California)	10,900,000	1,312,321
Standard (Indiana)	64,200,000	3,283,081
Shell	5,464,000	10,259,366
Conoco	3,394,000	179,018
Atlantic	4,063,000	1,096,311
Sun	48,207,000	2,486,860
Phillips	24,231,000	4,104,498
Union	8,800,000	511,443
Marathon	3,250,000	$234,110
Cities Service	27,254,000	330,545
Standard (Ohio)	42,601,000	210,592
Getty	11,400,000	36,849
Sinclair[2]		
Tidewater[3]		
Ashland	27,480,000	592,929
Sunray DX[4]		
Skelly	NA	NA
Pure[5]		
Richfield[6]		
Total	600,347,000	48,119,199

[1] Magazines, newspaper supplements, and network television.
[2] Merged into Atlantic Richfield Co., Mar. 4, 1969.
[3] Merged into Getty Oil Co.
[4] Subsidiary, Sun Oil Co.
[5] Pure Oil Co. merged into Union Oil of California.
[6] Now Atlantic Richfield.

NA—Not available.

Source: Congressional Record, Vol. 116, Pt. 22, p. 29196. National Advertising Investments in Magazines, Newspaper Supplements, and Network Television, January–December 1969 Leading National Advertisers, Inc., Norwalk, Conn.

PHASE II AND THE APPAREL INDUSTRY

Mr. HATFIELD. Mr. President, in a move as sweeping as the President's wage-price freeze, certain inequities are bound to arise. One such problem area was pointed out to me by Robert Roth, president of Jantzen—who all my colleagues recognize as one of the leaders in the apparel industry. Portland, in fact, is headquarters for two other leaders in the apparel industry, White Stag and Pendelton.

The problems encountered by the apparel industry in phase I can be alleviated by proper planning in phase II. When companies have seasonal pricing, the situation can put a critical squeeze on the abilities of these companies to survive, much less to grow.

Mr. Roth set out Jantzen's particular facts in a recent letter and when he and I discussed this in Washington, he provided me with a statement from the industry.

Mr. President, I ask that these points be considered carefully as the phase II plans are formulated. The true merits and success of such guidelines in our efforts to solve our economic problems will be enhanced when particular problems are considered carefully by those who will determine the policies of phase II.

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

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

JANTZEN,
September 9, 1971.

Hon. MAURICE H. STANS,
Secretary of Commerce,
Washington, D.C.

DEAR MR. STANS: In response to your wire of September 3, the Wage/Price freeze will have substantially no effect on Jantzen earnings for the third calendar quarter and very little effect in the fourth. This is because our company deals with its customers on long lead times and, before the freeze, we had already received the very great bulk of the orders which we will ship this year. However, a continuation of the freeze would have a very adverse effect on our earnings for calendar 1972. The continuing uncertainty as to prices on orders for future delivery is pres-

ently a matter of great and increasing concern for us.

Our company is prepared to make sacrifices to support the President's program to control inflation. However, recent interpretations have placed an undue share of the burden upon companies like Jantzen which have long lead times, particularly if they also have seasonal marketing patterns.

The overall concept of the President's program is to freeze prices at their levels during the 30 days ending August 14. While the Executive Order and previous interpretations of the Cost of Living Council and the Office of Emergency Preparedness would appear to indicate that "price" meant those prices at which salesmen were actually dealing with customers during the base period, last week's interpretations indicate that "price" means the prices at which a company is invoicing its customers for *shipments* during the base period.

This interpretation is of little importance to companies which price their products, receive their orders, and ship their merchandise within a relatively short time span. A good illustration would be an oil refinery which posts its prices and price changes frequently and which normally delivers products ordered almost simultaneously with receipt of the order. The same would be true of many chemical companies and, for that matter, almost any company which promptly ships its orders out of an on-hand stock of merchandise.

The situation with companies having long lead times is quite different. As an example, during the base period, Jantzen was invoicing customers for merchandise we sold to them starting in February. The merchandise which our salesmen were selling during the base period in August, 1971 (and at the present time) will not be shipped and invoiced, for the most part, until Spring of 1972. Furthermore, the kind of merchandise which we were selling during base period was sufficiently different from the kind of merchandise which we were then shipping and invoicing, that it is doubtful the merchandise invoiced during the base period would form a basis for ceiling prices for the merchandise our salesmen were then selling. In order to find merchandise of a similar kind, we would have to go back to the sales of Spring-Summer clothing we started making in August of 1970.

The effect of these regulations is that companies who sell out of stock or with relatively short lead times are frozen to their prices of August, 1971. On the other hand, Jantzen with its seasonal lines and long lead times, may be frozen to the prices at which we were selling in August of 1970.

Not only is this discriminatory with respect to Jantzen and companies similarly situated, the probable financial consequences to our company are most serious. Over the last year we (and most other companies) have posted substantial price increases. These price increases were not calculated to enable us to increase our earnings, but only to make it possible for us to maintain our earnings by covering our increased costs. Our reported earnings for the first three quarters of our current fiscal year are approximately 3% of our net sales. The rate of all of last year was 2.8%. In 1969 it was 3.6% and in 1968 it was 4%. (1968 was a 10-year high point.) Considering this level of earnings on sales (which is typical of our industry), the consequences to this company could be most serious if we must now sell our 1972 Spring-Summer lines at the prices we posted in August 1970.

We are aware that the current freeze is scheduled to end November 13. However, all present indications are that price controls will be continued beyond that date. Even though our merchandise may be delivered after November 13, we face the threat of a roll-back.

This is a matter to which we have had no opportunity to react. Our lead times are such that we had already designed our line, priced it, showed it to customers, and sold it at the time of the President's freeze announcement.

It is our plan to seek an interpretation permitting companies with long lead times between orders and shipments to use the prices at which they were actually dealing with customers during the base period as a basis for their ceiling prices. This would only put us on the same basis as companies which received orders *and* made shipments against those orders during the base period. Without it, companies with long lead times—particularly those with seasonal markets—face roll backs, while the other companies only face a freeze.

This affects not only us, but also many other companies in our industry. It will certainly be disruptive and become a counterproductive force in attaining the President's objective of stabilizing employment. It will also weaken our industry as a whole and make it less able to deal with the intense foreign competition we face, which will be counterproductive to another of the President's objectives.

Our General Counsel, Franklin H. Mize, will be in Washington next week talking with the Washington offices of our trade associations and with our Congressional delegation concerning the President's economic policy. I would much appreciate the opportunity of having him meet with you to discuss the problems I raise in this letter and to answer any questions you may have about our company or industry. May he call you?

Sincerely,

ROBERT W. ROTH,
President.

COMPANIES IN THE APPAREL INDUSTRY CHANGE THEIR PRODUCT LINES TWO OR MORE TIMES EACH YEAR ON A SEASONAL BASIS AND WILL BE SERIOUSLY DAMAGED IF PRICE CEILING INEQUITIES OF THE WAGE-PRICE FREEZE ARE CARRIED INTO THE PHASE II PROGRAM OF ECONOMIC CONTROLS

During the base period used to establish ceiling prices under the President's Wage-Price Freeze Order, most apparel companies were shipping their Fall and Winter lines but were taking orders (or were about to start taking orders) for Spring and Summer merchandise. In this industry, products are typically offered by sellers and ordered by their customers as long as six months before the products are to be delivered.

The apparel companies had contracted for fabrics and were starting (or were about to start to manufacture) their new lines when the wage-price freeze was announced. The bulk of these new lines will not be shipped to stores until the Spring of 1972 and, except for samples, substantially none was shipped during the base period.

Since apparel companies had no shipments of their new lines in the base period and since product lines for different seasons are substantially different (both in construction and in price), under the present regulations, ceiling prices for these new lines would be established by the prices at which these companies sold their previous year's Spring and Summer merchandise. If these same regulations become part of the Phase II Price Control Program, it will mean that such companies will have to reduce prices on orders taken in August *1971* to the price levels at which they took orders for similar merchandise in August *1970*.

Over the last year, prices in the apparel industry have increased approximately 5%. Typical after tax earnings in this industry may range from 2–5% of sales. A price rollback of 5% would be most damaging to many companies in the industry.

These inequities of the wage-price freeze will be alleviated during the period of Phase II Economic Controls if sellers with seasonal lines and long lead times between the taking of orders and the making of shipments are permitted to use the prices they established during the base period as evidenced by orders taken from customers during that period. Such sellers who did not take orders for Spring-Summer merchandise during the base period should be allowed the alternative of determining their ceiling prices under the regulation presently prescribed for determining their ceiling prices under the regulation presently prescribed for determining ceiling prices on new products. This generally provides that the ceiling shall be the ceiling prices prevailing for comparable products.

The apparel industry is composed of over 24,000 units and has no group of companies which dominates or controls the sales of any segment of the industry. Individual firms have very little discretion over their prices because price competition from both domestic and foreign apparel producers is intense and can be counted upon to keep prices in line.

RULES OF COMMITTEE ON PUBLIC WORKS

Mr. RANDOLPH. Mr. President, pursuant to section 133B of the Legislative Reorganization Act of 1946, as amended, the Committee on Public Works has adopted rules governing the committee's procedure.

I send to the desk a copy of the committee's rules as adopted and ask that they be printed in the RECORD, as required:

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

UNITED STATES SENATE COMMITTEE ON PUBLIC WORKS

I. RULES OF PROCEDURE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the Committee shall be the first and third Thursday of each month at 10:00 A.M. except that if there be no business before the Committee, the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, Committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the Chairman. Subcommittee meetings shall be called by the chairman of the respective subcommittee. Notice of a meeting and the agenda of business to be discussed by the Committee will be provided to all Members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking minority Member. Such 24-hour notice may be waived in an emergency by the Chairman with the concurrence of the ranking Minority Member.

Rule 3. *Open Committee Meetings and Executive Sessions.*—Meetings of the Committee, including hearings shall be open to the public except during executive sessions for marking up bills or for voting, or when the Committee, by majority vote, orders an executive session, or as required by section 133A(b) of the Legislative Reorganization Act of 1946, as amended.

Rule 4. *Presiding Officer.*—(a) The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the ranking majority Member who is present at the meeting shall preside.

(b) Subcommittee chairmen shall preside at all meetings and hearings of their respective subcommittees, except that in the absence of the subcommittee chairman, the Vice Chairman or ranking majority member of the subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed

by subsections (a) and (b), any Member of the Committee may preside over the conduct of a hearing.

Rule 5. *Quorums.*—(a) Except as provided in subsections (b) and (d), nine Members, one of whom shall be a Member of the minority party, shall constitute a quorum for the conduct of business.

(b) Quorums for the conduct of business by the subcommittees shall be a simple majority of the membership of the subcommittee with at least one minority member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business in executive session, the Committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in (a), one Member shall constitute a quorum for the purpose of conducting a hearing.

RULES OF PROCEDURE

Rule 6. *Proxy Voting; Polling.*—(a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the Committee or any subcommittees. Any Member who is unable to attend the meeting may submit his vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent Committee Member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the Chairman, after consultation with the ranking minority Member, Members who are unable to be present and whose vote has not been cast by proxy may later have their position recorded on any vote.

Rule 7. *Public Announcement of Vote.*—Whenever the Committee by rollcall vote reports any measure or matter or acts upon any measure or amendment thereto, the report of the Committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee.

Rule 8. *Announcement of Hearing.*—The Committee, or any subcommittee thereof, shall make public announcement and provide notice to Members of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the Committee Chairman or subcommittee chairman, with the concurrence of the ranking minority Member, determines that there is good cause to begin such hearing at an earlier date, in which event not less than twenty-four hours notice shall be given.

Rule 9. *Statements of Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing of the Committee or any subcommittee thereof shall file a written statement of his proposed testimony not later than noon of the last business day preceding the day on which he is scheduled to appear. At the time of his appearance, he shall supply for the use of the Committee or Subcommittee 25 copies of his prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness not read his written testimony and to confine his oral presentation to a summary of his statement.

RULES OF PROCEDURE

Rule 10. *Regularly Established Subcommittees.*—The Committee shall have five regularly established subcommittees as follows:

Subcommittee on Flood Control-Rivers and Harbors

Subcommittee on Air and Water Pollution

Subcommittee on Economic Development

Subcommittee on Roads

Subcommittee on Buildings and Grounds

Rule 11. *Special Subcommittees.*—With the concurrence of the ranking minority Member the Chairman shall, from time to time, establish such special subcommittees as he deems necessary to expedite Committee business.

Rule 12. *Subcommittee Membership.*—Following consultation with the majority Members and the ranking Minority Member of the Committee, the Chairman shall announce selections for membership of the Subcommittees referred to in Rules 10 and 11.

Rule 13. *Environmental Impact Statements.*—No project shall be approved or other action taken unless the Committee has received an environmental impact statement relative to it, in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with Section 309 of the Clean Air Act.

Rule 14. *Naming of Public Facilities.*—No building, structure or facility, authorized by the Committee shall be named for any living person, except former Presidents of the United States or former Members of Congress over 70 years of age.

Rule 15. *Committee Resolutions.*—(a) The Chairman is authorized to certify and pass on Committee resolutions for review of flood control and river and harbor reports and resolutions for studies of public building projects, and forward the resolutions to the appropriate Federal agency.

(b) Proponents of Committee resolutions shall submit appropriate evidence showing need for review of reports on river and harbor and flood control projects.

Rule 16. *Amendment of Rules.*—The rules may be added to, modified, amended or suspended by a majority of the Committee Membership.

CONCERN ABOUT FEDERAL ELECTION CAMPAIGN ACT OF 1971, S. 382

Mr. CANNON. Mr. President, I wish to express my very serious concern over the present status of Senate Bill 382, the Federal Election Campaign Act of 1971, passed in the Senate by a vote of 88 to 2. The bill was referred to the House on September 8, 1971, and I am advised that it has not yet been referred to appropriate committees of the House.

The House Committees on Interstate and Foreign Commerce and on Administration have been holding hearings on various proposals and marking up some House sponsored bills, but S. 382 has not officially been presented to either of those committees for consideration.

It is not my intention to cast doubt upon the integrity or the honest intentions of Members or committees of the House of Representatives, but if there is to be a meaningful and effective election reform bill enacted prior to the 1972 election campaigns, then it is high time for bipartisan, concerted action in the other body so that both Houses of Congress may iron out their differences in conference on a bill at an early date.

Mr. President, I have served as chairman of the Senate Subcommittee on Privileges and Elections continuously, except for short periods when I stepped down to seek reelection myself, since January 1959, when I was first sworn in as a Senator.

During the ensuing years I have sponsored election reform bills in every Congress. Hearings were held, studies conducted, and reports filed urging the adoption of new laws in place of the obsolete Federal Corrupt Practices Act of 1925—a 46-year-old law.

On January 25, 1960, the Senate passed S. 2436. On September 15, 1961, the Senate passed S. 2426. On September 12, 1967, the Senate passed S. 1880. And, on August 5, 1971, the Senate passed S. 382.

Each of those Senate passed bills contained major revisions of election laws governing campaign contributions and expenditures and the specific public disclosure of political financing. Any one of the would be a 100-percent improvement over the existing Corrupt Practices Act. Unfortunately, S. 2436, S. 2426, and S. 1880 all expired at the end of the respective Congresses. Only S. 382 survives, and I fervently hope that the bill, or one substantially identical in scope, will be passed by the House and signed into law by the President in the very near future.

Mr. President, during the 91st Congress the President vetoed S. 3637, a bill to limit political spending for broadcast media. In his veto message the President complained that S. 3637 did not limit spending on nonbroadcast media—newspapers, magazines, billboards, and the like.

Therefore, at the beginning of the 92d Congress, the distinguished majority leader (Mr. MANSFIELD); the distinguished chairman of the Subcommittee on Communications (Mr. PASTORE); and the junior Senator from Nevada (Mr. CANNON) cosponsored S. 382 a comprehensive bill designed to provide a whole new approach to broadcast and nonbroadcast media spending, public disclosure of all receipts and expenditures by all candidates and political committees for all elections, and tax incentives for political contributions.

The Subcommittee on Communications of the Committee on Commerce and the Subcommittee on Privileges and Elections of the Committee on Rules and Administration, held many days of public hearings, followed by several days in executive session to draft, on a bipartisan basis and with mutual cooperation of all of those committees, a responsible and effective election reform act.

Every effort was made to hammer out a bill which would meet the demands of current and future political campaigns. Every effort was made in the Senate, on the 3d, 4th, and 5th of August 1971, to consider fairly the many amendments which were offered in order to achieve maximum support for the best bill possible. Many of the amendments were accepted as fair and desirable improvements in the text.

The provisions of the bill reflect the earnest and deliberate actions of the Senate as a body.

I believe that S. 382 meets the objections voiced by the President in his veto message. It has received expressions of approval from spokesmen of the Department of Justice, and it has been given the overwhelming approval of the Senate by 88 to 2. It now deserves to be given

honest consideration by the House of Representatives.

I sincerely hope, Mr. President, that the work of the Senate will not again have been in vain.

Mr. President, I ask unanimous consent that these be printed in the RECORD an article entitled "Election Reform Periled," written by Don Oberdorfer and published in the Washington Post of September 28, 1971.

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

ELECTION REFORMS PERILED—2 BILLS PERMIT LESS REPORTING, MORE SPENDING

(By Don Oberdorfer)

After many months of consideration on Capitol Hill, including passage by the Senate, campaign spending reform is in serious trouble in two House committees.

White House operatives have been meeting with key Republican legislators to discuss strategy, and some senior GOP lawmakers have reportedly told their colleagues that the entire campaign reform effort should be scuttled in committee. House Republican leaders are scheduled to meet today to discuss the party position on the matter.

House Republican Leader Gerald Ford (Mich.), who is a sponsor of a bipartisan campaign reform bill submitted earlier this year, is reported to be resisting suggestions that reform plans be bottled up in committee.

The versions of campaign reform pending in two House committees are now studded with loopholes and other provisions permitting even greater campaign spending and less public reporting than at present. Both committees are expected to meet within the next few days for final markup sessions on their "reform" plans.

The House Commerce Committee, which is considering communications aspects of campaign reform, adopted an amendment last Thursday by Rep. Lou Frey Jr. (R-Fla.) which greatly increases the sums which candidates could spend on broadcast advertising.

As originally drawn by a subcommittee, the plan would have limited candidates to five cents times the voting age population for broadcast advertising, and another five cents for non-broadcast media such as newspapers or magazines. The Frey amendment eliminated the division between the two kinds of expenditures, allowing up to 10 cents for both media purposes.

By far the greatest spending for media in statewide and national campaigns is for broadcast advertising. The Frey amendment would in effect double the permissible amount for this purpose. Under this plan, a presidential candidate could spend up to $13.9 million in the general election for broadcast advertising, a U.S. Senate candidate in the general election could spend up to $1.2 million in New York, $1.4 million in California, $758,000 in Texas and so on. These sums are considerably greater than those spent for broadcast ads in recent races featuring near-saturation media campaigns and vast sums being raised and spent.

Frey said yesterday he proposed his amendment because of an objection to "discriminating" against broadcast spending, but suggested that the total limit should perhaps be reduced to make it effective.

Another version of campaign reform under consideration in the House Administration Committee would require candidates and political committees to submit a report on spending and contributions 45 days after the election, too late to affect the decision of the voters. The committee has tentatively decided to require another report 10 to 15 days before the election. This falls far short of the quarterly reports for political committees now required under the Corrupt Practices Act, which would be repealed.

The committee adopted an expenditure limit of six cents per person in federal elections for all campaign spending, with a minimum of $50,000 which would apply to most House races. However, an amendment by Rep. Jonathan Bingham (D-N.Y.) last week defined the expenditures covered as those made at the direction, request or "with the consent" of the candidate or any political committee supporting his election.

Federal office-seekers often make only token reports of their contributions and receipts under the present Corrupt Practices Act because it has been interpreted to apply only to the money transactions taking place with their "knowledge or consent." Bingham said yesterday he did not intend to open a new loophole, but was seeking to deal with a constitutional problem in proposing his amendment restoring the "consent" concept.

AGREEMENTS TO REDUCE THE RISK OF OUTBREAK OF NUCLEAR WAR BETWEEN THE UNITED STATES AND THE SOVIET UNION

Mr. COOPER. Mr. President, this week marks the 10th anniversary of the establishment of the Arms Control and Disarmament Agency. Its work over the last 10 years has fulfilled in large measure the purposes the Congress intended when it created the agency. The partial test ban and the Non-Proliferation Treaty are great accomplishments. Under the able, present Director, Ambassador Gerard Smith, the SALT talks—the most important negotiations we have been engaged in since the nuclear age began—offer a great possibility that the costly and dangerous nuclear arms race will be brought under control.

At the State Department this morning, Secretary of State Rogers and Soviet Foreign Minister Gromyko signed the first two agreements that have been secured in the Strategic Arms Limitation Talks. While these agreements are collateral to the principal subject of the SALT talks, they are significant not only in themselves, but as tangible evidence that progress has been made in the talks, which like many others, I consider the most important arms control negotiations ever undertaken.

The two agreements being signed today are related. One is designed to lessen the risk of an accidental detonation of a nuclear weapon, which could, without intention, cause a nuclear war between the United States and the Soviet Union. The second agreement is intended to increase the reliability and security of direct communications between the heads of the two Governments in an emergency, by improving the "hot line" that was originally established in 1963.

The fifth round of the SALT talks was concluded last week in Helsinki, and we can hope that these subsidiary agreements now concluded will be followed before the end of the year by an agreement limiting the antiballistic missile nuclear system to a low level of deployment, and by steps marking the beginning of an agreement on offensive nuclear weapons. On May 20, the President of the United States and the Soviet leadership issued the following statement:

The Government of the United States and the Soviet Union, after reviewing the course of their talks on the limitation of strategic armaments, have agreed to concentrate this year on working out an agreement for the limitation of the deployment of antiballistic missile systems (ABMs). They have also agreed that, together with concluding an agreement to limit ABMs, they will agree on certain measures with respect to the limitation of offensive strategic weapons.

The two collateral agreements signed today are steps toward an ABM agreement and the beginning of an agreement on offensive weapons.

I am sure that the Senate approves and supports the initiative and statesmanship of President Nixon, the support of Secretary of State Rogers, and the fine work of Ambassador Gerard Smith and his able group of negotiators.

I ask unanimous consent that the text of the two agreements signed today, the Agreement on Measures To Reduce the Risk of Outbreak of Nuclear War Between the United States of America and Union of Soviet Socialist Republics, and the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Measures To Improve the U.S.A.-U.S.S.R. Direct Communications Link, be printed in the RECORD at the conclusion of these remarks.

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

[Embargoed from use or transmission until completion of signing ceremony 11:00 a.m., Sept. 30, 1971]

AGREEMENT ON MEASURES TO REDUCE THE RISK OF OUTBREAK OF NUCLEAR WAR BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties:

Taking into account the devastating consequences that nuclear war would have for all mankind, and recognizing the need to exert every effort to avert the risk of outbreak of such a war, including measures to guard against accidental or unauthorized use of nuclear weapons,

Believing that agreement on measures for reducing the risk of outbreak of nuclear war serves the interests of strengthening international peace and security, and is in no way contrary to the interests of any other country,

Bearing in mind that continued efforts are also needed in the future to seek ways of reducing the risk of outbreak of nuclear war,

Have agreed as follows:

ARTICLE 1

Each Party undertakes to maintain and to improve, as it deems necessary, its existing organizational and technical arrangements to guard against the accidental or unauthorized use of nuclear weapons under its control.

ARTICLE 2

The Parties undertake to notify each other immediately in the event of an accidental, unauthorized or any other unexplained incident involving a possible detonation of a nuclear weapon which could create a risk of outbreak of nuclear war. In the event of such an incident, the Party whose nuclear weapon is involved will immediately make every effort to take necessary measures to render harmless or destroy such weapon without its causing damage.

ARTICLE 3

The Parties undertake to notify each other immediately in the event of detection by mis-

sile warning systems of unidentified objects, or in the event of signs of interference with these systems or with related communications facilities, if such occurrences could create a risk of outbreak of nuclear war between the two countries.

ARTICLE 4

Each Party undertakes to notify the other Party in advance of any planned missile launches if such launches will extend beyond its national territory in the direction of the other Party.

ARTICLE 5

Each Party, in other situations involving unexplained nuclear incidents, undertakes to act in such a manner as to reduce the possibility of its actions being misinterpreted by the other Party. In any such situation, each Party may inform the other Party or request information when, in its view, this is warranted by the interests of averting the risk of outbreak of nuclear war.

ARTICLE 6

For transmission of urgent information, notifications and requests for information in situations requiring prompt clarification, the Parties shall make primary use of the Direct Communications Link between the Governments of the United States of America and the Union of Soviet Socialist Republics.

For transmission of other information, notifications and requests for information, the Parties, at their own discretion, may use any communications facilities, including diplomatic channels, depending on the degree of urgency.

ARTICLE 7

The Parties undertake to hold consultations, as mutually agreed, to consider questions relating to implementation of the provisions of this Agreement, as well as to discuss possible amendments thereto aimed at further implementation of the purposes of this Agreement.

ARTICLE 8

This Agreement shall be of unlimited duration.

ARTICLE 9

This Agreement shall enter into force upon signature.

Done at Washington on September 30, 1971, in two copies, each in the English and Russian languages, both texts being equally authentic.

[Embargoed from use or transmission until completion of signing ceremony 11:00 a.m., Sept. 30, 1971]

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS OF MEASURES TO IMPROVE THE UNITED STATES OF AMERICA–USSR DIRECT COMMUNICATIONS LINK

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Noting the positive experience gained in the process of operating the existing Direct Communications Link between the United States of America and the Union of Soviet Socialist Republics, which was established for use in time of emergency pursuant to the Memorandum of Understanding Regarding the Establishment of a Direct Communication Link, signed on June 20, 1963.

Having examined, in a spirit of mutual understanding, matters relating to the improvement and modernization of the Direct Communications Link,

Have agreed as follows:

ARTICLE 1

1. For the purpose of increasing the reliability of the Direct Communications Link, there shall be established and put into operation the following:

(a) two additional circuits between the United States of America and the Union of Soviet Socialist Republics each using a satellite communications system, with each Party selecting a satellite communications system of its own choice,

(b) a system of terminals (more than one) in the territory of each Party for the Direct Communications Link, with the locations and number of terminals in the Union of Soviet Socialist Republics to be determined by the Soviet side.

2. Matters relating to the implementation of the aforementioned improvements of the Direct Communications Link are set forth in the Annex which is attached hereto and forms an integral part hereof.

ARTICLE 2

Each Party confirms its intention to take all possible measures to assure the continuous and reliable operation of the communications circuits and the system of terminals of the Direct Communications Link for which it is responsible in accordance with this Agreement and the Annex hereto, as well as to communicate to the head of its Government any messages received via the Direct Communications Link from the head of Government of the other Party.

ARTICLE 3

The Memorandum of Understanding Between the United States of America and the Union of Soviet Socialist Republics Regarding the Establishment of a Direct Communications Link, signed on June 20, 1963, with the Annex thereto, shall remain in force, except to the extent that its provisions are modified by this Agreement and Annex hereto.

ARTICLE 4

The undertakings of the Parties hereunder shall be carried out in accordance with their respective Constitutional processes.

ARTICLE 5

This Agreement, including the Annex hereto, shall enter into force upon signature.

Done at Washington on September 30, 1971, in two copies, each in the English and Russian languages, both texts being equally authentic.

[Embargoed from use or transmission until completion of signing ceremony 11:00 a.m., Sept. 30, 1971.]

ANNEX TO THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON MEASURES TO IMPROVE THE USA-USSR DIRECT COMMUNICATIONS LINK

Improvements to the USA-USSR Direct Communications Link shall be implemented in accordance with the provisions set forth in this Annex.

I. CIRCUITS

(a) Each of the original circuits established pursuant to paragraph 1 of the Annex to the Memorandum of Understanding, dated June 20, 1963, shall continue to be maintained and operated as part of the Direct Communications Link until such time, after the satellite communications circuits provided for herein become operational, as the agencies designated pursuant to paragraph III (hereinafter referred to as the "designated agencies") mutually agree that such original circuit is no longer necessary. The provisions of paragraph 7 of the Annex to the Memorandum of Understanding, dated June 20, 1963, shall continue to govern the allocation of the costs of maintaining and operating such original circuits.

(b) Two additional circuits shall be established using two satellite communications systems. Taking into account paragraph I (e) below, the United States side shall provide one circuit via the Intelsat system and the Soviet side shall provide one circuit via the Molniya II system. The two circuits shall be duplex telephone band-width circuits conforming to CCITT standards, equipped for secondary telegraphic multiplexing. Transmission and reception of messages over the Direct Communications Link shall be effected in accordance with applicable recommendations of international communications regulations, as well as with mutually agreed instructions.

(c) When the reliability of both additional circuits has been established to the mutual satisfaction of the designated agencies, they shall be used as the primary circuits of the Direct Communications Link for transmission and reception of teleprinter messages between the United States and the Soviet Union.

(d) Each satellite communications circuit shall utilize an earth station in the territory of the United States, a communications satellite transponder, and an earth station in the territory of the Soviet Union. Each Party shall be responsible for linking the earth stations in its territory to its own terminals of the Direct Communications Link.

(e) For the circuits specified in paragraph I(b):

—The Soviet side will provide and operate at least one earth station in its territory for the satellite communications circuit in the Intelsat system, and will also arrange for the use of suitable earth station facilities in the territory for the satellite communications circuit in the Molniya II system. The United States side, through a governmental agency or other United States legal entity, will make appropriate arrangements with Intelsat with regard to access for the Soviet Intelsat earth station to the Intelsat space segment, as well as for the use of the applicable portion of the Intelsat space segment.

—The United States side will provide and operate at least one earth station in its territory for the satellite communications circuit in the Molniya II system, and will also arrange for the use of suitable earth station facilities in its territory for the satellite communications circuit in the Intelsat system.

(f) Each earth station shall conform to the performance specifications and operating procedures of the corresponding satellite communications system and the ratio of antenna gain to the equivalent noise temperature should be no less than 31 decibels. Any deviation from these specifications and procedures which may be required in any unusual situation shall be worked out and mutually agreed upon by the designated agencies of both Parties after consultation.

(g) The operational commissioning dates for the satellite communications circuits based on the Intelsat and Molniya II systems shall be as agreed upon by the designated agencies of the Parties through consultations.

(h) The United States side shall bear the costs of: (1) providing and operating the Molniya II earth station in its territory; (2) the use of the Intelsat earth station in its territory; and (3) the transmission of messages via the Intelsat system. The Soviet side shall bear the costs of: (1) providing and operating the Intelsat earth station in its territory; (2) the use of the Molniya II earth station in its territory; and (3) the transmission of messages via the Molniya II systems shall be as agreed upon by the designcommunications circuits shall be effected without any transfer of payments between the Parties.

(i) Each Party shall be responsible for providing to the other Party notification of any proposed modification or replacement of the communications satellite system containing the circuit provided by it that might require accommodation by earth stations using that system or otherwise affect the maintenance or operation of the Direct Communications Link. Such notification should be given sufficiently in advance to enable the designated agencies to consult and to make, before the modification or replacement is effected, such preparation as may be agreed upon for accommodation by the affected earth stations.

II. TERMINALS

(a) Each Party shall establish a system of terminals in its territory for the exchange of messages with the other Party, and shall determine the locations and number of terminals in such a system. Terminals of the Direct Communications Link shall be designated "USA" and "USSR".

(b) Each party shall take necessary measures to provide for rapidly switching circuits among terminal points in such a manner that only one terminal location is connected to the circuits at any one time.

(c) Each Party shall use teleprinter equipment from its own sources to equip the additional terminals for the transmission and reception of messages from the United States to the Soviet Union in the English language and from the Soviet Union to the United States in the Russian language.

(d) The terminals of the Direct Communications Link shall be provided with encoding equipment. One-time tape encoding equipment shall be used for transmissions via the Direct Communications Link. A mutually agreed quantity of encoding equipment of a modern and reliable type selected by the United States side, with spares, test equipment, technical literature and operating supplies, shall be furnished by the United States side to the Soviet side against payment of the cost thereof by the Soviet side; additional spares for the encoding equipment supplied will be furnished as necessary.

(e) Keying tapes shall be supplied in accordance with the provisions set forth in paragraph 4 of the Annex to the Memorandum of Understanding, dated June 20, 1963. Each Party shall be responsible for reproducing and distributing additional keying tapes for its system of terminals and for implementing procedures which ensure that the required synchronization of encoding equipment can be effected from any one terminal at any time.

III. OTHER MATTERS

Each Party shall designate the agencies responsible for arrangements regarding the establishment of the additional circuits and the systems of terminals provided for in this Agreement and Annex, for their operation and for their continuity and reliability. These agencies shall, on the basis of direct contacts:

(a) arrange for the exchange of required performance specifications and operating procedures for the earth stations of the communications systems using Intelsat and Molniya II satellites;

(b) arrange for testing, acceptance and commissioning of the satellite circuits and for operation of these circuits after commissioning; and,

(c) decide matters and develop instructions relating to the operation of the secondary teleprinter multiplex system used on the satellite circuits.

SENATOR ALLEN J. ELLENDER

Mr. McGOVERN. Mr. President, it is a distinct privilege for me to join with the other Members of this body in wishing the distinguished senior Senator from Louisiana a happy birthday and many more years of continued service to his State and to his Nation.

It was my pleasure to serve on the Committee on Agriculture and Forestry for the last 8 years under Senator ELLENDER's chairmanship. As leader of that important committee, he served the needs of the Nation's agricultural producers and consumers well. Senator ELLENDER was also an eminently and entirely just and wise chairman who strove to give all points of view a fair hearing. He is continuing in that same manner as chairman of the Appropriations Committee, and as an active and valued member of the Agriculture Committee and of this body. I have at earlier times praised his wisdom in calling for commonsense attitudes in our relations with Russia and other nations with whom we must learn to live at peace. May we continue to benefit from his efforts for many years to come.

SECRETS OF THE BUREAUCRACIES

Mr. METCALF. Mr. President, on July 20 there appeared in the Washington Post a column by Morton Mintz, a column I believe to be of considerable import. Mintz' article should be read by all Senators and Representatives, for it illuminates the complete disregard many agencies and departments of Government have for the public's right to information about public affairs.

Senator MUSKIE's Subcommittee on Intergovernmental Relations, in hearings on legislation to regulate and control the absurd proliferation of Government-sponsored advisory groups, has documented numerous examples of the contempt many departments and agencies have for the public's "right to know." These hearings, which Senator MUSKIE has asked me to chair, have delved into advisory committees in the Civil Aeronautics Board, into the Commerce Department's National Industrial Pollution Control Board, into the Pentagon's Industry Advisory Council, and currently into the National Petroleum Council in the Interior Department.

What each of the 6 days of hearings to date has revealed is the unfulfilled promise of the 5-year-old Freedom of Information Act. Many Government advisory panels operate as if they were private clubs, with closed meetings, often with no transcripts of the proceedings, and dominated by narrow industrial and financial interests. Surely we in Congress must act to end this blatant disregard for a free and open system, for what it implies is a lack of trust in the American people on the part of their government. If we allow this display of contempt and distrust of the people to continue, the results will be tragic; surely the American people will eventually react to their Government's lack of faith in them by returning distrust and contempt for their leaders and their political institutions. If that day ever arrives, our Nation's continued existence as a democracy will be imperiled.

I ask unanimous consent that the Mintz article be printed at this point in the RECORD.

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

SECRETS OF THE BUREAUCRACIES

(By Morton Mintz)

"I am from Missoula, Montana, and I have been in Washington doing research on pollution for a Ph.D. dissertation in history," Donald Mac Millan said in a letter to Sen. Lee Metcalf (D-Mont.) the other day. "At the National Archives I was advised that I could not use anything that was stamped 'Bureau of Investigation.' The period I was interested in was essentially the first decade of the twentieth century . . . I feel ridiculous even suggesting that the Nation's security could be threatened by information seventy years passed, but apparently somebody does. . . . If we cannot have an honest and rigorous search for the truth our future as a self-governing democracy is indeed bleak."

Mac Millan's astonished discovery that he could not have access to—it bears repeating—files on pollution seven decades old serves to make a point which, quite understandably, drew scant attention in the recent momentous struggle over the Pentagon Papers. The point is that secrecy seems to be endemic in all bureaucracies—not just those occupied with national security—and it is manifested, almost always, against the very public supposedly being served; this happens readily and pervasively even when no justification in military security or foreign relations is so much as claimed.

The evidence of this, regrettably, is as easy to come by in the "open administration" of President Nixon as it ever was in those of his predecessors. Here are some examples:

The Walsh-Healy Act empowers the Department of Labor to make federal contractors comply with the job-safety standards it has approved. The department had traditionally refused to make public inspection reports and notices of violation. It claimed that the Freedom of Information Act, enacted to protect "the public's right to know," somehow authorized secrecy and that publicity would discourage employer cooperation with department inspectors. Ralph Nader's Center for the Study of Responsive Law challenged the department in court. Last January, U.S. District Judge John Lewis Smith ruled for the Center.

The Department of Agriculture's Consumer and Marketing Service routinely had suppressed records on meat and poultry products it detains on the suspicion that they are adulterated, unwholesome or unfit for human consumption, as well as the warning letters it sends to packers suspected of doing business in two or more states (packers doing business exclusively within a single state are immune from federal inspection of meat and poultry products).

In 1969, the department denied access to the records and letters to a consumer of meat and poultry products, Harrison Wellford, an associate of the Nader Center. Under the Freedom of Information Act, the records were an exempt "investigatory file," the department said. In the case of the letters, it argued, their release would deter packers from cooperating.

Wellford sued in Baltimore, where U.S. District Judge Edward S. Northrop ruled for him. The department appealed. In May, the U.S. Court of Appeals in Richmond upheld Judge Northrop, ruling that the purpose of the information law was not to increase administrative efficiency, "but to guarantee the public's right to know how the government is discharging its duty to protect the public interest." (In opposing a consumer's effort to find out how well the government may be protecting the public from unwholesome meat, it may be said in passing, the Agriculture Department behaved much like those city health departments, including Washington's, that withhold the identity of restaurants that violate sanitary regulations from those who eat in them.)

The Department of Commerce has a National Industrial Pollution Control Council, which President Nixon created by Executive Order. Last October, the Council, meeting at Commerce, refused to admit representatives of 10 environmental and consumer groups, and refused to give them a transcript of the proceeding. This year, to escape such groups, the Council met in the New State Department Building, where security regulations prohibit entry of any visitor who has not made special arrangements. Larry Jobe, an Assistant Secretary of Commerce, argues that the department could not get industry representatives to serve if public-interest groups

were to be represented and if the Council's meeting were to be open to the public.

At the Civil Aeronautics Board, Chairman Secor D. Browne last year appointed an Advisory Committee on Finance and named as chairman James P. Mitchell, a vice president of the Chase Manhattan Bank who has primary responsibility for financial dealings with airlines. At the organizational meeting, held in Mitchell's office, the committee decided that all meetings "would be closed to the press and the public" and that a verbatim transcript" was not necessary to the conduct of business."

Within the Department of Health, Education and Welfare, the agency with an unexcelled disposition toward secrecy is the Food and Drug Administration. For example, when the FDA summons a company to a hearing to show cause why it should not be prosecuted for a law violation, the agency closes the hearing and refuses to release the transcript or disclose the recommendation made by hearing officers. A decade ago, FDA was not only refusing to turn over to Congress files on an anti-cholesterol drug that caused cataracts in thousands of patients, but actually tried to have written into the law a prohibition against releasing most any information it acquired under the Food, Drug, and Cosmetic Act.

The White House, to suppress information, has invoked the "Executive Privilege" with such frequency down through the years that Clark Mollenhoff once wrote an angry book about it. Currently, the endless blanket of "Executive privilege" lies atop a report by the White House Office of Science and Technology that is understood to predict serious environmental damage to the United States should supersonic transports ever be permitted to fly across it at supersonic speeds.

But it must be noted that, by calculation of Congressional Quarterly, 41 percent of all congressional committee meetings were held behind closed doors last year, an increase of 5 percentage points over 1969.

In his letter to Senator Metcalf, Donald Mac Millan said, "As I approached the National Archives for the first time I was struck by the noble and inspiring ideas inscribed in its concrete walls. One I recall was most impressive: 'The heritage of the past is the seed that brings forth the harvest of the future.' "

A future substantially freer of governmental secrecy than is the present is not beyond our grasp. We may yet achieve the "deep sense of pride" that President Johnson spoke of when, on July 4, 1966, he signed the Freedom of Information Act in the belief "that the United States is an open society in which the people's right to know is cherished and guarded." One reason for a cautious optimism is that the lawsuits won by the Center for Study of Responsive Law, against the Labor and Agriculture Department, indicate a willingness in the courts to come down on the side of openness.

In the FDA, a new general counsel, Peter Barton Hutt, takes over on September 1. Rather than cling to the secrecy orientation of the past, maybe he and others in federal agencies will heed the instruction of Attorney General Ramsey Clark when he announced the rules to implement the law only four years ago: "that disclosure be the general rule, not the exception," and "that there be a change in government policy and attitude."

And Congress would take a major step forward by enacting at least two pending bills: one for an independent consumer protection agency empowered to intervene in administrative and court proceedings in behalf of the public (and against federal agencies, if need be), the other, sponsored by Senator Metcalf, to open the proceedings of the possibly 1,800 government advisory committees—such as the Commerce Department's and the CAB's—to public scrutiny.

OIL SPILLS

Mr. HATFIELD. Mr. President, I invite attention to an article by Mr. Blaine Schulz, published in the Portland Oregonian recently.

The article speaks of a project which hopefully will set a precedent in being prepared for the tragic consequences of oil slicks. The project combined the efforts of marine firms, agencies, the Coast Guard, as well as 12 oil companies in the Portland-Vancouver area. I call this constructive achievement to the attention of Senators who share with me a concern for our environment. I ask unanimous consent that the article be printed in the RECORD.

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

PORT READIES CUSTOM EQUIPMENT FOR CLEANING UP RIVER OIL SPILLS

(By Blaine Schulz)

Equipment valued at approximately $100,000 for cleaning up oil spills in river systems will be ready for operation in Portland about Jan. 1, the Port of Portland and other backers of the project announced Thursday.

The equipment, with an oil skimmer and eight settling tanks which can be mounted on a barge, has placed Portland in the forefront of national efforts to clean up oil spills from tankships and other causes, according to Adam J. Heineman, assistant director of the port's marine division, and Carl Propp, ship repair manager for the port who served as spokesman for the Swan Island Safety Pollution Control Committee.

"We know it's going to do the job," Propp told newsmen Thursday at the Lloyd Building, where he gathered with Portland area marine firms and agencies which cooperated with the port and Coast Guard in creating the device under construction at Swan Island.

Biggest single contribution came from the Oregon State Oil Spill Cooperative, whose chairman John Hartup, presented a $6,000 check from 12 oil companies in the Portland-Vancouver area.

Ship repair, towboat, scrapsteel, various waterfront industries, and marine underwriters joined with the port, Coast Guard and oil companies in contributing money, personnel and materials for the skimmer and settling tank equipment.

Heineman said any spill on the Willamette or Columbia rivers would first have to be contained with log booms. Then a towboat and barge firm would be called in to haul the equipment to the area where the emergency occurred.

Heineman said the equipment is designed to clean up medium and large oil spills on rivers but not on oceans or rough water, and that the device can be moved to the Puget Sound or California if requested.

The device has eight separation tanks and submerged hydraulic pump to suck in the oily water, according to Donald Hudson, Portland naval architect commissioned to design the prototype. Water is pumped into the tanks and gravity separates the oil.

Work on the Portland model began last spring after the local U.S. Coast Guard commanding officer was charged by the Environmental Quality Act of 1970 to encourage local and state authorities to develop clean-up machines.

Heineman said the Port of Portland is seeking a $500,000 grant from the federal government for construction of an oil spill disposal facilities to which the port would contribute $250,000. This would be for a recycling plant.

Meanwhile, the contaminants will be removed to earth excavations at Swan Island or Rivergate Industrial District after oil companies have taken off the reusable oil, Heineman said.

REPUBLICAN CAMPAIGN CONTRIBUTORS

Mr. THURMOND. Mr. President, I note with interest that the so-called citizens lobby which calls itself Common Cause has recently been critical of Republican campaign contributions. This organization, which is supposed to be financed by the grassroots contributions of the common man, wants to force a former White House aide to open his records on an estimated $2 million pumped into key Republican races for the Senate last year.

This is especially interesting to me when such activities are initiated by an organization who accepts "fat cat" donations while disapproving of others who receive substantial contributions.

Common Cause, "galvanized by the common man," has several "fat cats" among its own supporters. Records show that this organization has in the past several months received the following:

Arlen Properties, Inc., New York, N.Y	$25,000
Patterson Planning and Services, New York, N.Y	5,000
Ford Motor Co., Detroit, Mich	10,000
Amalgamated Banks of New York	1,000
United Steelworkers of America	2,000
Time, Inc	5,000
John D. Rockefeller III	25,000
United Artists	5,000
Boise Cascade Corp	5,000
John D. Rockefeller III (again)	25,000
Westinghouse	10,000
Cummings Engine Co., Inc	10,000
Chase Manhattan Bank	5,000
Prudential Insurance Company of America	5,000
Kaiser Industries Corp	5,000
Kennecott Copper Corp	10,000
United Auto Workers	25,000

Common Cause apparently does not preach what it practices when it seeks to find fault with contributors to candidates not supported by themselves.

An editorial entitled "Uncommon Contributors" was published in the September 20 issue of The State, of Columbia, S.C. The editorial places Common Cause in its true perspective. I ask unanimous consent that the editorial be printed in the RECORD.

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

UNCOMMON CONTRIBUTORS

It was a year ago, if memory serves, that John W. Gardner launched Common Cause, the so-called "people's lobby" that was going to save America from the "special interests" by galvanizing the common man. "There is so much that needs to be done," pined Mr. Gardner to an accompanying gush of publicity, and he promised to do it.

A year has passed, and Common Cause has just filed a report on itself with the clerk of the U.S. House of Representatives, as required by the 1946 Regulation of Lobbying Act. Surprise, surprise. Mr. Gardner's

crowd may be saving us from those hated "special interests," but if so it is doing it with money from Rockefellers and Fords, among others.

"Common Cause, the national lobby attempting to change political structures and priorities, has a list of major contributors that reads like a Who's Who in the Establishment," Reports Congressional Quarterly Donors, it continues, include fat cats ranging from Time Inc. to Arlen Properties, commercial developers and partners with Greek wheeler-dealer Aristotle Onassis.

Now, there is nothing illegal about it. If John D. Rockefeller III wants to plunk down $25,000 to join Common Cause (and Ford Motor Co. $10,000), that's his (its) business. All the same, a lot of little Joes and Janes have plunked down $15 in dues on the assurance from Mr. Gardner that "we cannot and should not depend on big contributors."

It's enough to shake one's faith in Mr. Gardner's operation and all those engines of publicity that gave it such a send-off. If the Common Cause is so pure, how come it was necessary to gull the members with all that "special interest" cant?

LINCOLN, THE POLITICIAN

Mr. MATHIAS. Mr. President, Abraham Lincoln has been so idolized as a great leader of the American people that we sometimes forget that he was also a fine politician. Representative GILBERT GUDE, of Maryland reminds us, however, that Lincoln did not become President or become an effective President without the tools of politics. He describes Lincoln's political keenness in a speech he delivered recently to a luncheon of the Lincoln Group of the District of Columbia.

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

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

As an old history buff, have you read "The Selling of the President"—the big selling book about the advertising techniques of the Nixon campaign for the Presidency? The book tells about the marketing of candidate Nixon's most popular ideas and the avoidance of some more divisive or unpopular issues.

Abraham Lincoln, I fear, suffers from a different "Selling of the President." We get too much of the legend—too much of the humble but uncompromising giant supposedly carried to high office by the people for the saving of the Nation and the freeing of the slaves.

Honest Abe has a great press today. He was not the first eminent politician to rise from humble beginnings, nor the last. But Vice President Agnew should get such a good press!

But let us recognize that Lincoln was—if you'll excuse a dirty, ten-letter word—a politician. A smart politician. A master politician.

He had a sense of timing of as great value then as it is today—in making new China policies and jolting the economy. And he sought to avoid taking a position too far in advance of popular thinking. Sometimes he could side step issues with the best of us.

It was Lincoln's side stepping, as well as his firmer positions, that led him into the Presidency, won a war and freed the slaves. In these days of "Pentagon Papers" we should remember that Lincoln never suggested, in seeking the Presidency, that he would free the slaves!

In a system of representative self-government men must seek office, must solicit the support of voters, and must bear the burdens of office if elected. These men are politicians. Lincoln was one of them, and I wish to speak of his years of political activity before attaining the Presidency.

The clue to much that is vital in Lincoln's thought and character lies in the fact that he was a politician both by inclination and training. He plunged into politics in the early years of his adult life and was involved in it for the rest of his life—except for a brief period when an unfavorable turn in the political situation forced him to return to his law practice.

So at twenty-three, only seven months after coming from the tiny community of New Salem, Lincoln ran for the Illinois legislature. He failed. But in 1834 Sangamon County sent him to the lower house of the state legislature. From that time to the end of his life, except for the years between 1849 and 1854, Lincoln was busy as either an officeholder or an officeseeker.

In his early years in politics, Lincoln was a Whig Party regular. He was a member of the Illinois State Whig Committee and a Whig-floor leader in the legislature. There, he learned the art of politics, and his life became one of caucuses and conventions, party circulars and speeches, recommendations, strategies and tactics.

After his death Herndon wrote, "It was in the world of politics that he lived. Politics were his life, newspapers his food, and ambition his motive power."

In 1848, when he was in Congress, Lincoln joined with those Whigs who preferred Zachary Taylor as a Presidential candidate over the party's older statesman, Henry Clay. Because of an agreement to rotate the candidacy for his seat, he did not run for re-election to Congress. When he tried to get an appointment to the General Land Office he was unsuccessful; he declined a less appealing offer of the Secretaryship of the Oregon Territory.

It seemed that his political career had come to an end.

He turned with reluctance to the practice of law, overcome by a melancholy "so profound," wrote Albert Beveridge, "that the depths of it cannot be sounded or estimated by ordinary minds. Certainly political disappointment had something to do with his despondency." His ambitions were directed toward public life. The law had no appeal for him, profitable though his practice might be.

The repeal of the Missouri Compromise in 1854 created a political situation which once again aroused Lincoln's hopes. He seems to have viewed the issue of the extension of slavery as a means of revitalizing the Whig Party, which he did not wish to abandon. For two years after the new Republican Party had formed state and local organizations in the Northwest, he refused to join them. Even while supporting Fremont, the Republican candidate, in 1856, he avoided speaking of himself and his colleagues as Republicans.

In the autumn of 1854, hoping for the Senatorial nomination and fearing to offend the old-line Whigs in Illinois, he absented himself from Springfield to avoid attending a Republican state convention to be held there. When he failed to receive the nomination the following year, his disappointment was acute. His law partner, Herndon, later wrote, "That man who thinks Lincoln calmly gathered his robes about him, waiting for the people to call him, has a very erroneous knowledge of Lincoln. He was always calculating and planning ahead. His ambition was a little engine that knew no rest." It was this typical American impulse to rise in life, to make something of himself through his own honest efforts, that dominated him through the long course of his career before he became interested in the slavery question.

During his early manhood the prevailing attitude toward blacks in Illinois was hostile. Severe laws against runaway slaves and free blacks were in force when Lincoln went to the Springfield legislature. While he was serving his second term, slavery was a subject of discussion throughout the country. William Lloyd Garrison had begun his agitation, and petitions for the abolition of slavery here in the District of Columbia had begun to pour in upon the Congress.

The legislature of the States began to express themselves upon the question. The Illinois legislature turned the subject over to a joint committee, of which Lincoln was a member. He voted against the proslavery resolutions which were adopted; and he and a colleague embodied their own opinions in a statement which read in part that "The institution of slavery is founded on injustice and bad policy, but that the promulgation of abolition doctrines tends to increase rather than abate its evils."

In 1845, not long before he entered Congress, Lincoln again had an occasion to express himself on slavery, this time in a carefully phrased private letter to a supporter who was an abolitionist: "I hold it a paramount duty of us in the free States, due to the Union of the States, and perhaps to liberty itself, to let the slavery of the other States alone; while, on the other hand, I hold it to be equally clear that we should never knowingly lend ourselves, directly or indirectly, to prevent that slavery from dying a natural death, to find new places for it to live in, when it cannot longer exist in the old."

When Lincoln returned to active politics the issue of slavery had come to occupy a central position in public affairs. Lincoln's interests and ambitions were aroused, and he proceeded to rebuild his political career. His strategy was simple and forceful. He carefully avoided issues like the tariff, internal improvements, nativism, and prohibition, each of which would have alienated important groups of voters had he taken a position on it. In his speeches he stressed that he was not an abolitionist, and at the same time he emphasized his opposition to the extension of slavery into the territories.

On October 4, 1854, Lincoln denounced slavery in public for the first time. In a speech delivered in the Hall of Representatives in Springfield, and later repeated at Peoria, he declared that he hated the current enthusiasm for the spread of slavery. "I hate it," he said, "because of the monstrous injustice of slavery itself." He went on to say that he understood the difficulties of the people of the South. "I surely will not blame them," he said, "for not doing what I should not know how to do myself. If all earthly power were given me. I should not know what to do as to the existing institution. My first impulse would be to free all the slaves and send them to Liberia, to their own native land." But he recognized that immediate colonization was manifestly impossible. The slaves might be freed and "kept among us as underlings," but he felt that this would not really improve their condition.

He emphasized that nothing could justify the attempt to carry slavery into territories that were then free. "The great mass of mankind," he declared at Peoria, "consider slavery a great moral wrong. This feeling lies at the very foundation of their sense of justice, and it cannot be trifled with. . . . No statesman can safely disregard it."

As a practical politician Lincoln was naturally much concerned about those sentiments which no statesman could safely disregard. He realized that it was unwise to disregard either the feeling that slavery was a moral wrong or the feeling then held by an even greater portion of the public that

blacks should not be given political or social equality.

So this was the Republican problem in the Northwest: how to find a formula to reconcile the two opposing points of view held by great numbers of white people in the North. Lincoln's success was due largely to his ability to bridge the gap between these points of view. It was absolutely necessary that this be done, since the abolitionists and their humanitarian sympathizers in the nation at large, and particularly in the Northwest, the seat of Lincoln's strength, though numerous enough to hold the balance of power, were too few to make a successful political party.

In the election of 1858 the Republicans carried a majority of the voters of Illinois and elected state officers for the first time. Douglas was returned to the Senate of the United States only because the Democrats, who had gerrymandered the state's districts, held a majority in the Illinois legislature.

Lincoln contributed greatly in welding old-line Whigs and anti-slavery men into an effective party, and his reputation grew rapidly. What he had done was to seize on an issue, the alleged plan to extend slavery, which turned attention from the divisive forces in the Republican Party to the great uniting force. Lincoln well knew that the party was built out of what he called in his "House Divided" speech "strange, discordant, and even hostile elements." In addition to abolitionists and black-haters, it united high- and low-tariff men, hard- and soft-money men, former Whigs and former Democrats embittered by old political fights, Maine-law prohibitionists and German brewers, Know-nothings, and immigrants.

It was the mind and voice of Lincoln, that held this coalition together, carried it into office, and, despite carping criticism and bitter vituperation, won a war and preserved the Union.

DISPOSITION OF SST TECHNOLOGY

Mr. PROXMIRE. Mr. President, on September 10, 1971, Mr. W. M. Magruder, director of SST development in the Department of Transportation, wrote to me requesting my view on the disposition of SST technology and on technological research in general. The Evening Star published an editorial on September 25 in response to Mr. Magruder's letter.

In my opinion, it is essential that environmental effects be taken into account before deciding present and future questions of technological development. This, it seems to me, is the principal lesson to be gleaned from the abortive SST program. At the very least, no decision should be made concerning disposition of SST technology until all the ecological questions concerning this program have been fully and satisfactorily answered.

Mr. President, I ask unanimous consent that Mr. Magruder's letter, the Evening Star editorial, and my responding letter dated September 29, 1971, be printed in the RECORD.

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

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., September 10, 1971.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: As you know, work on the United States SST prototypes has ended, and the program is being terminated. That decision behind us, we must now deal with two ancillary but no less important questions:

1. What does the U.S. Government do with $1.1 billion worth of SST technology, so that the taxpayers may be assured of realizing the greatest benefits possible from their ten-year investment?

2. How should very large projects of technological research and development be conducted in the future?

How we answer, or fail to answer, these questions will inevitably affect the Nation's economy. If we must chart a new course, we want to do so advisedly, with the benefit of the best and wisest counsel attainable. Therefore, I am soliciting your thoughts, comments and suggestions concerning these two issues. I am seeking the counsel of leaders in the aerospace industry, the airlines, and various Government departments, as well as the wisdom of Members of the Congress. I believe that as one who has concerned himself with the SST program, you are in a position to be helpful in any reshaping of national research and development policy to avoid the mistakes of the past without neglecting the needs of the future. Your comments will be appreciated, and I assure you that your wishes respecting attribution will be honored.

Please bear in mind, if you will, that cessation of the SST program has come at a time of general depression in the U.S. aerospace industry, coupled with increasing competition from abroad. The result is a combination of economic pressures, reflected in the following ways:

Aerospace unemployment has reached severe proportions.

Privately-financed aircraft ventures such as the B–747, DC–10 and L–1011 have made heavy capital demands on the major companies and financial institutions.

Foreign competitors, financed in accordance with national objectives to secure a large share of the future civil transport market, now offer advanced long- and short-haul aircraft that have no counterparts in the United States. United States anti-trust laws and the necessity for private capital to compete head-on with government-subsidized civil aircraft programs put new U.S. aircraft development projects at a decided disadvantage.

U.S. manufacturers, in order to survive, are selling their expertise abroad, to countries and companies whose objectives include the erosion of U.S. civil aircraft production and sales leadership.

U.S. aerospace have been diversifying, for reasons of necessity as well as opportunity. The process has been gradual and, thus far, not particularly rewarding.

As it stands now, few if any of these pressures can be alleviated by the remnants of the SST program, or the portrait its forfeiture paints for the future of the industry. Moreover, it would appear, in the light of recent experience, that some new coalition of forces and resources will be needed if the United States is to compete effectively with the other industrialized nations of the world for the future civil aviation market. Your thoughts on this matter will be welcomed.

In the meantime, the following activities will be pursued for the most efficient disposition of America's ten-year investment in a supersonic transport:

1. The environmental research program, initiated in May 1970, is funded independently of SST prototype construction, and will continue to completion. Approximately $30 million will be expended through 1974. The program, under the surveillance of the Department of Transportation, will evaluate sonic boom, noise, atmospheric effects and engine emissions. The Environmental Advisory Committee will remain intact. Noise and pollution standards are expected before foreign supersonic transports begin service in 1974.

2. At the suggestion of the GAO, certain research and development efforts, associated with the SST, have been reviewed by 14 Government agencies to assure that valuable ongoing projects potentially useful to other programs are not lost because of cancellation of the SST. Ten projects, out of 150 major development works, have been identified tentatively as worthy of continuation. These projects include fuel tank sealant experiments, titanium hydraulic tube connector experiments, engine inlet experiments, correlation of flutter and analysis experiments, all of considerable value to current subsonic and supersonic civil and military programs.

3. When the audit of all research, equipment, wind tunnel models, engines, and data is complete, a plan for distribution to U.S. government agencies and/or industry will be implemented, to assure that the benefits derived from SST research are infused into the broadest possible base.

4. The National Aeronautics and Space Administration has indicated that it will continue—to the degree of funding available—advanced aeronautical development work, aimed at keeping our technology base competitive with the rest of the world's.

Subsequent to the termination decision, we endeavored to find ways to keep the SST program alive through private financing. Despite extensive efforts by a number of people, a viable financing arrangement has not yet been secured, due to the very large financial resources needed and the long payback period before a return could be realized.

Some interest also was expressed by foreign governments in the possibility of participating in the advanced technology represented by the U.S. SST. However, even the interest from abroad appears to be more attracted to shorter-term involvements, such as the Boeing-Aeritalia STOL contract, and the Japanese YX project wherein the U.S. aerospace manufacturers trade their management, design, testing, manufacturing, tooling, product support and marketing expertise in return for foreign financing. The Japanese are expected to announce a partner for their civil transport venture this year.

In view of these circumstances, it would appear that the United States must deal imaginatively and innovatively with its past policies regarding the research, development and marketing of costly new aircraft systems, or forgo future profits from aircraft exports along with the $1.1 billion spent in SST development and incurred by termination.

The SST Development Office, reduced in size to the minimum personnel needed to complete contract termination proceedings, will continue for some time yet to act as a clearing house for the disposition of SST assets and the collection of ideas regarding future R&D policies and practices.

I hope you will favor us with your suggestions.

Sincerely,

W. M. MAGRUDER,
Director, SST Development.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., September 29, 1971.

W. M. MAGRUDER,
Director, SST Development, Department of Transportation, Washington, D.C.

DEAR MR. MAGRUDER: Thank you for your letter of September 10, requesting my views on disposition of SST technology and on technological research in general.

The most important point raised in your letter is the environmental issue. I am pleased to see that the Department of Transportation has decided to continue the study into the

environmental effects of the SST, especially with respect to both noise and air pollution. With the increasing possibility of foreign SSTs landing in the United States later in the decade, it is imperative that we assess today the ecological impact of these planes.

The results of this study will provide the Department of Transportation with the information necessary to issue strict regulations governing supersonic flight into the U.S. In particular, I look forward to DOT's promulgating strict standards for noise and air emissions. These regulations should be rigidly applied to any foreign SST seeking to land here. Otherwise, the American people will have no protection against further erosion of the environment.

This environmental research should be concluded and the ecological problems raised by the SST solved before the U.S. government makes any decision about what to do with the $1.1 billion of SST technology. If these problems are solved and the project proves economically feasible, then *private* financing of the remainder of the program should not be difficult to obtain. It seems premature to consider disposition of SST technology before questions raised about the SST are fully and satisfactorily resolved.

This policy should also be employed in approaching any future projects of technological research and development, both private and public. As the *Evening Star* noted in a recent editorial, the SST has provided a valuable lesson. We should avoid rushing ahead with technological development until we have had ample opportunity to evaluate effects of such development on the environment.

Moreover, the threat of competition from abroad should not be allowed to prod us into going ahead with projects that cannot stand on their own merits. We should be guided by what is good for this country—what will do most to enhance our quality of life, not detract from it. We are all the poorer when glamour and the quest for national prestige takes precedence over keeping our skies clear, our air clean, and our neighborhoods peaceful.

If we are guided by this caution, we ought to be able to avoid a repetition of the SST story in the future.

I hope this is helpful. Best of luck in your new endeavor.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

[From the Evening Star, Sept. 25, 1971]

SST ANSWERS

The die-hard advocates of supersonic transportation have altered a well-worn cliche to fit their particular needs. "If you can't lick them," the new motto goes, "get them to help you clean up after the fight."

William M. Magruder, whose unhappy lot is to preside over the dissolution of the massive SST enterprise, has, it seems, broadcast a form letter to a selected mailing list, including those who participated in the fatal assault on the SST. That letter, in its entirety, appears in the Letters to the Editor column on this page under the heading, "SST Questions."

The letter poses two basic questions: (1) What do we do with the high-priced debris now that the project has been shot down? (2) What do we do to avoid similar disasters in the future?

Magruder then proceeds to answer the first question himself. At the suggestion of the Government Accounting Office, a handful of associated research projects, judged to be of potential civil or military value, will be continued. The remaining surplus should be gathered together and made available to industry for whatever it may contain of present or future value—exactly as is being done. The project should not be sold as salvage to foreign manufacturers. The environmental doubts remain unsettled, and there is no logic in providing the bullets for the other fellow to take up the game of ecological roulette after we've pulled out. Beyond that, there is no logical reason why the United States airport facilities should be made available to foreign SSTs unless and until those questions are answered to the complete satisfaction of the U.S. Environmental Protection Agency.

For the most part, though, the taxpayers' billion-dollar investment must be written off as a loss, an expensive and painful lesson to all government agencies in how not to proceed in this era of economic disillusionment and environmental awareness.

One of the major errors associated with the SST project was the degree to which it was considered a life-saver for the struggling aerospace industry. Salvation, it was argued, lay in tossing the victim an anchor, thus stimulating him to self-rescue. Certainly the tax-supported project would have protected some jobs for the time being. But just as certainly the day of reckoning would have come when the airlines were called upon to pay for the expensive bill of goods.

The aerospace industry is not the only aspect of the economy that faces real and long-range problems from aggressive foreign competition. The answer cannot be some artificial device, a fiscal Band-Aid that hides the wound momentarily from view. There must be a realistic readjustment to the real world, including, perhaps, greater governmental subsidies and certainly a pragmatic acceptance of the fact that the era of the U.S. technological monopoly has ended. This means at best a period of rough readjustment while foreign labor costs rise to a semblance of parity with our own. At worst, it means that the United States will emerge as the supplier of raw materials and the final assembler of machines, while the able and cheap technology of Europe and the Orient provides the components.

The SST experience should have provided one other valuable lesson: The environmental issue is no passing fad to be shrugged off with fulsome lip-service. It is real; it is here to stay. Every technological project must, from now on, be weighed first for its environmental impact. After the necessary assurances are in and the costly safeguards tabulated, then it should be judged for its economic validity.

We live on a fragile and degraded planet. The policy of the blind technological leap has brought us to the brink. The time is at hand to stop hoping for the best, and to be sure before the next big jump is undertaken.

POLITICAL EQUALITY FOR WOMEN

Mr. PROXMIRE. Mr. President, almost everybody will admit that politics in the United States is at present a profession dominated by men. Indeed, it would not be very easy to make a list of nations in which men do not dominate public affairs.

But, as in so many other matters, "what is" is not necessarily the same as "what should be." In this case, discrimination and underrepresentation on the basis of sex is a part of political reality. When one speaks of the U.S. Senate as a "club," one generally does not envision a gathering of distinguished women.

Only one of the 100 Senators is a woman. This could be an acceptable state of affairs, provided that 99 percent of the population was male.

But we know that this is not the case.

The Senate must exert every effort to bring women into public life on a scale more commensurate with their numbers in the population.

One step the Senate could take is ratification of the convention on the Political Rights of Women. Over 40 nations have officially ratified the convention, but the United States is not one of them.

What does the convention do? I shall quote directly from the first three articles, which contain the substantive provisions of the convention. Article I states:

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Article II states:

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article III states:

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

And that is the gist of the convention on Political Rights of Women. As you can plainly see, each provision is in line with long-standing American goals of social equality. Senate ratification would merely reaffirm our resolve to move onward and do more to realize those goals.

In other words, the convention merely sets forth the rights of women to vote in elections, run for public office, and hold public office. I think that these rights are worthy of official protection. That is why I call for the Senate to ratify the convention on the Political Rights of Women soon.

WORKMEN'S COMPENSATION IN NEW JERSEY

Mr. WILLIAMS. Mr. President, the National Commission on State Workmen's Compensation laws has recently begun hearings to enable it to fulfill its statutory mandate of reporting to Congress by July of 1972. The Commission was established under the Occupational Safety and Health Act of 1970.

The subject of workmen's compensation is of extreme importance. It has a daily impact on the lives of millions of American working men and women. There are countless diverse views on the nature of the faults of our State systems and on the reasons for those faults. On one thing, however, there is near unanimity. Reforms are necessary.

The public interest and concern in this subject has recently been demonstrated by a series of articles written by Robert P. Kalber, and published in the Newark Star Ledger. I believe these articles are well worth reading, regardless of one's point of view. Therefore, 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:

WORKMEN'S "COMP"—COSTS—AND CRITICISM—KEEP MOUNTING

(By Robert P. Kalter)

A dollar bill bought only 58 cents worth of benefits for injured workers in New Jersey last year, while lawyers and doctors who specialize in workmen's compensation cases enjoyed record-high fees, fixed and approved by compensation court judges.

Findings such as these help to explain why the New Jersey workmen's "comp" program has been a target of constant criticism and a focal point of bitter controversy throughout its stormy 60-year history.

Employers angrily criticize the ever-rising cost of compensation insurance and point to lower costs in other states.

Union leaders complain heatedly that workers are not receiving adequate benefits for serious, crippling injuries, and that doctors, lawyers and insurance companies are the chief beneficiaries of the current system.

Insurance company spokesmen loudly protest the mounting dollar drain of nuisance claims and faked injuries.

Workers charge that they have had to sit around for hours, losing a day's pay, only to be told to return again because their case could not be heard.

Judges privately complain of overwork because of crowded calendars and a 40,000-case backlog.

In off-the-record conversations, sinister accusations are made by those who claim inside knowledge of what makes the system tick.

They charge that payments (ranging from $10 up) are made by attorneys to bartenders and shop stewards for leads on prospects for ccmpensation cases, and an additional $10 or a percentage of the fee if the lead results in a successful case.

They tell of lawyers' cards being passed around to persons who are fired or quit their jobs.

They charge unethical attorneys try to get doctors to pad their bills and exaggerate medical testimony to enhance the chances of bigger awards for clients—and bigger fees for themselves.

They tell of perjured testimony that goes unpunished, of widespread fee-splitting and ambulance-chasing.

These charges are not new.

They have existed—and been denounced—for decades.

But they have never been investigated and eradicated.

Officials in the Division of Workmen's Compensation insist they are too occupied with day-to-day operations to undertake an in-depth probe. Besides, they say, they do not have qualified investigators to undertake that kind of assignment.

They insist, moreover, that despite its problems, the New Jersey system is second to none in the nation, that it does an excellent job of awarding benefits to disabled and injured workers, and that with only minor changes it can be made vastly better.

G. Robert Winfield, director of the Division of Workmen's Compensation and himself a compensation judge since 1952, points out that the division "is here to serve the public and we do our best."

Known as a sincere and dedicated official, he told this reporter: "I'm here to administer not legislate." His job is to carry out the laws enacted by the Legislature in the field of workmen's compensation. If there are weaknesses or problems arising out of existing laws, then it's up to the Legislature, he indicated, to correct them.

Statistics gathered by the State Compensation Rating and Inspection Bureau show that insurance companies collected $274 million in standard premiums and paid out $158 million in benefits during 1970 under the workmen's compensation program.

The difference of $116 million—the precise figure is $116,277,200—is the amount of money the insurance carriers "lost" in the translation of income to payout.

The shrinkage adds up to 42 cents on every standard premium dollar. It is attributed by the rating bureau to the insurance companies' administrative expenses. legal and medical fees, taxes, profits and returns to employers in discounts, rate adjustments and dividends.

Based on the standard premium, it cost $116 million to deliver $158 million in compensation benefits for work-related injuries and deaths in 1970.

Discounts of $13 million from the standard premium, rating adjustments of $3.5 million and dividends of $27 million returned to purchasers combined to reduce the net cost to policyholders to $230 million last year. On this basis, it cost $73 million to deliver $158 million in "comp" benefits, or 31 cents on each dollar of net cost to the employer.

Spokesmen for employer groups and unions agree this is a staggering price to pay for the operation of what started out to be a quick simple, efficient, system to compensate employes for injuries suffered on the job and to provide death benefits for the widows and children of breadwinners who are killed at work.

Employers point out that despite investments in safety equipment and training and in the face of a steady decrease in injuries and deaths per 100,000 workers, the cost of compensation insurance in New Jersey has continued to climb, year after year.

Labor union officials have been urging a state-operated fund to replace the private insurance plan. They have been emphasizing that where there are state funds, as in Ohio, as much as 95 cents on the dollar is paid to workers in compensation benefits and only 5 cents is dissipated in costs, compared to New Jersey's 31 cents on net premiums and 42 cents on the standard premium dollar.

And where claims go to formal hearing for disposition, the worker's share of the New Jersey compensation dollar is further reduced, because he must then pay a portion of the legal and medical fees incurred in the handling of his case.

In the absence of unusual circumstances, compensation court judges assess workers approximately 60 per cent of the medical fee and 40 per cent of the legal fee, with the insurance companies paying the remainder.

Last year legal fees approved by the Division of Workmen's Compensation for workers' attorneys (known as petitioners' attorneys) reached a record high of $10,534,814, up from $8,947,977 in 1969 and $3,846,498 in 1960.

The $10.5 million in petitioner attorney fees went to a relatively small number of lawyers who specialize in compensation work. Some of these specialists handle a dozen or more cases a day.

Medical fees for petitioners' doctors—in connection with compensation court work and not for the treatment of injured workers—reached a record $1,529,406 last year, up from $1,332,829 in 1969, $711,647 in 1960 and $384,994 in 1950.

The legal and medical fees in 1970 were based on compensation awards of $74.9 million to 32,086 workers.

Although awards are tax free, the workers did not receive the full amount. They had to reach into their pockets to pay $4,128,349 toward the attorneys' fees and $965,496 of the medical fees, or 7 cents out of every compensation dollar.

The figures, moreover, apply only to cases disposed of at the formal hearings, as differentiated from direct settlements and informal hearings.

When direct settlements are conducted fairly, they provide a clue as to how New Jersey's workmen's compensation system was intended to function.

An employer (if he is self-insured) or his insurance carrier consults with the treating physician and the worker, and agree on voluntary weekly payments. A check in 1958, however, found that only 1,733 of 5,012 cases reviewed were considered adequate. Additional cash payments of $821,689 were ordered to augment the original $93,686 cash payments.

The review program has continued and results in subsequent years have been most encouraging, according to director Winfield. In 1963, 14,677 cases were checked and 12,165 (83 per cent) were considered adequate. Five years later, 14,300 cases were checked and 12,305 (86 per cent) were deemed satisfactory, although additional cash payments of $794,304 in 969 cases resulted from new hearings.

The informal hearing is not provided for by statute, but is an administrative device that filled the gap between direct settlements and formal hearings.

In the informal hearing, the injured worker appears before a compensation court judge or a referee (a civil service appointee who need not be a lawyer). Brief forms are filled out, a state-paid doctor examines the claimant and a settlement figure is proposed. The worker does not need to be represented by a lawyer. Either he or the insurance carrier can reject the proposed settlement, in which case it goes to formal hearing. If the worker chooses to have a lawyer represent him, the attorney is entitled to a fee of no more than 10 per cent of the settlement which is to be paid in full by the worker.

No figures were obtainable from the Workmen's Compensation Division on the dollar value of legal fees approved for informal hearings or the cost of providing medical examinations.

The formal hearings were originally conceived as a means of settling difficult legal questions as to whether accidents occurred in connection with employment when the requirements of the job are not always clear, and similar legal question marks.

Although not a part of the regular state court system, compensation courts conduct trials in the same manner. Every effort, however, is made to settle disputed issues at pretrial conferences. Where this fails, however, litigation takes over.

More and more cases are ending up informal hearings than ever before. One reason for this is increased uncertainty over the handling of heart attack and occupational disease cases, where New Jersey Supreme Court rulings have, according to lawyers, confused rather than clarified the legal issues with respect to compensability.

In contrast to the 10 per cent limit on fees for workers' lawyers which applies to informal hearings, the limitation at formal hearings is 20 per cent. In practice, however, judges generally fix 16½ or 16⅔ per cent as the fee, or about $165 on each $1,000 awarded.

This practice has been criticized by insurance company spokesmen on grounds that cases involving large awards do not necessarily involve a great deal of legal work and lawyers in such cases can be grossly overcompensated, partly at the expense of the worker who must pay 40 per cent of the legal fee.

And because the fee is directly related to the amount of the award, there is a tendency on the part of the worker's attorney to get as big a judgment as possible, a feature of the existing compensation system that has

been partly praised and partly damned; praised when it results in just award to an injured worker; damned when questionable medical testimony is used to bolster a minor claim.

An indication of the trend that workmen's compensation is taking in New Jersey is that the $10.5 million approved last year in petitioners' attorneys' fees surpassed the $9,379,355 total awards to workers on which the 1950 fees of $1,431,691 were based.

Another indication of the workmen's "comp" trend is that the present system operated 40 years until insurance premiums added up to $1 billion, while premiums for the 1966–70 period (the last five years) totaled $1.1 billion.

And the $1.1 billion collected in premiums from 1966 through 1970 compares to the $3.2 billion collected from 1917 to 1970.

The figures cited for legal and medical fees do not include the legal and medical expenses incurred by the insurance companies in the preparation and conduct of compensation court cases. Neither the Division of Workmen's Compensation nor the rating bureau could supply these amounts, although they are an important cost factor.

Noting that criticism of workmen's compensation is growing in all parts of the nation, Alfred J. Napier, chief judge of the New Jersey Division of Workmen's Compensation, believes the program is at a crossroads.

In an article addressed to the question of whether workmen's compensation is obsolete, Napier points out that "the primary areas of concern in planning workmen's compensation were wage replacement, medical care and a financial recompense for permanent loss or impairment. Secondary benefits which developed were rehabilitation of the disabled to permit them to rejoin the labor force, and the promotion of industrial safety in order to reduce workmen's compensation rates."

He notes, in addition to workmen's compensation laws, "Federal Social Security disability laws, state laws providing unemployment compensation during layoffs, short-term non-occupational disability benefits, and a multitude of private insurance plans, fraternal organization funds, union welfare payments, etc., all operate for the purpose of wage replacement, with ensuing encroachment and overlapping.

Napier believes that "if present trends continue, it is reasonable to anticipate the day when wage replacement and medical care will be severed from the administration of workmen's compensation as we know it, leaving only the determination of cash benefits for permanent disability and dependency."

"Since workmen's compensation laws were first adopted, their basic pattern has remained the same," the chief judge states. "Any changes effected have been in the direction of liberalizing, particularly in striving toward exclusion of exemptions from coverage, increases in compensation rates, broad occupational disease provisions and unlimited medical care.

"In addition, there have been many experiments with administrative procedures in an effort to reduce litigation expenses and speed the adjudicatory process, while providing a fair hearing to all parties. The results of these experiments are inconclusive. There remain a variety of organizations concerned with the administration of workmen's compensation, including the judiciary, individual administrators, boards and commissions."

Statistics from the division show an ever-increasing volume of cases being handled at the formal hearing level and a lesser use of the swifter and simpler informal hearing.

Workmen's "Comp"—Doctor "Bonuses" Up the Ante

(By Robert P. Kalter)

New Jersey Workmen's Compensation courts are approving thousands of dollars in giveaway fees to keep a small clique of doctors happy with the system.

The practice flourishes in Newark, Elizabeth, Jersey City, Perth Amboy and other North Jersey cities where the volume of workmen's "comp" cases is heavy.

The giveaway fees range from $25 upward, depending on the dollar value of the compensation award to the injured or disabled worker, and are in addition to the routine fees allowed by the judges for a basic medical examination and report.

A single doctor can collect as many as 10—or more—of these "bonus" fees in a morning.

Each gratuitous payment of $25 or more covers a courtroom appearance that generally requires 30 seconds to one minute. During this time the doctor reads his report of a medical examination.

The "bonus" applies only in those cases that have been settled in advance by mutual agreement at a pre-trial conference between attorneys for the employer and employe with the compensation court judge in the judge's chambers.

After a settlement is reached, the parties move to the courtroom, where a hearing is conducted in the presence of a court stenographer who makes a permanent record of the proceedings.

Lawyers point out that a stenograph record is necessary because the law permits a case to be reopened within two years and the transcript is used to establish the physical condition of a worker at the original hearing and changes that have occurred subsequently.

Outside of the populous North Jersey counties, doctors are not called to the witness stand in "settled" cases. Instead, their reports are simply incorporated into the record. Where this is done, the doctors receive a basic fee of $25 or $35 for their examination and report.

In industrial North Jersey, however, the unnecessary court appearance is used as an excuse to justify the payment of an additional $25 or more over the basic fee to compensate the doctor for his testimony and time in court.

In Newark, where 25 per cent of the state's compensation cases are heard, a significant and growing majority of claims involves not one doctor, but two—an orthopedic specialist or internist and a neurologist—and each collects his $25 minimum bonus in settled cases.

The Division of Workmen's Compensation does not maintain records of the total fees awarded each year to doctors who specialize in examining and testifying for workers (called "petitioners") in "comp" cases.

Division officials and compensation attorneys who were asked about it said there are probably fewer than two dozen doctors who make a specialty of petitioner "comp" work in the state.

Division figures show that doctors received fees of $1,529,406 for reports or court appearances in 32,086 cases involving $74,872,931 in compensation awards statewide last year.

The fees do not include payment of any kind for medical treatment; they cover only examinations, reports and testimony (where called for) in the conduct of compensation cases.

Of the total medical fees, $965,496 were paid by the workers and $563,910 by the employer or his insurance company, reflecting a 60–40 formula generally used by judges in the "comp" courts.

In the case of giveaway fees, this means that 60 per cent, or $15 out of every $25 approved by the judges, comes out of the pocket of the injured or disabled worker. Where two doctors are involved in a settled case, the bite on the worker is a minimum of $30.

Efforts to determine exactly how much money was being awarded to which doctors in the form of giveaway fees ended in an administrative cul de sac.

G. Robert Winfield of Bloomfield, director of Division of Workmen's Compensation, said that no separate tally is kept of cases that are settled at pretrial conferences. These cases are lumped in with those that are disposed of at formal hearings after full-fledged legal contests.

He estimated that 6,300 cases were handled last year in South Jersey counties, leaving somewhat over 25,000 as the total number of cases decided at formal hearings in the North Jersey industrial area.

Winfield said "a substantial majority" of these 25,000 North Jersey cases were settled at the pretrial stage.

Assuming just 12,500—exactly half—of the cases were settled at pretrial and that the doctors received only one minimum $25 additional award for courtroom testimony, the giveaway last year would amount to $312,500. The actual figure was much higher.

The $312,500, incidentally, works out to 20 per cent of the total $1,529,406 in medical fees approved last year and represents an assessment of $187,560 out of the pockets of injured and disabled workers on the basis of the 60–40 "comp" formula.

Winfield and compensation court judges in the North Jersey area defended the giveaway practice.

Judge Hyman Barowitz, who has been hearing "comp" cases in Jersey City for 34 years, summed up their viewpoint.

"We have to put doctors on the stand in settled cases," he said, "or we wouldn't have doctors for those cases where their testimony is needed."

He said that insurance companies that represent employers in workmen's compensation cases "pay their doctors fantastic fees, but we can't get doctors for the petitioners."

Barowitz said that physicians who specialize in petition work "are mostly old and we can't attract younger men to take their place."

He emphasized that "we have to have doctors" to make New Jersey's compensation system work.

Judge Mark E. Litowitz, who sits in Camden, said that doctors do not take the stand there to testify in settled cases. Medical reports are merely made a part of the official record.

This practice, Litowitz said, "saves more than money." He said it also saves valuable time and makes things easier for the hearing officer to close out cases.

A physician (who asked that his name be withheld) said that "doctors are not avoiding workmen's compensation courts because of fees."

"They could triple or quadruple fees, even raise them to the sky," he said, "and most doctors would still not be interested. They don't like the system. They think it's unprofessional to make a career of being a professional witness. They don't like being pinned down by a lawyer's objections and judicial rulings. Law and medicine don't mix. You can't always give yes and no answers.

"The biggest problem, however, is the business of translating medical conditions into percentages of physical disability, as required of medical witnesses in compensation cases.

"Doctors are not trained to evaluate patients in terms of percentages," he emphasized. "It's something that's peculiar to workmen's compensation courts.

"How can anyone, doctor or lawyer, really tell whether a man has suffered a one per cent, a one-and-a-half per cent, or a two per cent permanent injury to a finger or a foot? Yet this is what doctors are being asked to testify to in workmen's compensation cases."

Even doctors who are involved in "comp" work concede that it's an exercise in futility to try to pinpoint disabilities in terms of precise percentages.

Nevertheless, the New Jersey system is geared to these percentages, demands medical testimony to fix them and awards based on them.

WORKMEN'S "COMP.": AN UNFORTUNATE TREND TO FORMAL HEARINGS

New Jersey enacted its workmen's compensation law in 1911, becoming the fourth state in the nation to take such action.

It has been the subject of controversy from then until now.

In the original act, the Legislature provided for court administration of the program.

Walter F. Dodd, in his book, "Administration of Workmen's Compensation," wrote: "Employer and injured employee were supposed to enter into an agreement for the claims, although no provision was made in payment of compensation in uncontested the original law for the filing or scrutiny of these contracts by any official or body."

Disputes arising under the act were to be taken to the Common Pleas Courts.

The 1911 Workmen's Compensation Law was hailed as long-overdue social legislation to end a serious injustice to injured workers. It was intended to provide a mechanism for the quick, equitable settlement of claims arising out of injuries and deaths on the job.

Before this law was passed, workers found it practically impossible to collect. The only means open to them was a suit in court. This was slow and costly—and because of common law precedents, the need to prove negligence on the part of the employer and other legal technicalities, workers rarely emerged victorious from the courts. When they did win, however, they often were awarded large sums.

The workmen's "comp" law eliminated negligence as a factor, holding employers automatically responsible for injuries and deaths by accidents "arising out of and in the course of employment." The worker, in turn, lost his right to seek large awards in traditional negligence suits.

After the New Jersey act had been administered by the courts for three years an investigation was initiated by the Social Insurance Committee of the American Association for Labor Legislation. A year later, in 1915, its findings were made public.

"The investigators of the Association for Labor Legislation," wrote Dodd, "brought five principal indictments against the settling of disputed claims by the courts in New Jersey.

"They were (1) the delay of court procedure, (2) its cost, (3) the unfitness of courts for settlement of compensation claims, (4) lack of uniformity of decision, and (5) the employee's fear of discharge if court proceedings were instituted."

With respect to costs, the report noted that "fees necessarily paid to attorneys eat up large portions of the awards."

Turning to the unfitness of the courts to adjust compensation claims, the report found that the very nature of the courts made them unsuited to dispose of compensation claims. Among the reasons cited was the finding that judges usually had small knowledge of industrial processes and did not have the time or opportunity to become expert in this branch of the law.

Noting harmful results in the administration of a workmen's compensation law through the courts, the report concluded: "A more unsatisfactory system, from the injured worker's point of view, would be hard to devise."

Spurred by the report, the Legislature in 1916 established a Workmen's Compensation Aid Bureau in the State Labor Department to receive agreements of settlements in undisputed cases, but disputed claims still went to the Common Pleas Courts.

The bureau was to review and approve all settlements, but two years later it was replaced by a new Workmen's Compensation Bureau with exclusive jurisdiction over all compensation claims, contested and not.

"Thus," wrote Dodd, "it came about that New Jersey gradually abandoned court administration after finding it slow, costly and generally unsuited for the enforcement of its compensation law."

The commissioner of labor, deputy commissioners and referees were granted authority to hear disputed cases, and they were not required to be lawyers.

Within a short time, however, the deputy commissioners were replaced by supervising judges and judges (positions reserved for lawyers only).

More and more claims became the center of legal disputes between attorneys for the workers and the insurance companies. In the process, the compensation system became less a device for quick, friendly settlements and more like the court system it was designed to replace.

By 1960 the supervising judges and judges donned formal black robes to establish an authentic courtroom atmosphere.

In a 1966 pamphlet on workmen's compensation issued by the New Jersey State Industrial Union Council, AFL–CIO, members were told:

"The underlying aim of workmen's compensation laws is to make the cost of industrial accidents and resulting deaths and disabilities, regardless of their cause, a charge upon industry, which ultimately passes it on to the consumer as part of the cost of its product.

"Although the Workmen's Compensation Law has been of great benefit to workers, it has fallen far short of attaining the ideal solution of the problem of what to do with injured or disabled employees, or with their dependents in case of their death.

"It was presumably the intention of the framers of the law to make the remedy so simple that an injured employee would not be obliged to have any particular knowledge of its provisions or to retain an attorney in order to safeguard his rights under it, but employers and insurers have continuously pecked away at its provisions and such highly technical and confused interpretations have resulted that only too frequently it takes an expert to win a contested compensation case. Many of the intended benefits of the Act have vanished in a maze of legal opinions."

Spokesmen for employers and insurance companies counter that much of today's problem stems from fee-hungry lawyers who make a specialty of representing workers. They earn fees only in cases that are decided in formal hearings, as distinguished from informal hearings conducted by referees, or direct payments.

In its most recent annual report (for the year 1968), the Division of Workmen's Compensation noted that 21,682 cases involved voluntary payments by the employer or insurance company. Only 22 per cent of the compensated cases, or 14,647, were closed by voluntary payments resulting from informal hearings. But 46 per cent, or 31,120 cases went to formal hearings.

The report states:

"A substantial proportion of such cases were closed after conferences with the hearing officials without the necessity of a fully litigated trial. The remainder were tried before judges of compensation as contested cases. In either event, a formal hearing necessarily entails a stenographic record which includes the testimony of the petitioner, of the medical experts of both parties and of such other witnesses as may be offered."

The report noted a "trend toward formal hearings as the method being utilized increasingly for the disposition of workmen's compensation claims" and cites a 58 per cent increase in 10 years.

"Aside from the numerical increase in the total number of formal hearings," the report states, "this type of litigation is becoming more lengthy with increasingly complicated medical issues to be resolved."

Sincere and reputable attorneys on both sides of the "comp" fence, those who represent workers and employers, agree that tighter administration and a tougher stand by judges would check the trend toward formal hearings.

One favorite proposal advanced by many is that lawyer fees ought to be sharply reduced, even to a token $1, in cases that are obviously contrived.

Another proposal is that all cases go first to an informal hearing, where a compensation award would be made. If the attorney for the worker decides on a formal hearing, his fee should be based only on the difference between the original offer and the final award.

WORKMEN'S "COMP": INSURERS BENEFIT FROM NEW RATE BOOST

(By Robert P. Kalter)

New Jersey homeowners and apartment dwellers have just been socked with a $5-a-year increase in the premium they must pay for workmen's compensation insurance on private residences.

Not one cent of the boost is earmarked for benefits to babysitters, cleaning women, maids, and other employes who are protected under the private residence policies.

The hike in premium raised the cost of a one-year basic policy 60 per cent—from $12 to $17—and will provide the insurance companies with an annual bonanza of approximately $625,000.

Approved by the State Compensation Rating and Inspection Bureau, the new rate went into effect July 1 and is now being applied to all new policies and to renewals as they come due.

Robert R. Heckman, special deputy commissioner of the State Department of Insurance and chairman of the rating bureau, estimated that 125,000 private residences are covered by individual workmen's compensation policies.

He explained the rate increase this way:

"The $5 additional premium on new and renewal business was in consideration of the inflation—which is with all of us—to give additional expense dollars to the companies for handling the business and did not relate to incurred losses."

Those who pay for the policies had no voice in the deliberations leading up to the decision to hike the premium, and no opportunity to protest the action.

In its entirety, it was handled as a matter only between the insurance companies and the rating bureau.

The bureau's own figures, however, as supplied by the insurance firms, fail to justify a higher premium.

The $5 boost, according to Heckman, doubles the amount previously allowed the insurers for expenses.

This means that $10 out of the $17 premium goes for administrative purposes and

profits; only $7 is available for benefits to injured and disabled workers.

Expressed another way, it means that 59 cents on every premium dollar is used for expenses and only 41 cents is set aside for accident victims.

These figures are almost the complete reverse of experience in workmen's compensation coverage for business and industrial policies, where 42 cents is used for expenses and 58 cents is available for benefits.

And this ratio has been the target of bitter criticism from labor and employer representatives who want insurance companies to reduce costs further and make more of the premium dollar available for payments to the injured and disabled.

Because some policies are issued for three years and some for one year, figures were obtained for the policy years 1966 through 1968 (the last for which full data are available).

The figures show the insurance companies collected $2,075,059 in premiums and paid out $1,046,016 in incurred losses, or slightly less than 50 cents on the dollar.

Results on the one-year policy have been even more favorable to the insurance firms.

For 1968, for example, premiums totaled $293,467 and incurred losses were $104,007, a payout of 35 cents on each dollar collected. In 1967 earned premiums were $334,245 against incurred losses of $136,212, and a year earlier the comparable figures were $383,375 against $208,766.

As for three-year policies, the 1966 experience was $1,003,972 in premiums against $597,031 in losses, and in 1965 it was $971,345 collected in premiums and $452,289 paid out in claims.

Private residence insurance is not mandatory under New Jersey law, but employers of babysitters, domestics and farm hands are liable if they work regularly and periodically. And substantial sums have been levied against homeowners and apartment dwellers where injury-producing accidents have occurred.

As a matter of fact, New Jersey's workmen's compensation law is one of the broadest in the nation, extending coverage to practically every employe other than the casual worker, engaged for a single, nonrecurring job, purely by chance or by accident.

All compensation insurance is written by private carriers, setting New Jersey apart from those states which operate their own compensation funds, either exclusively (as in Ohio) or as an alternative to private insurance coverage (as in New York).

Employers, however, can opt for self-insurance and last year 169 companies—including many of the largest firms in the state—were authorized by the state to provide their own coverage. On the basis of "compensation paid" the self-insured firms accounted for 9.5 per cent of workmen's compensation insurance last year.

The State Compensation Rating and Inspection Bureau is responsible for fixing the premiums the insurance companies can charge.

It's a complicated business.

The basic unit is $100 of payroll, and the rate to be paid is based on exposure to risks, from jobs that are relatively safe to those with a high frequency of accident occurrence.

There are 803 different classifications in use in the state today, and these are used to determine a classification for the employer. Usually the single most important classification is the one which is applied for statistical purposes to the employer.

Anticipated losses (claims for benefits by injured workers) are calculated on the risk experience, and the rates are fixed so as to produce adequate funds to pay these losses—after allowing for expenses and a 2.5 per cent profit for the insurance carriers.

The formula governing expenses, however, has been under attack by labor unions and employers on grounds that some of the items are unrealistically high, serving only to fatten the profits of the insurance companies. The 17.5 per cent expense for acquisition cost is especially attacked, the critics pointing out that most insurance companies spend only a fraction of this amount to secure new accounts, and some spend nothing to attract new business.

Critics of the formula also claim that it fails to take into account the investment income earned by the premiums, which places additional money in the profit columns of the insurance carriers. Employers say this money should be used to reduce costs. Labor leaders say the money ought to be used to increase benefits for injured workers.

Special deputy commissioner Heckman said, in explaining the bureau's role:

We do not investigate, explore, reprimand, rule and regulate the activity of the insurance companies in the field of efficiency.

"Our chain of loyalty is first to the beneficiary, the workingman, under the policy."

He said the purpose of rate-making is to make certain there are adequate funds to pay for anticipated losses, adding that "we have an equal loyalty to the buying public and the (insurance) seller."

WORKMEN'S "COMP": HEADQUARTERS ISN'T AS CHAOTIC AS IT SEEMS

(By Robert P. Kalter)

A morning visit to the New Jersey workmen's compensation quarters on the second floor of the state office building at 1100 Raymond Blvd., Newark, is an experience akin to dropping in on another world.

Here is a labyrinth of corridors that lead to cubicles that form courtrooms (13 in all), judges' chambers, two waiting rooms, a large and small room for attorneys, booths housing public telephones, a consulting room for doctors, two medical examination rooms, a court stenographers' room where the coffee urn is always going, an office for two court attendants, and a tiny reception area leading to a vast room where secretaries and clerks maintain case files and try to keep up with a mountain of paper work.

Among the sights one is certain to see on almost any given day:

Court officers scurrying from courtroom to courtroom, frantically searching for a doctor who specializes in medical testimony.

Lawyers scurrying from courtroom to courtroom, frantically searching for a doctor who specializes in medical testimony.

Lawyers scurrying from courtroom to courtroom, desperately seeking clients whom they are to represent but whom they have not yet met.

Court stenographers scurrying to courtrooms in response to a hasty call to prepare a transcript of a formal hearing.

Lawyers talking quietly to clients, getting straight on accident details and the extent of injuries.

Lawyers for insurance companies talking to lawyers for injured workers, trying to work out details of a settlement.

Workers, often with a member or members of their family, sitting around, hour after hour, patiently waiting for their case to be called.

It is well to keep in mind that in this never-never land, things are rarely what they seem to be.

If you pass a courtroom and see a witness on the stand and a judge behind the bench, it doesn't necessarily mean that a "real" trial is underway.

In all probability, it is merely a run-through to place on the record the facts in a case that was settled earlier during a conference in the judge's chambers.

Similarly, if you pass an empty courtroom it doesn't mean the judge is on holiday. He may very well be in chambers attempting to work out a settlement between attorneys for the insurance company and claimant.

Finally, although workmen's "comp" is always identified as a "social program" and its benefits are associated with hard-working middle and low income wage-earners, this is not really the case.

On July 22, for example, a decision in favor of the widow and children of Mario Gallo was announced by Judge James H. Coleman Jr.

Gallo was killed in an automobile accident in February, 1970, after returning from an early evening meeting with then U.S. Attorney Frederick B. Lacey and the assistant who has since succeeded him in office, Herbert Stern.

Gallo, it will be recalled, was one of those indicted with former Mayor Hugh J. Addonizio and other Newark city officials in connection with kickbacks on city contracts.

Testimony at the workmen's compensation hearing disclosed that Gallo was employed as vice president of Passaic Crushed Stone Co. at a salary of $32,000 a year, an employe of North Jersey Incinerator Co. at $36,000 a year, an employe of Hudson Crushed Stone Sales at $3,000, and that he shared in the profits (but took no salary) from Hudson Stone Co.

Dino Bliablias, a Newark attorney, testified he spent almost all of Feb. 9, 1970, with Gallo and accompanied him to the meeting with Lacey and Stern at the Americana Hotel in New York City. The session lasted 3½ hours.

"Lacey and Stern were interested in obtaining information on the extent of participation of (the Gallo) companies in city projects," Bliablias told the judge, "and to what extent they had supplied material, and the distribution of funds (from city projects) to other companies and individuals."

Bliablias said the companies were worth "millions of dollars" and that the Internal Revenue Service was about to seize the assets under a tax jeopardy assessment.

"The government indicated to us, through Lacey and Stern, that the companies would be protected if Gallo and others would cooperate in furnishing information," Bliablias testified.

The thrust of the testimony was to show that Gallo was concerned about the future of the companies, although only he had been indicted, and that the meeting in New York, therefore was company business.

Insurance company attorneys contended that the meeting was a private matter, involving only Gallo's indictment and the upcoming criminal trial, and that his death in an auto accident was not compensable under workmen's compensation.

Judge Coleman ruled in favor of Gallo's widow and children.

The decision is expected to bring at least $55,000 to the family at a rate of $91 a week for the next 16 years. The weekly payments will continue after that to Mrs. Gallo as long as she does not remarry.

Benefits paid in fatal injury cases were increased substantially under a formula that became effective Jan. 1, 1968. Prior to that date, maximum benefits payable to a widow and her children were $45 a week for 350 weeks, or $15,750 in total, plus $450 for funeral expenses.

Under the new formula, the maximum weekly rate is two-thirds of the average wage in the industrial position category in New Jersey and is recomputed each year. For 1968,

the maximum was $83 weekly; for 1969, $86; for 1970, $91 and this year it is $95.

The minimum payment is 50 per cent of the victim's weekly earnings, so that payments to the widow of an $80-a-week worker would be $40. An additional 5 per cent is allowed for each child under 18. The widow and two eligible children of an $80-a-week worker would therefore receive $48 weekly. After 450 weeks, the benefits for a widow are reduced by the amount of her earnings but continue until her death or remarriage. Burial expense is now $750.

The formula of two-thirds the average annual wage also applies to cases involving workers who suffer temporary disability or total permanent disability and is the third most liberal in the nation. The $95 weekly this year is topped only by Arizona's $150 and Hawaii's $112.50. The New York maximum, by contrast, is $80. Delaware's $75 and Pennsylvania's $60.

Deaths, temporary disability and total permanent disability, however, represent only a small part of the workmen's compensation awards.

In 1968, the last year for which data are available, deaths accounted for $8.59 million (343 cases); permanent disability awards were $2.96 million (220 cases), and temporary disability awards were $1.53 million (13,951 cases).

By contrast, $75.15 million was awarded for permanent partial injuries in 52,935 cases. Nearly $60 million of this amount was awarded as the result of formal hearings, where lawyers and professional medical witnesses earn their fees.

Unchanged by the 1968 formula, moreover, was the old schedule for payments of compensation for specific losses, where New Jersey stands about middlish with respect to the other states. New Jersey allows $8,000 for the loss of an eye; New York $12,800; Pennsylvania, $9,000 and Delaware $17,625. For a hand, New Jersey allows $9,200 to Delaware's $16,500, New York's $19,520 and Pennsylvania's $10,500.

The physical layout of the compensation quarters at Newark have been criticized, meanwhile, by almost all of the judges and lawyers who work there.

Judge Coleman, for example, cited the paper-thin walls and "the lack of privacy in which a judge has to conduct his conferences."

Judge Rothschild said she doubts that the lighting intensity reaches state-required minimums.

Several others pointed to the lack of rest rooms in the immediate area.

Everyone agreed that as bad as Newark was, the facilities at Perth Amboy were disastrous—two crowded courtrooms, an office used as a third hearing room, and not even enough corridor space to accommodate those who are on hand for hearings, especially on Wednesday mornings, when the case load is heaviest.

Compensation Director G. Robert Winfield said efforts are being made to locate newer, bigger quarters.

The existing lease, however, does not expire until 1975, William Schumacher, who is in charge of special services for the Division of Purchase and Property, said.

Official records show that the property at 339 Maple Street was leased by the state effective March 1, 1960.

Workmen's Compensation occupies 2,016 feet on the second floor and is charged an annual rental of $7,560, Schumacher said. An additional 13,250 feet in the building is leased by the State Division of Employment Security at $43,962.48 annually.

Schumacher said the leases were signed by Phyllis Goldman and her brother-in-law, David T. Wilentz, the Middlesex County Democratic leader, as executors and trustees for the estate of G. George Goldman.

Labor, Industry and Lawyers View "Comp" Differently

(By Robert P. Kalter)

Permanent partial disability—which sounds like a contradication in terms—is a matter of grave concern for everyone involved in the New Jersey workmen's compensation system.

Judges, attorneys, doctors, insurance executives, employers and labor leaders agree that this is the area of activity that can make or break the program, and the trend is toward more permanent partial disability cases, more abuses and more controversy.

This category includes the loss of limbs, or parts of them, as well as the loss of hearing and sight. Compensation is paid for these according to a fixed schedule. Also in this category are nonschedule injuries involving the head and body and mind which are compensated as a percentage of total disability (one per cent equalling $220) and it is here that the battle becomes bitter, because so many of the complaints are not physical but subjective—aches, pains, dizziness, weakness.

In 1954, of 57,006 cases closed, 41,392 involved permanent partial disabilities, a percentage of 72.6.

During 1968, the latest year for which there are statistics, 67,449 cases were closed, permanent partials figuring in 52,935 claims, or 78.5 per cent, and accounting for $75.1 million of the $90.3 million in compensation awards.

Of the 52,935 cases involving permanent partial disability, 30,561 were closed at formal hearings at which $59,639,195 were awarded; 14,556 cases were settled at informal hearings that resulted in awards of $8,503,106, and 7,818 cases were direct settlements between injured worker and his employer or the employer's insurance carrier, with awards totaling $6,950,091.

Employers are especially bitter about the increasing volume of permanent partial cases because it increases the cost of their compensation insurance.

All too often, they say, awards are being made where there are no signs of disability and no loss of work or wages, reinforcing the complaints from many sources that the New Jersey system rewards the faker who pretends to be disabled, that it pays off over-generously for petty injuries, and that it has become a spoils system for a small corps of lawyers and doctors who handle the bulk of worker cases.

Labor spokesmen see the situation differently. They counter that workers have had to fight for every penny, that partial disability benefits ought to be increased, and that employes are frequently cowed into unjustifiably low settlements through fear of being fired or switched to lower-paying jobs.

Insurance companies are in a "heads they win, tails we lose" bind in dealing with nuisance claims. They find that it costs more to fight than settle on a minor injury, but as the numbers of such cases mount, the total dollar value becomes significantly too big to ignore.

All parties agree that in keeping with the spirit of the compensation law, judges and referees should "lean favorably" toward the worker where there is reasonable doubt.

But employers and insurance company lawyers contend that most hearing officers pursue a policy of splitting all differences in favor of the worker and awarding something for everyone who files a claim.

The judges counter that 9,905 formal cases and 6,401 informal cases closed without compensation in 1968, but the Division of Workmen's Compensation annual report for that year shows that only 146 cases were dismissed after trial. The remaining cases were closed without compensation by consent, lack of prosecution or discontinuances.

Previous studies have shown that New Jersey is well above the national average in the proportion of claims involving permanent partial disability, and that Essex, Union and Hudson counties are above the other counties of the state.

New Jersey's standing, according to insurance company sources, reflects the specialization of attorneys for the workers.

Because they spend all their time on workmen's compensation cases, they can accept small cases along with their big ones, increasing their volume.

A lawyer who does not limit his practice to "comp" work would find it inconvenient or unprofitable—or both—to accept an isolated compensation case of minimum value, it is pointed out.

The specialist, however, can always fit in one or two or ten more cases because he is in the compensation court anyway.

Supervising Referee John S. Burke, who started as an $80-a-month office boy and is today known as "Mr. Workmen's Comp" throughout the state, said that in recent years more and more lawyers have been coming into the field.

"The old monopoly no longer holds true," Burke said. "Young lawyers find they can come in and do pretty well financially."

But the statute-imposed limit on fees—10 per cent of the award for informal hearings, payable wholly by the worker, and 20 per cent on cases that go to formal hearings, payable by worker and employer—still encourages most attorneys to refer their "comp" work to specialists.

Jacob L. Balk of Newark, chairman emeritus of the State Bar Association Workmen's Compensation Committee and a prime mover in the successful effort to elevate the Committee to Section status—said that referral work accounts for a large volume of the cases handled by "comp" specialists.

Balk said lawyers generally receive one-third of the fee for their referral effort, although it can go as high as 50 per cent if the original attorney has completed most of the preparatory work. He noted that in "comp" work lawyers and doctors for the petitioner receive no fee if there is no award granted in a case, even though as much as $1,000 or $1,500 may have been advanced for investigation, medical consultations and other pretrial preparation.

In minor partial disability cases there is little, if any, advance work. On several occasions this reporter came across a "comp" lawyer meeting a petitioner for the first time just minutes before a hearing was to begin. Details of the case had not been discussed previously between the worker and the lawyer.

Yet a "comp" attorney could close five or six of these minor cases in an hour or so, resulting in awards of $500 to $1,000 for each of his clients. His fees could range from $50 (the 10 per cent informal hearing minimum) to $165 (the customary 16½ per cent allowed at a formal hearing).

Newark, Elizabeth and Jersey City have a greater proportion of partial disability cases than compensation courts elsewhere in the state, according to some attorneys, because these cities have a naturally larger case load and attract some of the most sophisticated "comp" attorneys.

That many of these claims are nuisance claims is indicated by studies that show the average compensation in these three cities is considerably lower than the average award in South Jersey or rural North Jersey cities.

The average award in an informal case in 1968 statewide was $708, up from $475 in 1958. Formal cases averaged $2,151 in 1968, compared to $1,327 a decade earlier.

Lawyers on both sides of the compensation fence agree that nuisance cases consume valuable court time and siphon off

funds that could be used to increase benefits for those who suffer serious injuries.

"The villain to loose administration," one attorney said. "The judges can spot the nuisance cases. They ought to throw them out. Instead they're granting minimum consolation awards."

"COURTHOUSE MEDICINE" DECIDES "COMP" AWARDS

(By Robert P. Kalter)

Some call it "Courthouse Medicine."

A judge in Camden tagged it "The Numbers Game."

It's New Jersey adversary system for determining benefits in workmen's compensation disputes.

A minimum of six must play: The worker (known as the petitioner), his doctor and lawyer, a doctor and lawyer for the employer or the employer's insurance company, and a compensation judge. Additional doctors, investigators and others may be called as witnesses.

Medical testimony is essential to establish the nature of the injuries and disabilities, and so both sides rely heavily on professional witnesses who do nothing but examine and testify in compensation cases.

Simple medical findings are not enough. They must be changed into percentages of total disability, based on 550 weeks at $40 weekly.

A 4 per cent permanent partial disability would result in an award of $880 payable at $40 weekly for 22 weeks. A 20 per cent award would call for $4,400 payable at $40 weekly for 110 weeks.

It is not uncommon to have a doctor for the petitioner testify that a fall from a ladder has resulted in a 20 per cent disability while a doctor for the insurance company estimates the loss at 4 per cent.

Some cases have produced findings of zero to 100 per cent.

Compensation judges concede that the system encourages doctors on both sides to exaggerate their findings to accommodate the party they represent.

"If they don't come up with the right answers, they won't get the work," one judge summed it up. "We get to know each of them and know how to make allowances for their excesses or understatements."

The petitioner's doctor is particularly vulnerable to pressures imposed by the system. He receives no pay if the worker fails to win an award, and because the attorney's fee is geared directly to the amount of the award, he is constantly being urged to inflate his figures. If he doesn't comply, he won't be called again.

The neurosis claim has emerged as a favorite "added starter" in compensation cases.

Supervising Referee John S. Burke said, "We're concerned about it and we're fighting it."

Prior to World War II, he said, a neurosis claim was a rarity, but today it's tacked on to almost every case, even for such things as a cut finger or sprained ankle.

It started in Newark and other industrial cities, Burke said, "and they never heard of it in South Jersey until about five years ago."

Even a 1 per cent additional award for neurosis can add $220 to an injury and 5 per cent can mean $1,100 extra for the petitioner and $181.50 more for the lawyer, on the basis of a 16½ per cent fee.

Workers use almost the same language in describing the symptoms of their neurosis:

"Since the accident, I have trouble getting to sleep at night. I get headaches all the time. I get dizzy and I'm jumpy."

Occupational disease is also involved in increasing numbers of cases, especially since 1964.

New Jersey is more liberal than most states in that it has recognized occupational diseases of all kinds since 1950, while many jurisdictions limit the kinds and types of diseases that are compensable.

From 1959 to 1964 the number of compensated occupational diseases averaged about 1,000 annually.

In 1964 the total jumped to 2,300. The increase was attributed to a rash of claims against the Mack Truck Co. after it announced it was shutting down its plant in Plainfield to move south.

The claims centered on lung and hearing problems, according to insurance company spokesmen, who added that none of them would have been filed if the company had remained in town.

The Camden area experienced a flurry of occupational disease claims when the shipyards in that city closed.

According to Judge Hyman Barowitz, who sits in Hudson County, he handled about $430,000 in occupational disease settlements about three years ago, when Todd Shipyards left Hoboken for Brooklyn.

He said he is now processing more than 1,000 occupational disease claims against the American Can Co. in Jersey City, all for hearing loss, and that State Sen. Frank J. Guarini Jr. (D-Hudson) is representing the workers.

Details of the settlement formula have been worked out, Barowitz said, and all that has to be done is to establish the degree of hearing loss for each claimant.

Cardiac cases are another factor in mounting caseloads and increasing compensation awards. They are also responsible for an increase in litigation.

Much of the problem stems from State Supreme Court decisions which have changed the previous ground rules and the failure of the Legislature to enact new laws to clarify the legal picture.

Judge Stanley Levine, who sits in Morristown, said that at least five cases have been decided since 1958, each changing the yardsticks a little, and sometime a lot.

The landmark case is Dwyer vs. Ford Motor Co., which in 1962 reinforced an earlier decision that eliminated the need to prove a heart attack was caused by unusual stress or strain, and went on to eliminate the presumption that heart attacks were the result of progressive and natural physiological processes unrelated to work effort.

Instead of unusual stress or strain, the court now holds that if the stress and strain of work are a meaningful and significant contribution to the heart attack, the attack would be compensable.

But interpreting meaningful and significant has opened the issue to continuous litigation, almost every case having to be tried on its own merits, according to lawyers.

The number of contested cardiac cases in the workmen's compensation courts, as a result of the Supreme Court decisions on heart attack, has been steadily rising.

In 1960, there were 126 cases that resulted in awards totaling $660,136. Eight years after, the number of cases reached 780 and the total of the awards had increased nearly tenfold, to $6,441,474.

Many doctors on both sides of the compensation picture agree that conditions of employment can cause or contribute to neurosis, occupational diseases and some heart attacks, and where this occurs the worker ought to be adequately compensated, but they differ drastically on how well the compensation courts are doing the job today.

WON'T CURE THE ILLS

(By Robert P. Kalter)

Eleven years ago, Rutgers Professor Monroe Berkowitz examined the New Jersey workmen's compensation system. He found that the program was beset with crises, that "piecemeal reforms" have definite limits and that "many of the practices and attitudes complained of as much as a quarter of a century ago, or more, are still with us."

He could reach the same conclusion today.

"One looks in vain for any strong disinterested group pressing for sound administrative reforms," Berkowitz wrote. "Both labor and employer groups press for particular proposals, but always with a strong measure of self-interest.

"A speedy, simple disposition of cases at minimum cost, and in line with the original objectives of the law, sometimes seems almost incidental to their purposes.

"The employer groups press hardest for certain reforms, but one wonders whether their representatives in compensation matters, the insurance carriers, are doing their utmost to achieve these objectives within the present framework.

"Undoubtedly, consideration of what should be an extraneous matter, the size of petitioners' attorneys' fees, influences the numbers of cases brought to the formal level."

Berkowitz emphasized that "there is no good reason why an injured worker should not be able to collect what is due him without resort to long drawn-out procedures which culminate in a trial, indistinguishable in outward appearances from proceedings in a court of law."

"Given the way the law has developed in New Jersey," he wrote, "these procedures are understandable; but understanding need not result in tolerance. The interest groups cannot be depended upon to press hard for administrative reforms; the task is one which belongs to the administrators of the program. They must see to it that injured workers receive medical care and equitable indemnity payments with a minimum of technicalities and expense."

There have been studies and reports by legislative commissions on at least two occasions in the 1960s, but neither time were recommendations made for a fresh approach and a completely new compensation law.

Instead, the recommendations have been addressed to the "piecemeal" changes that Berkowitz said could never solve the problem.

They do, however, seek to correct some shortcomings, although some of their proposed solutions have aroused the wrath of labor spokesmen, particularly those that aim at eliminating minor permanent partial disability and prescribe a procedure for lump sum settlements.

Richard A. Lynch, executive vice president of the State AFL–CIO, does not look upon the present Legislature with kindness.

He points out that 55 of its 120 members are lawyers and 22 are corporation executives or business owners.

"With few exceptions," he observed recently, "the lawyers are attuned to the desires of the corporations as that is where the high retainer and legal fees happen to be."

In the long awaited conflict of interest bill, the Legislature specifically permitted its members to practice before workmen's compensation courts—even though they approve the salary schedules for the compensation judges and have the power to set limits on legal fees.

State Sen. Frank J. Guarini of Hudson is presently handling settlements involving an estimated $600,000 to $1 million or more on

behalf of more than 1,000 employees of American Can Co. in Jersey City.

Other senators and assemblymen, or their law partners, also handle considerable numbers of "comp" cases, court calendars show. Others refer clients to compensation specialists and receive one-third of the legal fee at the conclusion of the case.

Joel R. Jacobson, community affairs director of the United Auto Workers, has been a consistent critic of the high fees paid attorneys and the present compensation program.

He charges that the "injured workers' share of the compensation dollar has been steadily decreasing, while workmen's compensation insurance has become increasingly more lucrative for mutual companies, their attorneys and physicians."

Jacobson called for a study to determine whether a state-operated fund should be substituted for the present system, which relies wholly on private insurance carriers.

Jack O'Brien, an attorney who represents companies that insure themselves, said that the "cost of compensation has gotten companies to invest in safety and training."

He said that New York is about 10 per cent lower than New Jersey for the same coverage and that New Jersey is second only to California in the relative cost of its program as a per cent of payroll.

"We've developed a good system for disposing of a high volume of cases with a degree of fairness."

Problem areas that must be resolved by legislation, he suggested, included what to do about persons who have suffered heart attacks and how to stop abuses in occupational disease claims.

"The best authorities tell us that work is advisable for heart victims, but the courts say that we must pay compensation if an attack occurs," O'Brien said.

With respect to occupational disease, he said there is a trend toward claim filing by people who retire after many years on a job, but the disability is the result of normal aging and "it's wrong for them to file."

Dr. Irving Plain, former president of the Compensation Association of New Jersey and a well-known eye specialist, recognizes the validity of occupational disease "but I feel we need a more rigid definition, and a study to fix it, so that we don't make a health and accident insurance system out of it."

"As far as I'm concerned, this system is working because I can't think of a better system to replace it," he said. "Like any system that's been working for a while, it needs tightening. Inadequacies can be policed and changed with the cooperation of all parties concerned."

Several attorneys, who asked not to be named, expressed a fear that the new salary schedules for compensation judges (they receive $27,000 annually now) will turn the job into a dumping ground for political hacks.

"The pay is high enough to make it attractive, and it's something we're going to have to watch carefully," one attorney said. "In the past we've been quite lucky to get some outstanding appointments and the judges are hard-working and conscientious."

Peter E. Warwick, executive secretary of the New Jersey Self-Insurers Association, said the signing into law of a recently passed bill (S–443) will eliminate one problem—the lack of uniformity in decisions from county to county. Instead of appeals of workmen's compensation court decisions going to the county court they will go to the Appellate Division of Superior Court.

He said his group favors passage of a bill (A–2640) introduced by Assemblyman Peter Thomas of Morris that is intended to carry out some previous legislative commission recommendations. It would define and somewhat limit permanent partial disabilities, increase benefits for more serious injuries under the disability schedule, and eliminate compensation for injuries or deaths that result from recreational or social activities "unless they are a regular incident of employment."

The partial disability, permanent in quality, is defined as "a loss of physical function which significantly detracts from the former efficiency of the body or its members in the ordinary pursuits of life and which is accompanied by objective evidence."

Labor spokesmen are lined up solidly against the measure, charging it is strictly an employer-oriented measure "that offers only crumbs to the workers."

Peter Dorn, secretary of the State Chamber of Commerce, said "there's no question that something has to be done with respect to defining what is a disability but we can't get the legislation passed."

He said past efforts have also been made without success to define and limit occupational disease "to eliminate gray areas" and establish criteria for measuring disability.

"The cost of compensation is a factor in attracting new industry to New Jersey," Dorn said, "and New Jersey is one of the highest cost states. We try to sweep this under the rug and emphasize our good points, but it does come up."

Compensation Director G. Robert Winfield, meanwhile, said that emphasis currently is being given to the task of moving cases to reduce the backlog, which at last count stood at 40,056.

He noted that there are presently eight vacancies in the authorized strength of 35 judges and one opening to bring the referees up to full authorization of 12.

In Newark, Supervising Judge Roger W. Kelley said the backlog there had been cut from 11,134 in October to 10,186 in six months "and we're now completing over 1,000 cases a month, where previously we averaged 800 to 850."

If Jack Lerner, an attorney who represents union workers, has his way, however, the volume of cases would expand greatly.

He thinks a major weakness of the present system is its failure to inform a worker of his rights if he has an accident.

"There is just no way for a worker to find out what his rights are," Lerner said. "There's a serious information gap.

"If he writes to the state (Division of Workmen's Compensation), he is charged 50 cents and he gets a copy of the state statute—and he needs a lawyer to understand that."

SENATOR ELLENDER ON HIS 81ST BIRTHDAY HAS ZEST FOR LIVING AND SERVICE TO HIS STATE AND COUNTRY

Mr. RANDOLPH. Mr. President, I join my colleagues in saluting the distinguished President pro tempore of the Senate, Hon. ALLEN J. ELLENDER, on the occasion of his 81st birthday.

Although he has been a Member of the Senate since 1937, I refrain from referring to Senator ELLENDER as an "institution" in this body. That designation too often implies a loss of usefulness and toleration of a senior Member only because of his longevity and past service. This most certainly does not apply to Senator ELLENDER who continues to provide inspiration and guidance to Members of the Senate.

Our colleague from Louisiana has for nearly 35 years been a forceful and respected leader in the Senate. His record of 18 years as chairman of the Committee on Agriculture and Forestry is unrivaled.

During his service on that committee he has provided great leadership in matters of conservation and the development of land and water resources. As chairman of the Committee on Public Works, I have often had occasion to work with Senator ELLENDER on these matters and know him to be a man with an unswerving dedication to the preservation of our natural resources.

I commend Senator ELLENDER on his birthday. He continues to grow in knowledge and wisdom, and the years seem but to add to his zest for living and for service to his State and country.

THE TENNESSEE-TOMBIGBEE WATERWAY

Mr. BROCK. Mr. President, I was greatly dismayed to learn of the recent U.S. district court ruling calling for a preliminary injunction affecting construction of the Tennessee-Tombigbee Waterway. It is extremely unfortunate that a Federal judge far removed from local conditions prevalent in the area impacted by this project can halt a project so absolutely vital to growth and welfare of my State and others throughout the South.

It is not that laws covering the environment have been disregarded. The Army Corps of Engineers has fully complied with the requirements of the National Environmental Policy Act. Filing of a draft statement took place last January 28, followed by a period of 30 days for relevant commentary from both public and private groups, whereupon the corps had an additional period to respond to any objections raised by the contributors. All this was done in meeting the terms of the law, and the final report was submitted to President's Council on Environmental Quality.

We must understand that while sections of the report were less than specific, this project is to be built over a period of more than 9 years and there are apt to be many changes in the final plans. Planned use of excavated soil removed by ditching could be used in various ways which would be of benefit and not of detriment to environmental conditions in the area. This is also true for other factors.

Mr. President, I believe that the overriding factor to be considered here is the overwhelming need for this inland waterway for the wellbeing of this section of the country and for the Nation. Recent reports tell us that over 20,000 barges now ply our inland waterways. They carry an estimated 200 billion miles of freight annually. This is more than 58 percent more freight than our waterways handled in 1960. These barges will move this freight 330 miles for only $1 as compared to 70 miles by railroad and 14 miles by truck. Such cheap transportation is strong incentive to business and industry to locate new plants near this inland waterway creating thousands of new jobs and stimulating the entire economy of the region.

I do not advocate that we disregard the quality of our environment. On the con-

trary, we must make every attempt to preserve environmental values.

In sum, Mr. President, it is far easier to procrastinate and delay such a project for fear of some future effects in many instances unciteable than to set forth boldly, committed to protecting the environmental rights of the individual and the Nation to construct a vital and necessary canal system.

IMPOUNDED HIGHWAY FUNDS ARE RELEASED—ACTION IS RIGHT AND LONG OVERDUE

Mr. RANDOLPH. Mr. President, I am gratified that the Department of Transportation has released $400 million in impounded highway funds.

This action shows that the administration has realized the importance of maintaining a high level of activity in the national highway program. It is right and is long overdue.

Obligated highway funds have been withheld from the States for the past 4 years when they could have been used to build Interstate and other highways while providing much needed jobs. I have repeatedly urged both Democratic and Republican administrations to provide continuity of funding rather than to withhold vitally needed moneys.

Transportation Secretary John Volpe has announced the release along with the regular apportionment of $1,145 million in highway funds for the second quarter of the fiscal year.

I hope this release of impounded funds signals a change in policy by the administration and will lead to additional releases so that the highway program can get back on schedule. Secretary Volpe further announced that the 1973 apportionments to the States will be announced early. This is also good news. This means that the States can plan to put this money to work as soon as possible.

TRIBUTE TO SENATOR PROUTY

Mr. FULBRIGHT. Mr. President, I wish to join my colleagues in paying tribute to the late Senator from Vermont, Winston Prouty. Win Prouty served his hometown of Newport, Vt., his State, and his Nation well for 33 years in public life. In the Senate, as a member of the Committee on Labor and Public Welfare, the Commerce Committee, and the Special Committee on Aging, Senator Prouty worked tirelessly for the elderly, the underprivileged and the handicapped. He will probably be remembered best for his leadership in extending the social security program.

Winston Prouty cared little for publicity. He was a quiet and thoughtful man. Yet, he was an effective and well respected legislator. He will be missed.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, how much time remains before morning business expires?

The PRESIDENT pro tempore. Four minutes.

REFERRAL OF A MESSAGE FROM THE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a message received yesterday from the President on safety on the Nation's roads and highways be jointly referred to the Committees on Commerce and Public Works.

The reason for this request is that the report is pursuant to two public laws, one of which was in the jurisdiction of the Committee on Commerce and reported by that committee, and the other within the jurisdiction of the Committee on Public Works and reported by that committee.

These reports previously have been submitted by the President separately, but this year they are combined.

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

THE SUPREME COURT VACANCIES

Mr. HUMPHREY. Mr. President, I have noticed in the morning New York Times a front-page article under the byline of Mr. Fred P. Graham that President Nixon is reported unlikely to name a woman to the Supreme Court.

The selection or the nomination of a qualified woman for the highest Court in the land, I think, would be a very splendid thing for this country. I think the time is at hand for that kind of political decision and that kind of leadership from the President. I think it is time that we assured equal rights in fact as well as in legislative proposals.

What disturbs me particularly is that the article states:

> White House spokesmen have said from the first that the primary consideration would be to select nominees who share Mr. Nixon's conservative strict-constructionist philosophy.

Now, Mr. President, there is nothing in the Constitution or in the precedents which require the makeup of the Supreme Court to be a photostatic copy of the President. What the Court needs is competence. What the Court needs above all are members who have an understanding of the times in which we live and of the basic protections of the Constitution for the citizens of this country.

I would hope that this article is based on only the most far out rumor rather than any inside information, because it is my judgment, in light of the experience with the nominations of Judge Haynsworth and Judge Carswell, that the last thing we need in this country again is a hassle between the executive branch and the legislative branch over appointments to the Supreme Court.

I ask unanimous consent that an article by Mr. Fred P. Graham be printed at this point in the RECORD.

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

NIXON IS REPORTED UNLIKELY TO NAME WOMAN TO COURT

(By Fred P. Graham)

WASHINGTON, Sept. 29.—Officials of the Nixon Administration are passing the word that the President will probably not nominate a woman to the Supreme Court to fill either of the two present vacancies.

The reason, they say, is that their search has not turned up a woman who combines the desired judicial philosophy and a sufficiently distinguished legal background.

White House spokesmen have said from the first that the primary consideration would be to select nominees who share Mr. Nixon's conservative strict-constructionist philosophy. Thus, the failure to come up with a woman candidate indicates that those with strict-constructionist records lacked the professional status to be credible nominees.

This is borne out by a report that the two women seriously considered so far were Judge Sylvia Bacon of the Superior Court for the District of Columbia and Beatrice Rosenberg, chief of the Appellate Section in the Justice Department's Criminal Division.

Both women have strong law-and-order backgrounds. Miss Bacon previously worked in the Justice Department, where she helped draft the District of Columbia crime bill that has become well known for its preventive detention and "no knock" search provisions. Miss Rosenberg has argued more than 30 cases for the Criminal Division before the Supreme Court.

But Miss Bacon, a 39-year-old product of Vassar and the Harvard Law School, has been on the bench only seven months and has little trial experience. Miss Rosenberg, 63, a native of New York, is unknown outside Government circles, where she is highly respected.

Neither woman was on a list of 10 women suggested as qualified candidates by the National Women's Political Caucus. Several of the women on the list were Democrats, and none has discernible strict-constructionist leanings.

A Justice Department source confirmed today that so far the department had asked the American Bar Association to check on the qualifications of only one potential nominee, Representative Richard H. Poff, Virginia Republican.

The bar association's Committee on the Federal Judiciary has already begun to ask law school deans to get their faculty members' opinions of Representative Poff.

E. Clinton Bamberger, dean of the Catholic University Law School here, said today that he began yesterday to poll his faculty to meet a weekend deadline of the bar association.

With the Nixon Administration apparently becoming more firmly inclined to pick Representative Poff for the "Southern seat" vacated by the late Justice Hugo L. Black, and the prospect of a woman nominee fading, Mr. Nixon now has virtually the entire legal field from which to pick his second nominee.

Justice Department officials say that an attempt would be made to send the Senate two nominations at once—a "ticket" representing various qualities that would appeal to a broad spectrum of the Senate.

This has led to speculation about several new nominees who had not been mentioned until recently. Among them are Judge Arlin M. Adams of the United States Court of Appeals for the Third Circuit; Alexander M. Bickel, a law professor at Yale, and Bernard G. Segal of Philadelphia, a former president of the American Bar Association. All three

are Jewish, so that the nomination of any one of them would ease pique in some Jewish circles over Mr. Nixon's decision not to replace former Justice Abe Fortas with another Jewish justice.

Because of the desire to send up two names at once, no nominations are expected until at least next week, and possibly the week after.

Senator Birch Bayh, the Democratic Presidential hopeful from Indiana, said last night that Mr. Nixon should pick two nominees who would help dispel a climate of "repression" that he said had developed under the Nixon Administration.

Speaking in Eugene, Ore., where a Presidential primary will be held in May, Senator Bayh asserted that the Administration must "do better" than the earlier nominations of Clement F. Haynsworth Jr. and G. Harrold Carswell.

Senator Bayh said that better nominees would reduce divisiveness and help keep problems out of the streets and in the courts.

Mr. HUMPHREY. What we need are appointments that will tend to bring to the court a sense of social philosophy and legal philosophy that will obviate the many troubles which plague our society today—the kind of troubles which burst out in disturbances, and demonstrations in the streets, and other troubles which divide our people and propel them into a position of lack of trust in the Government.

BUREAU OF LABOR STATISTICS REPORTS—ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, these are disturbing times. When I read in the Washington Post of yesterday that the administration is contemplating the ousting of labor analysts from the Bureau of Labor Statistics predicated on the evidence that the administration just does not like the reports it is getting, I say it is time to blow the whistle.

The Bureau of Labor Statistics must be highly professionalized. Whether we like the reports or not, we must have some respect for them. Our respect for those reports will depend upon the professional competence and the integrity of those who prepare the reports.

It is bad enough to live in a period of inflation and unemployment.

It is worse to have an administration that wants to deny that fact.

The placing of handpicked political appointees into policymaking positions of the Bureau of Labor Statistics to interpret economic data is but another step in the administration's attempt to replace economic reality with the illusion of progress.

The Nixon administration has only one goal in mind: It wants to produce a politically more favorable economic report.

And, if they cannot get it through policies that work, then they will try to get it by manipulating statistics.

This Washington Post story, of course, is based upon a situation that developed last March when Harold Goldstein, Assistant Commissioner for Manpower and Employment, reported findings different from the rosy administration line.

As a result, the monthly briefings were canceled by a conscious policy decision of this administration.

It just does not like to hear bad news.

Mr. President, I say that this latest action by the administration is a continuation of its policy of redefining reality. It did not like the increase in poverty numbers, so it wants to change the meaning. Now it does not like the statistical evidence of the Bureau of Labor Statistics, so it wants to paint a better picture.

Mr. President, I call upon the President of the United States to restore the unchallenged integrity of the Bureau of Labor Statistics by abandoning his plans to compromise its statistical reporting.

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator from Minnesota has expired. All time for morning business has expired.

Mr. HUMPHREY. Mr. President, what does that mean, that all time has expired? We have 15 minutes for morning business.

The PRESIDING OFFICER. Under the previous agreement we had 15 minutes available for the morning business.

Mr. HUMPHREY. That is correct.

The PRESIDING OFFICER. It started at 10:47 a.m. and the 15 minutes have now expired.

Mr. HUMPHREY. Well, Mr. President, I strongly object. There is not 15 minutes for morning business. A quorum call is for morning business. It is high time that we preserved the rights of Senators here to express themselves. This is not a closed Chamber. This is the U.S. Senate, an open forum.

Mr. EAGLETON. I will be happy to yield the Senator some of my time.

Mr. HUMPHREY. That is not the point. I insist that we not have the time for quorum calls taken out of morning business. There are other Senators who want to be heard here.

The PRESIDING OFFICER. That would take unanimous consent.

Mr. HUMPHREY. Then, Mr. President, I ask unanimous consent that we do business under the morning business for 15 minutes, which is far too little, anyway, for 100 Senators.

Mr. PACKWOOD. Mr. President, reserving the right to object, does the Senator from Minnesota want an extension of time?

Mr. HUMPHREY. No, not for myself. I seek an extension of time of 15 minutes for this body, the U.S. Senate, over which I have presided as Vice President and in which I have served as a Senator. I think it is outrageous that we do not have that amount of time for 100 Senators.

I ask unanimous consent that there be 15 minutes to see what other Senators want to be heard.

The PRESIDING OFFICER. Is the Senator asking that this be done?

Mr. HUMPHREY. I am indeed.

Mr. PACKWOOD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Chair lays before the Senate the unfinished business, H.R. 8687, Military Procurement Authorizations, 1972, which the clerk will report.

The legislative clerk read as follows:

H.R. 8687, to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, amendment No. 445 of the distinguished Senator from Missouri (Mr. EAGLETON) is the pending business, with a 2-hour time limitation thereon.

The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, if I may, could I address a question to the distinguished Senator from Minnesota? I would be very much pleased to yield to the Senator from Minnesota some additional time so that he may complete the remarks he was making at the time the pending business was laid down.

Mr. HUMPHREY. I greatly appreciate the kindness of the Senator from Missouri, but the Senator from Minnesota is primarily concerned about the process of the Senate, the procedure of this body as it affects its substance. There used to be a Senator sitting over here by the name of Wayne Morse who insisted that we abide by procedure.

I resent and object to having quorum calls during morning business when there is only 15 minutes allowed for 100 Senators to be taken out of that 15 minutes. Eleven minutes of that 15 minutes were used on quorum calls.

I am notifying the leadership of my concern about it. I shall proceed to object to any unanimous-consent requests until we get this thing cleared up.

The PRESIDING OFFICER (Mr. BENTSEN). The comments of the distinguished Senator from Minnesota are duly noted.

MBT–70 PROGRAM

Mr. EAGLETON. Mr. President, in the past, Congress has been asked to authorize and appropriate enormous sums of money for R. & D. with only the bland assurances that progress is being made and this authorization in no way commits us to production.

As Congress acquiesces without question, the Department of Defense gives no serious thought to searching for less expensive—more effective alternatives.

Then one day, after large sums of money have already been invested, the argument changes. "This system may not be perfect, but so much has already been spent it just can't be scrapped," we are told.

For those who do not accept that argument, or those who do not believe it is too late to look for better alternatives, there is always the raving and ranting and shouting. We are told "the boys out there in the mud deserve the best tank money can buy," and who can argue with that.

Unfortunately, too often in the past Congress has unknowingly watched as its options close and it is then stampeded by emotional rhetoric to continue a more costly and less effective weapons system—one which it would not have approved in the first place.

I hope that we can have a rational discussion on the relative merits of amendment No. 445 today.

Amendment No. 445 reduces funding for the MBT–70/XM803 program by $35.3 million, from $62.8 million to the level approved by the House Armed Services Committee of $27.5 million.

It does not do away with tanks. It doesn't even do away with the MBT–70. But it does force the Department of Defense and the Army to more carefully scrutinize and reevaluate its alternatives.

I hope that Congress recognizes that in a period of relatively stable defense budgets, by allocating more money to build unnecessarily complex and expensive tanks—tanks which are becoming more vulnerable and less valuable to our overall defense effort—we are not helping to save lives or win battles. In fact, there is a very real danger that by using limited defense funds unwisely to buy each new "quantum jump" in weapons technology, Congress is weakening our overall defense posture and probably costing lives should the cold war turn hot.

The MBT–70 program was undertaken in 1963 as a joint cooperative tank development program of the United States and the Federal Republic of Germany. The purpose of the program was to develop a main battle tank by 1970 to meet our NATO needs. The tank was to be a quantum jump in tank technology.

A GAO report on the MBT–70 dated March, 1971 states that the program—

Met a number of management and technical difficulties during development. The joint effort was more complex and more expensive than anticipated.

The report continues:

As a result, management problems and technical difficulties caused major schedule slippage and cost growth. In January 1970, the program was re-oriented and the tank reconfigured to reduce cost and complexity. In addition, the joint development efforts and joint funding were terminated.

Since January 1970, the Army has been pursuing what it calls the austere version of the MBT–70. This austere tank resulted from a review ordered by Deputy Secretary of Defense David Parkard in April of 1969. It was found that the cost of the joint tank had soared to $850,000 per unit at a time the Army was publicly estimating the cost to be only $520,000. In January 1970, Secretary Packard authorized continued unilateral development of an austere $600,000 version of the tank.

COST GROWTH

In 1965 the joint MBT–70 program was estimated to cost $138 million. The 1968 estimate was $303 million.

In 1969, in a report to Congress, the GAO stated:

Estimate research, development, test and evaluation (RDT&E) costs for the United States participation increased $83.7 million in 1965 to $178.3 million in 1968, or an increase of 113 per cent. Additional costs, such as turbine development, MBT–70 salary support, and Advance Production Engineering (APE), were not included in the original joint estimate.

These costs will be incurred before production starts and will increase the total cost of the MBT–70 development, including RDT&E and APE, by $440 million, (to a total of $524 million), an increase of 525 per cent.

Since the GAO report, the joint program with Germany has been cancelled, but the development costs have gone up further, and are now pushing 600 percent.

The per unit cost of the tank, estimated at between $520,000—publicly—and $720,000—in some private studies—per unit in the 1967–69 period, was priced out at $850,000 by the Battelle Memorial Institute in 1969. Secretary Packard ordered a cost reduction to $600,000 per unit and authorized unilateral development in January of 1970.

I questioned the validity of the announced cost reduction of $250,000 per tank at the time it was announced. This year the House Appropriations Committee's surveys and investigations staff expressed similar doubts.

Their report to the committee states:

Discrepancies in the cost estimates cast serious doubts on their validity, particularly as to the Army's claim that the cost of the vehicle has been reduced by $250,000 to bring the unit cost of the tank within the limitation of $600,000 established by the Deputy Secretary of Defense.

It should be noted, even if the $600,000 figure used as a guideline by Secretary Packard is accepted, that this is only the hardware cost and does not include other costs legitimately attributable to the program such as support equipment, spares, R.D.T. & E. and APE. When support cost and R.D.T. & E. are added, the cost in 1970 dollars to produce the MBT–70 today, is almost as high as the preaustere version that lead to a reorientation of the program.

The most recent public estimate is that the MBT–70 will not go into production until late 1975, and even that date is optimistic. Obviously, 1970 dollars are not a fair measure of 1975 costs.

According to the Department of Defense, inflation will increase at less than 2 percent a year, and that figure is used in their estimates. A more realistic estimate, however, especially in view of the large portion of total program cost attributable to labor, is slightly upwards of 5 percent per year. Using this more realistic rate of inflation, the projected program cost per tank is considerably over $1.1 million per unit, nearly double the publicized Packard figure of $600,000 and nearly 500 percent over the cost of our present tank, the M–60A1.

Since a great deal of testing remains to be done on several key tank components,[1]

[1] In a memorandum to the Chairman, dated May 4, 1971, the Director of the Surveys and Investigations staff summed up some of the remaining problems that could well run program costs up further.

I. SUMMARY

An official of General Motors described the APE program as requiring a review of the joint R.&D. effort and that new analyses, drawings, hardware, breadboard, and prototype tests must be carried out. Changes required by the user must be made, producibility and cost reduction changes must be made. In addition, new designs or redesigns of those components for which the Germans were responsible during the joint program must be established. He listed as the most significant problem areas the following:

1. Funding.
2. Ammunition interface. He said progress has not been rapid in this area.
3. The scavenger system in the main gun.
4. The engine-transmission performance.
5. Vehicle weight.
6. The commander's combined day and night sight and secondary weapon with its vulnerability, ammunition box problem, and the manual operation of the sight doors and rate of fire controls.

this figure could and probably will continue to climb.

The most recent total program cost as estimated by the Army, according to the House Appropriations Commitee is $2,414,600,000. In a memorandum for the Chairman, the Director of Surveys and Investigations stated of the $2,414,600:

This figure includes the RDT&E costs of the tank, trainers, ammunition, and advanced component development. It also includes the advanced production engineering for the tank and ammunition and facilities and tooling for production. Production costs included in the total program cost are for (classified) tanks at (classified) each, peculiar support equipment, technical data documentation, engineering support, initial spares, replenishment spares, trainers and first destination transportation cost. Also included is the estimated escalation of the total program costs for future years.

SCHEDULE SLIPPAGES

Not only have prices skyrocketed, but the program target dates have slipped disasterously.

When a new main battle tank was conceived in 1963, it was scheduled to go into full production during 1970, thus the acronym MBT–70. However, the serious technical problems and soaring costs have caused a reorientation of the program, a program slippage of at least 5 years or more, and even an attempt to rename the tank the XM803.

Since the Senate Armed Services Committee hearings this spring the program has incurred further significant slippage. Although the Army insists on classifying the exact extent of this slippage, it is substantial. With extensive testing remaining—see footnote No. 1—further slippages are likely.

Due to the MBT–70's developmental problems, this heavy and expensive tank will make its appearance in the late 1970's, nearly a decade later than originally planned, on a greatly changed European battlefield.

ANTITANK WEAPONS

A primary element in this changed battlefield environment is the simple fact that tank designers can no longer keep pace with advances in antitank weaponry. Tanks now have more armor, more speed, lower profiles, improved suspension systems and better fire control, and yet they are more vulnerable to cheap, mobile, and highly accurate antitank weapons than ever before.

The United States already possesses

an arsenal of sophisticated antitank weaponry. For instance, the TOW missile, a tube-launched, optically tracked, wire-guided antitank missile system capable of defeating the heaviest known enemy armor is now being deployed in Europe. Extremely mobile and adaptable, it can be used by infantry, mechanized infantry, and airborne battalions. It can be mounted and fired from the armored personnel carrier, the jeep or the mechanical mule. It is also adaptable to the heliborne antitank role.

The Shillelagh has similar range and "kill" capability, but is self-propelled with direct-line-of-sight guidance by use of infrared tracking and command link. It is supposed to be mounted on the MBT–70, and is already in the field on the M–551 Sheridan and soon will be fielded on the M–60A1Ea.

The light, man portable Dragon missile will be employed within platoon areas. Although it does not have the range of the TOW and Shillelagh, the Senate Armed Services Committee believes that "a high, single shot kill probability has been demonstrated, and this system should provide for a significant increase in antitank capability."

In addition to TOW, Shillelagh, and Dragon, new delivery systems such as the Cheyenne and close air support fighters further increase tank vulnerability. Although the TOW, Dragon, and Shillelagh all cost only a few thousand dollars apiece, each is capable of destroying the most sophisticated and expensive tank now deployed or on the drawing board.

But, as far as tank vulnerability is concerned, the worst is yet to come.

As an IIT Research Institute's tank survivability study of June 1969 makes abundantly clear, there is a new generation of more deadly antitank weapons just around the corner. Accurate weapons with triple the present ranges are already under development. Before the MBT–70 is fully developed, this new generation of antitank weapons will probably dominate the European battlefield.

Even the Army experts agree that the Soviet Union has the capability to deploy such weapons in the same time frame. This raises questions of the MBT–70's capabilities to counter this ever-increasing threat.

Unfortunately, the MBT–70 has only limited capability, at best, to offset advances in antitank technology.

MBT–70 "add on's" which have been discussed as ways of helping the MBT–70 survive in this new and dangerous environment have offered only marginal benefits as assuredly higher costs, according to the tank survivability study.

Even most MBT–70 advocates concede that little can be done to greatly improve the MBT–70's survivability against existing antitank weapons, much less the follow-on generation.

THE ROLE OF THE TANK

These advances in antitank technology have caused expressions of growing concern over the role of the tank in future warfare.

The Army maintains, according to the GAO's March 1971 report on the MBT–70:

> It is undeniable that there are missiles, rockets, and mines in the hands of the United States and Soviet forces to which a tank is vulnerable. (The Army) added however, that the mere existence of these threats does not automatically bring about obsolescence of the tank any more than the existence of anti-personnel weapons has brought about the obsolescence of the infantryman . . . the tank is not employed singly against tanks. To do so would invite destruction by properly equipped anti-tank units. Rather, tanks are used in various combinations with mechanized infantry, artillery, and tactical air. These forces are designed to be mutually supporting.

Perhaps the tank will remain a useful weapon for decades to come, but its role is surely changing. While the MBT–70 was designed with Patton cutting through Europe to Berlin in mind, that day is gone forever. Whether the Army is realistically assessing the future role of the future tank correctly is a growing point of contention.

The House Armed Services Committee report, for instance, questions the wisdom of spending $2.4 billion on such a new dream tank. The House Armed Services report states:

> Recurring expressions of concern, both within the Army and by independent external observers, that the tank is nearing the end of its era of combat capability also influenced the committee in its decision. New anti-tank weapons, including missiles, have brought about this obsolescence; and Soviet technical capabilities would permit them to field anti-tank weapons before the MBT–70, or any alternative tank, has been in the force structure very long.

No one has advocated that tanks be done away with tomorrow. Our M-60A1 and M-60A1E2 are qualitatively equal to or better than any U.S.S.R. tank now in the field or anticipated in the foreseeable future. Both tanks will continue to be produced through fiscal year 1974 and perform a useful function for years to come.

However, the debate over the changing role of the tank has called into question the wisdom of building a new $1.1 million tank, and sinking over $2.4 billion into upgrading our tank force which may very well be of decreasing usefulness or obsolete before it is fully deployed more than a decade from now.

COST AND EFFECTIVENESS

Other important defense demands for limited defense dollars, as well as the increasingly thoughtful debate over the future of the tank should lead to renewed emphasis on cost-effectiveness evaluations.

Certainly it is no secret that weapons development and procurement have skyrocketed out of control during the past decade as bigger and better weapons are ripped off the drawing board and rushed to the assembly line at ever increasing costs. Consequently, the Senate Armed Services Committee report recognizes:

> 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.

Ideally, to guard against this prospect, the increased cost of any new weapon system should be weighed against the improvements in its capabilities to give some indication of its overall cost-effectiveness.

And yet, the MBT–70 program has not faced such strenuous evaluation. Cost effectiveness studies justifying the tank have been haphazard at best.

For instance, while an Army spokesman was swearing that the MBT–70 was cost-effective, no one knew what the MBT–70 would cost. This official, Charles L. Poor, Acting Assistant Secretary of the Army—research and development—told the Senate Armed Services Committee on March 27, 1969:

> There have been a large number of studies conducted by the Army to determine the cost effectiveness of the MBT–70, and I think I can say without hesitation that all of these studies indicate that the MBT–70 is a more cost effective solution to the large number of Warsaw Pact tanks facing us than any other tank design that we have been able to consider.

Only after this testimony did Deputy Secretary of Defense Packard order a secret review of the program to find out what the MBT–70, as then designed, would cost.

At least one of the cost-effectiveness studies to which Poor referred factored the MBT–70 in at $520,000 when, in fact, it cost $850,000 at the time. According to one of the men who worked on the study, a relatively small upward change in the cost of the MBT–70—the Army as it turned out was low by $330,000—would have made the MBT–70 not cost-effective.

Faulty cost figures aside, however, the quality of previous Army cost-effectiveness studies has recently been attacked in a report to the House Appropriations Committee by its surveys and investigations staff. The staff interviewed one expert who had served on a panel studying military terrain vehicles for the President's Science Advisory Council and recounted that the panel members "were unanimously appalled by the flimsy basis for the assumptions used in, and the academic nature of, the parametric design cost-effectiveness study which served as the basis for the MBT–70."

In discussing another study known as the Tank, Antitank, and Assault Weapons Requirement Study, phase III—TATAWS–III—initiated in 1967 to justify cost and combat effectiveness for new weapons, the Appropriations Committee staff report states:

> Like the parametric design/cost effectiveness study before it, TATAWS–III was dependent upon the questionable assumption that all of the tanks and other weapons would have the characteristics attributed to them. The cost data was comparative rather than actual and admittedly a major revision of these comparative figures would alter the finding. A significant ommission from the study was the lack of consideration given to the reliability of the various weapons.

While haphazard cost-effectiveness studies have been used to justify the

tank, any studies questioning it seem to have gotten short shrift.

ALTERNATIVES

For instance, one study prepared in the Office of the Assistant Secretary of Defense for Systems Analysis and dated August 15, 1969, dealt with alternatives, but it was apparently ignored. The OASD—SA—study concluded that the MBT–70 was less cost-effective if the United States wanted to continue to spend the same amount of money on tanks as it had been spending. If the United States wanted to more than double the present level of spending for tanks, the MBT–70 would be slightly more cost effective than the M–60A1, but again, less desirable than the M–60 as modified by high-payoff, low-cost modifications.

The Department of Defense told the GAO of another study made in 1969 entitled the "Comparative Evaluations of the MBT–70 and M–60 Shillelagh Tanks." It was intended, according to the Department of Defense:

To provide the rationale for a valid comparison of the capabilities, combat effectiveness, and cost effectiveness of the M–60 Shillelagh and the MBT–70 tanks.

In a memorandum dated August 15, 1969, the Department of Defense informed the GAO that—

Part II is presently scheduled for completion by the end of June 1970.

However, this second study was never made nor is it planned. The Army is apparently committed to pursuing its great technological leap forward in tank technology with the MBT–70 regardless of cost or effectiveness.

The House Appropriations Committee staff report discusses the Army's reluctance to consider alternatives:

In line with the suggestion of one of the experts that more emphasis should be placed on product improvements rather than on quantum jumps, an improvement program for the M60A1 was initiated in fiscal year 1971 with the improvements to be completely introduced in these tanks by the end of (*classified*). Other improvement alternatives in the M60 series are also available that seem to offer capabilities closely comparable to those of the XM803 (MBT–70) at substantially less money. The investigative staff has not attempted to evaluate the cost estimates of these alternatives, but the point made by the experts is that these alternatives have not *been considered in detail* . . .

Although the Army has failed actively to study alternatives, some are suggested by comparing the major features of other tanks with the MBT–70.

For instance, despite their significant cost differentials, both the M–60A1E2 and the MBT–70 can fire on the move. Both can fire the 152-millimeter caseless cartridge. The M–60A1 can fire the kinetic energy round, as can the MBT–70. Once engaged in combat, even the Army admits that for the reliability of firepower, the probability of successfully completing an engagement, the MBT–70 and the M–60A1E2 are separated by only several percentage points, with both receiving over 90-percent ratings.

Other studies indicate that significant improvements at relatively small increments in cost could be made in the M–60A1 by providing better armor and a smaller profile. Both improvements can be achieved within the present state of technology and both would greatly upgrade the M–60A1 relative to the MBT–70.

But the Army's attitude has remained unchanged since then—Secretary of the Army Stanley Resor testified last year:

We have to be building a tank for the 1970's, and the MBT–70 is the tank we are depending on for the 1970's. *We must make it work. We don't have any alternative.*

Without a clear understanding of the alternatives, Congress will not have any choice either when it is asked to upgrade our tank force by voting larger sums of tax dollars to produce and deploy the MBT–70.

The consequences of such weapons procurement practices are discussed in this year's Senate Armed Services Committee report:

Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity . . .

At the present time Department of Defense development procedures are so structured that in each area there is only a single weapons system available to modernize the forces—and this system is often a very costly one. This means that Congress is faced with the decision of approving the procurement of that system or denying modern weapons to our armed forces.

This wise warning is proving all too accurate with regard to the MBT–70 program. Other options are being foreclosed even now. Production of the M–60A1 will end in mid-1974, and with it, the production capability for the M–60A1E2.

No "simple and reliable" tanks will be produced for 2 years, and in 1976, the Congress, as the Senate Armed Services Committee warned, will be faced with the decision of approving the procurement of the MBT–70 or denying tanks to the Armed Forces.

ARMY INCREASES DEPENDENCE ON TANKS

Meanwhile, the Army is actually projecting increased dependence on tanks. This year the Army's stated tank requirement has increased significantly. Although the exact amount of this increase is classified, the word "significantly" should be stressed.

Assuming reasonably stable defense budgets in the future, the projected 10-year cost of over $6 billion to develop, produce, deploy and operate the MBT–70 would entail increasing our expenditures on tanks in the late 1970's and early 1980's while decreasing outlays for other, perhaps more pressing defense needs. By approving the MBT–70, Congress will not only be saying that tanks will be useful in the foreseeable future—as I believe they probably will be—but that tanks are becoming increasingly more important—which most experts and non-experts vigorously deny.

The Army's significant requirement increase comes at a time when the role of tanks is becoming more restricted and the tank itself is becoming far more vulnerable. This increased requirement has been stated despite—

A reduction of tensions in Europe,

The change in overall United States strategic planning (a stated readiness to fight 2½ wars simultaneously has been reduced to 1½),

Changes in Europe's economic conditions which would allow them to make greater contributions to NATO tank capabilities, while the economic ability of the United States to do so has become increasingly strained,

Reductions in the overall size of our Armed Forces from 3.5 million men to 2.4 million men.

Almost all of the newly found tank requirements will be filled by the deployment of the MBT–70 and will have the effect of greatly increasing the cost of our NATO tank force.

NATO

The MBT–70 is specifically designed for use in Europe as part of our NATO force there.

The magnitude of our commitment to NATO is evidenced by the 14 billion U.S. dollars to be spent on U.S. forces which might be committed to NATO, exclusive of the cost of our "nuclear umbrella." And a recent review of selected general purpose weapons systems costing approximately $30 billion indicated that between $21 and $25 billion were identified with NATO defense.

However, our NATO allies have not been sharing the burden. As the Senate Armed Services Committee report states of our NATO allies' contribution:

Today's financial situation is markedly different from that which existed at the beginning of the alliance. No longer are the European communities torn and ravaged from a devastating war. The committee must observe that yesterday's impoverished allies now have a combined gross national product of over $600 billion, or roughly two-thirds that of the United States based on NATO definitions. The remarkable economic resurgence of a war-damaged Europe has progressed to the point where increasing pressures are being exerted on the American dollar.

Yet despite the economic soundness of the European allies, relatively small amounts find their way into defense dollars. The announcements that other NATO participants are increasing their support are encouraging. But the increases mentioned are small in comparison to United States contributions. No member nation spends as great a portion of the gross national product for national defense as the United States. In fact, data for calendar year 1970 shows that the NATO allies spend 4.1 percent of their GNP on military programs compared to United States spending 8.6 percent.

The MBT–70 exemplifies some of our financial problems in dealing with our NATO allies.

The MBT–70 is without question a "NATO tank" especially designed for use in Europe. By increasing the so-called tank requirement and filling it with the MBT–70, the United States is substantially increasing its NATO tank expenditures. We are not only upgrading our NATO tank force in the field, but increasing our overall reserve and float capabilities.

Our NATO allies are perfectly content to let us supply this costly and complex weapons system and the men to make it work, but there is no inclination to purchase the MBT–70 for their own inventory, much less to assist in bearing the financial burden of developing and procuring it.

It is further worthy of note that none of our NATO allies have plans to expand reliance on the tank. The Germans, with whom the original joint MBT–70 project was begun in 1963 and canceled in 1970, are using some of its components in their next generation of tanks but are not going to produce an MBT–70. And should the NATO allies decide to upgrade the quality of their tanks in the future, they are more likely to buy simple, lighter, and less expensive tanks from Germany—not the heavy, complex, and more expensive MBT–70 from the United States. In fact, as Congressman SAM STRATTON of the House Armed Services Committee stated in June of this year, the United States is alone in meeting the perceived European threat by building so complex and expensive a tank:

I think it should be pointed out that both Russia and Germany are placing increasing emphasis on light, hard-hitting anti-tank vehicles and weapons. In this connection, it should be noted that Russia's heavy tank is no longer in production and is being gradually phased out of inventory. These developments suggests that other countries also recognize the diminishing usefulness of heavy tanks.

WARSAW PACT TANK THREAT

The MBT–70 is justified as essential in meeting the superior number of Warsaw Pact tanks. It is true that both U.S. and NATO tanks are substantially outnumbered by Russian and Warsaw Pact tanks respectively.

However, in the case of an attack, allied air superiority and superior antitank weaponry would take a heavy toll on any attacking tank force, especially in view of the limited number of acceptable access routes to Western Europe.

One Army Review Board reported that in the time frame in which the MBT–70 is expected to be deployed, a combination of antitank missiles, helicopter, and fixed-wing aircraft support, and dual-purpose artillery munitions will have made large-scale daylight tank offensives against fortified positions—such as the strategic passes by which such a Soviet offensive would enter Europe—unrewarding.

In short, any attacker is going to take heavy tank losses which will by and large offset whatever numerical tank superiority which might accrue on paper before such an attack.

And in a one-for-one tank confrontation, the House Armed Services Committee states in its report this year:

In any event, the U.S. M60A1 and the M60A1E2 are qualitatively equal to or better than any USSR tank now in the field or anticipated in the foreseeable future.

SUMMARY

COST GROWTH

The cost of the MBT–70/XM803 continues to grow. Deputy Secretary of Defense Packard has stated that the MBT–70/XM803 will be held to a cost of $600,000 per unit but that figure is extremely deceptive. The $600,000 MBT–70/XM803 price tag constitutes only the "hardware" cost in fiscal year 1970 dollars and does not include other legitimately attributable program costs such as support equipment, spares, R.D.T. & E. and APE or inflation. When the other noninflation costs are added the per unit cost skyrockets to $800,000 and allowing for a reasonable rate of inflation until the tank eventually goes into production sometime after 1975, the real program cost per tank is considerably over $1.1 million.

The total program cost is estimated at $2,414,600,000 although many potential problem areas could further drive the price upward and force the production date back further.

SCHEDULED SLIPPAGES

The MBT–70/XM803 production date continues to slip. The total slippage in the program has now exceeded 6 years. Even since the Armed Services hearings this spring, the production date has slipped again significantly. Further slippage can be anticipated depending on the testing of several questionable components.

Partially as a result of this slippage, antitank weapons have greatly altered the role and survivability of the tank on the European battlefield in the late 1970's and 1908's.

ANTITANK WEAPONS

There are now mobile, accurate, and inexpensive antitank weapons capable of destroying the most sophisticated and expensive tank now deployed or on the drawing board. And a new generation of even more deadly antitank weapons is just around the corner.

Tank designers can no longer keep pace with antitank technology, and, despite its cost, the MBT–70/XM803 is no exception. "Add on's" designed to help the MBT–70/XM803 survive in the new and dangerous battlefield environment of the late 1970's and 1980's offer only marginal improvements at greatly increased cost.

These developments have led the House Armed Services Committee to state in its report:

Recurring expressions of concern, both within the Army and by independent external observers, that the tank is nearing the end of its era of combat capability also influenced the Committee in its decision. New anti-tank weapons, including missiles, have brought about this obsolescence; and Soviet technical capabilities would permit them to field such anti-tank weapons before the MBT–70, or any alternative tank, has been in the force structure very long.

The soaring costs and schedule slippages have also affected the cost-effectiveness of the MBT–70/XM803.

COST EFFECTIVENESS

The enormous increases in cost are not matched by increases in performance.

In the past the Army has been reluctant to engage in much cost-effective analysis of the MBT–70/XM803. To date, cost effectiveness studies justifying the tank have been haphazard at best, based on highly questionable assumptions and highly optimistic cost estimates. And studies which question the MBT–70's cost effectiveness have been ignored.

UPGRADING THE ROLE OF THE TANK IN EUROPE

By approving the MBT–70, Congress will not only be gambling that tanks will be useful in the foreseeable future—as I believe they probably will be—but also that tanks are becoming increasingly more important in meeting our defense needs—which most experts violently disagree with.

This year the Army has increased its overall "tank requirement" by approximately the number of proposed MBT–70's. Since the MBT–70/XM803 is a "NATO tank" especially designed for Europe, the United States will be increasing its NATO tank expenditures by increasing the quality of its tank force there as well as the quantity of our available reserve and float forces.

NATO

Our NATO allies apparently do not share the United States' enthusiasm for tanks in general and the MBT–70/XM–803 in particular. The NATO countries presently have no plans to increase their tank forces. Should they ever decide to do so, it will more likely be by purchasing simple, lighter, and less expensive tanks from Germany—not the heavy, complex, and expensive MBT–70 from the United States.

LACK OF ALTERNATIVES

Finally, assuming a period of relatively stable defense budgets, there is a very real threat that by bowing to the Army's insistence on producing a new "dream" tank which will actually increase budget expenditures for tanks at a time when tanks are becoming less important to our defense, Congress will be weakening the overall defense posture of the United States.

Congress has been urged year after year to continue to authorize and appropriate funds, because the MBT–70/XM–803 represented "a quantum jump in tank technology"—the implication being that if it can be built, it should be built—or "the boys out there in the mud deserve the best tank money can buy." Little thought has been given to what the "best tank" costs, measured either in real dollars or in alternative programs foregone which might in the long run save more lives and win more battles.

Blind congressional acceptance of bland Army assurances have kept this highly questionable tank rolling along. Congress has failed to ask what criteria are used to justify continued development or to demand no-nonsense cost-effectiveness studies and intelligent analysis of alternative programs.

But what is worse, Congress is slowly being painted in the untenable corner of having no alternative to continuing the MBT–70/XM803 program.

As this year's Senate Armed Services Committee report warns:

Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity. . . .

At the present time Department of Defense development procedures are so structured that in each area there is only a single weapons system available to modernize the forces—and this system is often a very costly one. This means that Congress is faced with the decision of approving the procurement of that system or denying modern weapons to our armed forces.

In 1976, Congress will be in that corner. The MBT–70—if everything goes along perfectly—will be reaching the point of production. Both M–60A1 and with it the M–60A1E2 will have been phased out of production in mid-1974. And Congress

will then have to decide whether to go full steam ahead on the MBT–70/XM–803 or, in the words of the Senate Armed Services Committee, "deny modern weapons to our Armed Forces."

So this year's decision regarding the tank is important. As long as the Army can count on continued congressional acquiescence, there will be no serious search for more cost-effective alternatives to the MBT–70/XM–803. And as the MBT–70/XM–803 comes closer to production, the less alternatives are available.

CONGRESSIONAL ACTION

This year the Army requested a total of $86.6 million for continued R. & D. and procurement for the MBT–70/XM–803.

The table below indicates congressional action on this request:

[In millions of dollars]

	Request	House action	Senate recommendation
Procurement	59.1		
Research and development	27.5	27.5	62.8
Total	86.6	27.5	62.8

The House Armed Services Committee cut the entire $59.1 million requested for procurement while leaving the entire $27.5 million R. & D. request untouched. The House report suggested that the R. & D. fund be used—

To develop a weapons system designed to counter the growing anti-tank capability which threatens to outmode the MBT–70/XM803 even before it is in inventory. Further consideration might also be given to the use of the M60A1 and the M60A1E2 in an appropriate mix to meet all of the Army's heavy tank requirements.

The Senate committee reduced the $27.5 million R. & D. request to $22.8 million by deleting a request for $4.7 million for trainers, but added $40 million of the $59.1 million for procurement to R. & D. This money will be used in essentially the same way as the original procurement funds. Thus the Senate added a total of $35.3 million to the amount approved by the House Armed Services Committee.

CONCLUSION

Let me reiterate why I offer this amendment:

Since the MBT–70 Program began almost a decade ago; . . . the cost of the MBT–70 has increased enormously, with R&D costs alone soaring by 600%,

Its capabilities have been greatly reduced.

Its usefulness has been greatly affected by ever-increasing numbers of mobile, inexpensive and other less expensive ways of handling deadly anti-tank weapons,

And the original threat that was used to justify the MBT–70 have been found.

These developments call into question the wisdom of continuing to pursue a program which increases the overall portion of our defense expenditures allocated to tanks.

All this amendment does is reduce funding for the MBT–70/XM–803 program by $35.3 million, from $62.8 million to the level approved by the House Armed Services Committee of $27.5 million.

This will force the Army to reevaluate the alternatives to the MBT–70 program. The House Armed Services Committee suggested that the Army use the fiscal year 1972 R. & D. funds to "develop a weapons system designed to counter the growing antitank capability which threatens to outmode the MBT–70/XM–803 even before it is in inventory." Further, the committee suggested, "consideration might also be given to the use of M–60A1 and the M–60A1E2 in an appropriate mix to meet all of the Army's heavy tank requirements.

And finally, let me reiterate that this amendment in no way threatens our men in the field.

There is no urgency connected with the MBT–70 program. It is already 6 years behind schedule and slipping further. This amendment in no way affects production or deployment of the M–60A1 or the M–60A1E2. It does not strip our men in the field of the M–60A1 and the M–60A1E2—tanks which are, as the House Armed Services Committee noted:

Qualitatively equal to or better than any USSR tank now in the field *or anticipated in the foreseeable future.*

In fact, by making sure that alternatives are thoroughly explored, and that the best one—not just the most technologically snazzy—is found to counter a specific threat, Congress will not only be saving taxpayers' money, but the lives of their sons as well.

Too often in the past, Congress has been stampeded by emotional rhetoric. "The boys out there in the mud deserve the best tank money can buy" and no one wants to argue with that. But in a period of relatively stable defense budgets, by allocating more money to build unnecessarily complex and expensive tanks which are becoming more vulnerable and less valuable to our overall defense effort, Congress is not helping to save lives or win battles. In fact, there is a very real danger that by using limited defense funds unwisely to buy each new "quantum jump" in weapons technology, Congress is weakening our overall defense posture and probably costing lives should the cold war turn hot.

Mr. President, for the reasons just summarized, it is my plea to my colleagues in the Senate that we reject the Senate addition of $35.3 million and that we adopt the figure as approved by the House Armed Services Committee and the House of Representatives itself, which would permit further development in terms of technology, upgrading the quality of tanks, and so on. It would not emasculate the tank program, but would permit some reasonable possibility of being productive and utilitarian, and at the same time give us the type of weaponry we need now and conceivably will need in the future.

The House action should be upheld and the Senate addition of $35.3 million should be rejected. The House Armed Services Committee's recommendation that the $27.5 million in R. & D. be spent to carefully examine the alternatives to MBT–70/XM–803 program is eminently reasonable and should be heeded.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. EAGLETON. I yield.

Mr. STENNIS. The Senator proposes to leave in the bill $27.5 million?

Mr. EAGLETON. That is correct.

Mr. STENNIS. My question is this: If the Senator is correct in all these positions about the tank, why leave in the $27.5 million? Why not just stop it?

Mr. EAGLETON. In answer to the question of the distinguished Senator from Mississippi, all the money that has been spent on the MBT–70 has not, in my judgment, been a total loss. We have gained some knowledge and technological sophistication which can be applied as a base to upgrade the M–60, the M–60A1, or the M–60A1E2.

This was the recommendation of the House Armed Services Committee, and I think it was sound.

Mr. STENNIS. If the Senator will yield further—and I do not want to take up much of his time—the language of his amendment clearly says:

May be used for research, development, testing and evaluation purposes in connection with the XM803, formerly the MB70, tank, during the fiscal year.

That is the very tank the Senator has found wanting and has condemned. But still he leaves the $27.5 million.

Mr. EAGLETON. Yes, I think that is a pertinent point.

This is the intent of the language from the bill as it came over from the House of Representatives, and on that language, the House Armed Services Committee said this:

In view of these circumstances—

Their negative appraisal of going full steam ahead with the MBT70—

The Army may consider it advisable to utilize the FY72 research and development funds to develop a weapons system designed to counter the growing anti-tank capability which threatens to outmode the MBT–70/XM303 even before it is in inventory.

Then it goes on to say:

Further consideration might also be given to the use of the M60A1 and the M60A1E2 in an appropriate mix to meet all of the Army's heavy tank requirements.

Mr. STENNIS. If the Senator will yield further, I will say this on my own time—has the Senator finished answering the question?

Mr. EAGLETON. Yes.

Mr. STENNIS. I just want to make this one comment, to which he may wish to respond.

I respectfully submit to the Senator, and to the House of Representatives, that the language in the Senator's amendment contradicts the terms of the House report. I think we have a clearcut issue here. If all these things are true, and the Senator is correct, we ought to throw it out, lock, stock, and barrel. We are just looking for a little more money, a small amount more than the Senator proposes to leave in the bill, merely to get along with these prototypes, as I shall explain.

Mr. EAGLETON. I believe, as shown by our adoption of the intent of the language that came over from both the House Armed Services Committee and the House of Representatives itself, coupled with the comments of the Armed Services Committee on how they believe this money could be providently used, and my previous comments, that the $27.5 million left in the bill could be

meaningfully utilized to take the applicable parts of current MBT–70 technology and apply it to the M–60, the M–60A1, and the M–60A1E2.

I do not advocate going out of the tank business altogether. As I stated here today in my opening presentation, I think there is a need for tanks and a need for tank technology. I question the need for making this so-called quantum technological jump to the utopian dream tank of the future, when other more effective and less costly alternatives are available.

Mr. STENNIS. I thank the Senator very much.

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

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. I yield to the Senator from Arizona for a question.

Mr. GOLDWATER. No. I have perhaps 2 or 3 minutes of comment.

Mr. STENNIS. I yield the Senator 3 minutes, provided that I may do so without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have listened with a great deal of interest to the remarks of the distinguished Senator from Missouri, and there are just two or three points in them I think we ought to clarify at the outset, so that as we go through the debate today, we will not be tempted to put too much faith in the statement that has been made.

For example, it was inferred that we have air superiority in Europe, and this in itself would provide a great antitank weapon.

Mr. President, I wish that were so. One thing that disturbs me more than anything else about our NATO position, particularly from the U.S. standpoint, is that we are very inferior so far as air superiority goes. I do not think we can use exact terms, but I think it is in the nature of 3 to 1. In fact, in war games in which I have participated—this was back when we had healthier equipment—unless we were allowed to retaliate immediately with nuclear tactical weapons, we would have a hard time surviving 2½ days after an initial attack by the Soviet and Warsaw pact air fleets.

So let us not assume for one moment that we have air superiority in NATO. We do not have. I wish this were not true. I wish we had it.

I think the German air force is beginning to build. Some of the other air forces are showing signs. But our Air Forces have been sadly depleted in Europe to benefit the efforts in South Vietnam. Most of our good backup manpower in NATO is now in Vietnam. Almost all of our top aircraft have been taken from NATO and sent to Vietnam.

We do have a very fantastic antitank weapon. I have to agree with the Senator on that point. It is the TOW missile. But, Mr. President, this missile is not in tactical use yet. We are depending upon the upgrading of the Cobra helicopter and the introduction sometime of the Lockheed helicopter, the Cheyenne, both of which have been designed to use the TOW missile. But even the TOW missile, in its sighting and launching, has some drawbacks that have yet to be worked out.

While it is possible to destroy tanks without destroying them from aircraft, it is easier to do it from the air. We do have effective antitank weapons; but we must remember that, while some people think tanks are getting out of the picture—this may be so in some parts of the world where heavy equipment cannot be used, and I think we have seen this particularly in South Vietnam and Cambodia—this is not true on the flat country of Europe.

I believe the tanks will hold up well into the foreseeable future. I have not run into a military person in Europe or in the United States who thinks that we can win wars or even fight wars without tanks.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield the Senator 1 additional minute.

Mr. GOLDWATER. I want to make those three points, and I will continue to make them as I hear statements that I think need clarifying: one, that we do not have air superiority in Europe; two, that we do have an excellent antitank missile that has not yet been deployed——

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

Mr. GOLDWATER. I yield.

Mr. CANNON. The antitank missile is deployed in Europe at the present time. The TOW missile is in the hands of the troops.

Mr. GOLDWATER. I am not talking about that. I am talking about the specific air launch missile, not the ground missile.

The third point is that I do not believe any authoritative statement has been made by any military person any place in the world that I know of that will back up the idea that tanks are obsolete and that they are no longer needed in modern warfare.

Mr. STENNIS. I thank the Senator.

I yield myself 10 minutes.

Mr. President, I commend the Senator from Missouri for the very fine work he has gone during a period of years on this tank. It is not an easy question, and I respect very much his earnestness and everything that goes with it.

But, according to his amendment, he leaves $27.5 million which "may be used for research, development, tests, and evaluation purposes in connection with the XM–803, formerly MBT–70 tank during the fiscal year." Nothing could be clearer than his purpose to use it on that tank. The committee voted the sum of only $62.8 million for exactly the same purpose.

So here we are standing with these two figures in our hands, both for exactly the same purpose.

The uncontradicted truth is that the $62.8 million is the minimum amount with which this work can be done. We took some off the top. We took off $23.8 million and reduced it to $62.8 million. So the authorization is for the identical purpose. There is just a relatively slight difference in amount.

The committee figure will move further forward on the prototypes that we already have started and perhaps reconfigure two of the older prototypes—that is, putting in more of the insides, the machinery, and other components that will make these austere tanks.

After all, with all the faults the Senator has found, he proposes that this go on, as his amendment says; and, of course, the Army will be bound by the terms of the amendment and not by something the report says.

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

Mr. STENNIS. I yield.

Mr. CANNON. Mr. President, I rise today in support of the main battle tank for the Army, known as the XM–803.

The $27.5 million for research and development was in there; and reviewing this program, it was the determination that we should not go ahead with production or the procurement at this point in time and, therefore, should complete the research and development program. That is why some of the funds of the total request were taken and put into the research and development area, so that this work could be completed, to decide whether we want to go to full production. We took out $23.8 million by request, which originally included the request for authority to go into production.

Senator STENNIS, chairman of the Senate Armed Services Committee, requested our subcommittee to review this program in detail in conjunction with the administration's fiscal year 1972 budget request.

The budget request was for $86.6 million, of which $27.5 million was for research and development and $59.1 million was for procurement. The full committee, after our review, authorized $62.8 million in research and development funds—a reduction of $23.8 million.

It was our belief that this program should be continued. However, it was our judgment that the program should remain in research and development until the six prototype tanks now in development have demonstrated the capabilities predicted.

Therefore, it should be clearly understood that while we are actively supporting the development program, there is no commitment or approval for production. The decision for production can be made in the future after the prototype development and testing has been completed and when more knowledge is available on the advantages of the new tank over our existing M–60A1 tank.

The XM–803 main battle tank was formerly known as the MBT–70 when it was a joint program with West Germany. The United States is now proceeding unilateraly with development of the new tank. Consequently, it was necessary to develop some of the major components of this tank in this country which we had relied upon West Germany to produce.

The existing M–60A1 tank represents a design technology of the early 1950's, and hence it cannot be relied upon indefinitely in the future. With modifica-

tions and improvements which have added to its effectiveness the M60A1 is deemed comparable to the Soviets T–62 tank.

However, we have received evidence the Soviets are developing a new tank which obviously will be superior in capability to the T–62. No nation would spend the money to develop an inferior weapon system over its existing weapon systems.

Mr. President, I assure the Members of this distinguished body that the tank will be essential on any battlefield of the future. It will remain the basic weapon system used by the Army to engage enemy forces in offensive actions. They are used to spearhead attacks and to penetrate into the enemy's rear and to disrupt and destroy supply lines, communications, and so forth.

The technical advantages that the XM–803 will offer over our existing M–60A1 tank fleet are considerable. It will be able to fire not only conventional ammunition but the Shillelagh missile and new kinetic energy round. It will have a very advanced stabilization system which will enable it to move across country 50 percent more rapidly than the M–60A1 tank. Of greater importance, it will be able to fire effectively on the move rather than being required to stop and then fire. If a tank must come to a complete halt to fire its ammunition, then it becomes more vulnerable to enemy counterfire.

The new XM–803 tank will have a three-man rather than the four-man crew on the M60. This will cut down on military personnel by 25 percent. This certainly is an important consideration in the light of our proposed program for a volunteer army in the next 2 years. In addition, personnel costs are rising rapidly. Consequently, if we can provide the Army with equipment possessing a better combat capability, which at the same time requires less personnel, we are definitely moving in the right direction.

In addition, the XM–803 tank will have other modern features, such as an automatic loader, spaced armor for improved combat survivability, and a lower silhouette. All of these features will, of course, add to its effectiveness and survivability on any battlefield of the future.

COSTS

Considerable emphasis was placed by the subcommittee on anticipated costs for the new XM–803 tank. A great deal of understandable confusion surrounded this aspect of the program. Deputy Secretary of Defense Packard directed the Army to review the tank program and to eliminate any items of equipment that were not absolutely essential. When this review was completed, the cost estimate for the XM–803 was stated to be $600,000 per tank. This was the estimated hardware cost of the tank. It did not provide for support, spares, or inflation.

During our hearings we requested the Army to provide information on total program unit costs which would include the $600,000 hardware unit costs as well as future estimated costs for support, spares, R. & D. and inflation.

The information subsequently provided by the Army estimated the unit cost of the XM–803 to be $1.1 million each after allowance had been made for the aforementioned items. The single most important element that escalated the tank cost from $600,000 to $1.1 million each was incorporating a 5-percent inflation factor. It appeared reasonable to the subcommittee that we could anticipate an annual rise in inflation of 5 percent during the next few years. While I certainly hope that our economy is able to resist such annual inflation factors, we must recognize that this has been our actual experience between 1967 and 1971. The 5-percent annual inflation factor raised the cost per tank by almost $400,000. Therefore, Mr. President, everyone should understand that there is no mysterious cost growth involved. It is merely an effort by the subcommittee to recognize and appreciate the impact of inflation.

I, for one, believe that we cannot stop the development and purchase of essential weapon systems for the Department of Defense if we are to protect our national security interests merely because we are caught in the throes of undesirable inflationary conditions.

The $62.8 million recommended by the Armed Services Committee will enable the Army to proceed with essential prototyping and testing of the new tank.

I believe this program should be supported through the research and development phase so the Army will be able to thoroughly test the six XM–803 prototype tanks. If the tank meets all of its performance characteristics, then a production decision can be made.

In conclusion, I feel this program warrants our firm support so that our ground combat forces—namely, the foot soldier—will have the best weapons possible to engage and defeat any potential enemy on any given battlefield.

Mr. STENNIS. I appreciate the Senator's remarks. He is entirely correct. The Senator from Nevada served as chairman of the subcommittee that handled the entire matter.

Mr. President, it is tragic that there is not a chance to present to the membership these figures as they were developed by the committee, the recommendations of the committee, and the recommendations of the Senator from Missouri.

I have been conversant with this tank problem for 8 years, I suppose, during its entire life. As a member of the committee, long before I was chairman, I became very tired, indeed, of the little progress that was being made. The joint venture with West Germany, with all deference, just would not work. The committee insisted that the joint venture be brought to a termination. So 2 years ago, I believe, we called Mr. Packard before the committee and told him that we were not going further with this joint venture; that we wanted him to take the whole matter under his wing, make a personal, individual study of it and a personal conclusion about it, and come in with a positive recommendation. He came in with the recommendation to abandon the joint venture concept and proceed with this austere version of a tank.

Everyone wants to make it clear that they do not want to abandon the idea of the GI out there with a rifle not having a tank. We cannot argue at this time of improved technology that the tanks with the old technology are going to be enough.

Anyway, we proceeded with the austere version, and the money in this bill is for the prototype of the austere version—that and that alone. There is not a single dime in here for procurement—not $1. That decision is expressly referred to in the report. There is no doubt about that.

If a person feels confident that the tank has no future, that no new tank has a future, and feels that the GI out there will not need a more modern tank, he ought not vote for this amendment. He should submit an amendment to knock every dollar out of the bill for this purpose. That is what should be done; because, if he believes those things, this amendment will not carry out his purpose.

But if he thinks that for at least 1 year—no production yet—we ought to give the Defense Department, with their present viewpoint, a little more money for these prototypes, for the prototypes alone, to come back here with a more developed prototype, he should vote for it and let us make the final judgment as to whether or not we want to go forward. In the meantime, let us not get lost in the wilderness of which is more important, tanks or antitanks, or whether the tank is obsolete.

A man's commonsense will tell him that the GI needs something by way of a tank out there and that he should not be sent into battle without them, where it is possible to use them.

So I think this thing is bothersome. I think it has been delayed. I have been disappointed just as much as anyone else, but we are making a bad mistake if we jump over the abyss and try to kill this at this point. If I understand the English language at the level of a fifth grader, and I say this with all deference, if we adopt the pending amendment, the money will be used for exactly the same purpose the committee recommends but we will not have enough.

Everyone knows that the report of a committee cannot change hard law. Thus, we have this before us. We have the choices.

ARMY MAIN BATTLE TANK (XM–803)

Mr. President, the Army main battle tank program has been of special interest to me in the past and still is. The development of a new Army tank has had its problems, but I am of the opinion that the program is now on track, and I urge the Senate to approve the committee's recommendation that $62.8 million be authorized for research and development for the main battle tank (XM–803).

Let me first briefly trace the history of this program. It began as a joint program with Germany in 1963 to develop a tank that would meet both countries' needs. That program simply did not work, and it was terminated as a joint effort. The United States program was redirected toward an austere main battle tank, the XM–803. Mr. President, I want

to emphasize that the program approved by this body last year was not the original joint program, but a United States only development program. The $62.8 million recommended by the committee is required to continue the orderly development of a new main battle tank for the Army.

The Army requested $27.5 million in research and development and $59.1 million in procurement in fiscal year 1972 for this new tank. The House deleted all of the procurement funds, leaving $27.5 million in R. & D., but suggested that the R. & D. funds be used for developing additional antitank weapons.

Mr. President, the Senate committee looked into this program in some detail. The committee was not willing to see this program terminated and is recommending that $62.8 million be authorized in the R. & D. account to continue with prototype development and testing. In my opinion, anything less than the $62.8 million would simply delay the development for no good reason and increase the cost.

I think it should be understood that if only $27.5 million is provided as the amendment proposes, the program may have to be terminated; $27.5 million is just not enough to keep the program going as a reasonable development on an orderly schedule. I would repeat that anything less is just going to unnecessarily increase the total cost of the program and delay the program, or result in termination of the effort.

COMPLEXITY OF THE XM–803

Mr. President, one of the continuing concerns of the committee has been the increased complexity of weapon systems. This new tank is being designed to have considerably more capability than any tank in the world. Of necessity, this tank will also be more complex. However, the current XM–803 version has been considerably simplified over the earlier U.S./German MBT–70 version. Let me mention a few of the changes.

First, the tank commanders day and night sight has been combined into a single device.

Second, the hydropneumatic suspension system has been made simpler.

Third, back-up driving controls for the tank commander has been deleted.

Fourth, the ballistics computer and the fire control system componentry is now less complex.

Fifth, rolled homogenous armor is being used instead of the more costly high-performance steel armor.

Mr. President, I am informed that these changes will produce cost savings without degrading overall performance.

COSTS

I want to make it clear that approval of the committee recommendation here today is in no way a commitment to production of this tank. This position has been stated explicitly in the report. A production decision will be made only after the tank has been developed and tested and proves to be worth the cost.

Even though production is not involved in today's decision, there appears to be some misunderstanding about the estimated production costs.

Last year the committee reported an estimated tank cost of $600,000. That cost was the average unit hardware production costs expressed in 1970 dollars. At the risk of oversimplification that cost represents the average cost to tool-up and manufacture a number of tanks over a period of time at 1970 prices. In other words, the price did not include any consideration for inflation.

This year the cost reported by the committee is $1.1 million for each tank. The principal difference is that to the $600,000 was added initial spare parts and inflation through 1983. The rate of inflation used was 5 percent per year.

Mr. President, I do not know what the rate of inflation will be. But if the tank is procured and inflation is at the rate of 5 percent each year, the current estimate is that the tank will average $1.1 million.

Mr. President, both the $600,000 and the $1.1 million estimates are valid—one simply includes more elements of cost. To use those two costs and conclude that the tank has almost doubled in cost would be erroneous.

TANK OBSOLESCENCE

One of the points being made to support the pending amendment is that the tank is nearing the end of its era of combat capability. There is the strong inference that this tank will be obsolete before it has been in use for very long.

The time may come when the tank is obsolete, but I seriously doubt that it will be as soon as some think. The idea that the tank is obsolete is not new. I am told that tanks were written off in the thirties when smaller-caliber antitank guns came into general use. The same was said in World War II when the "bazooka" and other antitank weapons appeared. Now it is the new antitank missile that is supposed to spell the end of the tank.

Mr. President, the new antitank missiles are good—but the accuracies and capabilities demonstrated on test ranges cannot be translated into equal effectiveness obtained in a combat situation. The best example of this is the air-to-air missile. Test results were good, but performance in Southeast Asia air combat has by no means approached the test results.

The list of supposedly obsolete systems is impressive.

I can recall that the surface-to-air missile caused considerable concern as to the future of manned aircraft.

That same surface-to-air missile resulted in the premature discarding of antiaircraft guns. Reappraisal has resulted in redeployment of "antiquated" antiaircraft guns and the recent development of the Vulcan antiaircraft gun system.

As a result of the air-to-air missile, the conventional gun was left off the early Air Force F–4. The Air Force soon discovered that a conventional gun was required after initial combat experience in Vietnam.

Mr. President, the lesson to be learned here is that the actual combat requirements for the machines of war are not as clear cut as the statistics of missile reliability or the probability of hitting a target on the test range. If they were, man would have been ruled from the battlefield long ago by the very efficient rifle bullet.

Is the tank an obsolete weapon system? Germany, France, Japan, Sweden, Switzerland, England, and Russia are producing tanks now. Germany, Japan, England have new tanks in development. There is also good evidence that the Soviets are also developing a new tank. The evidence certainly suggests that other nations do not share the opinion that tanks are obsolete.

In modern warfare, second best is tantamount to failure—failure is paid in men's lives. If we are going to have an effective military organization than we owe them first-rate weapon systems. We must give the military the opportunity to develop and test these systems.

A vote for the pending amendment denies that opportunity. I urge the Senate to support the committee recommendation for continued development of the XM–803 new Army tank.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BENTSEN). Four minutes remain to the Senator from Mississippi.

Mr. STENNIS. I thank the Chair. I yield back my 4 minutes and yield 20 minutes to the distinguished Senator from South Carolina (Mr. THURMOND), a man who is highly qualified to speak on this subject.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 20 minutes.

Mr. THURMOND. Mr. President, the U.S. Army needs a new tank for the late 1970's and the 1980's. If the pending amendment is approved by the Senate, the Army's tank development program will in effect be killed. The result will be that the little man in the military services, the foot soldier with mud on his boots, will be denied a key element in the ground arsenal necessary for success on the battlefield.

Some of the opponents of the Army's tank program simply believe that tanks are no longer needed. The argument that tanks are obsolete was heard after World War I, World War II and Korea. In each of these wars, tanks played crucial roles in ground combat where the outcome is eventually decided.

Today all major powers are producing or developing new tanks. All evidence refutes the theory that tanks will not be needed in future conflicts. Some seem to forget that modern warfare is still conventional warfare, and will remain conventional warfare until someone punches the nuclear button. I hope none of us or our children live to see that day.

However, the weakness of the argument that tanks are obsolete is demonstrated by the fact that none of its critics has the audacity to attack the U.S. tank program on those grounds. Rather the critics say it is too complex, too costly, too heavy, and so forth.

Mr. President, it will be my purpose today to briefly trace the tank development program and answer the criticisms leveled against it.

DEVELOPMENT HISTORY

In 1964 the Defense Department initiated with the Federal Republic of Ger-

many a joint tank development effort. It was believed that if the two nations pooled their expertise and resources, an optimum NATO main battle tank could be produced.

The United States had seen their tank gun projectiles bounce off the sides of German tanks in World War II. We knew the Germans had experience in building good tanks. The Germans saw us as a leading industrial power with a vast amount of manufacturing know-how. It seemed to be the ideal union, and the Congress sanctioned and funded this joint effort to build a tank to be known as the MBT–70.

By 1969, however, it became evident to both parties for a variety of reasons that national interests would be better served by a cooperative program of sharing information rather than by a jointly funded and staffed effort. Accordingly, in January 1970, the two governments agreed to break off the joint development. The MBT–70, although basically promising at that point in time, contained both German and U.S. components. The engine, for example, was German with metric dimensions. It was, therefore, necessary for the United States to realine the configuration of the MBT–70 to facilitate unilateral development and production.

Also, due in part to congressional concern, Deputy Secretary of Defense David Packard took personal charge of the task program. The hardware unit cost of the MBT–70 was approaching $850,000 and Secretary Packard ordered that the tank project managers make design and other changes necessary to bring that price down to around $600,000.

These design changes not only made the hardware unit cost less but removed some of the more complex features of the joint development tank. The result was the XM–803 which essentially retains the combat effectiveness of the joint tank but is substantially less in cost.

Last year the Army laid out to the Congress the new XM–803 program and received approval from both the House and Senate to go ahead. Since that time the cost has been held in check excepting inflation and the Army has moved forward in building the best combat tank in the world.

CURRENT FUNDING REQUESTS

This year the Army requested $86.3 million for production engineering and research and development. However, the House approved only the $27.5 million for research and development and suggested this money be spent in developing antitank weapons.

The Senate Armed Services Committee approved funding of $62.8 million for research and development. This permits the Army to go ahead in building prototypes of XM–803 for testing and evaluation with the final production decision to be made in the future.

Mr. President, the pending amendment, offered by the distinguished Senator from Missouri (Mr. EAGLETON)—for whom I hold the highest esteem—would cut the tank funding back from the Senate level of $62.8 million to the House level of $27.5. The Army advises that this would in effect kill the program and some $293 million spent in prior development over the past few years would be wasted.

I repeat, $293 million spent in prior development would be wasted.

The House also suggested that the $27.5 million be applied toward development of antitank weapons rather than a new main battle tank. In my opinion, this would be a grave mistake. The Army thinks this would be a grave mistake.

We not only need a new main battle tank for the future, but do not need any more antitank weapons.

U.S. ANTITANK WEAPONS

The Senate should realize that in facing the 2 to 1 Warsaw Pact tank superiority in NATO, the services tried to help meet this threat with more and better antitank weapons.

Thus, in the past decade the United States built a family of antitank weapons. For the individual rifleman the LAW—light antitank weapon—was developed and is in the hand of our troops. This was complemented by the Dragon, a heavier antitank weapon. On top of these two we have the TOW and the Shillelagh, both effective antitank guided missiles. The TOW is a heavy wire guided anti-tank missile to be used by infantry troops and deployed on the Cheyenne helicopter while the Shillelagh is presently on the Sheridan light armed vehicle and will be on the XM–803. It is an infrared guided missile.

With this background, Mr. President, I would now like to address some of the questions raised by the critics of the program as well as offer additional data. These remarks can be divided as follows: Advantages of XM–803, costs, threat, and role of the tank in modern warfare.

ADVANTAGE OF THE XM–803

The new XM–803 is first of all an entirely new tank, not a product improvement such as currently offered in the M–60A1 and the M–60A1E2.

The M–60A1 is an excellent tank. However, it's development was based on technology of the 1950's and evolved from the M–48 tank of post-Korea. The E–2 is merely the M–60A1 with the new missile gun system. Development of the E–2 has been slow because it is a product improvement and it is difficult to mate a new turret and gun system to an old tank body. The XM–803 is a new system from the ground up. It has many advantages over the current tanks in the U.S. Army. First, it carries a combination launcher/gun which fires the Shillelagh missile plus conventional tube ammunition including a potent new high velocity, kinetic energy round.

Second, the XM–803 will have spaced armor—two plates of armor with space in between. This permits much greater crew protection than the M–60 tanks without a large increase in weight.

Next, the new main battle tank will have a more modern suspension system and more powerful engine allowing it to move half again as fast as the M60 over rough terrain. This agility is very important for a tank in order to give it shock effect by allowing it to move very rapidly into and over an enemy position. Agility also makes the tank much less vulnerable to enemy fire.

Another feature is the automatic loader which reduces the crew from four to three. This has the advantages of exposing fewer men to combat plus ease in handling ammunition and missiles on the move during a fire fight. The crew reduction also provides a significant personnel cost savings.

There are many other features such as a lower silhouette. One can stand on a bread box and see over the top of the XM–803 while it would be necessary to stand on a 4- or 5-foot ladder to see over the M–60's.

The XM–803 also has a new turret stabilization feature which gives it the capability to shoot with great accuracy while moving. The M–60A1 tank has some shoot-on-move capability, but the XM–803 stabilization is a more advanced system providing greater accuracy today. This new tank also has greater river-fording capability and more protection against nuclear radiation which might be found on tomorrow's battlefield.

One final key advantage the XM–803 has over the M–60 series is its capacity for growth. The M–60's have had new parts added to improve them but the Army needs a new tank for the 1980's which has real potential for growth as conventional warfare witnesses the advent of more modern weapon systems.

COSTS

The opponents say the cost of the tank has doubled since 1969. This is simply not true. The $1.1 million figure being used embraces a 5-percent annual inflation factor through the early 1980's. No other weapon system program has been figured on this basis to my knowledge. Normally a 2-percent inflation factor is used by the Department of Defense on defense programs.

Under the personal direction of the Deputy Secretary of Defense, the design of the tank was carefully revised to delete any features not essential to combat effectiveness, and in the process the average unit hardware cost of the tank is now expected to be about $600,000 in fiscal year 1970 dollars. The old MBT–70 had gone up to some $850,000 unit hardware cost.

Of course, hardware costs are not all that is involved in such a program. Over $130 million was spent while we were participating with the Germans. When you add to this the cost of spare parts for initial support of the tank, the transportation funds required to send it to units, money required for trainers and ammunition, and other miscellaneous expenses plus a high rate of inflation over the life of the program, the $600 thousand price for the basic tank mushrooms.

Compared to the XM–803's predecessor, first built over 10 years ago, less effective by a factor of 3 or 4 to 1 and costing about half as much, the XM–803's final cost will not be unreasonable.

Looked at another way, a fighter aircraft in World War II cost $53,000. Today it costs $12 million, a cost increase factor of 226. A submarine cost $5 million then. Today it costs $170 million—a factor of 34. In similar fashion, the cost for

bombers is 39 times the World War II price and Navy destroyers are 14 times more expensive. Yet the tank, whose capabilities have grown proportionably, now costs only nine times more than its counterpart in World War II. The cold, hard fact is that the costs of maintaining preparedness are high and we should willingly bear them, considering the returns in freedom which result.

THE THREAT

It is clear that the ground forces of the Warsaw Pact countries rely heavily on the shock of a tank attack. The main forces of NATO are positioned in corridors where such an attack is most likely to occur.

Nearly all Soviet ground divisions are tank or mechanized divisions. The United States has a number of pure infantry divisions, but the Soviets have traditionally depended on armor. They emphasize the use of highly mobile forces at all echelons, placing hardhitting armored units in the first waves of attack and then keep the pressure on with mechanized infantry.

While the Warsaw Pact has a more than 2 to 1 tank advantage the United States and its NATO allies hope to meet this threat with a better tank and a strong arsenal of antitank weapons.

There is sound evidence the Soviet Union may have a better tank in the offing than its T–62. There is no doubt in my mind that with ground forces built around the concept of armor the Soviets will eventually field a newer and better tank.

In the past the Soviets have used tanks to put down uprisings in the East European satellite nations. This was the case in Hungary and Czechoslovakia. It was just a few years ago that Soviet tanks rolled into Czechoslovakia to stiffle moves by the government and the people to ease away from the control of Moscow.

TANK IN MODERN WARFARE

Theories questioning the role of the tank in future years are really behind the effort to kill the U.S. tank development program. The man in uniform who has to bear the dangers of ground combat has no doubts about the usefulness of tanks. Those who do question the role of the tank for the future obviously do not understand the elements of ground warfare.

The tank is the only system on the battlefield which combines mobile lethal long-range firepower and heavy armor protection. This enables it to move about the battlefield with relative immunity to enemy weapons including small arms, automatic weapons, artillery fragments and even heavier direct fire.

It is also the most effective system to deliver heavy direct firepower while closing rapidly with the enemy or when there is a need to eject him from fortified positions. In the defensive role, the tank's accurate long-range protective fire makes it very attractive for covering forces which are forward of the main battle position.

Recent advances in technology point to a future battlefield characterized by fluid and highly mobile operations. The threat of nuclear weapons will require wider dispersion of units and therefore the need for more mobility. The faster and more lethal XM–803 will be needed on this type of battlefield. Its armor plate gives some protection against nuclear blast, heat, and radiation. Its speed enables it to quickly cross contaminated areas.

The tank is essential if the man on the ground is to gain or hold ground. We must not forget it is the foot slogger who has the toughest job in any war. He takes the most casualties and deserves the best weapon systems we can build.

CONCLUSION

The role of tanks is clearly seen not only by the Soviets but by our allies. The Germans continue to develop the Leopard II, a parallel program to the XM–803. The Japanese are also developing and testing a new main battle tank. The British, French, Swiss, Swedes, and others are producing or employing tanks in their military forces.

It is true new antitank weapons place another dimension on tank warfare. However, ground-to-air and air-to-air missiles have altered concepts in close air support, but no one is ready to stop using planes just because they can be knocked out of the skies easier. No weapon system is invulnerable. One thing we cannot afford is to commit American soldiers to ground combat without every advantage we can give them. The tank is one key advantage needed to fight effectively in ground battles of the future.

Finally, Mr. President, I wish to make it clear the question in issue today is continued development of a new tank and not production of the XM–803. The production decision will be made later and will depend upon the results of continued development and testing. The $62.8 million in this bill will go toward building six XM–803 prototypes and conversion of two old MBT–70's.

It would be foolish to go through 60 percent of a tank development program and then end it. This amendment would do just that. The foot soldier badly needs new weapon systems like the XM–803 and the Cheyenne helicopter. I urge my colleagues to reject the pending amendment so that we will not be faced with commiting our men to a battlefield with weapon systems that do not represent the best technology of the day.

Mr. President, I have a letter from General Westmoreland, Chief of Staff of the Army. I want to read just an excerpt here from his letter. The letter reads in part:

> As you know, even now we and our allies are seriously outnumbered by Warsaw Pact forces in both manpower and equipment. Warsaw Pact doctrine emphasizes the violent employment of massive forces that are strong in armor. Across the border in Western Europe, we and our NATO allies face a force possessing at least twice as many tanks as we have. Although we have never tried to achieve a one-to-one parity in equipment, we have maintained parity based on our having a better quality force. This posture has kept the peace, albeit an uneasy one at times, for some 25 years. The Army part of this force, however, depends entirely on the strength of the soldier and his weapons of war, and one of his most important weapons is now, and will continue to be, the tank.

I read further from the letter of General Westmoreland:

> Our current tank, the M60A1, was outstanding in the latter part of the 1950's, when it was developed—today it is still good. But it could be disastrous to believe that a tank which basically represents the technology of the 1950's could serve as the mainstay of our armored forces in the 1980's. This is especially true since the Soviets and others continue to improve the quality of their tank fleets.

Mr. President, I ask unanimous consent that the letter from General Westmoreland to which I have referred be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, I also have a letter that is addressed to the Senator from Mississippi (Mr. STENNIS), the chairman of the Armed Services Committee, from Mr. Packard.

I will read excerpts from that letter. This letter reads in part:

> These funds are needed to continue the fabrication of six pilot model tanks to test and evaluate the changes which have been made in the tank since the termination of the Joint US/German program. It is very important to continue this development program and to thoroughly test these pilot tanks. I am very anxious to keep this program on a "fly before buy" basis. Fabrication of these pilot tanks will not imply a commitment to production. It does, however, preserve the option to procure a Main Battle Tank capable of meeting our national defense requirements in the late 1970s and the 1980s. Failure to provide $59.1 M in FY 72 for the pilot models will delay completion of the development by a year and a half and substantially increase the cost of development and of production should we execute that option. I am confident that the transfer of these funds from PEMA to RDT & E will not jeopardize this essential Army program and should remove the House Armed Services Committee's concern about a commitment to production before the completion of testing

Mr. STENNIS. Mr. President, how much time does the Senator from South Carolina have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. STENNIS. Mr. President, I am glad to yield the Senator from South Carolina an additional 5 minutes if he desires.

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the letter from Mr. Packard to which I have just referred.

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

(See exhibit 2.)

Mr. THURMOND. Mr. President, the amendment of the distinguished Senator from Missouri would cut $35.3 million from the bill. It leaves $27.5 million. The committee recommends $62.8 million.

Mr. President, the $27.5 million will not be sufficient to support a logical sequential development program at this time for a number of reasons. I am going to mention here a few of them.

First. All planned fiscal year 1972 component procurement for continued fabrication of second generation prototypes—to be used in engineering and service testing—would have to be canceled.

Second. A development program

stretchout of a year and a half would result due to disruption of first long-leadtime component procurement, second, subcontractor negotiations, third make or buy determinations and fourth follow-up action to correct deficiencies.

Third. Climate and qualification testing of prototype components would have to be deferred.

Fourth. Reliability and maintainability programs could not be conducted.

Fifth. Additional contractor personnel would have to be discharged with commensurate loss of expertise to the program. A time consuming and costly personnel training program would then have to be initiated if full funding were restored to recoup the skill and integrity of the development contractor's team.

Sixth. The current concept of an integrated systems approach by the contractor would have to be abandoned in favor of a piecemeal effort which would parcel out work projects on an as-can basis and would be limited primarily to a component development program.

These are just some of the reasons why the amendment should be rejected.

If the United States is to have a small Army, its men will need the most modern tank we can build. That is the way we seem to be headed now—toward a small Army, and perhaps a volunteer Army.

There will also be a 25-percent personnel saving in the XM–803 as it permits a 3-man crew rather than the present 4-man crew.

Faced with a 2-to-1 tank advantage held by the Soviets in the Warsaw Pact, the U.S. tank of the future must be a quality vehicle.

When one gives up quantity for quality, costs are naturally higher. While the current M–60 series of U.S. tanks are good ones, this tank represents technology of the 1950's. We can build a better tank for the 1980's. Thus, it would be foolish to throw away the research and development effort, consisting of hundreds of millions of dollars, almost $300 million so far, and have to start over at a later date.

There is no question we will have to have a tank for these men fighting on the ground. Mr. President, can you imagine men going out on the battlefield today without a tank, without the most modern tank we can give them? Why would we want to handicap these men fighting for our country and fighting for freedom? Why not give them the best tank possible?

Some may say we have good tanks. Yes, the M–60 is a good tank, but we are looking now toward tanks for the 1970's and the 1980's. Who says we need it? The men who fight on the battlefield said we need it; the Chief of Staff of the U.S. Army, who is responsible for the programs of the Army, said we need it. The second highest ranking man in the Department of Defense who has charge of all research and development and determining which weapons to go forward with is scrutinizing these matters carefully, and he said:

I am not ready yet to produce this tank but I am ready to go forward and do the research and development on it, and if it proves all right, we want to give these men this tank.

That is what Mr. Packard said, in effect.

The tank is the primary offensive weapon in the Army ground role. If the foot soldier does not have a modern tank, his life will be in greater jeopardy as he crosses the battlefield toward the enemy.

Mr. President, there is no question who suffers in time of war. Take the war in Vietnam. I say this and at the same time I commend the Navy, the Air Force, the Army, and all of our services for what they have done. But who is the man subject to the real hazards, who is the man whose life is mostly in danger? I say it is the man on the ground. Why do I say that? I say that because the record shows the Air Force has lost about 900 men in Vietnam, the Navy has lost about 1,400 men in Vietnam, but how many men have the ground forces—the Army and Marines—lost? They have lost 45,514 men. In other words, the big part of the war in Vietnam, just like the brunt in every other war we have ever fought, has been sustained by the ground soldier; as the distinguished chairman said, the man with mud on his boots. He is the one who had to bear the brunt of battle, and I say he is entitled to the very best we can give him.

He said he needs this tank. The Army said that he needs this tank. The Department of Defense said he needs this tank. I do not believe the Senate is going to deny our ground forces, who are going to have to fight to save this country and fight to defend freedom, a modern tank such as we need.

EXHIBIT 1

UNITED STATES ARMY,
THE CHIEF OF STAFF,
September 29, 1971.

DEAR SENATOR THURMOND: I have been informed of the imminent floor action on an amendment to the FY 1972 Authorization Bill that will seriously affect our XM803 main battle tank program by reducing the funds for this development program from the $62.8 million for research, development, test, and evaluation recommended by the Senate Armed Services Committee to the $27.5 million approved by the House. If Senate action were to agree with the House bill and authorize only $27.5 million for FY 1972, the impact would in all probability force termination of the XM803 program. On the other hand, provision of the $62.8 million will permit the Army to proceed with a sound, logical program of development. Specifically, it will provide for the fabrication of six pilot models, now only partially complete, and for the early initiation of testing. Authorization of fewer funds will cause the program to stretch out further, with a consequent increase in development costs.

As you know, even now we and our allies are seriously outnumbered by Warsaw Pact forces in both manpower and equipment. Warsaw Pact doctrine emphasizes the violent employment of massive forces that are strong in armor. Across the border in Western Europe, we and our NATO allies face a force possessing at least twice as many tanks as we have. Although we have never tried to achieve a one-to-one parity in equipment, we have maintained parity based on our having a better quality force. This posture has kept the peace, albeit an uneasy one at times, for some 25 years. The Army part of this force, however, depends entirely on the strength of the soldier and his weapons of war, and one of his most important weapons is now, and will continue to be, the tank.

We are looking to the end of this and the coming decade. Our current tank, the M60A1, was outstanding in the latter part of the 1950's, when it was developed—today it is still good. But it could be disastrous to believe that a tank which basically represents the technology of the 1950's could serve as the mainstay of our armored forces in the 1980's. This is especially true since the Soviets and others continue to improve the quality of their tank fleets.

We do not need a cheap tank or an old tank for our soldiers; we need a good tank—one built with today's technology. I believe that we must sustain the momentum of our current XM803 program to continue fabrication of second generation prototypes and test them thoroughly. Such action will at least preserve the production option for this tank that I consider so vital to our national security.

I request your support, and that of your colleagues, for this important program.

Sincerely,

W. C. WESTMORELAND,
General, United States Army,
Chief of Staff.

EXHIBIT 2

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., May 28, 1971.

Honorable JOHN C. STENNIS,
Chairman, Committee on Armed Services,
United States Senate

DEAR MR. CHAIRMAN: In their review of the Army FY 72 Authorization Request, the House Armed Services Committee approved the Army's request for $27.5M in RDT&E for the Main Battle Tank but denied $59.1M in PEMA for the Main Battle Tank. The House Armed Services Committee deleted the PEMA funds because the Committee felt inclusion in the PEMA account would constitute a commitment to fund the entire Main Battle Tank Program. I completely agree that there should be no commitment to procurement of the Main Battle Tank at this time.

I believe it is appropriate to include the request for the $59.1M in the Army FY 72 RDT&E program for the Main Battle Tank. These funds are needed to continue the fabrication of six pilot model tanks to test and evaluate the changes which have been made in the tank since the termination of the Joint US/German program. It is very important to continue this development program and to thoroughly test these pilot tanks. I am very anxious to keep this program on a "fly before buy" basis. Fabrication of these pilot tanks will not imply a commitment to production. It does, however, preserve the option to procure a Main Battle Tank capable of meeting our national defense requirements in the late 1970s and the 1980s. Failure to provide $59.1M in FY 72 for the pilot models will delay completion of the development by a year and a half and substantially increase the cost of development and of production should we execute that option. I am confident that the transfer of these funds from PEMA to RDT&E will not jeopardize this essential Army program and should remove the House Armed Services Committee's concern about a commitment to production before the completion of testing.

Sincerely,

DAVID PACKARD.

Mr. STENNIS. Mr. President, I highly commend the Senator's speech. I wish every Senator could have heard what he said.

I yield 5 minutes to the Senator from New York.

Mr. BUCKLEY. Mr. President, the annual Defense procurement authorization bill has, in recent years, become a test of wills between those who are willing to

take real risks with the security of the United States, and those who are not. I place myself squarely in the latter group. Once again, we are hearing the same old complaint from the antidefense bloc—"Let us save money by not improving our military forces in the hope that any potential adversary in some future military conflict would not seek to field better and more advanced military equipment than our own." Following both World War I and World War II, the United States allowed our military forces and equipment to run down to such an extent that thousands of lives were unnecessarily lost at the outbreak of subsequent conflicts.

In today's world, Mr. President, we can no longer afford the luxury—if we ever could—to await the outbreak of hostilities before modernizing our forces. We must have the tools always at hand with which to meet our security needs. Yet today, we are being asked to take a calculated risk with that security by reducing the $80-odd million recommended by the Senate Armed Services Committee for an improved main battle tank known as the XM–803, to $27 million. This amendment is offered despite the fact that such a drastically reduced authorization would effectively terminate the program.

There are several reasons, I believe, why the Senate should vigorously uphold the committee's judgment on the funding of the XM–803 prototype program.

The first concerns itself with the future requirements of American military forces. The United States is heading into an era of a smaller level of Armed Forces than we have had in recent years because of the President's commitment to the volunteer army concept. While our forces are destined to be smaller, our firm mutual security commitments to 41 nations remain unchanged. These commitments are made—not for altruistic reasons—but because our own security is inseparable from that of our allies. If our forces decline in size while our commitments remain unchanged, it is self-evident that the individual soldier must become more "productive" if our forces are to remain competitive and viable. In military operations, becoming more "productive" means increasing individual and unit firepower and mobility. Simply stated, this means having more technically superior hardware with superior performance to compensate for the stark quantitative advantage our potential adversaries have in manpower and equipment.

The 1970–71 edition of the authoritative, Military Balance, published by the Institute for Strategic Studies in London states that the Warsaw Pact nations possess over 14,000 main battle tanks in the Northern and Central sectors of Europe, while the NATO forces including the U.S. contribution have only 5,500 main battle tanks in the same area. In Southern Europe, the Warsaw Pact has 5,000 main battle tanks, while the NATO forces including the United States can muster only 2,100 tanks.

The United States must maintain a clear technological advantage in its equipment—including tanks—if the support of our NATO commitment is to retain any credibility. Our present main battle tank, the M–60 series, is a superior tank for its generation, having been designed in the mid-1950's. By the time the XM–803 can be deployed, the technology of the M–60 series tank will be over two decades old. Moreover, the M–60 series went into service on the assumption that the United States would continue to maintain a large standing army such that we could afford to compete on something like a tank-for-tank basis with the Soviet bloc nations. While this rationale was sound in the 1960's, it is most unlikely to be true in the 1980's when the XM–803 would be fully deployed.

If we do not deploy the most modern and effective tank we can reasonably afford, the only alternative is to substitute more troops in place of technologically superior equipment. The anticipated higher cost of the XM–803 is more than offset by the fact that the manpower requirements for the tank have been reduced by 25 percent from the requirements for the M–60 series, while the effectiveness against all ground targets is far superior to that which any plausible modification to the M–60 series is capable.

Finally, Mr. President, we must take into account the changing strategic environment. The strategic nuclear forces of the Soviet Union have been increased dramatically in the past few years. While I believe we are already taking dangerous risks with our own security by not taking adequate steps to improve our own strategic forces, it would be the height of folly to cut our potential war strength at this time. With the Soviet Union on the verge of completely nullifying our strategic nuclear advantage, our best hope of deterring Soviet military adventures in the future would be to possess a highly capable conventional military capability. A central element of such a capabality, is of course, tanks.

We can no longer afford the cavalier attitude toward national defense that we have seen in recent years. We have gone dangerously far down the road of taking imprudent risks with our national security. I urge the rejection of the amendment offered by the distinguished Senator from Missouri.

Mr. EAGLETON. Mr. President, I yield 5 minutes to the distinguished junior Senator from Illinois.

Mr. STEVENSON. Mr. President, I thank the distinguished Senator from Missouri for yielding.

I commend the Senator for raising this issue in the Senate. Some day we are going to wake up in this Nation and realize that power and money cannot always be equated. We tend to think that by spending more money we inevitably acquire more power. Some day we are going to learn that money spent in the name of national security buys national insecurity. Money spent on weapons systems, in this case a tank, is money added to the burden of the taxpayers; it is money which might have built schools and made the Nation strong.

Some say with a considerable degree of alarm that the Soviets are catching up, but if money buys power we might ask ourselves how it is that the Soviet Union can, if it is true, catch up by spending so much money less than we spend on weapons?

The answer is that they spend, as do most nations in the world, carefully. It is not squandered on platinum-plated gadgets which profit no one except those who make them and those who sell them. This tank is a classic example. It is more platinum-plated gadgetry which no nation on earth would squander money on except perhaps our own.

I say that not as an armchair soldier, not as a general in the Pentagon, not as one who is unsympathetic to the welfare of our men in the field or to the realities and necessities of our national defense. I do say that, Mr. President, as a former Marine Corps tank commander. We do not need this tank. The men in the field do not need this tank. More tanks, perhaps; good, lean, serviceable equipment, yes; but not this tank.

I thank the Senator from Missouri again for yielding.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Who yields time?

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

Repeating for just a moment, this tank has had a long, hard journey—I think primarily because it got off into a venture with West Germany. There was a joint agreement, but it was on paper and, when it got down to making the tank, they could not agree enough on the details or on the basic structure of it, and we just lost time.

As I said a few moments ago, I have objected to that delay for years. When we finally put it in Mr. Packard's lap, we asked him to take it under his wing and see what was the matter, and particularly to look into the joint-venture part to see whether or not he recommended going that way or changing and going it alone.

In the meantime, to show my interest in this matter—and it is not recent—in 1968, when this matter was still brewing and, before Mr. Packard came into it, I was in Western Europe. One of my purposes was to go out with the troops. I gave special attention to the eastern side of what is called Western Europe now, out in the field. I am not an expert in these matters, but I wanted to get the feel of it and see what the GI's said. These are the men who have mud on their boots, as the Senator from South Carolina referred to them. I found there a man who, in my concept, is just about everything that an Army colonel ought to be or could be. His name was Baltes. He did not know anything particularly about the planned concept of the tank, but he knew tanks. I went over all that with him. We went over to where the German units were.

After forming this fine opinion of him, I felt I might ask him to come to testify as a witness before our committee. Later I did ask if they would let him come. I did not know what he was going to say. I talked to him a little. There were members on that committee who were opposed to the tank. We got him to go out and look at the tank progress that had been made up to that time. The Senator from Arizona (Mr. GOLDWATER) was concerned about this matter and expressed

that concern to me. I told him to talk to Colonel Baltes. The man was so clear and explicit and showed he knew what he was talking about to such a degree that the Senator from Arizona has never had any doubt about it since then. Our whole committee was in agreement. They felt a great sense of debt to this man.

So we took Mr. Packard's recommendation that it not be a joint venture and asked him to keep it under his guidance.

By the way, the Senator from Missouri had asked that the General Accounting Office go into this matter, and it did, with some profit to all of us.

Now we have it back here, where there is just a slight difference of opinion as to the purposes of and the amount of money that we should put into the bill. We all agree that there is no production matter involved here. The money for production is not in the bill. That road will be crossed later.

The $27.5 million in the amendment provides, in its language, as I said before, for use with respect to the tank in question. The only difference in our bill is that a different amount is to be used for research and development. We expressly put it into the research and development part of the bill—research and development and further prototype production. We stripped the program down to that, and I do not see how we can afford to abandon it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 2 additional minutes.

I do not see how we can afford to abandon this whole concept right in the middle of the stream when we need to know more through research and development.

Next year perhaps will be the time when the real issue will come, or it may be the year after that. I do not know which one. But some time soon we are going to have to really decide the question of production, or procurement, as we say. That will be the occasion when we really have to make the basic decision.

I do not think anyone knows exactly what is needed on any of these weapons. There are pros and cons about all of them. But those who are out there where the battle will be if there is one—and we all pray there will not be one—think this tank is necessary. Those who are in responsible positions, like the heads in the Army, the Chief of Staff, and others, think it is a necessary step for the future.

When a small amount of money is involved, and the amendment to the committee bill has money in it for prototype research, I urge the membership here, let us not just go over the deep end. Let us decide whatever doubt there is in favor of having the best and make the basic production decision later.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STENNIS. I yield myself 1 additional minute.

We expressly told the committee that we are going to provide that no money can be committed in any way for production or procurement; that this is purely research and development.

I do not know of any urgent reason why we should just jump up and go overboard and say that this must be stopped now, in a matter of just a few hours or a few days. I hope the Senate will not be so abrupt, so extreme, and so demanding, if I may use that term.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I would like, if I may, to respond to some of the observations and arguments as they have been set forth by the chairman of the Armed Services Committee (Mr. STENNIS), the distinguished Senator from South Carolina (Mr. THURMOND), and the distinguished Senator from Arizona (Mr. GOLDWATER).

First, Mr. President, with respect to the amendment itself, I misspoke in my earlier colloquy with the Senator from Mississippi. The language that is comprised in section 203 was not, Mr. President, in the House bill. The dollar amount in this amendment is identical to the dollar amount approved by the House of Representatives, $27.5 million.

What we do by section 203, which was drafted by legislative counsel, is say: "Not withstanding any other provision of law, not more than $27.5 million" and so on. The intention of this amendment is to allow the Army to spend a penny, or two pennies; $1,000 or $1 million; up to $27.5 million. They do not have to spend a dime, but they can spend "not more" than $27.5 million. The intention of this amendment is to allow them to spend this $27.5 million on combined R. & D. research, applying the technology of the MBT–70, trying to readapt it and reapply it to the M–60, the M–60A1, and the M–60A1E2.

Our purpose was to give the Department of Defense the maximum flexibility, the maximum latitude as to how they spend the House figure of $27.5 million on tank research, including further research on the MBT–70 if they so desire, but "not more" than $27.5 million.

Mr. STENNIS. Mr. President, will the Senator yield briefly at that point?

Mr. EAGLETON. I yield.

Mr. STENNIS. Every item in the bill has that same provision. Not a single one says they shall use that much money here; they just may use these sums that are all the way through the bill, on planes and everything. This is the ordinary way. Anywhere from a penny to $27 million. But it is on the MBT–70.

Mr. EAGLETON. Right. But that section 203 would not prevent them from spending the $27.5 million authorized on lines 1 and 2 of the same amendment for other tank development. And R. & D. on the MBT–70 type may be applied to the M–60A1 or the M–60A1E2. But we are back to the House figure, and in the opinion of the Legislative Counsel, this is the way of giving maximum flexibility to the Department of Defense authorization.

Mr. President, much has been said as to this being an austere program, this being a new austere tank. I most sincerely—and I mean this—pay tribute to the chairman of the committee. I think this program, when we first started to look at it on the Senate floor back in 1969, was in utter chaos and a complete shambles. I do think the chairman of the Committee on Armed Services has—as he pointed out, he had conversations with Deputy Secretary of Defense Packard, and other members of his committee who had an interest in this program also—succeeded in restoring some semblance of order to the program. Some attempt has been made to keep it within line.

However, it is still not "austere," Mr. President. It is not austere even according to the Senate Armed Services Committee's own committee report. On page 37 of its report, the committee says this:

> The committee believes that everyone should understand that, while the $600,000 basic hardware cost is accurate, the most realistic "all up" tank cost is $1.1 million each.

This program, Mr. President, began as a rather modest venture back in 1963. It was a joint venture with the Federal Republic of Germany. In the intervening years, it has gotten fat and costly, and I think the committee was commendable in its complete frankness in pointing out, on page 37 of the report, that the new per tank cost is $1.1 million each.

This is not an "austere" tank.

Next, Mr. President, I should like to make some observations with respect to the remarks of the Senator from South Carolina (Mr. THURMOND). I always appreciate hearing the Senator from South Carolina. He is an eloquent speaker and believes very deeply in the causes which he espouses. And he is an immensely articulate spokesman.

But I think, Mr. President, in all candor, he has overdone it this time. If we believe the Senator from South Carolina, we must picture a poor American soldier, shoeless, up to his hips in mud in some trench in Western Europe, wearing tattered Bermuda shorts, armed with a slingshot or, if he is lucky, a bow and arrow. We must picture this Congress sending these fine, young, patriotic American boys over to Europe with a couple of rocks and a peashooter, to stand almost nude in the trenches to face huge tanks coming down the main highways and over the fields from East Germany and Poland, or wherever the invading hoards might be coming from. Our enemies will pulverize these helpless young men, we are asked to believe.

That is not the true picture at all, Mr. President. The picture is that we have an excellent tank, the best in Western Europe. So says the House Armed Services Committee; so says anyone who has analyzed it. The M–60A1 and the M–60A1E2 are the best now available, but we, and we alone, are going to go ahead with a new tank program, into a heavy tank.

It is pointed out in the House Armed Services Committee report that both in the Soviet Union and the Federal Republic of Germany, development is going forward in the field of light antitank weapons.

Here is what the House committee says:

> In this connection, the Committee notes that both Russia and Germany appear to have recognized the diminishing utility of

the heavy tanks and are placing more and more emphasis on light, hard-hitting, anti-tank vehicles and weapons. Although the USSR will probably continue to use its medium tank, its heavy tank is no longer in production and is being gradually phased out of inventory.

The committee continues:

In any event, the U.S. M60A1 and the M60A1E2 are qualitatively equal to or better than any USSR tank now in the field or anticipated in the foreseeable future.

Mr. President, these are not the words of a group devoted to unilateral disarmament. These are not pious Quakers sitting out in front of the White House, discussing the future defense of the United States. This is a pretty hard-nosed group, the House Armed Services Committee. No one has ever accused Representative Hébert of being soft on weapons, soft on weaponry, or soft on military preparedness. And this is what Representative Hébert's committee has to say about the tank and about the future of the tank.

Mr. President, why do we always have to be building blockbusters? For example, we are the only ones in the world building aircraft carriers—not that that is a part of this debate, though it might be one day. We continue to build more and more aircraft carriers. I think Australia may have built one a year or two ago. The only thing they are using theirs for is to ram our destroyers in the South Pacific. But we continue to build—seemingly we have to build bigger and bigger aircraft carriers, and bigger and bigger tanks, whether they are needed or useful or not. Everyone else is building light tanks, including our NATO allies.

We are bankrolling NATO. We are building the MBT–70 solely for NATO; it will not go in the rice paddies of South Vietnam. It would have the same problems over there that the Sheridan did. It is a NATO tank.

And what about our NATO allies? Does Germany want the MBT–70? No. Does Belgium want the MBT–70? No. Do any of our NATO partners want the MBT–70? No. The kind of tanks they are interested in are light, mobile tanks, the kind the Germans are developing, the kind that we should continue to develop.

It is not a question, Mr. President, of all or nothing. It is not a question of the MBT–70 or a seminude soldier in the mud trenches of Western Europe.

It is a question of what kind of weapon. Just as we do not need overkill in other senses of the weapons systems, we do not need overkill in tanks.

Mr. President, I have said about all I can say and intend to say on this subject, and I should like to close with the words of the Senate Armed Services Committee itself. Because I believe that in their admonition, as found on pages 18 and 19 of their own report accompanying this bill, they have eloquently stated the dilemma that we face in the development and procurement of modern weapons systems like the MBT–70. The Senate Armed Services Committee report states:

Moreover, simple and reliable modern weapons have often been neglected in the pursuit of weapons of great technological complexity.

* * * * *

At the present time, Department of Defense development procedures are so structured that in each area there is only a single weapon system available to modernize the forces—and this system is often a very costly one. This means that Congress is faced with the decision of approving the procurement of that system or denying modern weapons to our armed forces.

These are not my words, Mr. President, although I wish they were. I wish I could have written and articulated it as well and as fully as the Armed Services Committee has. This is the gospel. This should be the gospel.

As the Senator from Mississippi has pointed out, the amount under consideration in this amendment, $35.3 million is a pittance in the scheme of Federal spending. I realize that. That is about what the Department of Defense spends on paper clips each day. It is nothing in terms of dollars. It is infinitesimal in terms of the Federal budget.

But what this program eventually means, as we proceed with it, is that each year we are getting closer and closer to the point of no return—as is pointed out in this admonition—because in 1974 or 1975 we are going to be at the point of decision without options. The M–60A1 is scheduled to go out of production. Then we will be faced with the blunt, brutal decision of going ahead with production on the MBT–70 or denying modern weapons to the Armed Forces.

In my opinion, the Pentagon is putting us in the unenviable position of deciding between all or nothing. Before we get to the point of no return, where we have no alternative but to go ahead with this blockbuster of tanks—the one that no one else on earth but us would ever consider—let us stop and think. That is all this amendment causes us to do. It says, "Stop and think. Where are we now and what do we need now and in the future?" We need the M–60A, and we can borrow from the sophisticated technology that has been developed as part of the MBT–70 program.

But each time we go further down this road, saying, "Not this year, but maybe we will stop it next year," our choices are being narrowed.

So the $35.3 million is small. It will not make or break the Government. But it is the $35.3 million that each year deny us, inch by inch, year by year, a decision between any viable alternatives. It is in contravention of the Armed Services Committee's own caveat which they have included on pages 18 and 19 of the report.

Mr. President, these words from this report describe more eloquently than I could the decision we are presented with time and again on procuring modern weapons systems—all or nothing. It is time—this time, here and now—while we still have some time—to say "No" to this improvident, useless, overly sophisticated, and overly expensive weapons system that is not needed now nor will be needed in the future.

I yield the floor.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, in recent days we have heard several distinguished Members of this body express their desires to do all possible to restore a sense of order, discipline, well-being and motivation in our Army, which, as we all know, is currently beset by numerous problems. Now there are many things that need to be done in this area, not the least of which is providing the men whom we call upon to defend this country with the most modern of weapons. It should be well known to all of us that one of the bedrock bases of morale and motivation in any fighting unit is an awareness by its members that they are equipped with weapons that are superior to those in the hands of the enemy. We need only recall the crisis of confidence a few years ago when our soldiers in Vietnam developed the impression that their rifle was inferior to those in the hands of their Soviet supplied North Vietnamese and Vietcong enemy. I submit that sending our soldiers into battle at any time in the future, God forbid, equipped with a tank of the vintage of the late 1950's would not only be irresponsibility on our part but would promote a crisis of confidence comparable to or exceeding that stemming from the Vietnam experience.

The XM–803 represents the latest in tank technology. The argument heard from some quarters that the XM–803 is already obsolescent borders on the fatuitous. It makes no sense at all to suppose that our research and development personnel are not aware of all the latest state of the art and are not incorporating it into the development of the XM–803. I can assure you that they are.

We are in the process of developing a modern volunteer army. This does not mean only the modernization of leadership techniques, of living facilities, or of manner of dress and behavior. It also means furnishing the most modern of weapons to the men who will make up our modern volunteer army. This can be done at modest cost, for the XM–803 program, in comparison to many sophisticated weapons systems, is a relatively inexpensive undertaking. Moreover, let us not make the mistake of losing altogether the rather substantial investment already made in the XM–803 in order to save a relatively small sum. For there is no doubt in my mind that, if the entirely inadequate funding proposed by the distinguished Senator from Missouri is adopted by Congress, the XM–803 program will be in grave danger of being discontinued. Is the gentleman from Missouri and are other Members of this body willing, for a relatively small saving, to run the risk of sending our soldiers into battle with equipment which we know will be inferior to that of potential adversaries? Certainly, there is absolutely no evidence that the Soviet Union feels that tank warfare is passé. On the contrary, there is ample evidence that their tank development program is moving forward with the object of fielding a highly sophisticated tank for use on the European battlefield.

As we all know, our Army is being greatly reduced in size. Historically and

as a matter of commonsense, when armies become smaller the strength lost in numbers must be compensated for by an increase in weapons modernity. This is the process in which our Army is presently engaged. We owe it to the security of this Nation to make the wherewithal available for this process to proceed wisely, efficiently, and effectively.

I thank the distinguished Senator from Mississippi for yielding to me.

Mr. STENNIS. I appreciate the remarks of the Senator.

Mr. President, I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, after the agreement with West Germany on the MBT–70 was terminated and we decided to build our own tank, the MBT–70 was studied to determine how the cost could be reduced, and a number of steps were taken. These changes resulted in an austere tank, the XM–803. I want to point out a few of the changes which made the XM–803 a different tank.

No elaborate popup night sight is on the XM–803 as was on the MBT–70.

No complex "pop-up" secondary armament weapon system is on the XM–803 as was on the MBT–70.

The commander's day sight and night sight have been combined into one unit. There is a simplified secondary armament system, and they now have a caliber .50 machinegun.

The XM–803 uses rolled homogeneous armor plate instead of costly high hardness steel used on the MBT–70.

The suspension system has been simplified in the XM–803.

The automatic loader has been simplified.

The fire control system has been simplified.

The electrical cables have been simplified.

The driver's controls have been simplified.

A navigation kit and driver's television aid have been eliminated.

The interior redesign, such as relocation of stowage and compartments, has resulted in significantly decreased vulnerability to antitank weapons.

The reliability and maintainability have been increased.

Mr. President, all these steps have been taken to bring about a reduction in the cost of this tank, and they have brought about a reduction to the extent of approximately $250,000.

By going forward alone, having complete control of this program, Mr. Packard feels that we must go forward and do this research; that after he has done this research, if this tank is what we hope it is going to be—and the Army predicts it will be—then we can begin to produce it.

I repeat, these funds are not to produce the tank. That was the main point with which the House was concerned. I would like for my colleagues to know about that particular point. In Secretary Packard's letter to the Senator from Mississippi on May 28, 1971, he said:

> I am confident that the transfer of these funds from PEMA to RDT&E will not jeopardize this essential Army program and should remove the House Armed Services Committee's concern about a commitment to production before the completion of testing.

Mr. President, the House did not want to begin producing before they finished testing. That is the reason it was not produced, but the Army is not going to do that. Mr. Packard says they are not going to do that. Mr. Packard also says that we need the full funds to go forward with research, testing, and development.

I hope that the Senator will permit the Senate to go forward.

In closing, I want to say that if the United States is to have a smaller Army, its men will need the most modern tank.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HUGHES). Two minutes remain to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield myself those 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, I have to insist that the amendment is worded in such a way that the money will be limited to the research and development on this main battle tank. If the amendment is agreed to, it will be on record now as being limited to that tank. There is only one tank listed here in the justification sheets for research and development, and that is the main battle tank. That is just a fact of life. There is $27.5 million in the Senator's amendment which can be used only for the main battle tank. They do not have to use it all, but it is limited to the main battle tank.

What we are recommending is the $62.8 million for research and development only on the main battle tank, so the only difference is the difference in those dollars. But the $27.5 million is just not enough for a year's work.

If we want to go on, we will have to approve the larger sum and vote against the amendment. If we vote for the amendment, they will still have $27.5 million. This is a prototype of a weapon on which a contract will be based later, exactly as the committee pointed out on page 19 of the report:

> At the present time, Department of Defense development procedures are so structured that in each area there is only a single weapon system available to modernize the forces—and this system is often a very costly one. This means that Congress is faced with the decision of approving the procurement of that system or denying modern weapons to our armed forces.

If we do not develop the prototype, then we do not have to approve or buy it. We can say that is the end of the decision. We can say we do not have a contract such as with the C–5A or the F–14.

What the committee is doing is following its own directions and its own recommendations. The same committee put the $62.8 million in the bill that wrote this language which has the approval of the Senator from Missouri. This was done at the same sitting of the committee. Let us go right down the line to develop a prototype and then make a decision as to whether we will have a procurement contract. It is written in the bill that no money in the bill can be used for procurement.

Mr. EAGLETON. Mr. President, I must respectfully disagree with the interpretation given by the distinguished Senator from Mississippi on section 203 of the amendment.

I repeat, because I think it is important, that what this amendment does is reduce funding to the figure recommended by the House Armed Services Committee. It contains the exact amount—$27.5 million—as passed by the House. Section 203 says the Army can either spend or withhold up to $27.5 million. They can spend it all on the MBT–70 tank or apply it to the MBT–60A1 or the M–60A1E2. They do not have to spend it all, or even one penny of it, on the MBT–70. But they can spend "not more" than 27.5 million on it.

The PRESIDING OFFICER (Mr. HUGHES). The question is on agreeing to the amendment of the Senator from Missouri (Mr. EAGLETON) No. 445.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent because of death in his family.

The Senator from Kentucky (Mr. COOK) and the Senator from Wyoming (Mr. HANSEN) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 42, nays 51, as follows:

[No. 238 Leg.]

YEAS—42

Aiken	Hartke	Muskie
Anderson	Hatfield	Nelson
Bayh	Hughes	Pastore
Bentsen	Humphrey	Pell
Brooke	Javits	Percy
Burdick	Kennedy	Proxmire
Case	Magnuson	Randolph
Chiles	Mansfield	Ribicoff
Church	Mathias	Spong
Cranston	McGovern	Stafford
Eagleton	McIntyre	Stevenson
Fulbright	Metcalf	Symington
Gravel	Mondale	Tunney
Hart	Moss	Williams

NAYS—51

Allen	Eastland	Miller
Baker	Ellender	Packwood
Beall	Ervin	Pearson
Bellmon	Fannin	Roth
Bennett	Fong	Saxbe
Bible	Gambrell	Schweiker
Boggs	Goldwater	Scott
Brock	Griffin	Smith
Buckley	Gurney	Sparkman
Byrd, Va.	Hollings	Stennis
Byrd, W. Va.	Hruska	Stevens
Cannon	Jackson	Taft
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Long	Tower
Dole	McClellan	Weicker
Dominick	McGee	Young

NOT VOTING—7

Allott	Harris	Mundt
Cook	Inouye	
Hansen	Montoya	

So Mr. EAGLETON's amendment (No. 445) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GOLDWATER and Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Speaker had appointed Mr. ULLMAN as a member of the Committee To Investigate Nonessential Federal Expenditures, to fill a vacancy thereon.

The message also informed the Senate that, pursuant to the provisions of section 8002 of the Internal Revenue Code of 1954, the Speaker had appointed Mr. BURKE of Massachusetts as a member of the Joint Committee on Internal Taxation, to fill a vacancy thereon.

The message announced that the House had passed a bill—H.R. 10538—to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961, in which it requested the concurrence of the Senate.

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.

AMENDMENT NO. 437

The PRESIDING OFFICER. Under the agreement, the Chair lays before the Senate amendment No. 437, on which there is a 3-hour time limitation on debate.

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken from this side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President, in the Foreign Affairs Quarterly of July 1971 there is a most interesting article by Gen. Matthew B. Ridgway, former commander of NATO, former commander in Korea, where he succeeded General MacArthur, former Chief of Staff of the Army, and a man who, in my opinion, is one of the outstanding soldier-statesmen—and I emphasize the word "statesmen" as well as "soldier"—that this country has produced in modern times. The title of the article is "Indochina: Disengaging."

I would like, if I may, to urge that all Members of the Senate read this article by General Ridgway. If the Senate would allow me, I would like to read the last four or five paragraphs. This is General Ridgway speaking:

> For the present, I believe we should accept the judgment of those civilian authorities possessed of the fullest information, as reflected in the President's current decisions. The two prime elements in those decisions are the timing to complete our withdrawal, and insistence on continued efforts to recover our prisoners. Both are questions of judgment.

Today the Senate will once again express its judgment on this particular matter:

> I use the phrase "for the present." I intend it to mean for a very limited time, say no more than another six to nine months. By that time the ARVN—

That is the army of the Republic of Vietnam, the Saigon government—

> Will have had ample time to attain adequate training levels, if it is ever going to do so, and we will have had time to supply all necessary equipment—

Which we have—

> At the end of that time, *regardless of developments*—

These are General Ridgway's words, "regardless of developments"—

> But sooner if visible progress has been made toward meeting both of the conditions stated by the President, I believe we should proceed with our phasedown forthwith and carry it through expeditiously to completion—that is, until *all* U.S. Army, Navy, Marine Corps and Air Force personnel, except Embassy guards, are out of Vietnam, continuing by every reasonable means to bring about the release of captive personnel in hostile hands until that goal has been attained.

Mr. President, I think I detect in the Senate, and have for some weeks now, a feeling of apathy, a feeling of "what's the use?" a feeling of being conditioned to an extension of the war into Laos and Cambodia, an accommodation with the Mylai's and other incidents, and a general desire, perhaps, to wish these issues away.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield myself 5 additional minutes.

Mr. MANSFIELD. Well, Mr. President, they cannot and they will not and they must not be wished away. We cannot put our heads in the sand and fail to be aware of what has happened.

I know it gets monotonous to watch the casualty lists which come out every week—deadly monotonous. We do not like the recitation of the litany of the losses which this country has undergone. But these figures, these statistics, represent human beings, fellow Americans, regardless of the color of their skin, regardless of what faith they adhere to, if to any faith, regardless of their background or where they come from or in what economic category they might be placed.

The latest figures are out today, and they indicate 301,747 Americans wounded since January 1, 1961—more than a decade ago; 45,543 Americans killed in combat; and 9,787 American noncombat dead. The total, Mr. President, is 357,077 Americans.

What for? Why? We will never be able to answer that question to our satisfaction, and we know it.

Of that number, 35,000, approximately, are totally disabled. In that period of time, we have spent approximately $130 billion—$130 billion; and, as I have said before, the cost will triple into the next century.

Figures differ as to how many are being held as prisoners of war and as to how many Americans are missing in action. The North Vietnamese say they have prisoners of war numbering something on the order of between 300 and 400. The administration, I believe, has put out figures which indicate that altogether there may be 1,500 or 1,600 POW's and MIA's.

We owe an obligation to the POW's, and we owe an obligation to all the recoverable MIA's, those who are missing in action. The amendment now before the Senate takes in not only the prisoners of war per se, but the recoverable missing in action as well; and I would hope that my colleagues would keep that in mind.

I would hope that Senators are aware of the anguish and the suffering on the part of the relatives of the POW's and the MIA's. I would hope that they read the stories in the newspapers yesterday and today about the skin games that are being practiced against those relatives, who are being bilked and mulcted at every turn.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. I yield myself 3 more minutes.

I would hope also that the Members of the Senate would read in today's Wall Street Journal the story entitled:

> Missing—or Dead? Some "POW" Relatives Say They Are Misled by American Officials; They Assert U.S. Inflates Total of Possible Captives, Contend Many Are Dead; A Way to Prolong the War?

That is the headline and the subheadlines of the story in today's Wall Street Journal.

Mr. President, the purpose of this amendment is not to undermine the President, but to help him, to extend a hand of cooperation, and to become involved with him as coequal branches of this Government, the legislative and the executive, in seeking to find a way out of this tragic, unnecessary, and immoral morass in which we find ourselves.

There were three stipulations laid down. One was that the Government of South Vietnam should have a "reasonable chance to survive." Well, we have helped them for 17 years. They had one election 4 years ago. They are having a referendum this coming Sunday, and they will elect the only candidate who will be on the ballot at that time.

I think we have done enough—more than enough—in the loss of lives, in the casualties, in the developing of a drug

addiction problem, in an increase in crime, in the coming into being of indiscipline, and in spending approximately $130 billion. And again, Mr. President, I raise the question, What for and why?

The second point in the tripod was that we would leave South Vietnam only when our prisoners were released. This amendment lays down a possible means by which the second and third parts of the tripod, withdraw and release, may occur. Because what this does is not tie the hands of the President, but indicate to the President the feeling of the Senate, at least—and I would hope, if we are successful this afternoon and in the House of Representatives as well—that we want to get out of this tragic affair, this quagmire in which we should never have become involved and in which we have been involved too long.

We think that this is the way to face up to it, to work with the President, not to undermine him. Because what we are doing, if this amendment passes, is indicating to him our interest, our intent, and our desire, and doing so in a cooperative, responsible manner.

Mr. President, that is all I have to say at this time. I shall have a little bit more to say later.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

Frankly, I do not think there is a great deal new to be said about this subject. We had three or four votes on this general subject matter, in one form or another, on the Draft Act proposal. We had another vote on it on the motion to table the conference report. The facts are well known, I know that, and the facts have not changed a great deal. We are all in agreement about the POW's and those missing in action, and in our concern about getting out, and as soon as possible. Those are things that gnaw at the heart and soul of every Member of this body, and have for a long time.

But, Mr. President, those who want to express themselves on this issue on a major bill rather than on a resolution that carries the thought and the substance of the Mansfield amendment have already had an excellent opportunity to express themselves once in an up or down vote on June 22 and prior thereto, and then there was another change, somewhat indirect but it was another change, on the motion to table. Now we are back with essentially the same thing on another major bill.

How could voting for this amendment add anything to what those who may favor it have already done? How could a reiteration have any constructive effect, or have any more meaning? The Mansfield amendment has already been adopted by the Senate, by a sizable vote, and that has not been repealed. It is true that it was changed somewhat in conference. But it was not abandoned.

In addition to it being the sentiment of the Senate, it went a step further in a way, even though not as strong language. It took the House in on this declaration, this legislative determination, and that was signed into law this week. That is the first time there has been an official legislative expression on the subject.

Simply to adopt the Mansfield amendment here as a rider on another bill, a largely extraneous bill, does not add anything to the voting record, I respectfully submit, of an individual Senator, and it does not add anything to an expression of the Senate, which has already been made along this line.

But, more than that, there is another course where one can strengthen his vote, where one can strengthen his purposes—it is constructive, it is orderly, and it is the regular way in which these things should be done—and that is through a resolution, a joint resolution, or a concurrent resolution, on this subject alone. Let it be taken up directly from the calendar with one of the resolutions on the calendar now or be referred to the Committee on Foreign Relations. As I have said, they are well versed in this field and are friendly to this idea. It is supported by most of its members, so far as I know.

The matter could come back here after hearings and report, or it could come back in 15 minutes. I venture to say if a resolution of that kind was referred to the Foreign Relations Committee, they could vote it back here in 20 minutes, if they wanted to do so. So there is no kind of delay connected with this matter. They would be in control of it. As I say, there is a recommendation of the Foreign Relations Committee behind it. But if that is not wanted, there is a resolution on the calendar now that states the purposes here, and it could travel on its own strength. Frankly, I assume that it would be passed by this body.

I do not think we ought to come along now and just put another rider on another major bill expressing the same thing we have already voted. It already has had trouble in conference, and there is no way to predict what will happen except to say that it will have some trouble again.

Mr. President, I want to mention another problem. I think the U.S. Senate as an institution is involved here. I want to point out some guidelines that I have always thought should be adhered to, and I think the Senate largely has followed those guidelines until recently—that is, that on a major subject, a major policy, and this is national, these matters should go to the committee that our rules, which are law, say shall consider those questions. That is a necessary guideline for a legislative body. If it is not followed generally, we are led into bad trouble. Especially would that be true when a friendly committee has primary jurisdiction over the subject matter, such as the Foreign Relations Committee.

If any Senator, with respect to any bill, claims as a matter of right that he can come in without deference to that rule and put major amendments on a bill and can then come in again, then the other 99 have the same privilege. If that practice is permitted to continue a little while, what do we have? We have killed the committee system. That is not the intention of the authors. It is not the intention of those who vote for it. But it would be the result.

I have seen the Senate operating on the other plan. I am confining my remarks now to major questions. I am not complaining. I am pointing out a principle that I think involves the Senate as an institution. We cannot afford to destroy our committee system this way or any other way.

So if I had the chance to get the ear of each Senator, that would be my urgent plea.

I should like to refer to the matter of the conference. I do not ask for an easy job in conference. I do not want an easy way. If I had, I would not have come to the Senate. I did not come here just to try to do easy things. I did not make a reservation such as that when I was a candidate. I came here to do whatever I could, easy or hard. It is mighty easy now, with respect to a conference report one does not like, to say, "Well, you did not try hard. You did not try hard enough. You were not rough enough on the House." They do not say that on the floor. They say it in the cloakroom, perhaps.

Mr. President, how can someone make a Member of the House agree to something? How can someone make a Senator agree to something? How can that be done? I wish someone would get up and make a suggestion. How is someone going to make a Member of Congress do something if it is contrary to his principles or contrary to what he thinks he should do? If someone has a formula for that, I will be glad to yield time, and I want to yield more time for an explanation how that can be done, when the other House has voted on the same measure that is in conference and has voted directly contrary to what the vote might be here. If anybody knows how to make conferees agree on something—make them, I mean—I have never heard it explained, and I would be glad to yield time for that purpose.

When you exhaust reason and logic and persuasion and begging somewhat, you have just about finished, and you recess and come back, and hope there are some new facts or there is some new point or something has changed, and you go over that again and again.

As I have said, I am not complaining. But I think these two committees have done about the best they could on this matter, and two other committees ought to have a chance. That is not in derogation of the Mansfield amendment. It is perhaps to give it a better chance.

I should like to mention another factor: The entire Pacific policy is involved in the war over there. The war is being wound down; it is coming to an end. It is being finished off, and the faster the better for all of us. But the entire Pacific policy is involved. An election will be held there on Sunday, and that may be a turning point. I do not know. The fact that there is just one candidate is not the controlling factor. The big thing, as the Senator from Montana said, is that they are having their election. I do not have any inside information, but I judge that that is a turning point for our policy. I know that we have other matters in the

Vietnam war. We have the entire China policy. The Executive of this Nation, regardless of who he is, has that on his hands, as well as Taiwan and Japan and all the rest of the other problems which are boiling up in Asia. I believe that a precipitate withdrawal within a few weeks would greatly augment those policies and that we should think a long time before we adopt an amendment, directly from the floor, on a bill of this kind that is holding up the rest of the session because we cannot get the appropriation bill moving on the Department of Defense.

Thus, I hope that these and such other points as may be mentioned here will be the grounds for Senators to reconsider and not vote for the Mansfield amendment this time, but make it clear otherwise that they stand for what is in it, but that because of the circumstances, the history, and the facts on which they have already expressed themselves, they will not vote for the amendment at this time.

Now, Mr. President, I yield 1 minute to the Senator from Michigan. He has a problem here.

Mr. PERCY. I am still from Illinois.

Mr. STENNIS. Of course. I am sorry.

Mr. PERCY. Illinois, the heart of the country—the heart of the Middle West.

Mr. President, I should like to announce that, because of the death of a member of the family of the distinguished Senator from Colorado (Mr. ALLOTT), he had to leave suddenly yesterday. It is, therefore, my intention to give him a live pair.

The Senator from Colorado mentioned yesterday in a speech in the Senate that there are four reasons why he vigorously opposed the pending amendment. He feels deeply about this matter. I feel equally as strong on the other side, and I would like to give four reasons why, if I were permitted to vote on the Mansfield amendment, I would vote to support it.

First, the Vietnam war is the worst, single mistake this country has ever made—

Mr. STENNIS. I yielded to the Senator to announce his position, not to make an argument.

Mr. MANSFIELD. Mr. President, if the Senator from Illinois needs time, I will be glad to yield him 5 minutes.

Mr. PERCY. I would very much appreciate it.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER (Mr. TAFT). The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, I will repeat, first—although I said this before—the Vietnam war is the worst, single mistake the United States of America has ever made.

Second, this war has done more to actually weaken our national security and weaken our defenses than any decision we could have made. It has caused us to not do for our Air Force, our Army, and our Navy what we should have done to keep it fully equipped, modern and in a constant state of readiness. We have even permitted our physical facilities to deteriorate during this past decade because of our excessive and wasteful expenditure in Southeast Asia.

Anyone who goes out, for instance, to examine firsthand the condition of our fleet today can see what has happened since the beginning of the Vietnam war. Compare it with the fleet of the Soviet Union and the relative power they have gained, and the way they have closed the gap and see firsthand the sacrifice of our own real national security and defense that the decision to go into Vietnam has brought about. The $130 billion that has been expended there has come right out of the hide of our own defense establishment. That is the second reason why I support in principle the pending amendment.

Third, all of us have seen firsthand that this war has torn our country asunder and caused more disunity, more discord, and more deep unhappiness in America than any single thing this country has ever before done. The Congress must share with the President the responsibility for bringing it to an early end.

Fourth, I would merely submit as evidence the fact that if we truly are fighting for the right of self-determination in Vietnam, the election in Vietnam to take place next Sunday is a mockery of that principle.

What has been happening there in the past several months, in this connection, removes the last remaining argument that we had as justification for this war.

I fully concur with what the distinguished Senator from Mississippi has said, that this administration is winding down the war. We are getting out and I give full credit to the President for what he has done to reverse the process. I believe that the Senate, reflecting the sentiment and the spirit of the people of this country, and reflecting it as forcefully and as strongly as we can, has helped to accelerate that decision to wind down our involvement in Vietnam, and to get out.

Now, Mr. President, I have no basis for saying this, no inside information, but I can only hope and pray that the President will soon be announcing a major stepup in the withdrawal of our forces from Vietnam and to make it clear that we intend to get out, lock, stock, and barrel. If we ever hope to get our prisoners of war back in, it is clear to me that we must do this.

Because of the commitment I have given to my distinguished colleague from Colorado, and because of the extenuating circumstances of a death in his family that suddenly takes him away from the Senate floor today, I intend to give him a live pair when the vote is called on the pending amendment.

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished Senator from Mississippi has said. I would like to remind him of a fact which he already knows, and knows better than I, that a Senate committee is only the servant of the Senate, that it is the Senate which will decide as to what will be done and not by a particular committee.

Furthermore, I remind the Senator that during debate on the conference report on the draft bill, he suggested then that this might be a good bill to attach this amendment to, although he did so without any real enthusiasm that I could observe at that time.

He rightly places a good deal of emphasis on the development of policies in the Pacific; but I think that if we are going to talk about policies, we should talk about the men whom we sent there to carry out those policies as well. I cannot avoid the personal consideration which should be given to these men, most of whom are draftees, most of whom have been called into service because of an act of Congress, and many of whom had doubts in their own minds but, as good citizens, undertook to carry out their obligations to their country.

Mr. President, at this time, I yield 15 minutes to the distinguished Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER (Mr. TAFT). The Senator from California is recognized for 15 minutes.

Mr. CRANSTON. Mr. President, I thank the distinguished majority leader for yielding to me. I thank him for the great leadership he is providing on this very vital matter.

I have some brief remarks I want to make and then, if I may, would like to address some questions to the distinguished chairman of the Armed Services Committee. I agree with much of what the chairman said in his remarks but I cannot agree with certain other aspects of what he said.

It is quite true that the original Mansfield amendment passed by a substantial vote in this body and was, as he pointed out, changed in conference; it was not wholly abandoned, but a step forward was taken. The House accepted the action in a modified version. A legislative expression was then made by Congress. The measure was signed into law by President Nixon. In so doing he made part of the law of our land the explicit expression of both Houses of Congress that a date be set for the U.S. participation in the war in Indochina to end—and the terms under which that end should be brought about. The bill was overwhelmingly approved by both Houses of Congress—the conferees' report was adopted 55–30 by the Senate and 297–108 by the House. Included was title IV as modified by the conferees. Title IV, as ardently espoused by the chairman of the Armed Services Committee, and the distinguished minority leader, and accepted by the President spelled out the conditions.

The conditions for withdrawal are clear. I should say, the condition is clear. There is only one condition set forth: the release of American POW's.

There is also no ambiguity about what the provision leaves out. It leaves out any requirement that the Thieu government must remain in power. It makes no provision for the retention in Indochina of "residual forces" after ground forces are withdrawn. There is no reference to the need for the Government of South Vietnam to "stand on its own feet."

We just want out. We want the killing to stop. We want all our prisoners home

and all our missing men accounted for to the extent possible.

Arrangements for the release of prisoners and an accounting of all men missing in action are the only conditions which title IV sets—and it sets them repeatedly.

There is no mention of any other condition. It clearly was the sense of both Houses of Congress—by overwhelming votes—that only the POW return should be the condition of our setting a withdrawal date.

Also, it is the sense of both Houses that the sequence of events should be:

First, cease fire.

Second, setting "final date" for withdrawal and "date certain" of POW release. No POW release is called for prior to the setting of this date. First, the date, then the release.

Third, phased releases and withdrawals.

Clearly then by signing the measure into law the President has accepted the sense of the Congress.

In the absence of the distinguished chairman of the Armed Services Committee, to whom I hope to address some questions later, I would like to ask the distinguished minority leader, if I may have his attention, if it is not plain, as title IV spells out succinctly, as it has been written into law by Congress with the ardent support of the minority leader, and as now accepted by the President, that it in effect sets forth conditions for our withdrawal only upon the POW release and that thereafter a phased basis for the return of the prisoners would be established. Is that not in essence title IV as it is signed by the President?

Mr. SCOTT. Mr. President, I think whatever the President signed this week is spelled out. If the Senator wants to read the entire section of title IV, that would be all right with me. The measure was passed by Congress and it expresses the sense of the Senate and of the House of Representatives that Congress would like to see an early termination of the war and the prompt release of prisoners of war.

I think we have already written it into law. That is why I do not see why we need to do more. I will have more to say on this later.

I feel personally that every action so far taken by the Senate in seeking to supersede the constitutional authority of the President has served only to delay, rather than to expedite an early end to the war.

That is why I am bound to oppose each of these motions, recognizing the sincerity and utter good faith of all parties involved.

Title IV says—

The negotiations for the withdrawal and release of all prisoners of war and missing in action.

Mr. CRANSTON. Mr. President, what is the understanding of the distinguished minority leader concerning the responsibility of the administration under title IV?

Mr. SCOTT. I think the responsibility is not a bit added to beyond what the administration had in the beginning, beyond what the President has been doing. And that is, as he said to the wives and mothers of prisoners of war, what he has been doing a long time.

He has assumed two channels, neither of which he is free to disclose, for obvious reasons.

I talked with one of those channels myself on one occasion. And I know that the President has been doing precisely what Congress, somewhat belatedly and many, many long months after he began, is urging him to do.

We usually end up urging him to do something which he is already doing.

I think it makes us feel pretty good that we have a part and a share in trying to end the war.

Mr. CRANSTON. Mr. President, it would seem to me that title IV did not add to or subtract from the conditions that Congress has gone on record as favoring for negotiating an end to our involvement in that war. We are narrowing down the very issues and eliminating matters such as the residual force, the maintenance of the Thieu regime, and so forth.

I ask the minority leader whether the administration still considers other conditions for withdrawal beyond the conditions set in title IV.

Mr. SCOTT. I am obviously not the one to ask what happens in the day-to-day negotiations of the executive department. I would not know.

What I do know is that we have made a number of proposals, not one of which has been acceptable to the other side.

Last October we proposed a bilateral cease-fire. We proposed that both sides cease-fire in place. We have gotten nowhere with it.

We indicated that we would negotiate on the release of prisoners of war separately.

We have offered to negotiate a release of 10 prisoners of theirs for every one prisoner of ours.

We have indicated that nothing holds us back from a separate prisoner of war negotiation.

We are not in any way prolonging the war. What we are saying is that the other side will not do any of these things.

Every now and then the other side slips word to a Senator, who is not gullible—since we cannot reflect on our Members here—and to a citizen, who is gullible, that "everything will be all right if you just replace President Thieu."

If I were in Vietnam, I would not vote for President Thieu. I am independent. I would find another guy to vote for.

They pass along word that they would deal with Minh or someone else if we would get rid of Thieu. It is not our place to interfere in the Government there. I know of 50 countries that do not have a leader elected in contested elections, whether that makes it right or wrong.

I do know that all of these things have been passed along by Hanoi or the Vietcong to Americans in the belief that they will swallow it and come back and announce that if we will accept someone else, they will deal with us.

Let them say it out loud and clear. It might make a difference. It would with me. I might believe them if they were willing to make a direct public offer.

Mr. CRANSTON. Mr. President, does the Senator know if we have ever proposed a settlement on the basis of a cease-fire and prisoner-of-war exchange and an accounting of those missing in action without any demand that the Thieu regime must remain in office and without reference to the residual forces?

Mr. SCOTT. Mr. President, I can tell the distinguished Senator from California that it is not my province and it is not my business to know the various proposals that are tabled from time to time by one side or the other.

I do know that we are interested in certain things. We are interested in preserving the structure of a state as a state with democratic principles. We are even more interested in preserving the security of our men and their lives as they withdraw.

We are, of course, terribly interested in the prisoners of war and the missing in action. So it would follow that all these things would be discussed and, in my judgment, it would be unlikely that we would say—we will sacrifice all the soldiers left and you can take three shots at them. I do not believe we would do that. I do not think we would separate it from the POW issue in that sense. I think we have said we are going to get out and, as we get out, "Tell us what you are going to do about the prisoners of war." Hanoi did not say they would release the prisoners of war. They said they would discuss the procedural circumstances under which the prisoners might be released. That happened before at Panmunjom and we spent a couple of years and suffered more casualties following that than preceding it.

All of us had better be advised not to take the privately delivered assurance of the enemy at too high a value.

To answer the Senator's question, I do not know whether we have ever offered to risk the security of our withdrawing troops by separating it entirely from the prisoners of war. I hope we have not.

Mr. CRANSTON. The Mansfield amendment, as revised, and adopted in title IV left the prisoner-of-war issue directly involved in the negotiations, as the main part of those negotiations. No one in this body has ever suggested we take any steps to abandon our fighting men in Vietnam.

One point to which the Senator alluded is the stability of the present government in Vietnam as a part of the conditions. That most certainly is not one of the conditions that Congress included in title IV. The President made no reference to that when he signed this bill 2 days ago.

If, indeed, that or other points beyond those specifically alluded to or included in title IV are still a part of what we are offering in negotiations, I would like to ask this:

What effect, if any, will title IV have in persuading the administration to drop its additional conditions not included in title IV?

Mr. SCOTT. First, title IV is a declaration, a sense of Congress, that by a date certain, subject to release of the prisoners of war and an accounting for all missing in action, that this withdrawal should take place at this date certain after other things happen. Congress then urges the President to do something he has been

doing for many long months, to negotiate with North Vietnam for a cease-fire. Congress is late, as usual. That was made October 1970. We got around to sending it to him this month.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. MANSFIELD. Mr. President, I yield the Senator 1 additional minute.

Mr. SCOTT. Second, Congress urges the President to negotiate with the Government of North Vietnam for the establishment of the final date for withdrawal of all our military forces, contingent on a date certain for release of all of our POW's, and providing negotiations for a rapid fixed withdrawal of American forces from the area.

I do not know how I could answer better than that.

This is a race between what the President is doing and what the Senate would like to get credit for helping him to do. The President every time has been moving faster than Congress has been able to catch up with him, and a lot of this is geared to next year's elections in the hope——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield 2 minutes from this side.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. In the hope that when the war is ended an issue can be made to detract from the President's achievements in ending the war.

I say, go ahead, keep trying, and every time you try I am going to expose it. I do not mean the Senator from California, but critics generally. It is an easy thing to expose. Only the President can end the war, and the President is ending the war.

Many fear the people will be grateful to him for it. I am not fearful. I am hopeful. But every time there is a chance for Congress to come in and say, "See, we ended the war, you did not," I think it is indulging in a lot of hypothetical hogwash.

If I can, I will be happy to answer any further questions the Senator has.

Mr. CRANSTON. Mr. President, will the Senator yield to me briefly?

Mr. SCOTT. I yield.

Mr. CRANSTON. We want the war ended and plainly the war is not ended. I do not care who gets credit, so long as it is ended. It seems to me from what the Senator said the stability of the Government of South Vietnam is an element in negotiations in the current circumstances, and that there is, then, a substantial difference between the majority in Congress and the White House——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. SCOTT. I missed the last part of the Senator's sentence.

Mr. CRANSTON. It seems to me the essence of the difference between the White House and the majority in Congress is that the White House insists on other additional conditions beyond those in title IV. We in Congress say only POW's and MIA's are conditions that must be worked out, and then we will withdraw.

Mr. SCOTT. With all due respect, that is not the distinction, at all. The distinction is between what the United States would be glad to do and what the enemy refuses to do. The enemy plainly refuses to release the prisoners of war on a phased basis. On the issue of stability of government or interference in elections, it refuses to make any offers, and in its seven points, it demands that we assume blame for the war, that the United States had been responsible for the war, and pay reparation for Vietnam.

The President is saying, "I want Americans to get out of this war and I am withdrawing. We will do the best we can on terms." But to my mind it is not just to complain that the President wants to get out under a phased withdrawal system which he is using, and say that Congress has a better scheme. If all 535 of us went to Saigon we could not do as much in 10 years as the President.

Mr. THURMOND. Mr. President, the Mansfield amendment, which would dictate to the President of the United States a formal and fixed date for the withdrawal of all U.S. forces in Vietnam, does not serve the best interests of this Nation.

It deprives the Commander in Chief of the flexibility he needs to assure the success of the Vietnamization program, negotiate the release of American prisoners of war and provide some measure of future aid to the South Vietnamese.

The withdrawal of U.S. forces from Vietnam has been rapid since President Nixon came to office. Phase I, assumption of all combat activities by the South Vietnamese, has been virtually completed.

Phase II, which was conducted along with phase I, provides for the transfer to the South Vietnamese all of the combat support activities. This phase is more difficult but is well advanced. In this day of complex weapon systems time is required to train men in how to operate these systems effectively.

Phase III, the reduction of all U.S. forces to a small advisory contingent, is a worthy goal. We have sacrificed too much in this country to give up the advantage of a small advisory force after our combat and support forces have withdrawn.

Mr. President, we are fast approaching the date when volunteers can fully meet our commitment in Vietnam. In the September 28, 1971 issue of the New York Times there appeared an article entitled "Some GI's Are Happy To Be Sent to Vietnam." I ask unanimous consent that this article appear in the RECORD at the conclusion of my remarks.

These men preferred an assignment in Vietnam to Europe or the United States. The reasons were cited in this article. It proves there is a potential for a small advisory mission long after Vietnam becomes page 10 news.

Finally, it should be noted that President Nixon has kept his word in reference to the withdrawal of U.S. forces. Two-thirds of the forces in Vietnam, when he assumed office, will be gone by December. Next year the number should approach the advisory group level.

I understand the feeling of those in the Congress who wish to take some role in our disengagement by supporting this amendment. However, our disengagement will be more worthy of the great sacrifices our servicemen have already made in Vietnam if the President is allowed the flexibility to carry out his plan.

Mr. President, I ask unanimous consent that a telegram I have received on this subject from John H. Geiger, national commander of the American Legion, be printed in the RECORD.

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

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

SOME G.I.'S ARE HAPPY TO BE SENT TO VIETNAM

(By Iver Peterson)

BIENHOA, SOUTH VIETNAM, Sept. 26.—"They tell you they're winding down the war—then you turn around and bang, you're here," the young draftee said after he stepped off the chartered troop carrier at this air base.

Like many others, the soldier, Pfc. William Rodecker, thought the American role in Vietnam was just about over. But, according to Army figures, about 13,000 new men have been arriving each month this summer for one-year tours.

Between 22,000 and 27,000 men are leaving each month, keeping up the pace of the gradual withdrawal.

Some of the new arrivals were unhappy about being here, but, surprisingly, a majority of the 130 men on the same plane with Private Rodecker said they were glad to come. Vietnam duty has its advantages, they explained.

WHERE THE MOOD IS GRIMMER

Almost all the replacements land either at this American base about 20 miles north of Saigon or at the giant Camranh Bay air base on the central coast.

Most destined for combat duty reportedly arrive at Camranh Bay, and Army men say the mood is grimmer there. But at Bienhoa today many of those on the United Air Lines jet said they were on their second tours and waiting to finish their stints in the Army or had asked to come here rather than serve "stateside" or in Germany.

"There's some guys who were unhappy about coming over," said Specialist 4 Dunbar Brooks, who was back for the second time, "but we settle 'em down. We make 'em happy. We told them if there was anything wrong with Vietnam, we wouldn't be coming back."

"Dope and money, dope and money, that's all there is to it," said a young tank crewman with shaggy, unregulation-length blond hair. While his friends grinned and nodded, he explained that he had asked for a second tour because in addition to the cheap and plentiful marijuana, hashish and heroin, Vietnam duty pays an extra $100 a month.

"That's my car payments right there," said Tom Mason, a 19-year-old combat engineer from St. Louis.

Another reason given by many of the young draftees was that Germany was much worse than Vietnam could possibly be.

"Half of these guys were just fighting to come here," said Pfc. Dennis Allan, an Army telephone lineman from Norfolk, Va. "I volunteered for Vietnam to get out of Germany."

The volunteers from Germany cited the wretched living conditions and crime in barracks, the unfriendly people, the "hassling" from career men and the racial antagonisms that plague the Army in Europe.

Others pointed out that by volunteering

for Vietnam when they had less than 17 months to serve, they could leave the Army five months early, at the end of their Vietnam tours. The Army does not consider it worthwhile to assign new duties to a man with less than five months to go.

The career noncoms arriving today, all of them back for at least their second tours, stood apart in the air terminal and did not conceal their contempt for the raucus younger men.

Like professionals throughout the service, they know that Vietnam is getting an Army-wide reputation as a place for "shamming"—the new term for goldbricking—for using drugs and for having life made easier by loose and reluctant enforcement of discipline. The lifers, as they are called, believe that as a result the wrong men are coming and that the Army is sending them.

SENATOR S. THURMOND,
Senate Office Building,
Washington, D.C.:

The American Legion firmly believes that any limitation on the ability of the President as Commander-in-Chief to conduct military operations in Southeast Asia would endanger the lives of our fighting men and make more difficult the achievement of a just peace in that troubled area.

Pursuant to national convention mandate I urge you to reject the Mansfield amendment No. 437 to H.R. 8687, the military procurement authorization bill, which would establish a final date for the cessation of hostilities in Indochina.

JOHN H. GEIGER,
National Commander,
The American Legion.

MANSFIELD AMENDMENT

Mr. KENNEDY. Mr. President, I rise to speak in support of the amendment introduced by the distinguished majority leader to establish as the policy of the United States the total and complete withdrawal of all U.S. military forces from Vietnam within the next 6 months.

There is only one condition that is attached to that pledge to end the war. And there should be only one condition. As our troops withdraw, the prisoners now held by North Vietnam and the Viet Cong must be returned. I am confident, and we have a strong statement by the North Vietnamese, that the withdrawal of U.S. troops is the sole condition for the release of U.S. prisoners.

If there is any question about the validity of the North Vietnamese peace proposal of last July, which has been ignored and discarded by this administration, let the President make a public commitment to withdraw all U.S. troops by a certain date. If his concern for our prisoners and for their families is the sole factor in his decisions, let him state his support for the Mansfield amendment. Because it says what he has refused to say. It says that we will withdraw all our troops by a date certain if our prisoners are returned.

Why does not the President make that statement?

The only explanation is that he continues to believe that the mission of the U.S. troops in Vietnam is to guarantee the "Democratic" process in South Vietnam. Despite the hoax of the one-man election of President Thieu, despite the repression and the political charade, despite the worldwide condemnation of this government as a U.S. financed military dictatorship, the administration apparently continues to value support for the Thieu regime as more important than the return of U.S. prisoners of war. If that is not the case, then why will the President not endorse the Mansfield amendment. Why does he oppose it? Why will he not make it clear to this Nation that he will set a date for withdrawal of U.S. troops and he will live up to that pledge with the single condition being the return of U.S. prisoners of war.

It was time to end the war a year ago. It was time to end the war 6 months ago. It is time to end the war today.

As of today, a total of 55,330 U.S. soldiers have died in Southeast Asia. Also, 301,747 men have been wounded. Total casualties are 357,077.

Those are reasons enough to vote for an end to this war.

There also is a continuing and disturbing tendency on the part of this Nation's leaders to disregard the end result of our Vietnam policies on the people of that war-ravaged land. We talk of interdiction, of protective reaction—and we forget that we are talking of bombs raining down on people and villages.

In South Vietnam alone, we know that since 1965, 1 million civilians have been wounded and 325,000 civilians have been killed.

In Cambodia in the past year, up to 1,500,000 persons have become refugees in their own land.

In Laos, which has been prime target of our unrestricted air war, official reports on the number of refugees now extends over 300,000.

In North Vietnam, the exact number of the civilian dead and wounded is not known but it clearly has been enormous.

Those are additional reasons why it is time to end this war. There has been enough killing, enough deaths, enough wounded on both sides.

I urge the Senate to adopt this amendment.

Mr. BAYH. Mr. President, I rise to express my support for the amendment of the distinguished majority leader (Mr. MANSFIELD).

In my estimatiton, it would have been preferable if the Senate had adopted legislation which embodied a cut-off of funds, thereby enforcing a date certain in the face of obvious Presidential reluctance to fix such a date. Furthermore, I believe we would have lost nothing and gained substantially—in young American lives saved—if we put an end to this war by the end of this year—rather than 6 months from the date of enactment. Nevertheless, this amendment performs a most useful service. It puts the Senate on record once again as calling for an end to the war. It shortens the time lag from enactment to the end date. It edges us a little closer to the day when we will use our power of the purse to bring to a close this dark chapter in American history.

Mr. President, the events of recent days only serve to reinforce my conviction that it is the Congress which must act to end this war.

Rather than scaling down the hostilities and seeking a reasonable settlement reflecting the realities of Southeast Asia, this administration continues to encourage all-out ground action by the Vietnamese while providing a full range of active military support. Furthermore, by expanding the air war while contracting our part of the ground war, it has attempted to deceive the American people as to the on-going role the United States plays in this conflict. Not only are we laying waste to Laos and Cambodia in a manner almost unprecedented even in this brutal war, but we have, in effect, resumed the bombing of North Vietnam. In so doing the administration first violated and then redefined its own phraseology about "protective reaction."

Second, it has destroyed the last vestiges of the 1968 "understandings" which might have provided an administration more flexible and skilled in its diplomacy with the building blocks for a settlement.

But beyond all of that, the Nixon administration seems to have reembraced the view, so completely discredited by past experience and by the evidence in the Pentagon papers, that bombing of North Vietnam can significantly effect events in South Vietnam. If this administration can still believe that, no one else should believe it can be relied on to end this conflict.

Furthermore, it has become clear that our Government is married for better or worse to Nguyen Van Thieu. The performance in Vietnam over the past 2 months is a tragic parody of candor and fairness. It should convince us all, finally, that the time has come to end our presence there. As I noted in my speech to the Anglo-American Press Club in Paris on September 8:

> The "staged" antics of President Thieu and the Supreme Court of South Vietnam, the patently undemocratic electoral process, and the spectacle of a United States Ambassador acting as a political broker in the hope of ensuring a cosmetically clean election, make a sham of official explanations that we are in Vietnam so that the Vietnamese people can democratically determine their own destiny.
>
> One has only to recite the developments in Vietnamese Presidential politics, from the Thieu election law to the removal of Ky's name from the ballot, to prove that a truly democratic election in South Vietnam is no more likely than a truly democratic election in North Vietnam. Not even Richard Nixon's public relations men can camouflage that—although they have tried. When asked to comment on Thieu's decision to hold a one man race and call it a vote of confidence test, President Nixon's press secretary Ron Ziegler said that "he is obviously attempting to introduce an element of popular choice to the election." Is it for this that we have spent 55,000 precious lives and more than $125 billion in Vietnam?
>
> The lesson to be drawn from the recent political debacle in South Vietnam, I believe, is that the very presence of the United States—so long committed to the personal political fortunes of President Thieu—now prevents the process of self determination from working itself out in terms of Vietnam's own internal political alignments. Self determination for the South Vietnamese can only begin when American involvement ends.
>
> It has been a carefully nurtured self delusion to believe, as many Americans have, that we could orchestrate a so-called democratic election in South Vietnam that would produce a democratic result. We cannot:
>
> An immediate American withdrawal from Vietnam, therefore, would have a healthy impact on the Vietnamese political process.

Can anything that has happened since, alter the conclusion that we should depart? Can Mr. Thieu's orders to "shoot to kill" those protesting the one-man election be justified, perhaps by some even broader definition of "protective reaction?"

There may be some Members of this body who know how to explain to their constituents why, in the name of the Vietnamese right of self-determination. we should continue to support a tyrant who is now destroying that right. I do not.

Finally, there is the question of our prisoners. My talks in Paris 3 weeks ago with Ambassador Porter and Vietnamese on both sides only reinforced my belief that the best way to achieve the release of those men is to name a date certain and complete our withdrawal—subject only to their return.

The simple fact of the matter is that the longer we remain in that conflict, the longer our prisoners will stay in North Vietnamese prisons.

This fact is now so obvious that many of the prisoner-of-war wives have been moved to act on it. For years these courageous women, restrained by the self-discipline, sense of duty and obedience that is their husband's code, have held their silence out of respect for the President as Commander in Chief. In the meantime they have been callously used to score political points—not merely in the just insistence that Hanoi adhere to the Geneva Convention in its treatment of prisoners—but in the hope of cultivating in the American people the will to continue a war they now know to be a mistake. Finally, they, too, are speaking out, urging that a specific withdrawal date be set and adhered to if our prisoners are returned. I fail to see how reasonable men can resist the tragedy of their situation or the logic of their proposal.

A visit by the President to a meeting of the National League of Families is no substitute for the touch of a loved one gone too long. A "Presidential priority" for POW's is no substitute for their release. The revelation that the White House is using "every negotiating channel—including many that have not been disclosed" is no excuse for not using the one obvious channel already available and workable.

The plain fact is that this administration has refused to make the deal that could have already brought some of those men home. It has consistently ignored the possibility for a troop withdrawal and prisoner release arrangement which has existed since July 1 and exists today. Instead, this administration, which had always been so willing to use the POW's as the principal public reason for remaining in Vietnam, has reversed its field. Today Mr. Ziegler, Mr. Rogers, Mr. Laird, and Mr. Nixon largely forget about the prisoners, and speak instead of the need to give the South Vietnamese Government a better chance to survive. If this administration still believes, after all that has occurred in the past 2 months, that the American people still should have an open-ended commitment in lives and dollars to Mr. Thieu, then we cannot look to them for wise leadership. If that is the case and if the war is to be ended before January 1973, then it will have to be ended in the Congress—not in the White House.

Recognizing that this amendment, while not the final act, moves us at least another step closer to the day of peace, I will vote for it.

Mr. President, I ask unanimous consent to insert into the RECORD the speech which I delivered in Paris on September 8.

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

SPEECH OF SENATOR BIRCH BAYH, ANGLO AMERICAN PRESS CLUB, PARIS, FRANCE, SEPTEMBER 8, 1971

It is true, as President Nixon often has reminded us over the past 33 months, that he "inherited" the war in Vietnam. What he neglects to point out, however, is that he was elected on a campaign pledge of ending it.

Candidate Richard Nixon, as you may recall, had a plan for peace. Yet almost three years later, the war continues with more than 200,000 Americans still in Vietnam, with massive daily U.S. bombing raids, and with billions and billions of American dollars still being poured into the Vietnamese sieve. It should be obvious to everyone by now—if the Cambodian and Laotian invasions were not evidence enough—that there is no Nixon peace plan.

During the Nixon years the war in Vietnam has taken on a life of its own. It continues now not because of any past policies but because the President is committed to ensuring the survival of the Thieu regime. For that he must be held acountable.

It isn't enough simply to say, as the President has, that the war will not be an issue in 1972. As long as our involvement continues, the war must be made an issue. Vietnam must not be permitted to fade from the public's consciousness. It must not because that would make it easier for the war to be continued. Once Vietnam becomes the forgotten war, it is likely to be the never-ending war.

Unfortunately, the President seems to have succeeded in his skillful strategy of actually continuing the war while acting as if it had ended—a strategy further strengthened by those two spectacular diversions: the China announcement and the new economic program. We have to read pretty far into a newspaper these days to learn that last week's combat death toll for Americans was the highest in almost two months, or that we are bombing North Vietnam again, or that more than 215,000 Americans are still in Vietnam.

Ironically, in the recent political developments in South Vietnam lies the best hope now of piercing the Administration's veil of silence and of bringing the Vietnam issue back into the arena of public debate. The "staged" antics of President Thieu and the Supreme Court of South Vietnam, the patently undemocratic electoral process, and the spectacle of a United States Ambassador acting as a political broker in the hope of ensuring a cosmetically clean election make a sham of official explanations that we are in Vietnam so that the Vietnamese people can democratically determine their own destiny.

One only has to recite the developments in Vietnamese Presidential politics, beginning with the Thieu election law to the latest removal of Ky's name from the ballot, to prove that a truly democratic election in South Vietnam is no more likely than a truly democratic election in North Vietnam. Not even Richard Nixon's public relations men can camouflage that—although they have tried. When asked to comment on Thieu's decision to hold a one man race and call it a vote of confidence test, President Nixon's press secretary Ron Ziegler said that "he is obviously attempting to introduce an element of popular choice to the election." Is it for this that we have spent 55,000 precious lives and more than $125 billion in Vietnam?

The lesson to be drawn from the recent political debacle in South Vietnam, I believe, is that the very presence of the United States—so long committed to the personal political fortunes of President Thieu—now prevents the process of self determination from working itself out in terms of Vietnam's own internal political alignments. Self determination for the South Vietnamese can only begin when American involvement ends.

It has been a carefully nurtured self delusion to believe, as many Americans have, that we could orchestrate a so-called democratic election in South Vietnam that would produce a democratic result. We cannot.

An immediate American withdrawal from Vietnam, therefore, would have a healthy impact on the Vietnamese political process. For this reason, I believe that the presidential election should be postponed until American troops are withdrawn. Only then will the South Vietnamese people have a meaningful opportunity for self determination.

It was, after all, in the name of the principle of self-determination that we involved ourselves in Vietnam. If our having been there is to be more than a bitter legacy—for Vietnamese and for Americans—it is important that we not condone or cooperate in the violation of that principle as we leave. A one-man presidential race, with the rules having been set by that man himself, is such a violation. If the United States government officially sanctions this charade, all of our sacrifices in lives and resources will have been in vain.

Therefore, we must bring our full weight to bear to insure that a viable political mechanism is created in the interim period between America's leaving Vietnam and a truly democratic election. Such a mechanism might take the form of a broadly-based, temporary government to preside over the election process, or an international supervisory body.

In either case the creation and effectiveness of that mechanism requires that we announce a date certain and make it clear that our interest is not in insuring the success of any one candidate but in asuring the success of the process.

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BYRD of Virginia. How much time does the committee have left?

The PRESIDING OFFICER. The Chair is advised the committee has 66 minutes left.

Mr. SCOTT. Mr. President, will the Senator yield me 2 minutes?

Mr. BYRD of Virginia. Mr. President, I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCOTT. I will try not to use any more time in terminating this colloquy with the Senator from California.

Mr. MAGNUSON. Mr. President, will the Senator yield me half a minute?

Mr. CRANSTON. May we complete the colloquy, very briefly, first?

Mr. President, I thank the distinguished Senator for yielding to me, and I thank him for his patience. The Senator has just listed what seems to me to be a half dozen conditions with relation to negotiations, whereas title IV lists one condition. It appears to me the administration is negotiating with more conditions than those he listed. The Sen-

ator's discussion with me has shed no new light on this. It therefore seems more clear to me than ever before that the Senate must now proceed to adopt the Mansfield amendment as it is now before us in the firmer form since the watered-down form is being ignored by the administration. We now have an opportunity to take a stronger stand. I believe Congress shares this responsibility along with the President, and it should share it.

Mr. SCOTT. Mr. President, I conclude by saying I regret the light is not clearer. I have tried to put a searchlight on it, but there is an old Japanese proverb which says it is darkest at the foot of the lighthouse.

Mr. McCLELLAN. Mr. President, will the Senator yield so I may ask two or three questions?

Mr. STENNIS. I yield to the Senator.

Mr. McCLELLAN. Mr. President, I would like to address two questions, at least, to the distinguished majority leader, the author of the amendment. I ask the distinguished Senator if subsection (a) of section 606 is mandatory on the President, or does it, in a way, express a hope for a national policy? Sometimes we cannot carry out national policies. Sometimes they cannot be achieved. So I take it, it expresses a hope and is not mandatory; that it is not a law such as would be compelling.

Mr. MANSFIELD. That is correct. The amendment does not have the force of law. It is a little stronger than a sense of the Congress resolution; it declares it to be the policy of the Congress and the executive branch, the Government of the United States, and in that sense, it is a very strong expression of hope, but it certainly does not tie the President's hands.

Mr. McCLELLAN. One other question: In the section I have just referred to, it says:

> The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

I ask close attention to this. Then it proceeds:

> (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 enactment of this Act.

I ask the Senator, how can the President fix such a date, practically, without knowing when the prisoners are going to be released?

Mr. MANSFIELD. The Senator has suggested the answer to the question. The amendment would call for negotiations. It would call first for a cease-fire, then negotiations, then an agreement. This does not tie the President's hands. His flexibility is not hindered and his responsibility is not taken away from him.

Mr. McCLELLAN. Just one other question: If the President, in an effort to comply with the provision that I have just recited, says, "I fix that date at 6 months after the prisoners are released," or 4 months after the prisoners are released, or 3 months after the prisoners are released, has he complied then with this provision of the amendment?

Mr. MANSFIELD. No, not with the intent of Congress as I interpret this amendment, because then he would just be acting on his own and not complying with what the amendment intended.

Mr. McCLELLAN. Then I ask the distinguished majority leader, how can the President fix a date?

Mr. MANSFIELD. He can fix a date after negotiations and a cease-fire. That is the only way it can be fixed.

Mr. McCLELLAN. Until there are negotiations and a cease-fire the President cannot fix a date? Is that right?

Mr. MANSFIELD. That is correct, but the 6-month period would still apply.

Mr. McCLELLAN. Negotiations have been in process for 6½ years.

Mr. MANSFIELD. No; just talks; there have been no negotiations.

Mr. McCLELLAN. It takes two to negotiate.

Mr. MANSFIELD. That is correct.

Mr. McCLELLAN. How can the President compel the other side to negotiate?

Mr. MANSFIELD. He can refer to the first point of the seven-point program presented last July by the NLF delegation.

Mr. McCLELLAN. Does the Senator mean to say that the United States has not undertaken to negotiate during that 3½ years' time?

Mr. MANSFIELD. I do.

Mr. McCLELLAN. The Senator does not think we have tried to negotiate?

Mr. MANSFIELD. We have tried to, but we have not negotiated.

Mr. McCLELLAN. We have not succeeded, but has it been our fault that we have not succeeded?

Mr. MANSFIELD. I think it has been the fault of both of us, if you want the truth. I do not think we have been too keen to try to get into a private drawing room to discuss matters in confidence. Any time that we have done so, it has turned out to be pretty much a discussion of trivialities over a cup of tea.

Mr. McCLELLAN. Does not that statement impugn the good faith of our negotiators?

Mr. MANSFIELD. Not at all, just their tactics.

Mr. McCLELLAN. I do not know what tactics the Senator is referring to. Can the Senator be more specific? I thought everyone was doing his best to get out of there.

Mr. MANSFIELD. It depends on how you define "get out of there." Because it appears to me that as of now, we have not given attention to the seven-point peace proposal, if it is such, advanced last summer by the NLF. I think it should be given a good deal of consideration, because in those proposals are two which open the possibility of a release of the POW's, with the setting up of a date for the termination of the war, based on our withdrawal.

Mr. McCLELLAN. I want to support the general sentiment of getting out of the war and geting out within 6 months after the prisoners are released, getting all our troops home. I am willing to do that. But I do not want my vote, if I vote for this amendment, to be taken as a charge that the President has not in good faith tried to negotiate, or that his negotiators have not tried in good faith to bring about the very thing that this resolution seeks and says that it is its purpose to obtain. I think we have done our best. I do not see the other side doing anything. I think that is where the blame lies.

Mr. MANSFIELD. Mr. President, everyone is entitled to his opinion. No one has accused the President or the negotiators of bad faith. This amendment is to help the President.

Mr. McCLELLAN. Well, all right, but——

Mr. MANSFIELD. Let me finish. The purpose is to work in concert with him, to work in tandem, to work in partnership, because the two branches of the Government, the legislative and the executive, are equal under the Constitution.

Mr. McCLELLAN. For that purpose I subscribe to the resolution and the effort. I am perfectly willing to do so. But in doing that, I want it to be perfectly clear that I am not doing this in a spirit of criticizing the President or condemning the efforts that have been made.

If there is something wrong with the tactics, and we are going to criticize the tactics, I think we ought to specifically express what those tactics are which we think are not working.

Mr. MANSFIELD. That is a question which the Senator has raised.

Mr. McCLELLAN. I raise it because I think it is involved. The Senator said he does not question the good faith, just the tactics.

Mr. MANSFIELD. That is right. It is a matter of opinion. The Senator from Montana did not raise that question except in response to a question which he tried to answer.

There is no attempt in this amendment to undermine the President; there never was, and I am sure the Senator is well aware of that fact.

Mr. McCLELLAN. I do not want any action of mine construed that way.

Let me ask one further question, with a brief comment on the point, and then I shall be through.

Does the Senator believe that we will actually warrant a strengthening of the hope or expectation on the part of those relatives of the prisoners of war that this resolution will bring about their release more quickly than it would have occurred otherwise? Are we holding out that hope to the prisoners and their relatives in this country, that this will give them greater hope or more expectation, or a right to hope?

Mr. MANSFIELD. Yes. Under the conditions laid down, the Senator is absolutely correct, because if this is adhered to, if negotiations are entered into, if a cease-fire occurs, then it would be my view that a release might occur that much sooner. Nobody can be absolutely certain. This is not a bond. This is an intent. But I think we ought to make every effort we can, not only to bring about the release of the POW's, but of the identifiable, the recoverable missing in action as well. I do not think we ought

to miss any move we can make to try to achieve that end.

Furthermore, in my opinion, unless the war is brought to a close, we are not going to get those prisoners back, or the recoverable MIA's.

Mr. McCLELLAN. The only way the war is going to come to a close is for us to get all our troops out of there. That is the only way the war is going to come to a close for us.

Mr. MANSFIELD. That is correct.

Mr. McCLELLAN. And we are not going to get them out if we are expecting the other side to agree to a cease-fire before we get them out, in my judgment.

Mr. MANSFIELD. The only way we will find out is to try it.

Mr. McCLELLAN. We have been trying for 3½ years, I think.

Mr. MANSFIELD. We have been meeting for 3½ years.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. MANSFIELD. Mr. President, will the Chair tell us how much time we have left?

The PRESIDING OFFICER. The Senator from Mississippi has 53 minutes. The Senator from Montana has 48.

Mr. MANSFIELD. I thank the Chair. I yield 30 minutes to the Senator from Arkansas (Mr. FULBRIGHT)——

Mr. STENNIS. May I yield? The Senator has been waiting a long time.

Mr. MANSFIELD. Afterwards. Ten minutes to the Senator from Utah (Mr. Moss), and 8 minutes to myself.

Mr. STENNIS. Mr. President, I wish to yield time now.

Mr. MANSFIELD. Yes.

Mr. STENNIS. I yield the Senator from Arizona 5 minutes.

Mr. GOLDWATER. Mr. President, I would not want my silence in this debate to indicate that I am in accord with any insinuation that the President is not well aware of the feeling of the people of this country.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Not only order, but quiet, so the Senator will be heard.

Mr. GOLDWATER. I repeat, Mr. President, that I would not want my silence to indicate that I am in agreement that our President is not well aware of the feelings of the American people relative to this war, is not well aware of the attitudes of Congress relative to this war, and is not fully aware of everyone's desire to get out of the war in Southeast Asia.

I am very proud that our President is acting. I am proud that he is winding this war down, and that we who study the matter feel that within the next 6 or 8 months the only M–16 rifles in Southeast Asia will be for the purpose of guarding millions of dollars worth of equipment.

I do not think there is anyone in Congress who wants this war to continue. I have been more critical of this war, I think, than probably any other Member. I happen to be a Member who felt at one time that we were right in being in Southeast Asia. I also felt that we could have won that war many, many years ago, in a minimum of time with a minimum of casualties. But it was a war fought by civilians on this side of the ocean, who did not know anything about strategy or tactics, and I hope and pray to God that any time we get into war again, the running of the war will be left to those people who understand the running of a war.

Mr. President, I find it very difficult to be at odds with the majority leader on his efforts here. I would like to suggest to him that in my judgment it would be better to introduce this as a resolution to be referred to the Foreign Relations Committee, who, as my leader has said, could report it back in a matter of minutes, and then I think we would be in a better position to act. I would be very much inclined to vote for a resolution stating the purposes that the majority leader has stated on this amendment he has submitted to this bill. But I find myself at odds with the methods.

For example, I think that we would have more strength with a resolution voted on by the Senate and the House of Representatives, in view of the sole and exclusive warmaking powers of the President. We in Congress like to tell ourselves that we possess warmaking powers. But outside of our power to appropriate and authorize funds, we have no power over calling the troops out or calling them back. That is the sole prerogative of the President.

Another reason that I think it would be important and very urgent for the Senator from Montana consider changing his method from one of amending this bill to a resolution that we could all act on is that we are already dangerously past the time when many contracts have to be made for the purchase of military equipment. Last year we were so late in acting on this authorization bill and the appropriation bill that it literally cost us millions of dollars, and I think this body and the other body can take the blame for wasting that money—certainly not the manufacturers or the Pentagon, who were waiting and are waiting now for this authorization and the subsequent appropriation bill, so that contracts can be let.

The whole purpose of this legislation, Mr. President, is to authorize the purchase of military equipment. It has nothing to do with foreign policy, and I do not think we should start at this time in our history to attempt to amend an authorization bill or an appropriations bill, as we attempted to amend the draft bill.

I think these resolutions would have much more power if they carried the full weight of the Senate, without having to depend upon the almost certain passage of a bill that must be passed. The need to authorize this equipment at the present time has never been as urgent. We are watching the Soviet Union pull ahead of us in every category of weapons, and they are continuing to do so. If we withhold the money, we are going to see our strength dissipated even more.

While I am in complete accord and sympathy with the intent of the amendment offered by the Senator from Montana, I have some serious questions about it. For example, it reads "the earliest practicable date." What is "the earliest practicable date"? That is very difficult for Congress to say, when even the Joint Chiefs of Staff, the National Security Council, and the President, who is the Commander in Chief, cannot make a determination on that date.

Then we see "the orderly withdrawal of all U.S. military forces not later than 6 months." Does this mean the beginning of the withdrawal, or will it be complete? If it is complete, I want to call attention to the fact that we have a serious logistics problem in moving more than 250,000 men in 6 months from any port in the world to the United States. It is virtually an impossibility, because we plainly do not have the bottoms to do it by sea, nor do we have the wings to do it by air. We may start within 6 months; that is one thing. But completing it within 6 months, to me, is an impossibility.

Mr. President, I repeat that I would certainly hope the majority leader would offer this as a resolution, so that the Committee on Foreign Relations could hear it, report it back, and let us vote on it. I think he would pick up a surprising number of votes of those who find it impossible to vote for his amendment in its present form, because many of us feel that it infringes strongly upon the constitutional powers of war given the President.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Georgia.

Mr. GAMBRELL. Mr. President, I associate myself with a great deal that the distinguished Senator from Arizona has said.

This amendment presents a great many other Members of the Senate with a serious dilemma. It is not, in fact, an up and down vote on the policy expressed in the resolution that is offered by way of an amendment.

I favor expeditious adoption of a military procurement bill in order to maintain the vital defense and security interests of this country, and to clear the way for other important legislation awaiting consideration.

I also strongly favor the cease-fire and troop withdrawal policy expressed in the amendment offered by the Senator from Montana. I concur in every argument he has made on the floor today in support of the amendment he has offered. In fact, I voted for that plan when offered as an amendment to the draft bill, and have since offered a resolution setting that plan forward in identical terms as a separate proposition. That resolution is now pending on the calendar as Senate Joint Resolution 155, Calendar No. 359. I understand that the distinguished chairman of the Foreign Relations Committee says that he sees no advantage to be gained by the referral of such a resolution to his committee, since the matter has already been voted favorably by the Senate.

When the question was before the Senate last week on the motion to table the conference report on the Draft Act, I voted against tabling the conference report, not as an agreement with the wa-

tered down version of the Mansfield amendment therein, but simply to avoid further legislative deadlocks over the passage of the draft law.

Today, I will vote against the amendment of the Senator from Montana, offered as an amendment to the pending bill. It is not a vote against the policy expressed in his amendment. It is a vote against mixing legislative apples and oranges, which we have already learned is likely to do damage to both measures. In the case of the military procurement bill, there is the prospect of unnecessary delay. In the case of the Mansfield amendment, expression of public will through the U.S. Senate is frustrated. Had the Mansfield amendment been taken up as a separate item, it would have long ago been out of this body, and possibly out of the House of Representatives.

The delays and anxieties created by the extended conference on the draft bill would not have been incurred. In the end, no real purpose was served by insisting on the Mansfield amendment as part of the draft bill. The Senate has been forced to take half a loaf on the war issue to get anything at all. In my judgment, the establishment of a viable policy in Vietnam requires that acceptance of that policy be unmixed with any extraneous considerations.

I would not favor attaching any item of military procurement to a cease fire resolution if I thought the resolution's progress would be slowed thereby. So why should I do the opposite?

The prospect of more half loaves and further delay to me is not inviting. In fact, I reject it.

At the same time, I ask the policy committee and those in charge of the legislative calendar to call up Senate Joint Resolution 155 which is jointly sponsored by Senator TALMADGE and myself for debate and a division at the earliest possible time. In this way, we can move on with both issues which are so urgent to the people of this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield the Senator 2 additional minutes.

Mr. GAMBRELL. I was impressed with what the Senator from Arizona (Mr. GOLDWATER) had to say, that he possibly would support such an amendment if separately offered. I have no desire to force the House of Representatives, against its wishes, to accept the Senate's Vietnam policy, nor do I have any desire to compel the President to affix his signature to the measure if he is unwilling to do so.

We should bear in mind that the Mansfield resolution merely urges and requests the President to stop the war and bring our troops and POW's home in 6 months. The policy expressed would lack credibility if adopted by the House and the President under coercion. Much better that they be confronted with it as a separate proposition. If they are unwilling to accept it on those terms, then it lies clearly between them and the public which overwhelmingly demands an end to the war. If we are going to have a showdown with the House on the war issue let it be from a position of strength, one from which we will not recede in conference. If this had been done 3 months ago, I believe the question would have been settled by now, and without any delay in the draft bill or other legislation.

Therefore, I urge that this amendment be voted down today and that we move on to consideration of Senate Joint Resolution 155 or some other similar resolution.

Mr. STENNIS. I highly commend the Senator from Georgia for his remarks.

Mr. President, I yield 8 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, we have essentially the same amendment before us as we had in June, and I think, perhaps, the result may be the same as then.

It is important whenever we discuss legislation of this type, that the record indicate what our Government has done with reference to peace proposals and with reference to cease-fires during the course of our involvement and particularly over the past 2½ years. The same perspective must also be applied to the enemy's actions, and the NLF's "seven point" demands of July 1, 1971, must be viewed in the context of the negotiation record of the last 2 or 3 years. This record includes comprehensive United States and South Vietnamese peace offers, unilateral Allied concessions, and series of broken promises by Hanoi.

Building upon his earlier peace proposal of May 14, 1969, President Nixon, on October 7, 1970, offered a comprehensive proposal for a just peace in Indochina. In the statement of October 7, 1970, President Nixon called for, first, an immediate and internationally supervised cease-fire in place throughout Indochina, the same as point 2 in the so-called Mansfield resolution; second, the establishment of an Indochina peace conference; third, the negotiation of an agreed timetable for complete withdrawal of all non-South Vietnamese forces from South Vietnam; fourth, a fair political settlement reflecting the will of the South Vietnamese people and involving all the political forces in South Vietnam.

In his statement of October 7, the President set high priority on point No. 5, which was the immediate and unconditional release of all prisoners of war by all sides.

In addition to this proposal, which has not been acted upon by the other side, there has been no favorable response, there has been no clarification of what they want to do with regard to any aspect of the war.

In addition to this, the United States has supported the Government of South Vietnam's proposals of July 11, 1969, and October 8, 1970, calling for free elections in which all the people and the parties of South Vietnam, including the NLF, can participate, and for mixed electoral and supervisory commissions in which all parties, including the NLF, could be represented.

How much further does the United States have to go before it amounts to surrender?

Some might ask, what has the United States done in the past in its efforts to bring about negotiations and in an effort to get the negotiations moving?

It has done virtually everything that the various parties, including Hanoi's leaders and many American critics said would kindle negotiations.

These steps included, first, a halt, in 1968, to the bombing of North Vietnam. This was done, though meanwhile North Vietnam continued to supply all of the weapons and war materiel and the troops and cadres for the wars it was directing across its borders against South Vietnam, Laos, and Cambodia. Second, the agreement to let the NLF participate at the Paris peace talks; third, agreement on the principle of total U.S. troop withdrawals on the basis of reciprocal North Vietnamese withdrawals; fourth, appointment of a new senior negotiator in Paris; and fifth, unilateral troop withdrawals totaling 360,000 men by December 1971, or more than two-thirds of the total U.S. forces in Vietnam in January 1969, when President Nixon took office.

Yet every time and at every step, every offer made by our side was rejected.

These proposals were made not only to reduce U.S. involvement but also to open the door to serious negotiations. The Communists remained intransigent and have continued to press their attacks against their neighbors in violation of the Geneva accords which were signed by the Hanoi regime.

They continue to demand a deadline for total unilateral U.S. withdrawal, the dismantling of bases, the termination of all assistance, the payment of reparations, prior removal of the Government of South Vietnam, and imposition of a pro-NLF government as preconditions for discussions.

At the same time, they have rejected out of hand our request for a cease-fire. They have completely ignored the accepted Geneva accords insofar as prisoners of war and MIA's are concerned.

It is apparent, as we look at the record, that our enemy is Communist Hanoi. If we look at the record of what both sides have done to bring about a responsible settlement, then the record is clear that we have gone the extra mile—that we have gone the extra mile not once, not twice, but half a dozen times.

Now, Mr. President, what is the record of President Nixon?

I think it might be well to review the record, because many seem to have forgotten it.

When President Nixon ended his service as Vice President, there had not been a single American casualty in Vietnam. This was in January 1961. When he came back as President 8 years later, 31,000 Americans had been killed and 200,000 or more wounded.

During those 8 years, President Nixon was not in Congress, he was not the Vice President, he was a private citizen, he had no voice and no vote in Washington. He made no policy and sent no one to Southeast Asia.

When he assumed the Presidency on January 20, 1969, there were 542,000 Americans in South Vietnam.

The President has made remarkable progress since then. To this time, 335,-

600 men have been withdrawn from Vietnam since January 1969. That is progress.

The casualties of this last week were 29. That is 29 too many—do not misunderstand me, Mr. President, but that is a far cry from the 250, the 300, the 400 which we saw 3 and 4 years ago.

What has happened since the last Mansfield proposal?

There has been a further reduction in our troops by 31,000, and casualties have dropped to record lows.

The point I make is that the program of Vietnamization is working. The program of phased withdrawal is working, and it is continuing.

President Nixon will make another statement on November 15 concerning future withdrawals from Southeast Asia.

I believe strongly that all American prisoners of war and MIA's should be released and know of no one who does not share that view. But I am at a loss to determine what good it would do to pass some resolution indicating a policy of the United States when we have before, offered a cease-fire, offered to exchange prisoners, and offered to transfer prisoners to a neutral third country, and countless other efforts.

I believe that the President made it clear, in his visit last Tuesday evening to the families of prisoners of war and MIA's, that it is a presidential priority. As to the release of American prisoners of war, he could not tell them everything, but he indicated there are private negotiations being undertaken concerning our prisoners of war and MIA's.

I say, in all sincerity and respecting those who support the Mansfield amendment, that what we will do by adopting it will be effectively to undercut the efforts of the President to end the war in Southeast Asia and to bring about a release of American prisoners of war and American MIA's.

The release of American prisoners of war and MIA's is a high objective. It has presidential priority.

Accordingly, I do not believe it is necessary for Congress to remind the President of his responsibilities. It is in the record as of yesterday; it is in the public record as of Tuesday, that it is a high presidential priority, to secure the release of American prisoners of war and American MIA's. It is a responsibility of the President—any President; and President Nixon has assumed that responsibility, as any President would.

Mr. President, we get down to the only question: Should we fix a final date for withdrawal?

That has been debated and discussed. We have had several so-called end the war amendments. They have been defeated. I do not believe we will change the course of anything by adoption or rejection of the pending amendment.

I assume that if the count is accurate the pending amendment will be agreed to; but the President still has the responsibility.

I would only say that President Nixon has made progress. He has made great strides forward.

I share the view expressed by the distinguished Senator from Montana (Mr. MANSFIELD) that he wants to help the President. I want to help the President. Every other Senator in this body wants to help the President end the war in Southeast Asia. But I would suggest that we could help him more by rejecting the pending amendment.

Mr. President, I suggest to my colleagues that the pending amendment will not serve the best interests of the United States. At a time when the President's intentions and actions clearly demonstrate that he is in the process of a careful but timely withdrawal from Indochina, this amendment would unnecessarily and unwisely restrict his political options in dealing with an inflexible enemy. It would make the careful withdrawal which is now occurring a dangerous affair, for evidence suggests that the pending amendment will not in any way assure the speedy return of our prisoners of war, or that it will lead the enemy to a commitment for a cease-fire while we rush into a hasty withdrawal. The Senator from Kansas believes the effect of this amendment would not be to terminate the conflict in Indochina, but rather to provide a political invitation to protracted conflict there. This country cannot afford to withdraw unilaterally from Vietnam without requiring some reciprocal concessions from the North Vietnamese and the Vietcong. This amendment would do nothing less than ordain the military, ideological, and territorial surrender of Indochina at a time when the President has managed to greatly enhance the prospects for political settlement in the area. To precipitately surrender the political possibilities open to the President in dealing with the North Vietnamese at the expense of our allies in Indochina cannot in any way serve the interests of the United States.

INDOCHINA IS A "POLITICAL" PROBLEM

The extent to which the war in Vietnam has been a political one has escaped many of us, largely, I suspect, due to the complexity of the military and procedural problems which we have encountered. Our political objectives have been centered upon the idea that Vietnam must be the point at which the Communist tactic of the "war of national liberation" is stopped while the self-determination of South Vietnam is sustained. Accordingly, the United States has lent every effort to assist South Vietnam in resisting the internal and external aggression mounted against it by North Vietnam and its adherents in the south. As we became preoccupied with the conduct of the war, we tended to lose sight of the overriding importance of the political considerations which underlie this conflict and which are at the heart of its possible solution.

For the purposes of this discussion, the Senator from Kansas defines America's present "political" goal in Vietnam as the maintenance if possible of democratic and representative government in South Vietnam by means other than the use of American troops. We now stand on the verge of realizing this goal. The Government of South Vietnam is hearteningly close to being able to maintain itself as an independent nation. What remains for us is but to achieve a careful withdrawal which will allow us the option of deterring the North Vietnamese from gross and overt aggression while we complete our efforts to prepare South Vietnam for the full responsibilities of self-preservation. The pending amendment would gratuitously remove the vital element of flexibility from our withdrawal strategy, and offer the North Vietnamese a total surrender of Indochina—all in the name of a more rapid withdrawal by a date certain.

This amendment ignores the international political realities of Vietnam and the necessity for our President to have room to maneuver while seeking concessions from the enemy during our withdrawal. Captivated by the idea of showing the American public a date certain for our withdrawal, the advocates of this plan have chosen to ignore the cost. While the gain might be stepped-up withdrawal, the cost would be the loss of South Vietnam at the very time when it is teetering on the verge of self sufficiency. From a domestic political point of view the objective of the pending amendment is shortsighted, too. For it would not necessarily lead to the release of American prisoners as suggested by some. Rather, it would be an inducement to engage in still more inhumane manipulation of these men. It might well lead to demands for reparations and trials of our leaders for so-called war crimes. The North Vietnamese and their allies have never offered us more than a promise to discuss modalities for the exchange of prisoners and cease-fires. Hence, the amendment charts a risky course, lacking in perspective and clear judgment and setting forth a blueprint for the surrender of America's objectives in Indochina at a time when they are close to achievement.

THE ENEMY HAS USED POLITICS TO GREAT ADVANTAGE

The long and melancholy history of the Paris peace talks suggest that the North Vietnamese and NLF have recognized the utility of politics in pursuing the war in Indochina. They have remained intransigient, playing upon the desire of this Nation to recover its captured sons, while they have demonstrated that their own have no value whatsoever. They have blatantly made a mockery of the Geneva Convention for the treatment of prisoners, while suggesting illusory solutions to the conflict which would assure their own political victory. They have not assured us of any political course beyond "negotiations" for the recovery of our prisoners of war.

SURRENDER IS NO ANSWER

The pending amendment is the vehicle by which the United States would effect surrender to the enemy. It would satisfy the enemy's demands and require no reciprocal concessions by him. His troops would not be required to withdraw from South Vietnam, and the amendment stipulates no recourse in the event that a cease-fire is not arranged. Its passage would be the final fruition of a successful enemy political strategy aimed at the American people and at this body.

TO DATE THE UNITED STATES HAS ALREADY MADE A NUMBER OF CONCESSIONS

The Senator from Kansas would remind his colleagues that the United States has already made numerous concessions to the enemy and has had to date experienced no reciprocity. I would suggest that this history reflects in part the effects so-called end the war amendments have had on this Nation's credibility in the negotiations arena. A negotiating enemy, who is certain that his opposition is divided, has no need to reciprocate the concessions offered by the other party. So at a time when both the President and Congress are agreed upon the need for American withdrawal, why must we insist upon capping the success of enemy political maneuvering by a gratuitous surrender?

NOW IS THE TIME FOR US TO USE POLITICAL SENSE ABOUT VIETNAM

Politics is a broad word which carries an undue load of emotional freight in a period before a presidential election. However, politics is also, at a higher level, an attribute of the Nation-State. The Congress must allow the President to preserve the national interest and assure the return of our prisoners of war and MIAs by lending him support while he withdraws from Vietnam.

We all share an interest in the political well-being of the United States as it stands among other nations. If the President of the United States is denied his political flexibility—his options for threatening, for cajoling, or for making peace in an honorable and sensible way—then the interests of the United States will be rendered a disservice. This disservice would fall particularly heavy upon those who still serve in Vietnam, and those who are missing and who languish in the prisons of North and South Vietnam, Laos, and Cambodia. The pending amendment assures them of nothing but the disgrace of the United States at the cost of no commitment whatsoever from the enemy.

The Senator from Kansas urges this body to preserve the options of the President of the United States while he continues to pursue a careful course of withdrawing American troops and building a basis for self-determination in South Vietnam. To do less would be no credit to this body and a disgrace to the Nation.

PRIVILEGE OF THE FLOOR

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that, when amendment No. 438 is under consideration, two members of my staff, John Brooks and Forrest Rettgers, be permitted the privilege of the floor.

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

Mr. MOSS. Mr. President, I rise once again to support an amendment introduced by the distinguished majority leader from Montana, which declares that it is the policy of the United States to withdraw totally all American forces from Indochina within 6 months on condition only that our prisoners of war and living missing in action be released.

For years now, I have joined many of my Senate colleagues in repeated efforts to prevent expansion of the war in Indochina and to bring U.S. participation to a rapid close. Perhaps my most significant vote in this effort came as Congress undeclared war by repealing the Tonkin Gulf Resolution. Any legal foundation for American involvement in Indochina was terminated thereby and the President thus was limited to expediting the withdrawal of American forces with all deliberate speed.

It has become apparent, however, that the administration has resisted a specific withdrawal timetable and cease-fire arrangement to pursue its Vietnamization policy because the President does not have a firm timetable for a specific time to end it. Proposals have been introduced in Congress, therefore, that constitute specific legislative repudiation of this tenuous method of ending the war.

In this session I voted for the original McGovern-Hatfield provision calling for a date certain to end the Indochina war as of December 31, 1971. When passage of this measure failed, I joined 61 of my colleagues on June 22 in declaring unequivocally that within 9 months all U.S. forces should be removed from Vietnam provided that all U.S. prisoners of war should be released. When the conference report emasculated the substance of the Mansfield amendment and destroyed its binding effect and also substituted a date certain to be negotiated, I voted to table the report and send it back to conference.

Mr. President, the Senate must insist again that the President not conduct this outrageous war any longer and provide a national policy setting a firm date to end it.

The tragic war in Southeast Asia has been the most disastrous chapter in American history. How much longer will we continue to feed it and keep it alive with American casualties, American lives, and American dollars? In 17 years of involvement in Indochina 300,700 Americans have been wounded, 55,295 Americans have been killed in the prime of life, and the $130 billion American dollars have been spent that are desperately needed here for domestic human needs.

And for what purpose? This Sunday South Vietnamese will go to the polls in an uncontested, one-man referendum paraded under the flimsy label of democracy. From the beginning, our avowed purpose, and the moral basis for claims by four American Presidents to justify intervention in Vietnam, has been to halt totalitarian aggression and provide responsive competitive democracy. The Thieu election travesty destroys the last remaining shred of credibility surrounding the myth of self-determination for the South Vietnamese.

But has the denial of a meaningful political contest caused the President to withdraw promptly all troops and to terminate further military and economic aid to Saigon?

The latest action of the President is once again to resume the bombing of North Vietnam. Last week fighter-bombers made some 200 combat strikes into North Vietnam, one of the biggest raids since the bombing halt 3 years ago.

Mr. President, 3 months have passed since an overwhelming majority of Senators went on record to declare that within 9 months, all U.S. forces be removed and American-held prisoners be returned home. In that time more Americans have been wounded, many more Americans have been killed, and some $3 billion American dollars have been spent. Now the Senate is called upon once again to put an end to this shameful episode in American history. Senate action to set a firm date terminating this tragic war must not be undone.

The Senator from Kansas in his address to the Senate said that the highest priority of the President was to terminate the war and bring home our prisoners. Why then should the President resist the amendment? The amendment simply states that we will be out on a date certain, but not before we have the return of our prisoners and the personnel missing in action.

What else do they want for this termination? I suggest that perhaps the only thing that has been left out in the present situation is the fact that perhaps Mr. Thieu's government might not survive. Are we in Vietnam to see that Mr. Thieu stays in power and establish the power of a man who is not able to stand before his people in a contested election to seek their mandate, but who must run in a rigged election where in which he is the only person listed upon the ballot?

I think the greatest thing we could do in the Senate today is to adopt the amendment and say unequivocally and legislatively that the war must be brought to a close on a date certain and the condition for that is that our prisoners be released and returned home along with our personnel missing in action.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the distinguished Senator from California.

Mr. TUNNEY. Mr. President, I could not be more pleased that the distinguished Senator from Montana has once again offered his amendment to the military procurement authorization bill, having seen it accepted in the draft bill and then shot down in conference.

I know that the arguments have all been made for and against the war. I hesitate to stand up here today and argue in favor of the Mansfield amendment and subject other Members of this great body to many of the arguments that they have already heard today and in days gone by. However, I have just returned from California where I had an opportunity to meet with a representative cross section of my 21 million constituents.

There is a sense of despair in my State, a sense that people have become apathetic about the war, a sense that their government leaders have swept the issue under the rug. There is a sense that the economy is now the No. 1 issue of concern, the issue with the greatest sex appeal; that the environment is an issue of urgent popular concern; and, further, there is a sense that our Government leaders are not standing up and demanding an end to the war this year and this month as they did in days past.

I feel that the corrosive nature of this war demands that every official stand up and be counted and stand up for a position that the time has come to get out and get out as soon as possible.

We Americans should not be placed in a position of representing President Thieu. We are in a position as Senators in this country of representing more than 200 million Americans. We ought to be thinking about our own best interests. We also ought to be thinking about the prisoners of war.

I do not think it takes a man of great intellect to realize that if we desecalate our troop strength to a residual force of 40,000 or 50,000, we will have far less bargaining weight than we now have at the conference table in Paris with the North Vietnamese and the Viet Cong with regard to the release of our prisoners of war.

We have slightly over 200,000 men in Vietnam now. And I think if we set a time certain, subject only to the condition that the Vietnamese release our prisoners of war, they will be much more amenable to negotiate than if it appears that we are going to have a permanent residual force there of 50,000 men. We should hold those negotiations.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, in following the course of this debate, I have heard a great deal of talk about the present Government of South Vietnam and about the upcoming election there. There has been much concern over the fact that there will only be one candidate for president.

I might note, Mr. President, that that is now largely a result of the fact that only one person chooses to run for president.

Big Minh could have run for the presidency. They bent over backward to validate petitions for Ky so that he could run. But he chose not to do so.

Some of the very people lamenting the fact that Ky is not a candidate for the president are the very people who denounced him thunderously in this body at a time when he was one of the top political leaders of South Vietnam.

Mr. McGOVERN. Mr. President, will the Senator yield for a question on that point?

Mr. TOWER. Mr. President, I yield to the Senator from South Dakota for a question.

Mr. McGOVERN. Mr. President, does the Senator think it is possible that the fact that the runnerup candidate in the last scheduled election was sent to jail for 5 years right after the election by President Thieu had something to do with the fact that it is hard to get people to run for the presidency in Vietnam?

Mr. TOWER. Let me pursue my remarks here and I think I will answer the Senator's question in the course of my remarks, because I am not about to suggest that South Vietnam is a democracy on the order of the United States, the United Kingdom, or even the Republic of France, or any of the other democratic countries. Certainly it is not.

But I would remind the Senator from South Dakota that the American system is a product of Anglo-Saxon theories of law that were evolved even before Columbus discovered America. The fact is that we have centuries of tradition in the development of selfrule. Our history is a history of the constant democratization of our social, political, and legal institutions.

The subject people of Vietnam lived under French colonal rule for years. The French not only did not develop any native leadership; they purposely discouraged active native leadership. The South Vietnamese are a people who have been independent of French Government for only a few short years and cannot be expected to have the political maturity that we in the United States have or that our cousins in the United Kingdom or any of the other great democracies of the world have.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I think we ought to be reasonable when we think in terms of what is going on over there. I do not doubt that there has been repression by the Thieu government; but I would point out that even in the face of that, there are opposition parties. There is opposition in the South Vietnam National Legislature. Indeed, Members of the Senate of South Vietnam not long ago censured President Thieu and suggested that he should postpone the elections until such time as more candidates could become involved. That happened. There are a number of political parties in South Vietnam; there are a number of trade unions in South Vietnam; and there are a number of newspapers. There is only one medium of communication in North Vietnam; there are no trade unions; and there is only one political party.

Mr. President, to try to compare any type of authoritarianism that exists in South Vietnam with the type that exists in Hanoi—I will not suggest that it is dishonest; I would suggest it is somewhat naive. Certainly, this government is not perfect, but I think we have to think in terms of the interests of the free world.

However lamentable a right wing dictatorship may be, and I have no brief for a right wing dictatorship, I do not know of any right wing dictatorship in the world that tries to export a brand of politics to some other country. The fact is that the Communists do and there is a vast international conspiracy to overturn governments of non-Communist countries throughout the world.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 1 additional minute.

Mr. TOWER. Mr. President, we had better recognize the fact that Communist dictatorships more than clandestine infrastructures in countries all over the world aim at subverting those governments, be they authoritarian governments or democratic governments.

Therefore, I submit that the argument about the Thieu government and the authoritarian character of it is no argument at all.

Mr. MANSFIELD. Mr. President, I yield 30 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I wish to congratulate again the distinguished majority leader for offering this amendment which we have voted on before.

The deadly poison which afflicts our society in every area—political, economic, social, and moral—is the war in Vietnam. To put into effect this amendment by the Senator from Montana will do more than all the conferences in Washington and London to restore health to our country.

Although further proof would hardly seem to have been required, recent events have demonstrated anew the political and moral bankruptcy of the continuing war in Vietnam.

The staging next Sunday of a rigged, one-man election to ratify the rule of the incumbent military dictator cannot be blamed on the Nixon administration, which made desperate efforts to create the appearance of a genuine contest. Nonetheless, it should lay to rest once and for all the ludicrous fiction that this war has anything to do with giving the South Vietnamese people the right—or even the chance—to determine their own future. If Mr. Thieu is unwilling to risk the loss of power to an ideological blood brother like Mr. Ky, it is inconceivable that he would ever permit a free election including all the people, including neutralists, Communists, or those who are known to oppose President Thieu. All this pious talk about self-determination is shown up for what it is and always was: A fraud and an insult to the intelligence of the American people—all the more for the fact that it is perpetrated by an administration which has shown precious little concern for self-determination, or even elementary human rights, in such countries as Brazil, Greece, Pakistan, and South Africa.

Contrary to the administration's current public relations campaign, the war is not all but over, nor is it "winding down" to insignificance, nor are we on the verge of that "generation of peace" which the President has been heralding in his recent speeches. For my own part, I should like to see something more durable than a single generation of peace—that after all was what we had between the two World Wars—but even so modest an aspiration is prematurely proclaimed when we cannot bring ourselves to end a war which the majority of Americans now acknowledge to have been a tragic mistake. Large-scale fighting has taken place recently both in the Mekong Delta and south of the demilitarized zone, while in Cambodia—the country which we invaded a year and a half ago, because the President said the campaign would shorten the war and save American lives—the South Vietnamese army—supported by American fighter bombers and helicopter gunships—is struggling to retain its last foothold under what one of its own commanders describes as a

"real hell of fire." At the same time our so-called "protective reaction strikes" against North Vietnam have been resumed with revived fury—signifying, as one reporter has put it:

> Something gone awry in the President's plan for Vietnam. (Joseph Kraft, "The Renewed Bombing," *Washington Post*, September 28, 1971, p. A19.)

However successful the administration has been in persuading Congress and the American people that the war is as good as ended, Mr. Thieu knows better and, with creditable candor, publicly has said so. One hears no-nonsense from the President of South Vietnam, whom our own administration so strongly supports, about total American withdrawal, the repatriation of prisoners, or a negotiated compromise peace. The war, he readily asserts, is likely to go on indefinitely, and American military support, accordingly, will be required for many years to come. In Thieu's prognosis, there will be no serious peace talks prior to an all-out military confrontation with North Vietnam, and that, he predicts, will not occur before 1973. He says that he understands President Nixon's need to withdraw troops before the American presidential election, and he says that he has no objection to that as long as a residual American force of 50,000 or so remains, for logistics, helicopters, advice and air support.[1]

Which is it going to be: An end to this war and a "generation of peace;" or a prolonged, "Vietnamized" war, serviced, supplied, and paid for by Americans while Asians do most—but not all—of the dying? It is a fair and simple question, and the American people have the right to an answer. The administration, however, refuses to answer forcing us to the conclusion that its purpose is not to end the war but to transform it into something more tolerable for the American people by engaging Asian boys—to adapt a famous old phrase—to do what American boys would otherwise have to do.

Under these circumstances Congress has not only the right but the responsibility to take mandatory action for peace through the exercise of its own constitutional war powers. For this purpose the Mansfield amendment, already approved once by the Senate by a vote of 61 to 38, is admirably suited. Clearly and simply requiring a total American withdrawal from Indochina within 6 months, contingent only upon the release of American prisoners, the Mansfield amendment, if adopted, would release our country at last from its long travail in Indochina, leaving the people of South Vietnam, Cambodia, and Laos to work out, or fight out, their differences as best they can, without further foreign interference. The adoption of the Mansfield amendment would also represent a clear, decisive acceptance of responsibility on the part of Congress and, in so doing, would do more to restore the constitutional authority of Congress, and public respect for Congress, than any other conceivable legislative enactment. Admirable though they are, and strongly though I support them, the various war powers bills now under consideration can do no more than define Congress's authority; the Mansfield amendment would implement it.

From the start this war has been rationalized in terms of abstractions, analogies, and conjecture, to the neglect of tangible, ascertainable facts. As the Pentagon papers show so strikingly, our policymakers have been preoccupied with geopolitical abstractions having to do with our prestige and our power interests, with the possible effects of the war on countries not involved and hypothetical future conflicts that our actions now might cause or prevent. At the same time our policymakers have given short shrift to what is happening here and now, to the effects of the war on those directly involved, not 10 or 20 years in the future, but right now.

Most of all—and in this respect the Pentagon papers have been most revealing—our policymakers have given short shrift to the human costs and consequences of the war both for the American people and the peoples of Indochina. From the outset of this war—in the recently expressed view of two former National Security Council staff members—our leaders fell into a dehumanized pattern of decisionmaking, treating the lives and deaths and suffering of human beings not as something significant in themselves but as "factors" in their strategic and political calculations.[2] Why and how this came to be so is puzzling indeed; the men who led us and have kept us in Vietnam are not monsters but, for the most part, decent, honorable, and intelligent public officials. Nonetheless, something about this war, or perhaps something about foreign policy in general, or about our own recently acquired status of superpower, has caused us to abandon consideration of humanity at the water's edge and to deal with the war in Vietnam in terms of bloodless, computerized abstractions. Our policy has been made in a world apart from the bombed villages, the piles of decomposing bodies, the mutilated children, and even the cemeteries and veterans' hospitals here at home, which are the only tangible human results of the war.

The virtue of tangible facts is not that they represent the whole truth but that they represent the whole of the ascertainable truth, which must be the principal basis on which rational men make decisions and formulate courses of action. We would think it monstrous if a jury were to condemn a man on the strength of analogy, conjecture, or intuition. Inevitably, these play a greater role in public policy, but ought they to be considered great virtues, as marks of wisdom and statesmanship when the matter is not simply one of condemning one man to prison but of subjecting whole societies to the horrors of war?

It is not enough to contend, as President Nixon never ceases to contend, that, if we did not fight here, we would have to fight elsewhere and that it would almost certainly then be a bigger war, if not indeed a world war. With all respect to the President's sincerity and knowledge of foreign affairs, he simply does not know that—he has no way of knowing. He is a politician, not a prophet, and politicians cannot predict the future; they can only guess at it on the basis of fragmentary information about other people's intentions. Sometimes, too, a political leader may draw upon some knowledge of history, but if he knows anything about history at all, he knows that, as analogy, the past is more likely to deceive than to instruct, that the real use of history is in the broad, general insights it may foster, in the kind of informed intuition it may facilitate, allowing us to make tentative judgments about the sort of political action that is likely to prove rewarding and the sort that is not. Of and by itself history has little to tell us about whether we ought to commit our soldiers and resources to any particular war at any particular time and place. That can only be determined by the facts of the here and now, set if possible in historical context, but never to the exclusion of an active awareness that, whatever we think we owe to generations yet unborn, we have a prior obligation to those already born and now alive. Among the abstractions which influenced our policymakers with respect to Vietnam, consider the concept of an "exemplary war," often invoked by both President Johnson and President Nixon. This thesis holds that the major purpose of the war in Vietnam is external to Vietnam: To retain the trust and confidence of our friends and allies all over the world by demonstrating America's fealty to her "commitments." Aside from the fact that the demonstration has been an exceedingly costly one, by no stretch of the imagination proportionate to its objective, there is the equally distressing fact that it has not worked: Most of our friends and allies have deplored our involvement in Indochina, regarding it as an indication of something erratic, unsound, and unstable about America. One of our closest associates, Israel, has made it clear that, Vietnam notwithstanding, she has no confidence whatever in our readiness to honor a commitment, which is why she insists upon retaining Arab territory.

Closely related to the exemplary war thesis is the highly conjectural Munich analogy, with which we are all familiar. Equating conciliation with appeasement and appeasement with the prospect of world war, this thesis takes no notice of the enormous differences in the two sets of circumstances, including the fact that Nazi Germany was the most powerful military and industrial state in Europe, while North Vietnam is a small, undeveloped country, capable of challenging the United States only in the kind of jungle gurrilla warfare in which we have so obligingly engaged the North Vietnamese. The men who led us into Vietnam were, by their own admission, much influenced by the experience of Nazi aggression and western appeasement in the 1930's; they derived from the experience, as Mark Twain once put it, "more wisdom than was in it."

At least we have not been hearing much of late about the Communist

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[1] Quoted by Clayton Fritchey in "Truth from Thieu: the War Will Go On," *Newsday*, September 24, 1971, p. 56.

[2] Anthony Lake and Roger Morris, "The Dehumanization of Foreign Policy," *Washington Post*, September 26, 1971, p. E1.

bloodbath from which we are supposed to be saving the South Vietnamese. Perhaps even the administration has by now taken notice of the wasted people—the million or more South Vietnamese civilian casualties, including at least 300,000 dead, since the war began, most of them victims of American and South Vietnamese military action. The administration can hardly be blamed if it no longer feels up to the task of explaining why it is better for South Vietnamese civilians to be blown to bits by American fragmentation bombs or burned alive by American napalm than to face the hypothetical possibility of a future Communist bloodbath.

Then there is the thesis, also highly favored by President Nixon, that we must, in his words, "play out the game" in order to retain our unblemished record of never having been defeated in war and in order to redeem the sacrifices already made by our soldiers. In this context the war becomes its own justification: Like a baseball game, it is played to be won because winning is what the "game" is all about. Robbed of all human and even valid political significance, the war is trivialized into a mindless contest to prove that we are "No. 1"—for whatever good that is going to do us or anybody else. And as far as "redeeming" the sacrifices of our GI's is concerned, the assumption here seems to be that a victorious war is a justified war, that you can wipe out a mistake by succeeding at it—or getting away with it. Of all the rationalizations used to justify our continuing involvement in Indochina, none is more extraneous to the merits of the war than this one. Rooted in an assumption that victory redeems error, it is practically indistinguishable from the primitive notion that "might makes right."

Never to be forgotten either is the intrusive influence of presidential politics. Mr. Thieu has coped with his electoral problem in his own special way, but our own President faces a different kind of election a year from now. As the "scenario" is now unfolding—at least according to speculation in the press—American troop withdrawals are being scheduled at a rate deemed slow enough to help Mr. Thieu stay in power but fast enough to eliminate Vietnam as an issue in the American presidential election. All this may be unfounded speculation, but it strikes me as an uncanny coincidence that the South Vietnamese Army is improving at exactly the rate which will enable it to take over all ground fighting just about in time for our presidential election campaign. The assistant Republican leader in the Senate makes no bones about this "scenario." The Senator from Michigan (Mr. GRIFFIN) was quoted in the press last April 9 as having commented as follows on the President's Vietnam speech of 2 days prior:

> In a practical sense he did set a date certain for ending United States involvement—Election Day 1972.

There is one final argument for our continued presence in Vietnam which is said to carry great weight with the administration although it is highly speculative, rooted in far-fetched analogy, and as extraneous to the merits of the war as all the other rationalizations I have cited. This thesis, said to be derived from the experience of Germany under the Weimar Republic and also said to be favored by Mr. Kissinger, holds that an over-hasty withdrawal from Indochina will bring on a violent outcry from the radical right in the United States, plunging us, as Mr. Nixon put it in his speech of last April 7, "from the anguish of war into a nightmare of recrimination." For all I know there will be an outcry from the radical right if the war is ended short of total victory—they usually do make an uproar when the Government does something sensible—but is that any reason to continue the killing of Americans and Vietnamese? Are our soldiers to be sacrificed for the appeasement of the lunatic fringe at home? If there is to be recrimination, I say let us get on with it; it is better than further useless killing.

When all the learned conjectures and analogies have been considered and found wanting, we are forced back upon the merits of the case, and in the case of Vietnam there are no merits and never have been. It has all been a terrible and tragic mistake and nothing that we do can ever alter that. We can "play out the game" by sustaining a proxy war, trading Asian lives for the phantom of American prestige, but that will not retrieve our past mistakes; it will compound them and, if anything, accelerate the moral corrosion which this war has brought upon our society. The other choice is to acknowledge and liquidate our great mistake and, by that very act, initiate the process of moral reconstruction of which our country is in so great a need. That is the way of the Mansfield amendment, which I hope the Senate will enact and this time defend, until it becomes the law of the land.

Mr. McGOVERN. Mr. President, will the Senator yield briefly?

Mr. FULBRIGHT. If I have time.

The PRESIDING OFFICER. The Senator has time remaining.

Mr. McGOVERN. I would just like to ask the Senator if the issue is not essentially this: that the Mansfield amendment says, in effect, that the Senate of the United States wants this war ended, and will terminate all American military operations provided only that the other side will agree to release our prisoners, whereas the position of the administration seems to be that the release of our prisoners is not enough, that we have to continue the deaths of American young men in Southeast Asia and continue these American military operations even if the other side agrees to the release of our prisoners, and that we do that, because we fear the political consequences of a withdrawal, either for General Thieu or here at home. Is that not really the issue that we are deciding here this afternoon?

Mr. FULBRIGHT. I think that is involved in it. I tried to make that plain. They have given many reasons; I tried to deal with them. The idea of giving them a chance of self-help has now shown up as really irrelevant, because the Senator knows about the self-determination which will take place next Sunday. I do not think there is anything to that.

The other side has stated they are willing to release the prisoners if we are willing to set a date certain, and what the Mansfield amendment seeks to do is set a date certain.

Mr. McGOVERN. And that is the one thing the other side has said will unlock the prison cells.

Mr. FULBRIGHT. That is right; and I think it is the responsibility of the Senate to support this move. It will do more than any other single thing to promote a negotiated settlement. And I might add it will do more than any other one thing I can think of to end our economic difficulties, about which so many of the world's leading economic figures are meeting in Washington now. They all dislike to attribute to this war its real role, but how can anyone deny that the deterioration of our own economy, and that of the rest of the world, began with our vast expenditure of time, money, effort, and life in this military effort?

Mr. McGOVERN. This, I say to the Senator, is the real issue in arguing about whether the war or our economic difficulties constitute issue No. 1. The two are so interrelated that you cannot really separate them. How can you separate the inflation from the effects of the war?

Mr. FULBRIGHT. I think the Senator will agree that the original and only cause for the inflation and the dislocation of our economy and the world's economy is our military efforts. All these troubles about tariffs and surcharges, and so on, grow out of that tragedy. Our own economy has deteriorated to where we are not competitive any more. We have expended so much money and inflation has put us in a position where we cannot compete. We could always compete until the last few years.

We not only inhibited the solution, we were so embarrassed that we had a dollar gap that we went to great lengths to put up money during the 1950's, as the Senator knows.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PELL. Through the years we have scoffed at Communist style elections where there is offered only a single candidate. We are right to scoff. Yet, now, American prestige, blood and treasure is being drained as we provide the wherewithal and underpinnings for such an election next week in Vietnam.

If anything should convince us of the wisdom of the Mansfield amendment, our acquiescence in this Communist style election should do so.

Moreover, I am confident that the Mansfield amendment, calling for withdrawal of all our forces within 6 months, provided our prisoners of war are released, expresses the will of the majority of Americans. I believe it is imperative that the Congress set a date for withdrawal and compel the executive branch to bring about an end to all our military involvement in Indochina.

As I have been saying for some years, it is tragically clear that this is a wrong

war, fought in the wrong place at the wrong time, a war in which this Nation should never have become involved. We can do nothing now to restore the lives of thousands of young Americans that have been lost in Vietnam, but we can act to insure that no more lives are lost.

I fervently believe and hope that the conferees of the House this time will recognize the true American national interest in supporting this amendment, and preserve it in the final bill, so that prompt and complete withdrawal of forces from Indochina can indeed become the definite policy of our country.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I thank the majority leader very much. I want this opportunity to support his amendment.

We passed this amendment once before. The Senate voted it, but it did not pass the other body, and we had to compromise it. Why try it again? Why did we not hold fast, why did we vote cloture, and why did we not table the compromise? Those are the real questions and arguments.

The majority of the Senate—and I believe of the Nation—subscribes to the proposition—and I beg the President of the United States to listen—that we should fix a date. That is what is at issue here, that we should fix a date. This is the fulcrum of the argument.

The President has a date in mind, I am sure. He may announce it in due course, or he may not. He may get caught in another trap which relates to the type of situation the Senator from Rhode Island just spoke about, of the one-man presidential election, or some attack, or another Tet offensive, or something else which will tie us in again and make us bring our troops back.

When you name a date, you are committed, and on that basis you can proceed to negotiate a political settlement. If you cannot, you are out anyhow. That is the one thing we have to resolve.

What this Nation most needs, and what its citizens most devoutly crave, is a definitive end to this long, tragic, wasting war which has so damaged us at home and abroad.

Mr. President, this point has to be made again and again until we find an opening where we can legislate it. We have pretty much rejected the idea, up to now, that we are going to cut-off funds. Obviously that is the very last resort, and we are not yet ready to take it; but at least we have declared that we are for the idea of a political decision by the U.S. Congress, in which we invite the President to join us, before we use the club of no funds.

This is the decent and honorable thing to do. The draft bill presented to me, once the war issue was obviously not capable of resolution in that bill, a separate decision respecting the security of the country and one's philosophy about the draft and the make-up of the Armed Forces. I voted cloture and I voted for the draft because, finding that you could not get anywhere up that path with that particular measure, there was nothing to do.

Now we have another opportunity. We may decide that this is the bill which we really must hold up if there is no settlement. It is essential to reiterate our posision at every major opportunity and this is such an opportunity.

We have knocked at doors before where the occupants did not answer until we knocked once or twice or even three times. We must persist likewise on this most vital national issue. This war is sapping our lifeblood as a nation. It must be ended in a definitive fashion. We cannot turn ourselves around until this happens.

Mr. President, those of us who are for the amendment of Senator MANSFIELD are convinced that nothing decisive will happen in this country for the good—not a realinement of currency, not the settlement of the devaluation, not the renewal of the initiative and the motivation of the American people—until it is unequivocally clear we are going to get out of Vietnam, and that is the end of it, with the date fixed. That is the conviction we are expressing. I feel that we have the duty and privilege, under the leadership of Senator MANSFIELD, to express it again. I would be untrue to my oath and to my constituents—18 million of them—if I did not take every opportunity I could to express it, to knock at that door until we either have to use more force than we have been ready to do up to now or until the occupant will listen. I believe he will. Therefore, I shall support Senator MANSFIELD's amendment, and I hope the Senate will again adopt it, feeling that this is the only way in which a result will be obtained which will be historic for our country.

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

Mr. JAVITS. I yield.

Mr. PASTORE. Does not the Senator think it should be emphasized here that once the date of withdrawal is set, the issue of whether or not we are compelled to keep that pledge and that commitment depends upon what the other side does with reference to the release of American prisoners?

Mr. JAVITS. Senator MANSFIELD has now absolutely conditioned it upon the release of American prisoners. Every conceivable element of morality is satisfied by the terms of the amendment. For the Senate again to say decisively there is only one way to resolve this dilemma—you have to fix a date—I think is an eloquent, positive statement we must make.

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

Mr. JAVITS. I yield.

Mr. SYMINGTON. In this town today are many members of families who have relatives held captive in North Vietnam. Would not the Senator agree that the best answer to their question, "How do I get back my husband or son in North Vietnam?" is to say, "The best we know today is to support the Mansfield amendment"?

Mr. JAVITS. Absolutely. There is no way of getting our prisoners unless we come to an end of the conflict. We know that from history, and it is as true here as in any other situation.

Mr. MANSFIELD. I yield myself 1 minute.

Apropos of what the distinguished Senator from Rhode Island has said, I think he hit the nail on the head. Those who are opposed to this amendment are trying to find ways and means to dodge facing the responsibility which is ours.

I am more interested in our men, our POW's, our recoverable missing in action, than I am in the government of Saigon.

I do not care how we try to dodge this, we will face up to this or we will pay a price for failing to do so.

Mr. President, I yield 2 minutes to the Senator from Indiana.

Mr. HARTKE. Mr. President, I want to describe some basic problems in our struggle and to challenge the President to accept the opportunity to end the war which the U.S. Senate is now offering him. Let me make these points:

In 1954 the French were fighting desperately to maintain their colonial empire in Vietnam and were losing. Mr. Nixon, then Vice President, proposed giving them military assistance, including nuclear weapons. On April 3, 1954 Secretary of State John Foster Dulles met secretly with eight congressional leaders and asked for a joint resolution permitting President Eisenhower to use air and naval power to help the French in Indochina. He admitted that this would put the United States in the war. He was told to find some allies first. On April 16, 1954, Vice President Nixon startled the convention of the Society of Newspaper Editors by almost declaring war. He said that the United States as a leader of the free world could not afford further retreat in Asia, that he hoped we would not have to send troops there, but "if this Government cannot avoid it, the administration must face up to the situation and dispatch forces."

Secretary Dulles frantically tried to get other nations to help but without success. On May 7, the French fortress Dienbienphu fell. Attention turned to negotiations for an armistice then going on in Geneva. Mr. Dulles was not happy about the conference. He opposed partition which would give Communist Vietnamese control of any territory. He opposed any agreement for elections which did not insure "political as well as military guarantees."

On July 20 the French and Vietnamese signed an agreement for cessation of hostilities. A demarcation line was established, on either side of which the military forces were to be regrouped. No military base was to be established on either side.

Eight nations entered into a declaration recognizing the armistice and noting that—

> The military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary.

The conference declared that the Vietnamese people should be allowed to express their national will through general elections to be held in July 1956 under

the supervision of an International Commission. The United States participated somewhat in this conference but did not accept its conclusions.

Under Dulles-Nixon leadership, the United States proceeded to ignore the treaty and to build up South Vietnam as a separate country. The International Commission was not allowed to check the airfields in South Vietnam. Its official report states:

> While the commission has experienced difficulties in North Vietnam, the major part of its difficulties has arisen in South Vietnam.

Thus, Nixon and Dulles succeeded in getting American forces into Vietnam. This escalated into open warfare of today. Of the leaders living today, Nixon is the father of this war.

On May 14, 1969, President Nixon said:

> Some believe I should have ended the war immediately after the inauguration by simply ordering our forces home from Vietnam. This would have been the easy thing to do . . . (But) we have ruled out either a one-sided withdrawal or the acceptance of terms that would amount to a disguised American defeat.

Thus, Mr. Nixon deliberately, consciously decided not to end the war as soon as he could, but to prolong the war.

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

Mr. HARTKE. No. I have only 2 minutes.

Mr. DOLE. Did the Senator vote for the Gulf of Tonkin resolution?

Mr. HARTKE. Mr. President, I am not yielding the floor. The Senator may respond on his own time.

In 1969, the CIA told President Nixon that immediate withdrawal would complete the loss of Laos but that—

> All of Southeast Asia would remain just as it is for another generation.

The CIA totally rejected the domino theory. There you are. Even the CIA told Nixon he could withdraw without significant loss, if he wanted to.

But did he change? Not at all. On November 3, 1969 he again announced his rejection of immediate withdrawal. He even admitted that Ho Chi Minh had written him that—

> With goodwill on both sides, we might arrive at common efforts.

Nixon called this a flat rejection of peace initiatives.

Again on December 15, 1969 and April 20, 1970, Nixon admitted his ability to withdraw and his decision to prolong the war. Then came the Cambodia invasion—and Laos. The intervention grew larger.

For the last year President Nixon has been emphasizing the plight of the POW's. He has encouraged their relatives to rise up in criticism of those who want to end the war. Let us set the record straight. It is Richard Nixon who is keeping the POW's in the prison camps.

In early April I went to Paris to confer with the representatives of the four powers involved in the Vietnam talks and to clarify their positions. The Hanoi and Vietcong representatives stated repeatedly that as soon as a date was set for the withdrawal of our forces, arrangements would be made for the release of our POW's. Mme. Binh said:

> If the American forces withdraw in a rapid and appropriate fashion, your captured military men will be returned in a rapid and appropriate fashion.

The Mansfield amendment would have us adopt a policy statement calling for establishing a date for the withdrawal of all our military forces, with phased releases of the POW's. With this policy, the POW's can be on their way home in a matter of weeks. If the President rejects that policy he will perpetuate a cruel hoax on the families of those men.

We must realize that President Nixon's position is not a passing fancy. For 17 years he has tried to get the United States to shore up the French colony in Vietnam or, failing that, to establish our own in South Vietnam. His plan is to continue a military presence in order to maintain our bastion there, indefinitely.

The President is an efficient, effective politician. He knows that election results decide what he must do, and he works to determine those results. He has been remarkably successful in persuading American voters by his withdrawals that he is getting out of Vietnam. Actually he is only getting out of sight. Last January, in appraising the 1970 elections, he noted that a July poll showed that 4 million college students were going to campaign for peace candidates in November but, said Nixon:

> They did not. They had become convinced we were sincerely trying to end the war.

That was successful deception. It is the Nixon plan.

All the polls show that the American people consider the Vietnam war a mistake and want out of it immediately. Yet peace measures do not quite clear Congress. Why?

The MANSFIELD amendment sets a date within 6 months for withdrawal of all military forces, contingent upon release of our POW's, and to negotiate for an immediate cease fire and a release of POW's as our troops come home. From my conversation in Paris, I am absolutely convinced that the other side will accept this. Our participation in the war can stop right now, if Congress will only enact this measure into law.

It is up to us, here today, to make the move toward peace.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, in rebuttal and in refutation, the specter is always raised as to who signed or who voted for the Gulf of Tonkin resolution. The question is always propounded, Who was to blame in the beginning for our involvement? Frankly, I think we are all to blame. I do not care whether one is a Republican or Democrat or an independent or a liberal or a conservative. We are all to blame.

But is that the real question here today? The fact that confronts us here today is that our country is disturbed and distraught about these prisoners of war. These are Americans, wearing the American uniform, who have been captured. They are rotting in prisons that are maintained by a barbaric group of people who scoff at international law and will not even allow the International Red Cross to go in to see how badly they are being treated.

We feel now that there is a chance that these prisoners might be released, even by these barbarians, if somehow we set a date certain, and if we set a date certain that is conditioned upon those American prisoners being freed.

I am saying this afternoon, regardless of who should be indicted for the sins of the past, let us look forward to the future and let us see if there is a chance to bring back these prisoners. Let us end the mystery of the missing and restore to their loved ones those who survive. I say it is worth the chance to save these American lives. That is all we are talking about.

If the other side should break their promise and refuse to go along, then we do not have to carry out our commitment. That is how simple it is. How much more fair can one be? This is the last clear chance we have, because the name of the game here is to get out of Vietnam.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield the Senator 1 additional minute.

Mr. PASTORE. We have said that that is the policy and that is what we are trying to do—get out of Vietnam.

I want to applaud President Nixon for as far as he has gone. He has done much better than some of our Democratic Presidents. I will admit that, too. If you want that accolade, I will give you that accolade this afternoon.

But the question right now, is, How do we get these American prisoners back home? The only clear chance we have is to set a date certain and then see what happens.

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

Mr. PASTORE. I yield.

Mr. MANSFIELD. In other words, it is time to put our money where our mouth is.

Mr. PASTORE. That is right.

Mr. MANSFIELD. We all say that we we are for the POW and the MIA. Now we have a chance to prove it.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Kansas.

Mr. DOLE. I raised the question of the Gulf of Tonkin resolution because there seems to be a feeling in the Senate now by many of those who voted for the declaration of war in 1964 to now vote for a declaration of peace.

Mr. MANSFIELD. Mr. President, I must object to the reference of the Senator to the Gulf of Tonkin resolution as being a declaration of war. It was not the intention of anyone who voted for that resolution to give it that connotation.

Mr. DOLE. The Senator from Kansas was then a Member of the House, and I voted for it, so I do not fault anybody for voting for it.

Mr. MANSFIELD. The Senator may have voted for a declaration of war, but the Senator from Montana did not.

Mr. DOLE. Well, it is the Gulf of Tonkin resolution, which has since been repealed.

But the point raised by the Senator from Kansas is this: I have no quarrel with anyone who has spoken with reference to the release of the prisoners of war. I have a rather strong feeling, myself, about American prisoners of war and Americans missing in action. But I find it rather strange that on August 7, 1964, this body, by a vote of 88 to 2, gave President Johnson great power in Southeast Asia and then, suddenly, when we have another President who changed direction and withdraws American forces, nearly 335,000, we find it necessary to pass the so-called declaration of peace—or I will call it a declaration of peace, if it must be named something.

I say to the Senator from Indiana and to some others, that I voted for the Gulf of Tonkin resolution in the House. Maybe I was misled. Maybe I did not understand. I am not certain just who voted for it in the Senate but the vote was 88 to 2. The two Members who voted against it are no longer with us—but not for that reason.

All I say to the distinguished Senator from Arkansas (Mr. FULBRIGHT), who is now in the Chamber, is that when he looks at the faults of this administration, he might look at the faults of Congress, because we too have some responsibility. We vote the appropriations. We passed the Gulf of Tonkin resolution. We passed resolution after resolution. Rather than indict any administration, whether it be the Kennedy, the Johnson, or the Nixon administration, it is time that Congress share some of the blame and some of the responsibility for the bombing, the crippling, and the wounding the Senator from Arkansas refers to.

Mr. FULBRIGHT. Let me say to the Senator from Kansas that I agree with him. I said it was a mistake and that Congress shares in it. Is that any reason why we should not rectify that mistake but go on through and win the war? It does not make any sense.

Mr. DOLE. It does not make any sense to shift the blame to some administration——

Mr. FULBRIGHT. I am not shifting the blame to another administration. What we should do is to stop the war. The purpose of the pending amendment is not to shift the blame to anyone. The Senator from Kansas is too sensitive about blame. We only want to stop the war.

Mr. DOLE. What happens if they do not release our prisoners of war and MIA's?

Mr. MANSFIELD. Then all bets are off.

Mr. DOLE. Will the withdrawals stop? Or should we continue the withdrawals?

Mr. MANSFIELD. Yes. Certainly. I wish the withdrawal could come faster. I wish the President would announce when this war will end based on the return of our prisoners of war and MIA's, so that this amendment would not be necessary. I want to see the war ended.

Mr. DOLE. I want to see the war ended, too.

Mr. MANSFIELD. I want to see the prisoners of war and the MIA's returned. I want to see our combat men and support troops returned. In the words of General Ridgway, I want to see them all withdrawn until we have only the Marines there guarding the Embassy as they do every other American Embassy throughout the world. We have been there too long. We have spent too much money. We have paid too high a price.

Mr. DOLE. The Communists have told the distinguished Senator from South Dakota (Mr. MCGOVERN) one thing on September 11 and a repudiated item September 16, I frankly see no reason we should trust them. We always seem to trust the other side, but have little trust in our own Government. Four or five times we have indicated our good will and our good intentions but the Communists have done nothing. I do not believe setting a date will make any difference.

Mr. MANSFIELD. Will the Senator from Kansas yield further?

Mr. DOLE. I am probably way over my time, but I yield.

Mr. MANSFIELD. We trust the Government. We trust President Nixon——

Mr. STENNIS. Mr. President, I call for the regular order. The time I yielded has expired.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute on my time, if I may.

This is an attempt to cooperate with the President, to work in tandem and establish a partnership based on equality. It is not a case of trying to find fault with someone or some organization. It is an attempt to do something about our prisoners of war and our MIA's and our combat men over there, to stop the slaughter, the killing. What has happened to this country today is basically premised on what has happened in Vietnam over the past 10 years. It is about time we get out, lock, stock, and barrel, and all the way—and stay out.

Mr. STENNIS. Mr. President, I yield 10 minutes to the distinguished Senator from Pennsylvania (Mr. SCOTT).

The PRESIDING OFFICER (Mr. TAFT). The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SCOTT. Mr. President, we cannot stop a war by an act of Congress of this kind. We cannot stop a war. We can start one and carry it on. We can stop it by withholding funds and let Congress take over full responsibility for the further escalation of our Armed Forces, but we cannot stop it by an act of Congress. I believe that everyone here knows that.

What we also know is that during the period in which the President has taken a third of a million troops out of Southeast Asia, Congress has grown increasingly restive. Congress has grown restive because of the thought that, when all is said and done, and all our troops are out—as the President has promised total withdrawal—and when our prisoners of war and MIA's are all accounted for and returned home safely, then the people of this country will know who did it.

I think that Congress is very anxious to have an input into who did it, which is understandable. We are all quite human and like to share in whatever credit or whatever praise can be given. It is perfectly justifiable and understandable.

On the other hand, over the past years, when people like myself were supporting President Kennedy and President Johnson in their commitments in the war, perhaps that might have been the time for all of us to reflect that we were getting into something which would be a lot more difficult to get out of.

Mr. President, the amendment proposed by the distinguished majority leader (Mr. MANSFIELD) calls on the President of the United States to publicly declare and implement a policy of total unilateral termination of all U.S. military operations and withdrawal of all U.S. forces from Indochina not later than 6 months from enactment, contingent upon release of American prisoners of war. While I know that the intentions of the Senator from Montana could not be more honorable, I strongly believe that the adoption of this proposed amendment would not be in the best future interests of our Nation.

First, I do not believe the amendment lives up to its expressed purpose, that is, the termination of hostilities. It neglects Allied efforts to bring a responsible settlement to the conflict and could, in fact, make the continuation of hostilities more certain through removing any incentive for the North Vietnamese to negotiate a settlement.

Second, no matter what the status of this amendment as a legislative vehicle, its political impact is the same as several of the other amendments which have been presented to the Senate in the past. That impact is to give the North Vietnamese confidence that they should continue the war because the United States will accept their unconditional demands. That impact is further to give America's Allies in Vietnam and elsewhere the impression that the United States will not work for a responsible peace but will instead choose the path of abandonment.

The amendment's call in subsection 1 for the North Vietnamese to release all American prisoners of war in exchange for a unilateral and total removal of U.S. forces and operations from Indochina does not take into consideration the following factors:

First. The North Vietnamese have clearly indicated that setting a date for withdrawal and meeting all of their other conditions will not—I repeat, not—automatically result in POW releases but will merely bring about discussions on the modalities of prisoner release, cease-fire or the safe return of our soldiers.

Second. Although the Geneva Conventions which North Vietnam has signed call for the proper listing, treatment, and release of prisoners of war in all hostilities, and although the South Vietnamese permit Red Cross inspections and have offered releases, Hanoi has failed to abide by the international conventions and has instead set political ransom demands for the U.S. POW's.

Third. A unilateral declaration to withdraw totally from Indochina in the absence of reciprocal North Vietnamese withdrawals and effective international guarantees, would betray the peoples of the area and would totally remove any Communist incentive to negotiate or to release our POW's until their stated demands—including overthrow of the Government of South Vietnam, the termina-

tion of all forms of Allied assistance, the actual withdrawal of all Allied troops and dismantling of all Allied bases, and the payment of reparations—had been met in full.

I do not know who in this body would vote for appropriations for those reparations.

The amendment's call in subsection 2 for a cease-fire in the absence of reciprocal North Vietnamese troop withdrawal and appropriate verification procedures does not take into consideration these facts:

One. The North Vietnamese and the NLF have categorically rejected the proposals of October 7, 1970 by the U.S. and South Vietnamese Governments calling for an internationally verified cease-fire in place throughout Indochina. The Communist side's own proposals neglect to specify any North Vietnamese role or obligations, reject any international verification and require the prior overthrow of the Government of Vietnam.

Two. A unilateral U.S. cease-fire would jeopardize the fate of our remaining men in Vietnam. In the absence of any reciprocal removal of North Vietnamese forces and of any real strictures on North Vietnamese actions during total U.S. withdrawals, Hanoi would be able to calculate the U.S. withdrawal rate very simply. When by these calculations allied forces would be at their greatest vulnerability, the Communists would be able to attack our men as they pull out, despite whatever promises they might make.

Subsection 3 of the amendment calls for negotiations on U.S. withdrawals in exchange for U.S. prisoner of war releases. In addition to the problems I have already spelled out, this section neglects the following important considerations:

One. It neglects the fact that the Communist side has firmly rejected U.S. and South Vietnamese proposals to negotiate these and other issues on the basis of reciprocity.

Two. It would eliminate any incentive for Hanoi to negotiate seriously by unilaterally removing the major allied bargaining counter to bring about a negotiated settlement based on reciprocity by Hanoi and the removal of North Vietnamese forces and assistance.

Three. It neglects the issue of international verification of withdrawals, cease-fires and political settlement.

Four. It neglects the problem of North Vietnam's massive troop presence in Laos—90,000 troops—and Cambodia—50,000 troops—in continuing violation of the sovereign territory of its neighbors, who have not attacked North Vietnam and who have asked the North Vietnamese to end their attacks and to withdraw their forces.

Five. It neglects the major steps toward peace already taken by the U.S. Government on the basis of past Communist statements that this or that new U.S. concession would lead to serious negotiations.

And I may add that these covert proposals—not openly made and not irrevocably made—are no more than sucker talk.

These steps include the bombing halt, the acceptance of an NLF role in the negotiations and in a future election process in Vietnam, the withdrawal of two thirds of our troops from South Vietnam, and the appointment of a new senior ambassador to the Paris talks.

6. It neglects the serious and responsible proposals made by the Governments of the United States and South Vietnam for a responsible peace settlement as follows:

U.S. and South Vietnamese Governments on October 7, 1970, proposed a comprehensive settlement involving; an internationally supervised cease-fire in place throughout Indochina; a new Indochina peace conference; reciprocal and internationally verified troop withdrawals; a political settlement in South Vietnam involving all political elements and free elections, and release of all prisoners of war.

Though each and all of these proposals have been rejected by the other side, they offer a responsible path to peace deserving of support.

In conclusion, I am convinced that the impact of this amendment would be the opposite of what its proponents and supporters intend. It would not free U.S. prisoners of war; it would not gain a cease-fire; and it would unilaterally throw away the most effective single case the United States has for gaining serious negotiations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator for yielding. Earlier in his remarks, the Senator stated that the President had promised total withdrawal provided there was a total release of all of the prisoners and an accounting for those missing in action. When did the President make any such promise?

Mr. SCOTT. The President made it in a number of statements. He referred to it last Tuesday in a talk to the wives and mothers of the prisoners of war.

I have a letter to that effect. I ask unanimous consent to have printed in the RECORD a letter sent to me by Mr. Clark McGregor, counsel to the President, this morning.

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

THE WHITE HOUSE,
Washington, D.C., September 30, 1971.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: Within the past few days the President has made two significant statements on Vietnam. These relate to the POW/MIA issue and to the attainment of our goal of complete American withdrawal.

At the Statler-Hilton Hotel in Washington on the evening of September 28th, speaking to members of the National League of Families of American Prisoners and Missing in Southeast Asia, the President said:

"The Secretary of Defense—and I have had an opportunity to read his remarks and endorse them—will address you later. He will tell you what we have been doing, what we are doing, what we hope to do with regard to the great objective in which all of you and all of us are interested, and that is obtaining the release of all of our POW's and missing in action wherever they may be in Southeast Asia.

"But I wish to underline what the Secretary will tell you by indicating the personal commitment of the President of the United States. As you can imagine, whoever holds the office of the Presidency cannot take upon himself all of the various assignments that come across his desk. Much must be delegated.

"I want each and every one of you to know, however, that from the time in the White House Library, at Christmas time, 1969, I met a group of wives and one mother of some POW's and missing in action, from that time, as the Secretary of Defense can tell you, and the Secretary of State can tell you, I have considered the problem of obtaining the release of our POW's and missing in action as being one that has Presidential priority.

"I can assure you that every negotiating channel—and now I say something here that I am sure all of you will understand—including many private channels that have not yet been disclosed, have been pursued, are being pursued, and will be pursued.

"I can assure you that with regard to this problem, that whenever any matter comes to the attention of the Secretary of Defense, or the Secretary of State, from a Senator or Congressman or the rest, it is brought to my desk and we run out the lead, whatever it may be.

"You know the tragedy we have found so often—hopes are raised and then dashed, because we are dealing here with a savage enemy, one who has no concern for humanitarian ideals.

"But on the other hand, we believe that it is essential to check every possible lead; we don't care where it comes from. We are doing that.

"I have personally ordered that and we will continue to do so, and I believe that we will eventually succeed in our goal. That is my commitment that I make to all of you."

In Portland, Oregon, on the afternoon of September 25th, addressing the Northwest Editors, Publishers, and Broadcast Executives, the following question-and-answer exchange wound up the session:

"QUESTION. Mr. President, will the unopposed ballot in Vietnam have any effect on winding down the war? Will it speed it up?

"The PRESIDENT. With regard to the unopposed ballot, we, as I have stated on other occasions, would prefer that Vietnam could have an election in which there was a contest. We, of course, noted with approval the fact that the parliamentary elections were very, very vigorously contested, and that over one-third of the Parliament in the National Assembly was elected in what most observers agreed was a very fair, impartial election. Over one-third of them were of parties opposing President Thieu, which shows a very active opposition.

"It should also be noted that in the Senate of Vietnam, there is an active opposition which was able to assert itself. We cannot get people to run for office unless they are willing to run, and under those circumstances, therefore, the problem which confronts us is whether, because South Vietnam has elections but has not yet had elections which we consider to be satisfactory in terms of our standards, whether under those circumstances we, in effect, throw up our hands and say that it makes no difference what happens, and let the Communists take it over.

"The choice, quite frankly, is not between a South Vietnam and perfect elections, or elections meeting our standards, but the choice

is between South Vietnam and no elections, which is what would be the case if the Communists were to come in.

"As far as our plan is concerned, I would summarize it this way: Our plan for ending the American involvement in Vietnam is proceeding. I will have another announcement to make in November with regard to that plan. It is significant to note that over 300,000 Americans have come out of Vietnam. It is significant to note that as far as our casualties are concerned, the casualties for the entire summer were not as great as they were when we came into office in 1968—and they will continue to go down.

"Our goal of ending the American involvement, of preventing a Communist take-over, of obtaining the return of our POW's, can be attained, in my opinion, and will be attained, and the complete American withdrawal, consistent with that goal, will occur. (Emphasis supplied.)

"In the event, however, that as a result of a change of policy, a change of policy that might be brought upon the Administration by Congressional action—I don't anticipate this, but it has been speculated about—we move more precipitately, everything that we have fought for in Vietnam could be lost.

"So, I would simply say that we feel that our policy of ending American involvement in a way that would prevent a Communist take-over and give the people of South Vietnam a chance to develop a democratic system which more closely meets our standards—that goal can be reached."

While the Portland, Oregon, and Statler-Hilton Hotel events received some news coverage, I thought the verbatim text of the President's remarks would be of interest to you.

Best regards.

Sincerely,

CLARK MACGREGOR,
Counsel to the President for Congressional Relations.

Mr. CRANSTON. I have never seen a statement in which that is flatly stated. There has always been a reservation about giving the Government of South Vietnam the time to survive and a reference to residual forces.

Mr. SCOTT. Mr. President, the President has never abandoned his obligation to effect a safe withdrawal of troops. But in the quotation in the letter he uses the phrase that he is committed to the total withdrawal of U.S. forces.

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

Mr. SCOTT. I yield.

Mr. HARTKE. Mr. President, as the Senator from Pennsylvania knows, we were in attendance at the Inter-Parliamentary Conference in Paris in September. At that time the Senator from Utah (Mr. Moss) and I conferred with the North Vietnamese representatives to the Paris peace talks. They confirmed what had been previously reported after I discussed last April with the North Vietnamese National Liberation Front the way to end the war.

In summary and truth, the explanation is: If the United States agrees to a firm date to withdraw our troops, then the other side will agree to an immediate ceasefire and a prompt return of our prisoners of war. In the event the other side does not keep their side of the agreement, then the Americans would not have to withdraw. The Mansfield amendment will bring an end to the war, a ceasefire, and the return of our prisoners of war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 1 additional minute.

Mr. SCOTT. Mr. President, I respond by saying that earlier today I pointed out that if Hanoi really means what it says, it would say it unconditionally at the Paris talks and not in private conversations with Senators or anyone else. I think that is the way to find out.

Second, is the Senator saying that if Congress passes the Mansfield amendment, Hanoi will immediately and promptly release the prisoners of war?

Mr. HARTKE. Mr. President, that is what I say, and I believe that the war can be ended, by adopting the Mansfield amendment and all prisoners of war will be returned.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Maine.

Mrs. SMITH. Mr. President, I oppose this amendment for two basic reasons. First, I oppose it on the merits because I do not want to tie the hands of the President in his program for an orderly withdrawal of our forces from Vietnam. And I do not want to slap him in the face. This amendment will both tie his hands and slap him in the face as well as strengthen the bargaining position of the North Vietnamese and the Vietcong in the Paris negotiations.

Second, I oppose this amendment on procedural grounds. It is not a relevant amendment for a military procurement bill. It is more properly, from a procedural standpoint, a matter for a resolution to be debated and voted upon separately from authorization legislation.

It is my understanding that there is such a resolution now before the Committee on Foreign Relations. I cannot conceive of that committee not voting overwhelmingly for the resolution and expediting the reporting of it to the Senate for debate and vote. That is the orderly procedure Let us do it the orderly way.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4-plus minutes remaining.

Mr. STENNIS. Mr. President, the debate here for the last 30 minutes, regretfully to me, has more or less left the impression that the President of the United States has the sole control over the situation, that he does not have to consult with anyone else, that he can terminate this matter rather rapidly if he wants to.

I get the idea that those of us who live in glass houses—and I am one of them and am not excepting myself—those of us who have been here for a long time certainly live in a glass house and have some responsibility for this war.

I think those of us who were here in 1964—and I was one of those—and before then certainly live in a glass house and have some responsibility for this war. I do not believe we can dodge that by accusing someone else of starting it and blaming someone else for not stopping it.

I know the good faith of those who offer the amendment as well as the good faith of those who desire to vote for the amendment. However, I cannot persuade myself that they are helping the President and that I would be helping him if I were to espouse this amendment that does limit him and restrict him.

Certainly that is what the enemy would think about it, regardless of what we might think. Here is a man, the Chief Executive of the most powerful Nation in the world. We have had a mighty hard row to hoe in this war. The President has all of the Executive powers that the Constitution could give him in connection with this matter of responsibility.

Mr. President, I do not see how a resolution that limits that power is helping the President get out of the war. I think it is putting more impediments in his path and restrictions on him, but I may be mistaken about that. I do know, though, that the enemy, if they have any commonsense, and they are smart, will look upon it as an impediment and an obstacle—and we have them partly on the ropes.

As to whether to vote for the amendment on the merits or not, I submit again the proper way to do it, and I am not a stickler for parliamentary law, is to have this measure referred to a committee or to take it up on the floor of the Senate. We already have a resolution on the calendar that is identical with this amendment, except the time is a little different. The Committee on Foreign Relations could bring a resolution here in a few minutes with their prestige and power behind it. There is something the matter somewhere when all those avenues are ridiculed and spurned, and they want to send this to a hostile conference. I say that with all deference to the House Members of the conference. I do not understand why someone else is to blame and not us, that this unusual remedy is the only remedy, but especially to put a rider on this bill and to send it to a hostile conference.

Mr. President, I submit the case on these points. This is a hard vote. I do not deny that. But I believe that every time we pass this amendment, under the circumstances where there may be a break in the offing, within days even, and every time we pass this amendment, especially in this way, we put obstacles before our own objective and encourage the enemy.

I urge that the amendment not be adopted.

The PRESIDING OFFICER. The Senator from Montana has 4 minutes remaining.

Mr. MANSFIELD. Mr. President, we seem to worry a good deal about what we think the people at Hanoi may think about a resolution of this sort. We worry about the House and what their reaction will be. We worry about these committees of the Senate, but we do not worry about the Senate itself and we do not worry about the American people. I think we ought to face up to this issue. It is going to be faced up to time and time again, so we might as well get used to it.

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

Mr. MANSFIELD. I yield briefly to the Senator from Florida.

Mr. CHILES. In facing up to this issue I just wanted to inform the Senator that I just came from my office

where I had a telephone call. The telephone call concerned a wife who had heard that her husband was to return from Vietnam and she expected him to be back in the States some 2 weeks ago. She did not hear from him at the time he expected to be back and she became worried. She called my office and said to stop, because she had a call from her husband and he said he was in the States in Washington. A day after that he said he was in a camp closer to Florida being treated for malaria. She thought that he sounded strange and she thought it was strange, because he should have been back 10 days before, he said he was in Washington, and then that he was being treated for malaria. She called his commanding officer and he said that they are treating him for heroin.

I do not know how to answer a request like that. Here is a wife who was waiting for her husband to return from Vietnam, probably hoping with everything in her heart that he would get back safely and not be killed, and now that he is back she finds that he is an addict. I hope he is not an addict, but apparently he has been using heroin. I do not know how to answer a request like that.

I think that is something we need to consider, if that is what we are doing over there.

Mr. MANSFIELD. I agree with the Senator. The husband came back alive but in a state of dying, if he is an addict, because they tell me it is an addiction that is almost impossible to cure.

Mr. President, there are other matters I was going to discuss, but with time running out let me say in conclusion, I notice that in the remarks of the Senator from Pennsylvania, the minority leader, he said:

I am convinced that the impact of this amendment would be the opposite of what its proponents and supporters intend.

How does he know? How does anyone know?

Furthermore, he said:

It would not free U.S. prisoners of war.

How does he know? How does anyone know? How will we know unless we try?

He also said:

It would not gain a cease-fire.

How does anybody know it would not? Why not try? What have you got to lose? You have a great deal to gain if you get the MIA's and the POW's and bring this horrible war to an end.

Then he said that it would be unilaterally throwing away the most effective card the United States has for gaining negotiations. What is that card, the POW's?

I yield back my time.

Mr. DOLE previously said: Mr. President, I ask unanimous consent that immediately prior to the vote on this amendment I may have printed in the RECORD the vote of the Gulf of Tonkin Resolution of August 7, 1964.

The PRESIDING OFFICER. Is there objection?

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

The result was announced—yeas 88, nays 2, as follows:

[No. 520 Leg.]

YEAS—88

Aiken, Allott, Bartlett, Bayh, Beall, Bennett, Bible, Boggs.

Brewster, Burdick, Byrd, Va., Byrd, W. Va., Carlson, Case, Church, Cooper.

Cotton, Curtis, Dirksen, Dodd, Dominick, Douglas, Eastland, Ellender.

Ervin, Fong, Fulbright, Goldwater, Gore, Hart, Hartke, Hayden, Hickenlooper, Hill, Holland, Hruska, Humphrey, Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Keating, Kuchel, Lausche, Long, Mo.

Long, La., Magnuson, Mansfield, McCarthy, McClellan, McGee, McGovern, McIntyre, McNamara, Meechem, Metcalf, Miller, Monroney, Morton, Moss, Mundt, Muskie, Nelson, Neuberger, Pastore, Pearson, Pell.

Prouty, Proxmire, Randolph, Ribicoff, Robertson, Russell, Salinger, Saltonstall, Simpson, Smathers, Smith, Sparkman, Stennis, Thurmond, Tower, Walters, Williams, N.J., Williams, Del., Young, N. Dak., Young, Ohio.

NAYS—2

Gruening and Morse.

NOT VOTING—10

Anderson, Cannon, Clark, Edmondson, Johnston, Kennedy, Scott, Symington, Talmadge, Yarborough.

Mr. STENNIS. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 437 of the Senator from Montana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY (when his name was called). On this vote I have a live pair with the distinguished Senator from Colorado (Mr. ALLOTT). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

I also announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) and the Senator from Hawaii (Mr. INOUYE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent because of death in his family, and his pair has been previously announced.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 57, nays 38, as follows:

[No. 239 Leg.]

YEAS—57

Aiken	Eagleton	Mansfield
Anderson	Fulbright	Mathias
Bayh	Gambrell	McClellan
Bentsen	Gravel	McGovern
Bible	Harris	McIntyre
Brooke	Hart	Metcalf
Burdick	Hartke	Mondale
Byrd, W. Va.	Hatfield	Moss
Cannon	Hollings	Muskie
Case	Hughes	Nelson
Chiles	Humphrey	Packwood
Church	Javits	Pastore
Cook	Jordan, N.C.	Pearson
Cooper	Jordan, Idaho	Pell
Cotton	Kennedy	Proxmire
Cranston	Magnuson	Randolph
Ribicoff	Stafford	Tunney
Schweiker	Stevenson	Williams
Spong	Symington	Young

NAYS—38

Allen	Ellender	Roth
Baker	Ervin	Saxbe
Beall	Fannin	Scott
Bellmon	Fong	Smith
Bennett	Goldwater	Sparkman
Boggs	Griffin	Stennis
Brock	Gurney	Stevens
Buckley	Hansen	Taft
Byrd, Va.	Hruska	Talmadge
Curtis	Jackson	Thurmond
Dole	Long	Tower
Dominick	McGee	Weicker
Eastland	Miller	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Percy, for.

NOT VOTING—4

Allott	Montoya
Inouye	Mundt

So Mr. MANSFIELD's amendment (No. 437) was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GAMBRELL. Mr. President, the RECORD shows that I voted for amendment No. 437. As previously stated during the debate, while I favor the amendment, I am concerned that its attachment to the pending bill may cause delay of the armed services procurement bill, or further watering down of the sense of the Senate on Vietnam policy.

When it became apparent during the voting that the amendment would carry, I withdrew my vote and voted "aye," in order to give the Mansfield amendment my support in the conference committee.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have been authorized by the majority leader, after consulting with the minority leader and with the manager of the bill, with the ranking member of the Committee on Armed Services and with authors of the following amendments, to make the following unanimous-consent request:

Mr. President, I ask unanimous consent that on each of amendments 447, 448, and 449 by Mr. BUCKLEY there be a time limitation of 1 hour, to be equally divided between the mover of the amendment and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), provided further that time on any amendment to an amendment be limited to 20 minutes, to be equally divided between the mover of the amendment in the second degree and the manager of the bill.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 434 by Mr. SYMINGTON be limited to 5 hours to be equally divided between the mover of the amendment (Mr. SYMINGTON) and the manager of the bill (Mr. STENNIS), and that time on any amendment to the amendment be limited to 30 minutes, to be

equally divided between the mover of the amendment in the second degree and the manager of the bill.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the disposition of amendment No. 430 by Mr. ALLOTT, the Chair lay before the Senate, and make the pending question, amendment No. 434 by the Senator from Missouri (Mr. SYMINGTON).

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

Mr. BYRD of West Virginia. I also ask that the Senate continue its consideration of that amendment until it is disposed of that day.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order, at any time, the yeas and nays on amendment No. 430, by Mr. ALLOTT, and amendment No. 434 by Mr. SYMINGTON, and amendments numbered 447, 448, and 449 by Mr. BUCKLEY.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the recognition of the two leaders on Wednesday next, or at the conclusion of orders recognizing Senators, if there be such orders entered, the Senate proceed to the consideration of the amendment by Mr. MONTOYA—the number of which I do not presently have—and that time on that amendment be limited to 3 hours, to be equally divided between the mover of the amendment and the manager of the bill.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on the disposition of the amendment by Mr. MONTOYA, time for debate on the bill be limited to 3 hours, to be equally divided between and controlled by the distinguished manager of the bill and the distinguished minority leader or his designee, and that time on any further amendments to the bill be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill; provided further, that Senators in control of the time on the bill may yield therefrom to any Senator on an amendment, motion, or appeal, with the exception of a motion to lay on the table.

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object—I take this time simply to indicate that not only do I approve of the proposal, but, as the minority leader, I will designate the distinguished Senator from Maine (Mrs. SMITH) as in charge of the time on this side of the aisle.

Mr. BYRD of West Virginia. I thank the distinguished minority leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that time on any amendment following the disposition of the amendment by Mr. MONTOYA on Wednesday be taken out of the time allotted on the bill.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the time allotted on the bill, a vote occur on final passage of the bill.

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

Mr. BYRD of West Virginia. I thank the distinguished Senator.

The unanimous consent agreement is as follows:

ORDER FOR ADJOURNMENT FROM TUESDAY NEXT UNTIL 9 A.M. WEDNESDAY, OCTOBER 6, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, it stand in adjournment until 9 a.m. on Wednesday next.

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

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TAFT) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

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.

UNANIMOUS-CONSENT AGREEMENT PROGRAM TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, prior to taking up the next amendment, the distinguished acting minority leader be recognized for the purposes of raising a question which might be of interest to the Senate.

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

Mr. GRIFFIN. Mr. President, I do rise for the benefit of the Senate to ask the majority leader what he expects during the remainder of the day today, whether there will be any more votes, and whatever information he can give us about the schedule for tomorrow.

Mr. MANSFIELD. There will be one more vote today, on the Fulbright amendment having to do with Rhodesian chrome. I ask unanimous consent that the time on that amendment be limited to 1 hour, under the same conditions, rather than the 2 hours previously agreed to.

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

Mr. MANSFIELD. Then tomorrow we have the school lunch program. There will be a vote on that, and whatever other odds and ends we can get together. Next week there will be votes on Monday, Tuesday, and Wednesday, and the RECORD tomorrow will carry the schedule.

Mr. STENNIS. Monday, Tuesday, and Wednesday on amendments to this bill?

Mr. MANSFIELD. Yes.

AMENDMENT NO. 438

The PRESIDING OFFICER (Mr. TAFT). Under the previous order, the Chair lays before the Senate amendment No. 438, which the clerk will state.

The assistant legislative clerk read 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."

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries as well as in the Chamber?

The PRESIDING OFFICER. The galleries will be in order. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, I should like to explain that this amendment has been voted on. It is the same amendment, with only a slight change, that the Senator from Wyoming (Mr. MCGEE) offered. I changed it to this language:

Unless the President determines that the national interest or a treaty obligation of the United States otherwise require, and so informs the Congress on—

The reason for this amendment is that in the course of, I think, an unanticipated parliamentary situation the other day, the motion to reconsider the vote was not in order. The Senator from Mississippi, it will be recalled, moved to reconsider the vote and then withdrew that motion, and it was withdrawn.

I had thought that it was in order to offer another motion to reconsider, and the Parliamentarian said that was out of order. So I had to offer a new amendment, with precisely the same purpose as the amendment of the Senator from Wyoming, which was offered and voted on a few days ago.

The administration is strongly for this amendment. They have communicated with me and other Members.

There is another new development which I think should be drawn to the attention of the Senate. Reference was made to a telegram from a Mr. Hart who

said he was a member of the executive committee of the steelworkers union and that he was against the amendment which I have offered and which the Senator from Wyoming offered.

I have received a letter from Mr. I. W. Abel, president of the United Steelworkers of America, in which he states that Mr. Hart did not speak for the union; that, on the contrary, the Steelworkers Union is in favor of the McGee amendment and the one I have offered; and that it was erroneous to conclude from Mr. Hart's telegram that he was speaking for the union. On the contrary, the union believes that this is in the interest of the steelworkers and of the country.

I ask unanimous consent to have the letter from Mr. I. W. Abel, dated September 29, addressed to Senator McGEE, printed at this point in the RECORD.

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

UNITED STEELWORKERS OF AMERICA,
Pittsburgh, Pa., Sept. 29, 1971.

Hon. GALE W. McGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McGEE: Recently the Senate debated a provision of the Military Procurement Authorizations Act, 1972 (H.R. 8687), reported out by the Senate Armed Services Committee, which would permit the United States unilaterally to breach the United Nations' embargo against Rhodesia for the purpose of importing chrome ore or chromite. Because of the official social and racial injustices perpetrated by the Rhodesian government against its citizens, the UN applied the economic solution of an embargo until such time as that government through negotiations would correct such indignities. The impact of the embargo, as far as chromite is concerned, is that the American ferroalloy producers have increased their purchases of Russian chrome ore from a level of 33 per cent in 1966 to a level of 58 per cent in 1971.

During the floor debate on your amendment to delete this morally indefensible section and to maintain the embargo, Senator Harry Byrd (Va.) read a telegram from a Mr. William Hart, who specifically identified himself as a member of the executive board of the United Steelworkers of America, in support of the effort to destroy the effectiveness of the embargo. Let me assure you that his telegram neither was endorsed by the executive board of nor does it reflect the position of the Steelworkers.

The United Steelworkers of America supports the intent of the embargo and its continuation. We feel that as a nation, and in conjunction with other nations, we must be socially concerned about basic human justice and, if need be, sustain an economic price for that conviction. Furthermore, this is one of the few occasions on which the United Nations acted as the moral conscience of the world. Its effort, therefore, should continue to have the support of this country if the purpose of a United Nations organization is to be meaningful. To break the embargo on this item will surely lead to a breaking of the embargo on other items.

Arguments on the floor indicated that the Senate Foreign Relations Committee had previously rejected this measure; that fully three years before the embargo we were already importing almost 40 per cent of chromite from Russia (49 per cent in 1963); and that there is a governmental request to release 1.3 million tons of chrome from the strategic stockpile, thereby belying any charge of strategic shortage of this mineral.

However, as regards to the threat of job loss in the specialty steel industry in Pennsylvania or elsewhere, it is in no way affected by the importation of chromite from Russia. Our problem in that industry is due to the inordinate levels of specialty steel imports from Japan and Europe and not to the source of chromite imports. To correct the specialty steel trade imbalance we have supported steel quota legislation and/or voluntary agreements. However, the importation of chrome ore from Russia does not aggrevate the importation of specialty steel. It certainly did not do so in the three years prior to the embargo.

The ferroalloy industry is also beset by ferroalloy imports. We have supported their contention before the Office of Emergency Prepardness for quota relief. But the relief was to be directed against ferroalloy imports, for example ferrochrome, and not the ferroores, for example chromite, upon which the industry depends. The lack of access to Rhodesian chrome ore fields does not affect the volume of chrome ore imports. The fact that some ferroalloy producers own properties in Rhodesia should not sway the United States decision to maintain the embargo.

Our problems, therefore, in the specialty steel industry and the ferroalloy industry can be solved by quota controls and not by breaking the Rhodesian embargo on chrome ore. We hope that this untimely and socially indefensible provision of H.R. 8687 will be dropped either in conference or by further action by the Senate. The price of human dignity should not be measured in terms of the cost of chromite in the United States market.

Sincerely yours,

I. W. ABEL,
President.

Mr. FULBRIGHT. Perhaps I should read one paragraph. The entire letter is very interesting.

During the floor debate on your amendment to delete this morally indefensible section and to maintain the embargo, Senator Harry Byrd (Va.) read a telegram from a Mr. William Hart, who specifically identified himself as a member of the executive board of the United Steelworkers of America, in support of the effort to destroy the effectiveness of the embargo. Let me assure you that his telegram neither was endorsed by the executive board of nor does it reflect the position of the Steelworkers.

I also have a letter from Mr. Andrew J. Biemiller, director of the department of legislation for the AFL–CIO, addressed to Senator McGEE, in which he also endorses this amendment and refers to Mr. Abel's letter.

I will read the last paragraph:

It is my understanding that Senator J. W. Fulbright intends to offer an amendment to the Byrd amendment which would give the President the option to determine whether it is in the national interest for, or a treaty obligation requires, the United States to abide by the United Nations' embargo against Rhodesia. The AFL–CIO supports this amendment and strongly urges its approval by the Senate.

I ask unanimous consent to have the letter printed at this point in the RECORD.

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

SEPTEMBER 30, 1971.

Hon. GALE W. McGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: On September 23, 1971 the Senate rejected an amendment proposed by you to delete a provision from the Military Procurement Authorization Act, 1972 (H.R. 8687) which would permit the United States to unilaterally breach the United Nations' embargo against Rhodesia for the purpose of importing chrome or chromite. This embargo was applied by the United Nations because of the official social and racial injustices perpetrated by the Rhodesian government against the great majority of people.

The AFL–CIO has supported and has continued to support the intent of the United Nations' embargo against Rhodesia. We do not believe the United States can on moral grounds fail to support the United Nations if it is to continue to enjoy the support of other nations around the world whose concern for basic human justice we share. While we recognize that this may entail an economic price for American businessmen in some situations, the cost is small compared to the importance of the human rights that are involved.

During floor debate on your amendment to strike language in the Military Procurement Authorizations bill which would permit the United States to breach the Rhodesian embargo, Senator Harry F. Byrd, Jr., read a telegram from Mr. William Hart, Director, District 19, United Steelworkers of America, in support of the effort to destroy the effectiveness of the embargo. I understand that Mr. I. K. Abel, President of the United Steelworkers of America, has written to you that Mr. Hart's telegram did not and does not reflect the views of the Steelworkers Union. That union, he said, supported and continues to support the embargo. Let me also assure you that Mr. Hart's telegram also does not reflect the position of the AFL–CIO which has supported the embargo against Rhodesia and continues to do so.

President Abel has discussed the economic considerations involved in application of the embargo insofar as the importation of chromite is concerned. We are in agreement with him that insofar as there may be a threat of job loss in the speciality steel industry in Pennsylvania or elsewhere it is in no way affected by the import of chromite from Russia. President Abel has pointed out that the problems in that industry are due to the level of steel imports from Japan and Europe not the source of chromite imports. Like the Steelworkers Union, we have supported steel quota legislation or voluntary agreement to correct the steel trade imbalance.

It is my understanding that Senator J. W. Fulbright intends to offer an amendment to the Byrd amendment which would give the President the option to determine whether it is in the national interest for, or a treaty obligation requires, the United States to abide by the United Nations' embargo against Rhodesia. The AFL–CIO supports this amendment and strongly urges its approval by the Senate.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

Mr. FULBRIGHT. I think it is noteworthy to bring these letters to the attention of the Senate, because much was made by the Senator from Virginia in the debate the other day of the point that this amendment in some way endangers the jobs of the steelworkers and endangers the integrity of the steel industry, and I believe that the spokesmen for these two organizations are entitled to have their views known to the Senate before we vote once again on this issue.

As I have said, I think the real significance of section 503—sponsored by the Senator from Virginia—is to undermine the integrity of the United Nations rather than to affect the steel industry, and certainly it does not have any influence upon our security.

Only about 100,000 tons of this chrome ore is used annually for defense purposes

and we have more than 5 million tons in the stockpile. As a matter of fact, as already has been said, more than 1.3 million tons have been recommended by the administration to be disposed of in proposed legislation as being in excess of the stockpile requirements.

Mr. President, I ask unanimous consent to have printed in the RECORD, because I think it is very timely, an editorial published in the Christian Science Monitor, one of the most respected newspapers in this country, on September 28, entitled "An Ill-Timed Vote."

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

[From the Christian Science Monitor, Sept. 28, 1971]

AN ILL-TIMED VOTE

The United States Senate, we believe, is morally wrong in voting to lift the ban on the import of chrome ore from Rhodesia in defiance of a United Nations embargo.

Its decision is all the more unfortunate in that it comes at a time when the British Government is engaged in extremely delicate negotiations aimed at finding a formula for reconciliation with its rebel excolony.

It is true that the sanctions imposed by the Security Council in 1968 have failed in their purpose of bringing down Rhodesia's white minority regime. But they have probably hurt the Rhodesian economy more than Prime Minister Ian Smith would like to admit.

Inevitably the Senate vote, which seems likely to be confirmed by the House of Representatives, will be hailed as a major victory by Mr. Smith. It could cause him to toughen his stand in the negotiations with Britain.

These talks can only succeed if Mr. Smith can be persuaded to agree to start his country on the path toward majority (i.e.) black rule.

If he thinks he can ensure Rhodesia's survival otherwise, he will certainly not yield on this one all-important point. For to yield would mean agreeing to elimination of the very raison d'être of his regime. Now the U.S. Congress is in the process of encouraging him to hold out.

Apparently the Senate decision was influenced by a powerful lobby representing American metal companies with mining interests in Rhodesia. This will only make it look all the worse in the eyes of the black African countries which have long campaigned for tougher action against Mr. Smith's Rhodesia.

Mr. FULBRIGHT. I also ask unanimous consent to have printed in the RECORD two telegrams addressed to me, one from Shelton Waters, chairman, the Southern Africa Task Force, United Presbyterian Church, and the other from Rev. E. W. Francis, public affairs officer, executive council, Episcopal Church.

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

WASHINGTON, D.C., SEPTEMBER 24, 1971.
Senator J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

Believe Senate action on Rhodesian chrome supporting Smith regime most tragic breaking of U.N. sanctions. The fact that the U.S. will thus save the minority rule Smith Government will be to our everlasting shame and will discredit us around the world. We urge the Senate to reconsider this action.

The Southern Africa Task Force, United Presbyterian Church.

SHELTON WATERS, *Chairman.*

WASHINGTON, D.C., SEPTEMBER 24, 1971.
Senator J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

Urgent Senate reconsider permission to import Rhodesian chrome. Support of hope for justice and equality in the multi-racial society of Rhodesia and obligations to United Nations necessitate continuation of economic sanctions. Senate action inadvertently strengthens unjust government and upsets delegate negotiations between Britain and Rhodesia now underway. Please reconsider.

REV. E. W. FRANCIS,
Public Affairs Officer,
Executive Council,
Episcopal Church.

Mr. FULBRIGHT. The last thing I want to mention—I do not want to reiterate all the arguments, of which there are many—is that even if this proposal has merit—I do not think it has—it comes at a very poor time, on two counts. One is that the United Nations is just gathering; many people are very cynical about that organization, but the official attitude of this Government—and my own attitude—is that it is one of the remaining hopes for a very disturbed world. Despite the little effect it has had, it still does a great deal of good and has a potential for doing much better, providing we support it properly.

The other point is the negotiations now going on in Rhodesia between the British and the Rhodesian Government. It has been reported widely in the press and it was in Time magazine. There is no secret about it. The representative of the British Government has been quoted as being quite optimistic that they may be able to arrive at an agreement between the Government of Great Britain and the Government of Rhodesia, to reconcile their differences. If that should be brought about, I think it would result in the removal of the embargo.

In any case, I think that if we take this kind of action, it would cause some difficulty in those negotiations—in a matter in which I am sure this Government and the Senate do not wish to interfere.

So that I believe it would be most untimely to allow section 503 sponsored by the Senator from Virginia, which is a part of the bill as it was reported by the committee, to remain in this bill. I hope the Senate will remove it by supporting the McGee amendment, which I have offered in a slightly different form, as I say, because of the difficulty of obtaining a motion to reconsider the vote by which we voted on it a few days ago.

Mr. President, I yield now to the Senator from Wyoming.

Mr. McGEE. May I wait a few minutes?

Mr. FULBRIGHT. All right.

Mr. McGEE. Perhaps Senator BYRD would like to speak at this time.

Mr. FULBRIGHT. I presume the Senator from Virginia wishes to speak, so I will yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield the Senator from Virginia 5 minutes.

Mr. BYRD of Virginia. Mr. President, the amendment offered by the distinguished Senator from Arkansas is quite different from the amendment offered last week by the Senator from Wyoming (Mr. McGEE).

Senator McGEE would strike out the entire section. The Senator from Arkansas proposes to let the section stand but then to give to the President the option as to whether it shall be effective.

It seems to me that that adds an entirely new dimension to this debate, because it reverses the trend in the Senate during the last several years of not giving more power to the President. I will discuss that again a little later, but first I want to read into the RECORD a telegram from Mr. William J. Hart, director of District 19, United Steelworkers of America:

Re Section 503 of H.R. 8687 have deep concern of future job opportunities in special steel industries if Rhodesian sanctions continue, chrome irreplaceable in manufactures of stainless steel, United States has no chrome. To rely upon 7-0/0 of world reserve unthinkable, our continued cost increases can be anticipated if Russia continues as major source. Thus the future of our industry in serious jeopardy, urge your continued strong support to retain section 503.

WILLIAM J. HART,
Director District 19,
United Steel Workers of America.

Mr. President, I have another telegram from E. F. Andrews, vice president and chairman of the critical materials supply committee of the tool and stainless steel industry committee.

I will ask that it be printed in the RECORD later but wish now to read one part of it:

One can easily see the untenable position the specialty steel industry finds itself in. Its major raw material must pass through the hands of those whose interest would be served by ever increasing the price thus rendering the American costs non-competitive. Either way—we lose.

Mr. Ian Smith said that Britain and the United States are the only two nations not trading with Rhodesia. This situation gives the Soviet Union a position of dominance which could result in a serious situation for chrome in the United States and major loss of jobs in the specialty steel industry.

Now, Mr. President, I want to put another statement in the RECORD that was made in October 1969 by Fred Russell, Deputy Director of the Office of Emergency Preparedness, who gave the following testimony before the subcommittee of the House Foreign Affairs Committee:

Assuming that the USSR would continue to ship chrome ore to the United States at the present level indefinitely, realizing that the other known amounts of chrome elsewhere in the world are gradually becoming exhausted and knowing that the United States needs are increasing each year, there is no way to see the chrome ore needs of the United States being met without chrome ore from Rhodesia.

Mr. President, the purpose of section 503 which was put into the committee bill by a unanimous vote of all members of the committee present, 13 members present and three absent, is to end United States dependence on Communist Russia for a vital raw material. That is its purpose. That is the only thing it does. It does not eliminate the complete embargo on trade with Rhodesia. That will continue, except for this one critical material; namely, chrome ore.

Mr. President, the other aspect that I think needs to be emphasized is that the proposal by the distinguished Senator from Arkansas (Mr. FULBRIGHT) would give more power to the President and reduce the role of the Senate in foreign policy.

The Senate has made great progress in the past 2 or 3 years in reasserting itself in that field. The Fulbright proposal would reverse that trend and, as he states it, would give the option to the Chief Executive to proceed as the Chief Executive wishes by leaving the determination in the hands of the President at the expense of the Senate.

I submit that this is an entirely different proposal, a less desirable proposal from the Senate's point of view, than the one offered by the distinguished Senator from Wyoming (Mr. MCGEE). Senator MCGEE would strike it out in a clear-cut way. That was the forthright way to handle it. He opposes the proposal and wants to strike it out.

But the distinguished Senator from Arkansas (Mr. FULBRIGHT) does not strike it out. He leaves it there. He would leave it up to the President to say whether it should become effective or not.

Mr. President, how much time do I have remaining of my 4 minutes?

The PRESIDING OFFICER (Mr. TAFT). The time of the Senator from Virginia has expired.

Mr. FULBRIGHT. Mr. President, will the Senator from Virginia yield for a question?

Mr. BYRD of Virginia. I yield on the Senator's time.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, I strongly support amendment 438 offered by the distinguished chairman of the Foreign Relations Committee. That amendment is constructed so that this Senate will have a full review of our Nation's obligation under the United Nations Participation Act. According to our commitment under that treaty, this country is prohibited from trading with the rebellious regime of Rhodesia.

Last week the Senate registered a vote of 46 to 36 against the amendment offered by the African Affairs Committee chairman, that would have assured the continuation of compliance with this resolution.

Thus, I feel strongly that we should fully understand and realize the meaning of the opportunity before us at this time. A brief chronology might help to explain what has gone on before:

Last March 29, the distinguished senior Senator from Virginia introduced legislation to authorize U.S. purchases of Rhodesian chrome.

Foreign Relations Committee hearings in July resulted in no action on that measure.

Subsequently, the Armed Services Committee accepted the Byrd amendment and reported it as section 503 of the Military Procurement Act.

Last week, the measure to delete section 503, offered by the chairman of the African Affairs Committee, was not accepted by the Senate.

Throughout debate on this issue it was consistently maintained that it is strategically unwise to rely upon its traditional supplier of chrome ore—the U.S.S.R. supporters of that view cited not only the specter of the United States dependence upon an unfriendly nation for vital materiel, but also pointed to the increase in the price of chromite since sanctions were imposed on Rhodesia.

So far, it seems that this view has prevailed.

I am concerned that the Senate may not have an adequate grasp of the entire problem.

Specifically, this country imported 1,045,000 tons of chrome ore in 1970. We consumed 902,000 tons, and 17,000 tons were taken from our vast store of stockpiled chrome. Of the quantity used, about 10 percent went for strategic or defense purposes.

Over 5 million tons of chrome ore is held in stockpile inventories. The Office of Emergency Preparedness reduced the stockpile objective to 3.1 million tons in June 1971.

Thus, it has been clearly established that sufficient amounts of chrome ore are available and accessible to meet United States industrial and defense requirements.

My reasons for opposing trade with Rhodesia are based on four fundamentals:

First, trading with Rhodesia would violate our commitment to the United Nations resolution which imposed economic sanctions against Rhodesia because of its unilateral declaration of independence from the United Kingdom in November 1965.

Second, because Great Britain is in the midst of negotiating a political settlement of their problems with Rhodesia, it is certain that any action that we take in this country which would favor the repressive policies of the Rhodesians will undermine British attempts to achieve favorable results in their ongoing talks.

Third, for the United States to move at this time against the interests of black Africans would not only destroy any credibility we hold with other African nations but it would erode the faith of concerned citizens here at home and around the world who have been advised to "watch our action, not our words."

And fourth, the repeal of all or any part of the sanctions against Rhodesia would cripple the strength of the United Nations at a time when that body is experiencing a transition that may well determine the course of world affairs for generations to come.

Time after time, the United States has assumed the burden of world conscience. Under the noble mantle of "moral leadership" we urge other nations to discard petty grievances, to ignore the temptation of avarice and to strive for harmony and justice. Around the world the young and the oppressed are seriously questioning our present commitment to the ideals upon which our Nation was founded. White Rhodesians find comfort in the naked fact encouraging their belief that the United States pays more attention to economic factors than to moral or political ones.

We agreed to impose economic sanctions against Rhodesia because of our alliance with the British Government. In 1965, we announced that we too share a revulsion for the inhumanity of minority rule, as practiced by the Rhodesian Rebels.

The reasons for entering into that resolution have not changed. The rigidity of the unilateral declaration of independence is essentially just as firm today as it was when Ian Smith established his call for secession from the British Commonwealth. Today, Rhodesia and Great Britain are conferring in an effort to resolve their problems.

Those negotiations are especially delicate and tenuous. Any action that our Government may take which will undermine the efforts of the pending negotiations can only be viewed as irresponsible.

Americans know that the deplorable conditions imposed on black Africans in Rhodesia are directly tied to the refusal of the white majority to adopt the principles of human justice. And the American people have been consistently urged to fight for an end to such injustices wherever they may be found.

I am convinced that a responsible majority in this Senate can affirm the opinion of the American public in this critical area of human and social policy.

To do that we must act to adopt amendment No. 438 to the military procurement bill.

Mr. MCGOVERN. Mr. President, I rise to urge my colleagues to vote today for the Fulbright amendment No. 438, which would relieve the President of the United States of the requirement to purchase chrome ore from Southern Rhodesia while the United Nations sanctions against the country are in force. Enactment of the Fulbright amendment, of which I am a cosponsor, would remove the U.S. Government from the untenable position in which it has been placed of being in violation of its treaty obligations under the United Nations Charter with respect to Southern Rhodesia. Abrogation of this treaty obligation would only serve to erode our position in the United Nations and would do serious damage to our foreign policy vis-a-vis the African nations, whose good will we seek.

To briefly review the Byrd amendment, which passed the Senate last week, its stated purpose is to require the United States to purchase chrome ore from Southern Rhodesia in order to insure a sufficient supply to meet our defense needs. Yet we have been assured that additional purchases at this time would create an excess in our already adequate stockpile of that mineral. Amendment No. 438 gives the Senate the opportunity to undo a hastily taken action.

Mr. President, the United Nations is making a genuine effort to secure for the people of Southern Rhodesia basic human rights, self-determination, and fundamental freedoms such as are the aspiration of all of the peoples of the world. The administration is to be congratulated for its

wish to honor its United Nations treaty obligations in that regard. I earnestly hope that the Senate will, by voting for the Fulbright amendment, enable the President to do so.

Mr. THURMOND. Mr. President, it is clear to all concerned that the amendment of the junior Senator from Arkansas would effectively negate the action of the Senate last week in retaining section 503 of the Procurement bill.

It is not necessary at this time to repeat all of the arguments which carried the Senate on that day except to point out that we are clearly concerned here with a national security problem which is legitimately within the concern of the Senate Armed Services Committee. We are faced with a situation in which we have allowed ourselves to become dependent upon the Soviet Union, which is regarded as the actual military threat to our security, for our main source of chrome ore.

This is an intolerable situation. We should make every effort to develop all available sources for strategic materials. We are already at a point where we are cutting back on our use of exotic alloys because of their high expense and chrome is a common ingredient of such alloys. The high cost of chrome is directly related to the fact that we have allowed ourselves to become dependent upon the Soviet Union in this regard.

Furthermore, I think if we examine the Senator's amendment we will see that there is an implied contradiction between its ostensible aim and recent controversy over the role of Congress. There has been a lot of criticism in recent months of the Senate meekly surrendering its powers to the President and there have been many Senators on this floor who have argued that the Senate should reassert its leadership.

The amendment would put the suspension of the embargo at the discretion of the President. Now I ask, why should we give more power to the President in this regard? Two Presidents have failed to take action which would be in accord with the sentiments of the Senate as expressed last week. Too often the President himself feels it is necessary to get the feelings of the Senate on such issues. It would be the height of folly to abdicate our responsibilities when we have so recently expressed our will.

Mr. President, in my opinion, the Senate has already stood up to be counted on this issue and it is no time to meekly sit down again. In my judgment, the pending amendment should be defeated.

Mr. SCOTT. Mr. President, on the vote in the Senate on the Senator from Wyoming, Mr. McGEE's amendment to strike section 503, I gave a live pair to the Senator from Colorado, Mr. DOMINICK, and indicated that, if I were permitted to vote, I would vote for Senator McGEE's amendment.

So that the record may be clear, I would like to restate briefly the portions of my remarks which are not included in those placed in the RECORD yesterday by the distinguished Senator from Virginia, Mr. BYRD.

I stated first that the best solution to the problem would be a peaceful overall settlement based on a United Kingdom/Rhodesian agreement.

I said also that if the approval or rejection of section 503 is likely to upset or jeopardize current United Kingdom/Rhodesian talks, then postponing action may be desirable.

I further said that postponing action on the section should be based on the present talks having a significant chance of leading to an agreement, that such an agreement would lead to an end of the United Kingdom sanctions against Rhodesia or the United Kingdom's failure to renew their sanctions, which expire in November, and finally that the U.S. Government promptly follow the British lead in ending sanctions if an agreement is reached.

Mr. President, I believe that the present talks will lead to an agreement, and I believe that any action by this Congress to remove economic sanctions will seriously jeopardize the chances of the talks succeeding.

I believe that the amendment now pending by the Senator from Arkansas (Mr. FULBRIGHT), is a desirable one, for it places in the hands of the President the authority to remove those economic sanctions if he finds that their removal will not be against our national interests or our treaty obligations.

To do more at this time is, I believe, undesirable, and I would hope that the amendment of the Senator from Arkansas is accepted.

Mr. FULBRIGHT. Mr. President, I would be perfectly willing to ask unanimous consent to change my amendment to the precise amendment of the Senator from Wyoming if the Senator from Virginia would not object.

Mr. BYRD of Virginia. The Senate has just voted on the precise amendment of the Senator from Wyoming (Mr. McGEE), and defeated it by a vote of 46 to 36.

Mr. FULBRIGHT. I know. I sought to reconsider it, but it was objected to. But, if the Senator from Virginia feels that that would be better, I would be willing to ask unanimous consent now to reinstate the precise amendment of the Senator from Wyoming.

Mr. BYRD of Virginia. I think it is better from the point of view of the Senate not to be giving more power to the President——

Mr. FULBRIGHT. Will the Senator object if I asked such unanimous consent?

Mr. BYRD of Virginia. The Senator knows the answer to that.

Mr. FULBRIGHT. Will he object?

Mr. BYRD of Virginia. The Senator knows the answer to that.

Mr. FULBRIGHT. No, I do not know the answer to that. The Senator from Virginia just said that he preferred the other amendment and I am perfectly willing to make such a unanimous-consent request to reinstate the precise amendment of the Senator from Wyoming, which I asked to have reconsidered but was thwarted by an objection.

Mr. BYRD of Virginia. The Senator is not very enthusiastic about his own amendment, and I do not blame him. I do not blame him, because it goes completely contrary to what the Senator has been arguing against over the past 5 years.

Mr. FULBRIGHT. That is what I want to do, under the circumstances of the objection to my motion to reconsider. I think it was ill-advised, and I think the Parliamentarian made a wrong ruling, but that is water over the dam. I am willing to renew it, if the Senator would not object. Would the Senator object?

Mr. BYRD of Virginia. An amendment is already before the Senate as offered by the Senator from Arkansas. The argument has been prepared. It is a less desirable amendment than the other one.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, will the Senator from Arkansas yield me 3 or 4 minutes?

Mr. FULBRIGHT. Yes. How much time?

Mr. McGEE. Three minutes.

Mr. FULBRIGHT. Mr. President, I yield 3 minutes to the Senator from Wyoming.

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

Mr. McGEE. Mr. President, I should like to address myself to the comments of the distinguished Senator from Virginia (Mr. BYRD) and to say, first, that the Senate has acted on the McGee proposal to strike everything but, in the meanwhile, in the light of the action of this body, the repercussions which have already swept through the United Nations, and the tremors already felt by the Lord Goodman Commission back in London, after the commission had returned from Rhodesia, in working out an agreement which they believe they are close to completing, requires, it seems to me, in the interests of completing that agreement, leaving the option to the President of making that judgment.

At this time, under the present government in Britain, they have to make an assessment and a position on this by November 10. That has been the product of some 2½ years of private negotiations between the British and the Rhodesian Governments.

For us now to take this action while those negotiations are at the concluding stages would seem to me to be not only not in our best interest, because we would agree, if they can work out a peaceful settlement, that we would all be better off and, at the same time, it would give them a chance to do so. It would leave the President with the option to keep that time open until November 10, when the British must come up with a decision on that settlement.

So, for that reason, the proposal by the distinguished Senator from Arkansas (Mr. FULBRIGHT) makes very good sense.

Mr. CANNON. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS Mr. President, I yield 5 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 5 minutes.

Mr. CANNON. Mr. President, it seems to me to be quite a reversal in position

for the administration and the arguers in behalf of the administration to be so much concerned about what is happening abroad.

I thought we were having a new policy, that we were going to give more concern to what is happening at home than to what is going on abroad and what we are doing to help others abroad.

This matter came up before the Stockpile Subcommittee this year, in a request by the administration to release 1,391,000 short dry tons from the stockpile, as that was in excess of the requirements.

We have 4.4 million tons in the stockpile. We held hearings on that and determined that we should not release it. I should like to point out why.

In the first place, in 1970, the annual consumption in this country was 911,000 tons. Yet, imports that year were 722,000 tons. In other words, we depleted the supplies available in this country by almost 200,000 tons.

To go back, a year earlier, the situation is emphasized to even a greater degree. In 1969, we used 898,000 tons and we imported 529,000 tons. We have not been producing this ore in this country. Yet we have used up more than our annual imports. This has been true each year for the past several years.

What happened with respect to Russia? We adopted a policy with respect to Rhodesia that we do not want to buy from them or do business with them because of their internal policies, policies involving racial matters. I do not agree with them on those policies. However, on the other hand, our biggest supplier from the standpoint of imports is Russia. In 1969, we imported over 409,640 tons of ore from the U.S.S.R.

Are we going to say that we like the internal policies of Russia better than we like those of Rhodesia?

I do not. I do not approve of what Russia does with respect to Jews or with respect to their internal policies.

I recognize that if we have a state of emergency, it is likely to be with Russia on whom we are dependent for 60 percent of a very important ore. Russia is a country that we are likely to have difficulties with.

This does not make good sense to me. That is why I argued against it the other day and this is why I am arguing against it today.

It is the reason that my stock pile committee did not see fit to release 1.4 million tons of ore, even though that is the amount in excess of our needs today. Our stockpile consists of 3.1 million tons. That was established in 1970. We have 4.5 million tons in inventory.

It does not make any sense to say that we are going to rely on Russia to the extent of 60 percent of a very critical ore that is necessary if we have difficulties and have to step up our military posture.

What happened to the price? I pointed out a few days ago what has happened to the price since we started relying on Russia. The price has gone up roughly 200 percent from the time we started this added reliance by reason of the Rhodesian embargo.

I submit that we cannot rely on a country that we are likely to have difficulties with to be our main supplier of a strategic metal that we are certainly likely to need, and that we do need now, as we use it in steel all of the time.

Senators have heard the arguments of the distinguished Senator from Virginia when he pointed out that this is driving the cost of steel products up. It is driving them up so that we cannot compete with foreign steel, as well as the immediate price of the minerals themselves.

Mr. President, I would hope that the Senators would remain in the same posture they took on this same issue last week, and that is this, that if we are going to buy from a Communist country, a Communist country that we are likely to have difficulties with, we certainly ought to be able to buy from another free world country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Wyoming.

Mr. McGEE. Mr. President, I appreciate the comments of both the Senator from Virginia and the Senator from Wyoming and some of the thoughts they have presented here. However, I have one word to say about the jobs in the steel industry that are critically at stake.

I read from a letter that the Senator from Arkansas put into the RECORD, a letter from I. W. Abel, the president of the Steelworkers of America.

In the letter he said:

> However, as regards to the threat of job loss in the specialty steel industry in Pennsylvania or elsewhere, it is in no way affected by the importation of chromite from Russia. Our problem in that industry is due to the inordinate levels of specialty steel imports from Japan and Europe and not to the source of chromite imports. To correct the specialty steel trade imbalance we have supported steel quota legislation and/or voluntary agreements. However, the importation of chrome ore from Russia does not aggravate the importation of specialty steel. It certainly did not do so in the three years prior to the embargo.

At the end of the letter he concludes by saying:

> Our problems, therefore, in the specialty steel industry and the ferroalloy industry can be solved by quota controls and not by breaking the Rhodesian embargo on chrome ore. We hope that this untimely and socially indefensible provision of H.R. 8687 will be dropped either in conference or by further action by the Senate. The price of human dignity should not be measured in terms of the cost of chromite in the United States market.

Mr. President, I would also suggest that the proper concern of my friend, the Senator from Nevada, for the stockpile is really not affected in this interval we seek.

The provision contained in the amendment offered by the Senator from Arkansas this afternoon simply seeks to win this bit of time while these negotiations are now being waged with the prospects of a successful conclusion. At the same time we are trying to rally the United Nations members around the China policy vote that we have pending. That includes the Latin American states and the African states.

This aspect does not jeopardize our future elsewhere around the world, and at the same time it does not jeopardize the stockpile situation if only the President has the prerogative of waiting for a determination of the situation in this all-important field.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Ohio.

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

Mr. SAXBE. Mr. President, this matter was discussed at great length before the Armed Services Committee. All aspects of the matter were discussed. It was interesting to me to hear the Senator from Wyoming give as the argument exactly the same argument used for the amendment to knock out the whole thing the other day. Certainly he speaks as though it would accomplish the same thing, and I believe it would.

I know that we are distressed by some of the actions of states in Africa. However, I cannot help feeling that we have had very unpleasant experiences in the past years in trying to tell people how to run their government.

I suggest that when we choose between Russia and Rhodesia we must look at our defense posture in this country, and we must look at more than our stockpile, not the 3.1 million tons, but at where it is today.

I also suggest that if this is as essential as the people in the specialty steel industry have reported to us—and not just from the statement of the employees—but from the standpoint of the operators and the companies who produce this material and who are in the marketplace trying to compete, they tell me that the increased price of chrome has made it more difficult for them to compete. It is reflected not just in jobs, but it is also reflected in their industrial health, their ability to invest and expand their capital and stay in business and grow with this country.

It has also been suggested to me—and I have inquired diligently, and no one will say that it is not the case—that Rhodesian chrome, I suggest, has been sold to us by Russia.

The PRESIDING OFFICER (Mr. GOLDWATER). The time of the Senator has expired.

Mr. STENNIS. I yield the Senator 2 additional minutes.

Mr. SAXBE. In other words, Mr. President, this is chrome that has changed hands on the high seas or elsewhere. I questioned this very closely. No one will say that this has not been the case. So, it could be that we have the ridiculous situation of buying Rhodesian chrome ore and buying it from Russia.

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

Mr. SAXBE. I have only 30 seconds left. I will then yield to the Senator.

In addition, Mr. President, the vote the other day, I thought, was rather conclusive. We have retained this power in the Senate. To now turn it over in defiance of what we have talked about here with respect to the power of the Senate seems to be a step backward. I believe the action we took last week was proper. I believe we have spoken, and that running it through again is not going to accomplish a great deal of im-

provement in the bill and getting it on the road.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, this is the most sorrowful moment I have ever experienced on the floor of the Senate.

The distinguished Senator from Arkansas has led me in many fights demanding that Congress retain its powers, and not permit the executive to rob Congress of its power, and not abdicate its functions to the executive, and not transfer congressional power to the President. I have followed him.

I now feel as if the Rock of Gibraltar were crumbling into dust when the Senator from Arkansas comes here and asks the Congress of the United States to transfer from the Congress to the President the power to regulate foreign commerce.

The Constitution of the United States provides in section 8 of article I:

> The Congress shall have the power to * * * regulate commerce with foreign nations * * *.

I have followed the leadership of my distinguished friend, the Senator from Arkansas, in his great fight to preserve the doctrine of the separation of powers, to keep from making Congress an insignificant part of the Government of the United States, and in his fight to stop the aggrandizement of the powers of the executive.

Now, he comes with an amendment asking us to transfer from the Congress to the President the power to regulate foreign commerce. Oh, I wish I had the eloquence of my distinguished friend from Arkansas. I could persuade even the Senator from Arkansas to vote against his own amendment and thereby be consistent with the position he has always taken that Congress should retain its powers and not either voluntarily surrender them to the President or let the President rob it of them.

I plead with my friend not to forsake the cause in which he and I have stood shoulder to shoulder and in which he has spoken with so much eloquence on the floor of the Senate in his valiant effort to preserve the powers.

His amendment says that although Congress has the power to regulate foreign commerce—and it is the only body in our Government that has that power—Congress shall transfer that power to the executive and let the executive regulate foreign commerce, the Constitution of the United States to the contrary notwithstanding and all the eloquent speeches my friend from Arkansas has made in the past to the contrary not withstanding.

I hope my friend withdraws his amendment, and I hope if he does not withdraw his amendment, the Senate will reject his amendment to transfer from the Congress to the White House the power to regulate foreign commerce.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator is recognized for 3 minutes.

Mr. FULBRIGHT. Mr. President, I might say to my friend from North Carolina that there is a most unusual development. The other day I was prohibited from asking to reconsider the vote, a matter with which the Senator is familiar, and I was forced to put in some change. That is the explanation of that.

Also, Congress by treaty has given to the President the power to participate in the United Nations, and he was following the United Nations treaty obligations, which is the reason I introduced the amendment.

The Senator is well aware of what happened the other day on the motion to reconsider. I think he would agree that the ruling prohibiting reconsideration was a little unfortunate. That motion was withdrawn.

I wish to address myself to the remarks of the Senator from Ohio. There is one point about this which is unusual. I understand the Committee on Armed Services is supposed to have jurisdiction over the Armed Services and the security requirements, and they are not given responsibility for determining the overall stockpiling policy of the Government. I thought that had been given to the OEP, and they had determined there was an oversupply in the stockpile of 2,250,000 tons. The defense requirements are roughly 91,000 tons a year at present. The excess of about 2,250,000 that is in the stockpile above the 3-year wartime supply would meet Government defense needs 24⅔ years. It is perfectly obvious the real concern here is not with defense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield 2 additional minutes to myself.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. The real concern is not with the supply of chrome. It is simply irritation and resentment at United Nations action. I, myself, am not sympathetic to an embargo as such. It is usually ineffective and not a procedure I particularly like, but that happens in many organizations. On the other hand, I do not wish to undermine the organization as such. We made a solemn treaty to adhere to the United Nations. We were one of its organizers. To come along in this offhand way and undermine it and show our disdain and contempt for it is most unfortunate. This has nothing to do with defense.

There is the excess here which would meet our Government defense needs for 24 years. It is fair to say there is not that danger. In the matter of costs, this stockpile of 5,350,000 tons is worth a good deal more than we paid for it.

In connection with the price of steel, there would be this excess of 1,300,000 tons already requested for release if that is a vital material consideration. I do not think it really is. But the argument of the Senator from Ohio would be in favor of releasing the 1,300,000 tons for the steel industry in order to reduce the price, if that is a serious consideration. I do not think it really is a serious consideration.

The plain fact is that there is an over supply of chrome as found by the OEP of 2,250,000 tons. So this idea of either the security or the industrial situation being served by the Byrd amendment has no validity whatever.

It comes down to the fact that many people are offended by the action of the United Nations. They do not like the embargo and that is what this amendment is all about.

I still submit it is in the interest of this country to take this action to amend section 503 at this time.

I have had no hesitancy in opposing the President when I think the interests of this country are to the contrary, but the best judgment of the administration is that this is an action which would undermine both the United Nations, and the British in their attempt to come to an agreement on Rhodesia with respect to the embargo. If the British could make an agreement with Rhodesia by November 11 it would be the best thing that could happen with regard to this most unfortunate situation in Rhodesia.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation dealing with the supply of chrome as of June 1, 1971.

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

Rounded figures short dry tons

As of June 1, 1971:	
Metallurgical chrome in stockpile	5,350,000
Objective of 3 years' wartime stockpile supply	3,100,000
Excess chrome as determined by OEP, Defense & executive branch as a whole	2,250,000
Request for release in S. 773 (pending before Cannon Subcommittee)	1,300,000
Which will leave excess of	950,000
Annual consumption of metallurgical chrome (based on 1970 figure)	910,000
10% of this annual consumption is for direct defense, or strategic purposes	91,000

2,250,000 tons of excess chrome divided by annual consumption of 91,000 tons equals 24⅔ years supply of excess chrome for defense purposes.

Mr. ERVIN. Mr. President, will the Senator yield to me for 1 minute?

Mr. STENNIS. I yield 1 minute to the Senator from North Carolina.

Mr. ERVIN. The only treaty I know we have made in connection with the United Nations was to become a party to the United Nations. As I read it, the charter of the United Nations says in about as plain words as can be found in the English language that the United Nations will not interfere in the domestic affairs of nations.

The position of the United States in trying to pull English chestnuts out of the fire, and in trying to help England, whom we had to fight to get our freedom, to enslave Rhodesia, is a violation of the charter of the United Nations just as this amendment is an offense against the Constitution of the United States.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, again we are called upon to vote on an amendment to delete section 503 from the military

procurement authorization bill, or to destroy its effect. On September 23, 1971, the Senate voted down a similar amendment. I trust that the Senate will do so again.

Mr. President, the public by and large may not be aware that section 503 in the military procurement bill incorporates the provisions of the bill sponsored by the distinguished senior Senator from Virginia (Mr. BYRD) which was designed to free the United States of dependence on Communist nations as the principal supplier of strategic materials necessary for the production of jet aircraft, missiles, nuclear submarines, machine tools, and other equipment recognized as vital to the industrial production of our Nation and necessarily essential to the security of our Nation.

In short, section 503 of the present bill provides that the President of the United States may not prohibit imports of a strategic material from a free world country so long as the importation of the same material is permitted from a Communist dominated country. Chrome is such a material. Communist Russia and independent Rhodesia are principal suppliers of the material. Accordingly, if section 503 is retained in the military procurement bill, the President may not prohibit the importation of chrome from Rhodesia so long as chrome is permitted from Russia or other Communist nations.

Mr. President, it seems to me that this issue should be decided on the basis of our national interest—on the basis of the wisdom of becoming dependent upon Communist nations as the source of materials essential to the defense of our Nation.

Unfortunately, however, the State Department does not see it that way. Instead, the State Department contends that the issue is ideological and should be decided on the basis of ideological considerations. Rhodesia has policies in government which the State Department does not like and which the United Nations Security Council does not approve. Furthermore, it is contended that the United States is bound by orders from the United Nations Security Council to impose and maintain a trade embargo against the independent nation of Rhodesia in order to force it to change the policies of its government. Accordingly, the State Department contends that the United States must strictly adhere to the requirements of the embargo against Rhodesia, and to do otherwise would be disruptive of international "comity." Thus, the issue is joined—ideology, supported by U.N. Security Council sanctions, as opposed to our national security.

The section under consideration does not require the United States to scuttle the United Nations embargo against all trade with Rhodesia. I wish that it did. Instead, the section deals only with importation of strategic materials which we freely purchase from Communist nations. Shall we permit the U.N. Security Council to dictate to this Nation in a manner to affect adversely our national security? Heaven forbid.

Turning now to the ideological and moralistic arguments, I cannot understand why, if there are no ideological and moral objections to trade with China, Russia, and other Communist nations, there should be such objections to trade with Rhodesia when it is in our national interest to do so.

The moralistic pretensions advanced by the State Department have been adequately refuted by no less an authority than John P. Roche, former chairman of the Americans for Democratic Action, in a recent column which appeared in the Washington Post. Among other things, he said:

If the United States is going to assert a moralistic position in the world, it should be a consistent one. We could say that we will only recognize and do business with Good Guys, a policy that would eliminate about three-quarters of our embassies, most of our foreign aid and our subsidy to the United Nations. Or we can recognize that we have to live in a world we never made, a world that is not play-dough capable of being reshaped by piety, and do business with whatever regimes happen to control the turf, whether they are white racist, black racist, Communist, Fascist or merely larcenist . . . In short, a moralist can't play favorites . . .

However, if this logic is applied to the U.S.S.R., is there any reason to continue the boycott of Rhodesia? Or to support economic sanctions against South Africa? As police states go, the U.S.S.R. does, after all, make Rhodesia and South Africa look like amateur performers.

Mr. President, in an effort to give perspective to the issue it may be helpful to get some down to earth commonsense reactions as expressed in a number of editorial viewpoints.

The Washington News on September 28, 1971, carried a brief editorial entitled "Chromite from Rhodesia." Because of its pointed brevity, I shall quote the editorial in its entirety:

For four years U.S. manufacturers have not bought any chromite from Rhodesia because of the sanctions imposed by the United Nations after Rhodesia declared its independence of Britain.

Before that time, as much as 48 percent came from this small African country, principal source of the ore—used in high grade steel products and important for defense equipment.

Now 60 percent of the U.S. supply is imported from Russia, at twice the price formerly paid Rhodesia.

The U.S. Senate, over the objections of the Nixon administration, has just voted to lift that embargo—on the very logical ground that depending so heavily on Russia for essential defense materials doesn't make sense.

The only excuse for the sanctions against Rhodesia was an official disapproval of the policies of its government. But we hardly approve of the policies of the Soviet Union, either.

What's wrong with buying what we need where we can get the best price and an adequate supply? Nearly everybody else does.

Mr. President, many additional editorials from all sections of the Nation have expressed strong support for the Byrd proposal which is now embraced in section 503 of the bill before us.

A recent editorial in the Arizona Republic suggests that it deserves the support of "every American concerned about the security of his Nation." It describes United Nations' embargo as—

An act of hypocrisy . . . premised . . . on the ridiculous notion that Rhodesia . . . somehow constitutes a threat to international peace.

It calls U.S. cooperation in the embargo, "worse than hypocrisy—it is an act of strategic masochism." The editorial continued:

There have been many absurdities in the conduct of American foreign policy, but this has to rank somewhere near the top. Here we find ourselves boycotting friendly Rhodesia, which is threatening to attack no one, which is vigorously anti-Communist and which by every method of assessment is emphatically not an internal dictatorship.

At the same time we are trafficking with the Soviet Union, which is constantly agitating for aggression and which is a repressive one-party despotism that has slaughtered millions. To give the situation a final touch of lunacy, this policy also has the result of making our defense dependent for a vital strategic metal on the very nation against whose initiatives we are supposed to be defending ourselves. We can maintain our defensive arsenal on this score only at the sufferance of our enemy. Such is the condition to which we have been reduced by vacuous notions by 'coexistence' and submission to the United Nations.

Mr. President, on several occasions, I have addressed the Senate on various aspects of this issue with particular reference to the double standards so evident in our foreign policies. But at the moment, I am primarily concerned about the defense of our Nation and the danger which lies in dependence on the Soviet Union for the supply of strategic materials essential to our Nation's defense.

Nevertheless, I think previous observations that I have made on this subject are relevant to the issue to be voted on today and for this reason I ask unanimous consent that my remarks as recorded in the CONGRESSIONAL RECORD, March 13, 1970, and February 5, 1971, be printed in the RECORD as a part of this presentation. Further, I ask unanimous consent that a syndicated newspaper column by Robert S. Allen entitled, "Chrome Picture Is Defended In Government," be printed in the RECORD.

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

[From the Congressional Record, Mar. 13, 1970]

IS INDEPENDENT RHODESIA A THREAT TO WORLD PEACE?

Mr. ALLEN. Mr. President, on March 9, 1970, Secretary of State William P. Rogers announced that the United States will discontinue protection of American Nationals and American interests heretofore provided by our Consulate-General Office in Salisbury, Rhodesia. We are to close this office next week.

Such drastic action is usually resorted to only in cases involving overt hostilities by the host nation. It is of such an extreme measure as to constitute in the eyes of many a type enmity approaching covert hostility and it is clearly calculated to create ill will among the nations and peoples thereby affected.

Mr. President, I find this hostile act on the part of our Government almost incredible.

Just a few months ago, on December 12, 1969, this Nation told the world through a NATO alliance agreement that we championed the cause of noninterference in the internal affairs of other nations. In a chest thumping proclamation of self-righteousness, we joined other NATO nations in denouncing intervention in the internal affairs of any state by another state, whatever

the difference in their political or social systems.

This Nation intended to be bound by this declaration or it did not. If we were bound by it, why have we abondoned that policy with respect to Rhodesia? I want to know. The American people have a right to know.

The President announced in the Far East that we were not concerned with the political or social systems of those nations. In view of our interference in the internal affairs of Rhodesia, all nations are called upon to reevaluate this administration's policy with respect to nonintervention. Where do we stand?

This question has to be answered. If we look to the President's recent foreign affairs address to Congress, we find a statement which may offer a clue. The President said:

"American policy toward Africa, then, will illustrate our general approach to building an enduring peace."

What is the general approach?

The President said: "Clearly there is no question of the United States condoning, or acquiescence in the racial policies of the white-ruled regimes" of southern Africa. Is this repudiation of nonintervention in the internal affairs of nations the President's approach to world peace?

But what of the racial policies of the black-ruled regimes of southern Africa? Shall we interfere there too? Are these internal policies of a nation a proper concern and object of our foreign policies? Are we going to condone or acquiesce in racial policies of blacks and not those of white regimes in Africa, or shall we intervene in both?

Mr. President, what right have we to tell any nation that we shall not condone a single one or all of its internal policies? I deny that we have such a right. We do not claim such a right of interference when we acquiesce in, condone, and encourage Communist domination and control of nation after nation.

With respect to Communist nations, our State Department does not talk about intervention, it talks only of bridge-building and detente, expanded trade, and cultural exchanges. But in the case of a tiny, proud, and independent nation, of Rhodesia, we assume the role of arrogant world dictator and tell them we will not acquiesce in or condone their Declaration of Independence unless Rhodesia bows to our dictates and adopts a constitution to suit our fancy.

And we talk about "arrogance of power."

And we talk about Congress holding tighter reins on the power of the executive to get us involved in foreign entanglements.

Yet, the world knows that our two-faced, forked tongue interference in the internal affairs of Rhodesia has been undertaken pursuant to dictates of the United Nations Security Council. We have been directed by this agency to impose "mandatory sanctions" against Rhodesia and otherwise use our might to overthrow that government.

All the while, we are involved in a bloody war in Vietnam. Laos and Cambodia are ready to blow sky-high. The Middle East is a powder keg, and we are furnishing aircraft and other instruments of warfare to nations over the globe. Russia holds a cocked gun pointed at the heart of Czechoslovakia and Yugoslavia, and Berlin is a permanent tinder box. Yet, in the face of these situations, the United Nations and the United States have determined that little independent Rhodesia is a threat to world peace. This nonsense is supposed to justify United Nations interference in the internal affairs of Rhodesia and our Nation in turn is justifying our interference on this silly proposition despite all of our high-sounding protestations to the world of our dedication to the ideal of noninterference in internal affairs of other nations.

Mr. President, the continued proliferation of contradictions in our foreign policies are going to catch up with us. Soon an awareness of the history of our foreign policy failures is going to shake the people of our Nation out of complacency which has arisen from a misplaced trust in the phrasemakers and word worshippers who currently call the shots in the State Department.

Mr. President, I predict that somebody is going to rue the day that he championed this disgraceful repudiation of our commitment of noninterference in the internal affairs of other nations. Clearly, Congress has a responsibility in this matter.

[From the CONGRESSIONAL RECORD, Feb. 5, 1971]

FEDERAL SPENDING AT HOME AND ABROAD

Mr. ALLEN. Mr. President, on January 22, 1971, President Richard M. Nixon delivered his state of the Union message before a joint session of the Congress. It is not my purpose to criticize his message. Instead, I want to elaborate on one portion of his speech in which he recognized that States and cities are confronted with a financial crisis. Figuratively speaking, States and municipalities have just about milked the local tax sources dry. Yet, Federal program has been piled on top of Federal program in recent years and almost all of them require local governments to come up with additional tax revenues. This has gone on to the point that State and local governments are rapidly reaching the point of no return. Essential local services must be cut back or else Federal revenues are necessary to maintain the most fundamental local services. Consequently, I support the principle of revenue sharing. However, I am not certain that revenues for sharing cannot be obtained by means more desirable than deficit financing.

Mr. President, let me elaborate on this point. An editorial printed in the Mobile Press of December 8, 1970 refers to—

"The crazy pattern by which the United States spends money to help Communist causes."

The editorial refers, for example, to the action by President Nixon in freezing an appropriation of $1 million to begin work on the long delayed Tennessee-Tombigbee Waterway, which is of such tremendous importance to the economy of the 23 States of the Nation and the port city, Mobile, Ala., in particular—since released. The editorial then questions why the U.S. State Department advocates spending $600,000 of our tax revenues to survey a road from Zambia, where Communists are in the saddle into the brush country of Botswana. The editorial states in part:

"Part of the all-weather road would cross through Rhodesian and South African territories. The intent of this whole project is to give Zambian Communists military and guerrilla access to Rhodesia and South Africa."

Mr. President, it is a matter of common knowledge that foreign aid of this type flows in a continuous stream to aid, abet, and promote the military and economic welfare of Communist dominated nations throughout the world.

Mr. President, we hear so much of priorities. By what manner of reasoning is this military access road through sparsely populated bush country of Africa given a higher priority than completion of the Tennessee-Tombigbee Waterway system of transportation which is of inestimable economic benefit to this Nation?

More specific details of this $600,000 giveaway to countries allied with international communism are printed in a letter to the editor to which reference is made in the editorial previously mentioned. Mr. President, I ask unanimous consent that the editorial and the letter be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

At this point, Mr. President, let me call attention to a series of double standards applied by the United States in its dealings with independent nations of Rhodesia and South Africa and Communist satellite nations. More importantly, let us examine some of the causes and some of the paradoxes which result from these double standards.

First, the citizens of our Nation as were governments of all nations told by the President that the political forms of government and economic systems adopted by other nations were not of vital interest to our Nation. On the other hand, when the President of the United States and the State Department address their remarks to African nations, precisely opposite statements are made as they relate to Rhodesia and South Africa.

An explanation for this doubletalk is not hard to find. For one thing, our policies with respect to Rhodesia and South Africa are dictated by the United Nations, while our policies with respect to Communist nations in Africa and Communist-dominated nations in other areas of the world are dictated by Alice in Wonderland rhetoric from the State Department. Such rhetoric is supposed to perpetuate the "bridge-building" processes with Communist Russia, her satellites, and other Communist-dominated nations of the world.

With respect to Rhodesia, for example, we are told that the United States is bound by terms of the United Nations Treaty. Consequently, we are bound to accept United Nation Security Council determinations respecting a finding of a threat to international peace and security. Sure enough, article 30 of the United Nations Charter authorizes the Security Council to make such determinations. In the case of Rhodesia, such a determination was made by the Security Council. Accordingly, we are told the United States is bound to accept further dictates of the United Nations Security Council and impose economic sanctions against the independent nation of Rhodesia.

Of course, such a determination requires a ridiculous and unbelievable assumption that the United Nations has jurisdiction over the nation and over the question of its political form of government. In view of the fact that the United Nations Charter is supposed to exclude jurisdiction over internal affairs of member nations, and all nations for that matter, it has been necessary to create two mythical legal fictions.

Fiction No. 1—contrary to international law, the fiction is advanced by argument that Rhodesia is not an independent nation. By some unexplained reason, Rhodesia is supposed to remain a ward of Great Britain. If one accepts this fiction, which even England no longer persists in, the Security Council, it is argued, has acquired jurisdiction over internal affairs of Rhodesia because Great Britain requested the United Nations to intervene and deny the fact of Rhodesian independence as established by international law.

Fiction No. 2—this fiction requires a determination by the United Nations Security Council that Rhodesia is a threat to international peace and security.

Mr. President, the fabrication used by the United Nations Security Council to argue that Rhodesia is a threat to international peace is preposterous. The argument is that if Rhodesia fails to voluntarily relinquish its sovereign right to adopt its own constitution and create its own government and distribute its powers in a manner it deems fit, then such refusal to relinquish its sovereignty will create dissatisfaction among Rhodesia's tribal neighbors and presents a possibility that Rhodesia's tribal neighbors will resort to war and violence against Rhodesia. The argument is so astounding as to suggest that it derives from "Alice in Wonderland" as most recently revised and edited by the State Department.

One concluding point. Many of my colleagues have distinguished themselves for

their tenacity in upholding the proposition that the Commander in Chief of the Armed Forces of the United States has no power to commit the forces of this Nation in furtherance of treaty commitments in the Far East without consent of Congress.

We have heard time and again of the dangers of delegating to the President powers to entangle our Nation in dangerous adventures abroad. Yet, Mr. President, I have heard no objection in the Senate to provisions of articles 39 and 41 of the United Nations Charter, which delegates to the Security Council of the United Nations the power to determine threats to international peace or the power delegated to that agency to commit the Armed Forces of our Nation to acts of war in foreign lands. Why?

Article 39 clearly authorizes the Security Council to determine threats to the peace and to take such actions as provided in articles 40 and 41.

Article 40 delegate to the Security Council power to take actions such as needed to effect economic strangulation and other actions short of actual warfare.

But article 42 delegates power to the Security Council to "take such action by air, sea, or land, forces as may be necessary" to win a war and restore international peace and security.

Furthermore, article 48 provides that the Security Council shall carry out its decisions with troops of the United States or other nations as the Security Council shall determine.

So we hear talk about the power in Congress to commit Armed Forces in defense of our Nation—we hear incessant complaints about actions of the President to defend our troops in South Vietnam despite the fact that such actions are directed toward disengagement and physical protection of our troops. But where is the complaint about the power of the Security Council to make determinations and to commit our troops in acts of warfare under direction of the United Nations Security Council? Why the silence on this delegation of power?

Here we are authorizing expenditures of billions of dollars on foreign aid which is desperately needed to strengthen the economy of our nation. Who gave a higher priority to projects of Communist dominated nations—funds to build a military access road to threaten the peace and security of independent Rhodesia, while the economic welfare of this nation represented by the Tennessee-Tombigbee river system is left empty-handed? And we talk about priorities. And we talk about funding meager revenue sharing with state and local governments by authorizing deficits, which necessarily entail inflationary deficit financing. And, while on this subject let me ask this question. How much money could we save the taxpayers if we ceased to import from Communist Russia an inferior grade chrome ore which mineral is so essential to our national defense and to our economy? How much would be saved if we simply imported American owned inventories of superior grade chrome ore from Rhodesia at less than one half the price demanded by Russia? This poorly camouflaged program of economic aid to Communist Russia must stop The money saved could well be spent for revenue sharing with state and local governments.

Mr. President, I say that no President of the United States, and no candidate for President of the United States, will be permitted to evade these questions and the issues involved. They are vital to the safety and welfare of our nation and while we may duck them for a while we cannot successfully evade them.

Mr. President, I am confident that Congress will give the President's revenue sharing proposal careful consideration. I trust the American people will learn from congressional hearings just how much revenue could be made available for sharing with local governments by cutting out hostile economic sanctions imposed against our former allies and by putting an end to giveaway programs to Communist dominated nations.

I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD.

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

[From the Mobile (Ala.) Press, Dec. 8, 1970]

WHO DOES U.S. DIPLOMACY REPRESENT?

An editorial in last Friday's Mobile Register and a letter to the editor on the same page, when taken together show the crazy pattern by which the United States spends money to help Communist causes.

The editorial justifiably deplored President Nixon's freezing of an appropriation of $1 million to begin work on the long-delayed Tennessee-Tombigbee waterway. The letter from A. Theron, Box 353, Umtali, Rhodesia, raises questions as to why the U.S. State Department wants $600,000 merely to survey (just the foot-in-the-door for more taxpayers money) a road from Zambia, where Communists hold power, into the sparsely populated brush country of Botswana.

Part of the all-weather road would cross through Rhodesian and South African territory. The intent of the whole project is to give Zambian Communist military and guerrilla access to Rhodesia and South Africa. Meanwhile, Botswana would become another staging ground for Red forces and offer them position from which to encircle the two white states.

Congress has considered passage of the wasteful and damaging appropriation in line with our silly restrictions on trade with Rhodesia, and it still has a chance of approval.

As everyone can see, the State Department is being led around by its nose by Russians and their allies, while the Tenn-Tom waterway, which would peacefully benefit 23 states of America is left empty handed.

The Soviets already dominate the Indian Ocean, and once the strictly military road is built into Botswana, Rhodesia and South Africa will be in deep jeopardy.

Upon what manner of reasoning does this make sense as a policy of the U.S. government?

The five southern states directly affected by the Tenn-Tom proposal should vigorously protest this discrimination, and the remainder of the 23 states should join in the effort.

ROAD PROJECT

The EDITOR.

DEAR SIR: What is the U.S. government up to in this part of Southern Africa?

On Nov. 20, in the capital of Botswana, Mr. David Newsom, United States under-secretary of state, signed an agreement whereby the United States government is to provide $600,000 for the survey of an all-weather road from the Botswana capital, Gaborone, to the bank of the Zambesi River, opposite Zambia. The area through which it is to run is almost completely uninhibited, undeveloped bush country.

This sounds innocent enough unless you are aware of the fact that Botswana does not have access to the bank of the Zambesi River, although both black governments claim that they do. Therefore, to reach the river bank, the road will have to intrude upon either Rhodesia territory or into the Caprivi Strip which is governed by South Africa. Is it in the least likely that either Rhodesian or South African governments will allow such an unnecessary road to pass through their territory? And it is entirely unnecessary since Zambia is already served by three crossing points over the Zambesi River from Rhodesia, over which such imports as coal, farming machinery, foodstuffs and new vehicles are freely allowed to pass.

A high percentage of Zambia's copper exports leave the country by the same routes. It must therefore be obvious to all but the deliberately blind that the concealed purpose of this new road is to facilitate terrorist entry into Rhodesia by the back door, i.e., across the Botswana-Rhodesia border which, being an ill-defined line through wild bush-country will be infinitely more difficult to defend than is the Zambesi Valley.

Zambian terrorists are Communist-trained and equipped. It can hardly be a coincidence that the Communist Russian ambassador from Zambia and the under-secretary for state of the United States of America happened to visit his obscure black capital at the same time. Yet this seems so, for the Russian ambassador has chosen this exact time to present his credentials to the president of Botswana.

So what do we find? The Russian Navy has trebled its strength in the Indian Ocean. The Russian government is doing all in its power to prevent Britain from supplying arms to South Africa for the defense of the Cape sea routes, and now we have the United States financing an unnecessary road from the Zambian border to the South African border to provide easy access for the destruction of Rhodesia and attack on the Republic of South Africa. A road which is the answer to the terrorists' prayers. And the U.S.A. has provided the answer!

It's a great pity that once again the American taxpayers' money is being wasted on yet another dangerous venture of interference in an area which is no concern of the U.S.A.

Mr. David Newson is said to be on a tour of Southern Africa to assess the present situation here. One wonders why Rhodesia is not on his itinerary. Surely we are entitled to a reassessment of our situation after more than five years of successfully repulsing terrorist attacks, as well as the iniquitous United Nations sanctions which the United States supports. But then we are used to the incompetent judgments of the ignorant politicians from abroad, so another one will make no difference. But what if it puts America into another Vietnam-type predicament here?

A. THERON.

UMTALI, RHODESIA.

CHROME PICTURE IS DEFENDED IN GOVERNMENT

(By Roberts S. Allen)

WASHINGTON.—An extraordinary struggle is taking place behind-the-scenes in Congress over the bipartisan legislation to put an end to Russia's control of this country's supply of metallurgical chrome essential for key weapons production.

The State Department is the principal opponent of this measure, and is doing everything in its power to kill it.

Outcome of this little-known backstage battle is a toss-up.

It revolves around a provision (Section 503) in the $21 billion military procurement bill now under consideration in the Senate. The section, sponsored by Sen. Harry Byrd (Ind.-Va.) and a bipartisan group of other Senators, was written into the bill by a unanimous vote of the Senate Armed Services Committee.

Purpose of the amendment is to free the U.S. of dependence on Russia as the principal supplier of chrome ore vital in production of jet aircraft, missiles, nuclear submarines, etc.

U.N. EMBARGO

This highly vulnerable dependence is due to this country's complying with the United Nation's trade embargo against Rhodesia.

Prior to these 1966 sanctions, the U.S. got most of its chrome from Rhodesia. Since then, upwards of 60 per cent of this strategically crucial ore has been imported from

Russia—which has hiked to price 188 per cent: from $25 to $72 a ton.

The bipartisan amendment does not require the U.S. to withdraw from the U.N. embargo against trade with Rhodesia. The legislation is limited solely to chrome.

Under the Section, the 1945 act under which the U.S. joined the United Nations would be amended to "provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country."

Explains Senator Byrd: "The reason for singling out chrome is clear and simple. It is the one commodity which could be imported from Rhodesia that is vital to the security and defense of our nation."

The State Department doesn't see it that way. It contends the U.S. must adhere strictly to all the requirements of the U.N. embargo against Rhodesia. To do otherwise would be disruptive of "international comity."

Thus, in effect, the State Department is in the remarkable position of strenuously battling for continuance of Russia's control of the supply of a vital U.S. defense commodity—even at the expense of gravely jeopardizing the security of the U.S.

LAYING IT ON LINE

Senator Byrd has bluntly warned Congress that is the dire situation facing the country if the State Department has its way and Section 503 is killed.

The Virginia legislator did this forthright talking in a speech on the Senate floor that strangely went unreported—as has the entire bipartisan fight to put an end to Soviet domination of this country's chrome supply.

Byrd sternly told his colleagues the issue is simple and clear-cut—whether the U.S. is going to continue to be dependent on Communist Russia for a material vital to the security of the country."

Mr. ALLEN. Mr. President, in conclusion, I am convinced that some day the people of the United States will discover that our national interest will best be served if we eliminate economic sanctions against the small independent nation of Rhodesia, which not only does not threaten our security, but which has demonstrated time and again its good will and friendship toward the United States. We must not permit continued United Nations control of our access to highly strategic metals.

Mr. STENNIS. Mr. President, may I ask how much time I have left?

The PRESIDING OFFICER. The Senator from Mississippi has 8 minutes remaining.

Mr. STENNIS. How much time does the Senator from Arkansas have?

The PRESIDING OFFICER. The Senator from Arkansas has 9 minutes remaining.

Mr. STENNIS. Mr. President, I ask unanimous consent that each side be notified when he has 5 minutes left, and that at that time we have a short quorum call, not a live quorum call, without either side being charged with the time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The jurisdiction of the Armed Services Committee is controlled by the standing rules, which expressly give that committee jurisdiction over strategic materials necessary for national defense, and those materials cannot be released except by legislation. It takes appropriate legislation to do so, and the subcommittee which has jurisdiction over that matter has as its chairman the Senator from Nevada (Mr. CANNON). He recited here how the committee reviewed this proposed legislation and recommendation and decided that the nature of the material was such that the proposed legislation should not be reported favorably.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. It seems to me the decision was made not on strategic grounds, but on the commercial ground that the price had greatly increased.

Mr. STENNIS. But it is strategic material. One of the arguments against the proposal was that the prices had skyrocketed.

Mr. FULBRIGHT. But they already own over 5 million tons for strategic purposes, and the administration says 3.1 million tons are sufficient.

Mr. STENNIS. If the Senator will excuse me, I cannot yield further time. I do not have it. But that was the judgment of the committee, and that is why the proposal was never reported out favorably.

This is a matter that has been considered by the Senate and which has passed by a 10-vote margin.

I withdrew the motion to reconsider because we wanted to get on to the next bill. I was going to look into that later. I found out later that the matter had already been decided. This matter is just a rerunning or rehashing of what the Senate had before it the other day and what it voted on.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STENNIS. Mr. President, I yield some time to the Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. I thank the Senator.

Mr. President, I want to point out that Russia, of course, has a seat on the Security Council, and it can veto any effort to lift the sanctions against Rhodesia. So the United States has got itself in a straitjacket. It cannot get rid of those sanctions against Rhodesia, assuming we followed the Senator from Arkansas' theory that we have to do whatever the United Nations tells us to do. We cannot get rid of the sanctions because Russia, which is a member of the Security Council, has veto power over all proposals which come before that body.

Mr. STENNIS. These prices have jumped from $24 or $25 a ton to $72 a ton in the span of 4 years, a 288 percent rise. Is that not correct?

Mr. BYRD of Virginia. The Senator is correct. There has been a tremendous increase in the price of the chrome.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I am not sure there is anything to be added at this time, since there are so few Senators present on the floor. I am willing to yield back the time up to 5 minutes so we can have a quorum call.

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. FULBRIGHT. 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. STENNIS. Mr. President, may we have it quiet?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. I yield myself 1 minute, just to say this: Let us be certain that we know that we are dependent on Russia for 60 percent of this chrome ore that is needed for our defense requirements. When we were cut off from Rhodesia, the price jumped, within less than 4 years, from $25 to $72, a 288 percent increase. The committee——

Mr. FULBRIGHT. Mr. President, if the Senator will yield, is it not only 188 percent?

Mr. STENNIS. 288 percent. My time is running.

The committee is under fire, and properly so, for trying to hold down the price of guns, missiles, tanks, and everything else.

Here is a case where we are trying to do some economizing, and I hope the Senate will stand behind us, just as it did the other day.

I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, there are three reasons why I feel the Senate should reject the Fulbright amendment to section 503 and thus sustain the action which the Senate took last Thursday by a vote of 46 to 36.

First, by sustaining last week's action, the Senate would be ending the dependence of the United States on Communist Russia for a strategic and vital defense material—namely, chrome. Russia supplies 60 percent of the imports into the United States of this critical defense material.

Second, sustaining the Senate's position of last week would save jobs in a period of high unemployment. As evidence, I point to the statement by the director of district 19, United Steelworkers of America, reaffirmed today by the director of district 19, United Steelworkers of America, who says that unless Congress takes such action, there will be no specialty steel industry in the United States. He expressed his deep concern for the jobs of black workers and white workers in that industry. Another union official has sent a letter in a different tone. That merely shows that there is a difference of opinion among the union leaders, just as there is among the Members of the U.S. Senate.

The third and last reason as to why I think the Fulbright proposal should be defeated is that the proposal by the Senator from Arkansas would give more power to the President and reduce the Senate's role in foreign policy.

The Senate has made great strides, great progress, in the last 2 or 3 years in reassuring itself. Senator FULBRIGHT's proposal would reverse that trend and, as he has stated, would give the option to the executive branch to proceed as it wishes. He would leave the determination in the hands of the President, at the expense of the Senate.

Mr. FULBRIGHT. I yield myself 1 minute, and then I shall yield to the Senator from Wyoming.

I only want to say that I think the arithmetic of the Senator from Mississippi is not quite correct, not that it is very important, but it is not 288 percent. At most, it is 200 percent, if the prices are $25 and $72.

Because of inflation generally, the prices of many other commodities have gone up, not just because they are bought from Russia. Practically everything in this field has gone up.

On the question of the foreign policy aspects, the Foreign Relations Committee passed upon the same issue and rejected it, and the Armed Services Committee is now taking jurisdiction, if we want to make a point of the jurisdiction.

Obviously, there is no serious security interest here, because the supply is vastly beyond any requirement of defense. But the excess—which has been found to be in excess of the 3-year stockpile requirement—would serve the armed services—the defense requirements for some 25 years in peacetime. That is not the question at all.

Mr. President, I yield 2 minutes to the Senator from Wyoming.

Mr. McGEE. Mr. President, the real issue here does not alter the action that the Senate took last week. The Senate made its will known. But since the action last week, let me suggest what has happened.

No. 1, at the United Nations we have discovered that some of the votes that we thought we had lined up in assisting us in our China policy are now wavering and may even be lost—they are votes in black Africa—because of the consequence of the action we have already taken.

Likewise, we have learned from the British that the Lord Goodman Mission, which has been working for 2 years with the Rhodesians to work out a peaceful agreement and get rid of this entire question, is now back in London with the proposals that have been worked out; and they are asking only for a little time to complete that agreement without our rocking the boat by precipitate action here.

As a consequence, the British have to act by November 10. No one can tell me that the security of this Nation or the stockpile of this country is going to be jeopardized between now and November 10.

Therefore, we are only asking, in this very appropriate amendment by the Senator from Arkansas (Mr. FULBRIGHT), that the President be given this opportunity—if, in his judgment, the national interest requires it, to extend this interval in order to make sure that the best chance for negotiating a settlement in regard to Rhodesia has the opportunity to run its course.

The steelworkers have come into this repeatedly. I submit that the steelworkers' local in Pittsburgh is quite a different force from the national organization, the union of the United States Steelworkers, and the commitment from Mr. I. W. Abel, the president of that organization, in which he says no jobs are at stake in the chrome being imported from Russia. The jobs at stake are the consequence of other events around the world, but not from chrome.

Therefore, let us keep this issue right where it is. We are simply asking that, because of the uncertainties of the negotiations with Rhodesia, because of the impact already in the United Nations—we have this bit of optional time to see if it can be worked out without our rocking those boats unnecessarily and still not jeopardizing the national interest of our country in the process.

Mr. STENNIS. I yield 2 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Mississippi has only 1 minute remaining.

Mr. CANNON. I will use that very fast.

Mr. President, I want to respond to Senator FULBRIGHT'S remark that we have enough in the stockpile for 25 years. If that is the reasoning the Committee on Foreign Relations uses, I can well understand why we have jurisdiction of this subject in the Committee on Armed Services; because the OEP objective, which is for a 3-year period, is 3.1 million tons, to last us 3 years. I do not know where he gets the idea that we have enough in the stockpile to last 25 years.

They requested a release of the excess, which was 1.39 million tons, and we refused to release it for the reasons I pointed out earlier.

Since we adopted the embargo against Rhodesia, the imports from Russia have gone up approximately 55 percent and the price has gone up from $25 a ton to roughly $72 a ton. We were getting this ore at a lower price from Rhodesia than we were from Russia in the first instance, and the Rhodesian ore is a better grade. As a matter of fact, there is some speculation as to whether or not Russia is actually buying ore from Rhodesia and turning around and selling it to us.

I should like to say, in summary, that if it is a matter of internal policies, one of our suppliers today is Pakistan. Do we approve of their policies? Another of our suppliers is Russia. Do we approve of their policies toward the Jews? Yet, we say that we do not want to buy from Rhodesia.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the following two members of the staff of the Senator from Wyoming (Mr. McGEE) be permitted on the floor during the vote: James Burridge and Robert Bullock.

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

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

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Arkansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SCOTT (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Colorado (Mr. DOMINICK). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. McGOVERN), are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

On this vote, the Senator from Indiana (Mr. BAYH) is paired with the Senator from New Mexico (Mr. MONTOYA).

If present and voting, the Senator from Indiana would vote "yea" and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent and his pair has been previously announced.

The result was announced—yeas 45, nays 43, as follows:

[No. 240 Leg.]

YEAS—45

Aiken	Hatfield	Nelson
Boggs	Hughes	Packwood
Brooke	Humphrey	Pastore
Burdick	Jackson	Pell
Case	Javits	Percy
Church	Kennedy	Proxmire
Cooper	Magnuson	Ribicoff
Cranston	Mansfield	Roth
Fong	Mathias	Stafford
Fulbright	McGee	Stevens
Gravel	McIntyre	Stevenson
Griffin	Metcalf	Symington
Harris	Mondale	Taft
Hart	Moss	Tunney
Hartke	Muskie	Williams

NAYS—43

Allen	Curtis	McClellan
Anderson	Dole	Miller
Baker	Eastland	Pearson
Beall	Ellender	Randolph
Bennett	Ervin	Saxbe
Bentsen	Fannin	Schweiker
Bible	Gambrell	Smith
Brock	Goldwater	Sparkman
Buckley	Gurney	Spong
Byrd, Va.	Hansen	Stennis
Byrd, W. Va.	Hollings	Talmadge
Cannon	Hruska	Thurmond
Chiles	Jordan, N.C.	Tower
Cook	Jordan, Idaho	
Cotton	Long	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Scott, for.

NOT VOTING—11

Allott	Eagleton	Mundt
Bayh	Inouye	Weicker
Bellmon	McGovern	Young
Dominick	Montoya	

So Mr. FULBRIGHT'S amendment (No. 438) was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. CHILES). The question is on agreeing to the motion to lay on the table.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

Mr. HRUSKA. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question is on agreeing to the motion to table the motion to reconsider the vote by which the amendment was agreed to. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the question before the Senate?

The PRESIDING OFFICER. The question is on the motion to table the motion to reconsider the vote by which the amendment was adopted.

Mr. SCOTT. Mr. President, a parliamentary inquiry. Was the Senator who moved to reconsider——

The PRESIDING OFFICER. There is a rollcall in progress. The Senator may inquire what the vote is on.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. In view of the confusion, I understand the Chair stated that this vote is on a motion to table, which means that one who voted "no" on the amendment would vote "no" on this rollcall, unless he changes position.

The PRESIDING OFFICER. The rollcall is in progress. The Chair can only state the question. The question the Senate is now voting on is a motion to table the motion to reconsider the vote by which the amendment was adopted.

Mr. BYRD of West Virginia. Mr. President, I ask that the rollcall begin ab initio.

The PRESIDING OFFICER. The rollcall is in progress.

Mr. BYRD of West Virginia. Mr. President, I ask that the time begin running now, and I ask that the well be cleared and that order be restored in the Senate.

The PRESIDING OFFICER. The well will be cleared. Senators will please be seated.

The PRESIDING OFFICER. The Senate will be in order.

The legislative clerk resumed the call of the roll.

The chair has asked that Senators be in order and take their seats. Staff members will please take their seats, too. Perhaps we can have order. Staff members will please take their seats so we can have order in the Senate.

The clerk may continue with the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. GRIFFIN (when his name was called). Mr. President, I have a live pair with the Senator from Colorado (Mr. DOMINICK). If he were present voting he would vote "nay." If I were permitted to vote I would vote "yea." I withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent and his pair has previously announced.

Also, the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG), are necessarily absent.

The result was announced—yeas 36, nays 40, as follows:

[No. 241 Leg.]

YEAS—36

Boggs	Humphrey	Pell
Brooke	Jackson	Percy
Burdick	Javits	Proxmire
Case	Kennedy	Roth
Church	Magnuson	Scott
Cooper	Mathias	Stafford
Cranston	McGee	Stevens
Fulbright	McIntyre	Stevenson
Gravel	Moss	Symington
Hartke	Muskie	Taft
Hatfield	Nelson	Tunney
Hughes	Packwood	Williams

NAYS—40

Allen	Dole	Miller
Baker	Eastland	Pearson
Beall	Ellender	Randolph
Bentsen	Ervin	Saxbe
Bible	Fannin	Schweiker
Brock	Gambrell	Smith
Buckley	Goldwater	Sparkman
Byrd, Va.	Gurney	Spong
Byrd, W. Va.	Hansen	Stennis
Cannon	Hollings	Talmadge
Chiles	Hruska	Thurmond
Cook	Jordan, N.C.	Tower
Cotton	Jordan, Idaho	
Curtis	Metcalf	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Griffin, for.

NOT VOTING—23

Aiken	Fong	Mondale
Allott	Harris	Montoya
Anderson	Hart	Mundt
Bayh	Inouye	Pastore
Bellmon	Long	Ribicoff
Bennett	Mansfield	Weicker
Dominick	McClellan	Young
Eagleton	McGovern	

So the motion to lay on the table the motion to reconsider was rejected.

The PRESIDING OFFICER. The question now recurs on the motion to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Is the vote on the motion to reconsider debatable?

The PRESIDING OFFICER. Under the unanimous-consent agreement, where a time has been agreed to, there would not be additional time for debate on the motion to reconsider.

Mr. KENNEDY. A further inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Was the unanimous-consent agreement pertinent to the amendment and to any motion to reconsider, or just pertinent to the amendment?

The PRESIDING OFFICER. The purpose of the unanimous-consent agreement would be to limit time on the final consideration of amendments. Otherwise, there would be no purpose for the unanimous-consent agreement. A quorum call would be in order, but no further debate.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CHILES). The question recurs on the motion to reconsider the vote by which the amendment was agreed to. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN (when his name was called). Mr. President, on this vote I have a pair with the Senator from Colorado (Mr. DOMINICK). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent, because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent, because of illness.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent and his pair has been previously announced.

Also, the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 39, nays 38, as follows:

[No. 242 Leg.]

YEAS—39

Allen	Curtis	Jordan, Idaho
Baker	Dole	Miller
Beall	Eastland	Pearson
Bentsen	Ellender	Randolph
Bible	Ervin	Saxbe
Brock	Fannin	Schweiker
Buckley	Gambrell	Smith
Byrd, Va.	Goldwater	Sparkman
Byrd, W. Va.	Gurney	Spong
Cannon	Hansen	Stennis
Chiles	Hollings	Talmadge
Cook	Hruska	Thurmond
Cotton	Jordan, N.C.	Tower

NAYS—38

Boggs	Humphrey	Pell
Brooke	Jackson	Percy
Burdick	Javits	Proxmire
Case	Kennedy	Roth
Church	Magnuson	Scott
Cooper	Mathias	Stafford
Cranston	McGee	Stevens
Fulbright	McIntyre	Stevenson
Gravel	Metcalf	Symington
Hart	Moss	Taft
Hartke	Muskie	Tunney
Hatfield	Nelson	Williams
Hughes	Packwood	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, against.

NOT VOTING—22

Aiken	Fong	Montoya
Allott	Harris	Mundt
Anderson	Inouye	Pastore
Bayh	Long	Ribicoff
Bellmon	Mansfield	Weicker
Bennett	McClellan	Young
Dominick	McGovern	
Eagleton	Mondale	

So the motion to reconsider was agreed to.

Mr. STENNIS. Yeas and nays, Mr. President.

Mr. FULBRIGHT. Mr. President—Mr. President——

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry. Is it in order to offer an amendment to the pending amendment?

The ACTING PRESIDENT pro tempore. It is in order.

Mr. FULBRIGHT. Mr. President, I send an amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, line 3, strike out the words "the national interest or".

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry. How much time is allowed on the amendment?

The ACTING PRESIDENT pro tempore. Thirty minutes on each amendment.

Mr. FULBRIGHT. I thank the Chair.

Mr. President, it is perfectly obvious that what has happened here——

The ACTING PRESIDENT pro tempore. May we have order in the Senate so that we can hear the Senator from Arkansas.

The Senate will please come to order.

Mr. FULBRIGHT. Mr. President, it is perfectly obvious what our objective is, that what happened, the regular vote was 45 to 43 and a number of Senators who were interested in it, not anticipating the perseverance and determination of the Senators from Virginia and Mississippi, left the Chamber and left the Hill.

The only reason for this reversal is the number of absentees. Senators present will notice the difference in the vote.

It seems to me perfectly proper to put this vote over until tomorrow when we can have a vote. I do not wish to debate the merits any longer, but I do think that Senators should have adequate notice in order to vote on the merits of the issue.

To force the Senate to a decision this late at night, under the misapprehension on the part of the absentees, it seems to me would be wrong and would be violating the spirit, I would say, of the Senate.

Therefore, it is perfectly obvious that we can delay this vote indefinitely.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

Mr. FULBRIGHT. I do not yield for that purpose.

The ACTING PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. FULBRIGHT. I do not. I do not, not until I have finished, and then I will yield.

All I want to say is that the only purpose here is not to try to subvert the Senate, or to change its view, but to allow those Members who are absent the opportunity to vote on this issue. They voted once. It is obvious from the number of absentees that they have departed. I regret that, but I think there should be another opportunity given them for time to vote without any debate. I am not seeking to prolong debate whatsoever. We have already had enough debate. All I am saying is that it is not in keeping, I believe, with past practices, to take advantage of a peculiar situation in which Members have left the Hill.

That is perfectly obvious and that is the only purpose of this amendment. I think there should be a fair opportunity given for them to vote tomorrow, at a time certain, with, so far as I am concerned, just 2 minutes of debate, enough to explain what the situation is. That is the only reason I make this motion.

Now I am happy to yield to the Senator from Mississippi for a question, but I do not yield the floor.

Mr. STENNIS. I did not have a question at this time. I wished to make a parliamentary inquiry.

Mr. FULBRIGHT. I thought the Senator wished me to yield for that purpose. Did the Chair rule on the request for the yeas and nays on a vote on the pending amendment?

The ACTING PRESIDENT pro tempore. The yeas and nays are ordered. They are ordered automatically.

Mr. STENNIS. Mr. President, a parliamentary inquiry. Whose time is the Senator from Arkansas speaking on?

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is speaking on his own time. The Senator from Mississippi has 15 minutes.

Mr. STENNIS. Mr. President, I yield back——

The ACTING PRESIDENT pro tempore. Does the Senator from Arkansas yield the floor?

Mr. STENNIS. I yield back my 15 minutes, Mr. President.

Mr. FULBRIGHT. It is perfectly proper to do that. All that I would like to remind the Senator is that there is also, I think, the other possibility, of an appeal from a ruling of the Chair. I happen to think, according to my rule book, that the Chair misinterpreted the parliamentary inquiry a moment ago with regard to debate on a motion to reconsider. His ruling, I think, is not in accord with at least the rule book I have before me, which on page 687 of my book states:

A unanimous consent agreement limiting debate on a bill and amendments does not apply to a motion to reconsider the vote on an amendment.

That is the way it reads. Whether the rule book means anything or not, or what it says, is for the Senate to determine.

I regret that, at that time, this had not been called to my attention and that I did not appeal from the ruling of the Chair.

In that connection, Mr. President, may I ask a parliamentary inquiry. Is an appeal from the ruling of the Chair also covered by a limitation of debate and is not debatable?

The ACTING PRESIDENT pro tempore. The present occupant of the chair was not in the chair when the ruling was made. It would seem to the present occupant of the chair that the Senator has made a convincing argument. We do not have any precise question to be submitted to the Senate. So, the Senator would have to appeal from the ruling of the Chair. And the present occupant of the chair would submit the question to the Senate.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. STENNIS. Mr. President, has not the vote been taken and the matter already decided since that came up.

The ACTING PRESIDENT pro tempore. That one is out of the picture. The Senator is correct.

Mr. FULBRIGHT. Mr. President, is the present occupant of the chair saying——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas has the floor. He may continue.

Mr. FULBRIGHT. Is the present occupant of the chair saying that in his opinion the previous ruling of the Chair was in error?

The ACTING PRESIDENT pro tempore. No, the Chair did not say that. The Chair said he would submit the matter to the Senate.

Mr. STENNIS. Mr. President——

Mr. FULBRIGHT. Is an appeal from the ruling of the Chair debatable?

The ACTING PRESIDENT pro tempore. The Chair would like to listen to the Senator from Mississippi.

Mr. FULBRIGHT. I would like an answer to my parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Chair has to make a ruling, and the Chair would like to listen to the Senator from Mississippi and any other Senators that will help the Chair in making the ruling.

May we have order in the Senate?

Mr. STENNIS. Mr. President, in view of the statement of the Chair, if I am in order, I want to raise a point of order that relates to where the situation was when the ruling was made. The action of the Senate has taken place on the question. The question is purely moot now, and there is no appeal to be had from the ruling of the Chair because the matter has been acted on.

Mr. FULBRIGHT. Mr. President, is the debate being taken out of my time or from the time of the Chair?

The ACTING PRESIDENT pro tempore. It is being taken from the time of the Chair. [Laughter.]

We will somehow get a ruling. There has been a ruling of the Chair. It was not appealed from. The question is now moot. Neither the Senator from Arkansas nor anyone else appealed from the ruling of the previous occupant of the Chair.

Mr. FULBRIGHT. That is correct.

The ACTING PRESIDENT pro tempore. Now there is another request for a ruling as to, really, what is a hypothetical case. The Chair is trying to find out what the opinion of the Senate is as to what the ruling should be. There is not really anything before the Senate at the present time.

Mr. FULBRIGHT. Mr. President, it was my contention that a parliamentary inquiry to the Chair is in order upon a hypothetical proposition.

The ACTING PRESIDENT pro tempore. The Senate will be in order. Would the Senator from Arkansas present his parliamentary inquiry?

Mr. FULBRIGHT. Mr. President, it has been my understanding that parliamentary inquiries are in order on hypothetical questions. Is it the ruling of the Chair that he will never give an opinion about a hypothetical proposition?

The ACTING PRESIDENT pro tempore. Of course not. A previous response of the Chair was made on a parliamentary inquiry. It was a response to a parliamentary inquiry. The present occupant of the Chair would be delighted to respond to a parliamentary inquiry if he can find out exactly what the parliamentary inquiry is.

Mr. FULBRIGHT. I make the parliamentary inquiry whether an appeal from the ruling of the Chair is debatable under the circumstances existing in the Senate at the present time?

Mr. ERVIN. Mr. President, a parliamentary inquiry in response to that.

The ACTING PRESIDENT pro tempore. Just a moment.

Mr. ERVIN. Mr. President, my parliamentary inquiry is this——

Mr. FULBRIGHT. Can I not get an answer to that inquiry. Is it or is it not?

The ACTING PRESIDENT pro tempore. May the Chair listen to the Senator from North Carolina? The Chair is prepared to answer the inquiry.

Mr. ERVIN. Mr. President, do not the rules of the Senate preclude any Senator, including the Senator from Arkansas, from taking an appeal from a ruling of the Chair nunc pro tunc ex post facto?

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I move that we adjourn.

The ACTING PRESIDENT pro tempore. The Senator from Arkasas has to yield for the purpose of the motion.

Mr. HUMPHREY. Mr. President, did the Chair not recognize the Senator from Minnesota?

The ACTING PRESIDENT pro tempore. No. The Senator from Arkansas has the floor. If the Senator from Arkansas will yield to the Senator from Minnesota for such a motion, he could make the motion.

The Chair is ready to rule on the parliamentary inquiry of the Senator from Arkansas.

Mr. FULBRIGHT. Let us get that ruling first.

The ACTING PRESIDENT pro tempore. It is a debatable motion.

Mr. FULBRIGHT. And it is not covered by the omnibus agreement for a limitation of time upon the substantive——

The ACTING PRESIDENT pro tempore. In the opinion of the present occupant of the chair, the motion to reconsider is debatable. And the way to raise the question is to appeal from the ruling of the Chair and find out what the Senate has to say.

Mr. FULBRIGHT. That is the moot question that was referred to a moment ago.

The ACTING PRESIDENT pro tempore. It is moot because no one could appeal from a response to a parliamentary inquiry.

Mr. FULBRIGHT. I understand that.

The ACTING PRESIDENT pro tempore. It was only a response to a parliamentary inquiry.

Mr. FULBRIGHT. I understand. Let me say before I yield to the Senator, if he wishes me to, that I hope the Senator from Mississippi would agree at some time on this matter. I do not care, but I think the Senator will agree that there are absentees who, having voted on this issue in good faith, thought the issue was disposed of.

I know that the Senator from Mississippi is a man who is a former judge and a man who is very sensitive to the requirements of justice. The Senator will agree that there is an element of injustice in voting again at this late date.

The Senator will also agree that by either an appeal from the ruling of the Chair or by amendment this matter could be prolonged for a long time. And it is not in the interest of the Senate to do so. I do not wish to do so.

I hope the Senator would agree without having the Senator from Minnesota move to adjourn.

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

Mr. FULBRIGHT. I yield.

Mr. STENNIS. Mr. President, in great deference to the Senator from Arkansas, I totally reject the idea that because some Senators left the Chamber and are not here to vote, we cannot operate. I have seen this happen hundreds of times.

Every Senator knows when he leaves that he has left the Chamber. We are up against it here. The situation here is that I have yielded back my time. Does the Senator want to argue his amendment now or let us pass on it on his time?

Mr. FULBRIGHT. No.

The ACTING PRESIDENT pro tempore. The time of the Senator from Arkansas has now expired.

Mr. FULBRIGHT. Mr. President, I asked a parliamentary inquiry. I asked the Chair whose time was being used in this discussion of the procedure. And the Chair said it was the time of the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi yielded back his time. The Senator from Arkansas was discussing these matters on his own time.

Mr. FULBRIGHT. No, but I ask—I beg the Chair's pardon. I asked the Chair, and I believe the RECORD will show, on whose time the discussion of the rules was taking place.

The ACTING PRESIDENT pro tempore. The present occupant of the Chair was inquiring to find out for his own information how to rule. He will be delighted to give the Senator 5 additional minutes.

Mr. FULBRIGHT. I do not know that the Chair has that right, but because he had said to me—in all deference the Chair said it was on the Chair's time; in other words, not on my time.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. HUMPHREY. Mr. President——

SEVERAL SENATORS. Regular order! Regular order!

Mr. HUMPHREY. The Senator from Minnesota wishes to be recognized.

Mr. FULBRIGHT. I yield to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr HUMPHREY. Mr. President——

SEVERAL SENATORS. Regular order! Regular order!

Mr. HUMPHREY. Mr. President, I am entitled to recognition.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota.

Mr. HUMPHREY. I move we adjourn.

SEVERAL SENATORS. Yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to adjourn. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. May we have order? Senators will please be seated.

The assistant legislative clerk resumed the call of the roll.

The PRESIDENT pro tempore. Senators will please take their seats. The Senate will be in order.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from

Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Utah (Mr. MOSS), are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent.

Also, the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG), are necessarily absent.

The result was announced—yeas 33, nays 45, as follows:

[No. 243 Leg.]

YEAS—33

Brooke	Hughes	Nelson
Burdick	Humphrey	Packwood
Case	Jackson	Pell
Church	Javits	Percy
Cooper	Kennedy	Proxmire
Cranston	Magnuson	Stafford
Fulbright	Mathias	Stevenson
Gravel	McGee	Symington
Hart	McIntyre	Taft
Hartke	Metcalf	Tunney
Hatfield	Muskie	Williams

NAYS—45

Allen	Dole	Miller
Baker	Eastland	Pearson
Beall	Ellender	Randolph
Bentsen	Ervin	Roth
Bible	Fannin	Saxbe
Boggs	Gambrell	Schweiker
Brock	Goldwater	Scott
Buckley	Griffin	Smith
Byrd, Va.	Gurney	Sparkman
Byrd, W. Va.	Hansen	Spong
Cannon	Hollings	Stennis
Chiles	Hruska	Stevens
Cook	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Long	Tower

NOT VOTING—22

Aiken	Fong	Moss
Allott	Harris	Mundt
Anderson	Inouye	Pastore
Bayh	Mansfield	Ribicoff
Bellmon	McClellan	Weicker
Bennett	McGovern	Young
Dominick	Mondale	
Eagleton	Montoya	

So the motion to adjourn was rejected.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

Mr. COOK. I object, Mr. President.

Mr. BYRD of West Virginia. Mr. President, I hope Senators will not object.

The PRESIDENT pro tempore. The Senate is not in order.

Mr. BYRD of West Virginia. Mr. President, I realize that debate is not in order, but I am going to ask again, because otherwise the Senate will be forced into a live quorum the first thing tomorrow, and it is my intention, if the quorum can be called off, to make a unanimous consent to accommodate two Senators tomorrow morning and then to move to adjourn. That would at least save an automatic quorum call the first thing tomorrow at 9 a.m.

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

The PRESIDENT pro tempore. Is there objection?

Mr. STENNIS. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard.

The second assistant legislative clerk continued to call the roll.

Mr. BYRD of West Virginia. Mr. President, I know that during the quorum call debate is not in order, but I want to call the attention of Senators to the fact that if there is a live quorum in the morning, once that is completed we will not be back on the unfinished business, because under the unanimous-consent agreement, the school lunch program will then be before the Senate.

I therefore ask unanimous consent with the intention of moving to adjourn very shortly, that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, I think a little more should be known about this situation.

The PRESIDENT pro tempore. The Chair informs the Senator from Mississippi that debate is not in order.

Mr. STENNIS. I said I reserve the right to object.

The PRESIDENT pro tempore. A quorum call is in process, and the Senator cannot reserve the right to object when a quorum call is in process.

Mr. STENNIS. Mr. President, I am compelled to object.

The PRESIDENT pro tempore. Objection is heard.

The second assistant legislative clerk continued to call the roll.

Mr. DOLE. Regular order, Mr. President.

The PRESIDENT pro tempore. The quorum call has not yet been completed.

The second assistant legislative clerk continued to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and I do this for the purpose of hoping that I will then be in a position to propound a unanimous-consent request to vote on the Fulbright amendment at a time certain and then to move to adjourn.

The PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. A point of order, Mr. President. The request for unanimous consent is out of order.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

Mr. ALLEN. A point of order, Mr. President.

The PRESIDENT pro tempore. The point of order is not in order at the moment.

Mr. ALLEN. I object. I point out——

The PRESIDENT pro tempore. Objection is heard.

Mr. ALLEN. I am not objecting, Mr. President. The rollcall has been completed.

The PRESIDENT pro tempore. Debate is not in order, because the Senate is now in the process of a quorum call.

Mr. ALLEN. The rollcall has been completed.

The PRESIDENT pro tempore. It has not been announced yet.

Mr. DOLE. Regular order, Mr. President.

The PRESIDENT pro tempore. All right.

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

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

Mr. DOLE. Mr. President, regular order.

Mr. STENNIS. I object.

The PRESIDENT pro tempore. Objection is heard.

The second assistant legislative clerk concluded the call of the roll and the following Senators answered to their names:

[No. 244 Leg.]

Allen	Dole	Miller
Baker	Ellender	Pearson
Bentsen	Ervin	Randolph
Bible	Fannin	Roth
Boggs	Gambrell	Saxbe
Brock	Griffin	Schweiker
Buckley	Gurney	Scott
Byrd, Va.	Hansen	Smith
Byrd, W. Va.	Hollings	Sparkman
Cannon	Hruska	Stafford
Chiles	Jordan, N.C.	Stennis
Cook	Jordan, Idaho	Stevens
Cooper	Long	Talmadge
Cotton	Magnuson	
Curtis	Metcalf	

The PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia that the Senate do now adjourn until 9 a.m. tomorrow.

Mr. STENNIS. Mr. President, a point of order is not in order because we have not transacted any business since the last one.

The PRESIDENT pro tempore. The only motion in order without a quorum being present is a motion to adjourn, and that is the motion pending.

The question is on agreeing to the motion of the Senator from West Virginia.

All those in favor of adjourning signify by saying "aye." All those in favor of not adjourning signify by saying "no."

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia that the Senate do now adjourn until 9 a.m. tomorrow morning.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from New Mexico (Mr. MONTOYA) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

Also, the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The result was announced—yeas 32, nays 33, as follows:

[No. 245 Leg.]

YEAS—32

Bentsen	Fulbright	Packwood
Bible	Gambrell	Pearson
Brooke	Griffin	Pell
Burdick	Hartke	Proxmire
Byrd, W. Va.	Hatfield	Stafford
Case	Hughes	Stevenson
Chiles	Humphrey	Symington
Cooper	Jackson	Taft
Cotton	Magnuson	Talmadge
Cranston	McGee	Tunney
Ellender	Nelson	

NAYS—33

Allen	Eastland	Roth
Baker	Ervin	Saxbe
Beall	Fannin	Schweiker
Boggs	Goldwater	Scott
Brock	Gurney	Smith
Buckley	Hansen	Sparkman
Byrd, Va.	Hollings	Spong
Cannon	Hruska	Stennis
Cook	Jordan, N.C.	Stevens
Curtis	Jordan, Idaho	Thurmond
Dole	Randolph	Tower

NOT VOTING—35

Aiken	Bennett	Gravel
Allott	Church	Harris
Anderson	Dominick	Hart
Bayh	Eagleton	Inouye
Bellmon	Fong	Javits
Kennedy	Metcalf	Pastore
Long	Miller	Percy
Mansfield	Mondale	Ribicoff
Mathias	Montoya	Weicker
McClellan	Moss	Williams
McGovern	Mundt	Young
McIntyre	Muskie	

So the motion of Mr. BYRD of West Virginia to adjourn was rejected.

Mr. BYRD of West Virginia addressed the Chair.

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

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

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wyoming withhold his request?

Mr. McGEE. For what purpose?

Mr. BYRD of West Virginia. I asked for recognition.

Mr. McGEE. I did suggest the absence of a quorum.

Mr. BYRD of West Virginia. The Senator from West Virginia was on his feet seeking recognition.

The PRESIDENT pro tempore. Does the Senator withhold?

Mr. McGEE. Mr. President, I am glad to withhold.

Mr. BYRD of West Virginia. Mr. President, the Senator from West Virginia was on his feet. Perhaps the Chair did not see him or hear him, but he sought recognition.

Mr. President, in an effort to get us out of this difficult situation I ask unanimous consent that on tomorrow, immediately following the vote on the school lunch bill——

The PRESIDENT pro tempore. Does the Senator ask unanimous consent to make that announcement—because it is out of order? The Chair is informed that time for debate on the amendment has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

The Senator may proceed.

Mr. BYRD of West Virginia. Mr. President, under the unanimous-consent agreement, immediately following recognition of the two leaders on tomorrow, the unfinished business will be laid aside temporarily and the Senate will proceed to the consideration of Senate Joint Resolution 157, the school lunch measure, with a 2-hour limitation thereon and with a 30-minute limitation on any amendment to that resolution.

Under the unanimous-consent agreement the unfinished business must remain in a state of being laid aside until the school lunch measure is disposed of.

I ask unanimous consent that immediately following the disposition of the school lunch measure tomorrow, the Senate proceed to a vote on the amendment to the amendment offered by the Senator from Arkansas (Mr. FULBRIGHT) and that following the vote on the amendment in the second degree there be a limitation of 30 minutes to be equally divided between the mover of the amendment in the first degree and the distinguished manager of the bill (Mr. STENNIS), at the conclusion of which time the Senate then proceed to vote on the amendment in the first degree.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—I want to be certain the proposal is understood. Following disposition of what is already the pending business tomorrow, we would first vote on Senator FULBRIGHT'S amendment to the amendment.

Mr. BYRD of West Virginia. Yes.

Mr. STENNIS. Then, after 30 minutes equally divided we would vote on the amendment of the Senator from Arkansas.

Mr. BYRD of West Virginia. The Senator is correct.

Mr. STENNIS. I do not object.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I have already made the point clear we are not seeking further debate on this issue at all. We are familiar with the vote. I would have no objection if that unanimous-consent request were made for a vote at any time on Monday with 2 minutes' debate or without any debate.

This proposal is not for the purpose of further debate, but only to have a vote at a time when it is probable we will have as full representation as possible of the Senate. That is the only purpose of all this: To get Members of the Senate to know in advance there will be a vote and to have them here. There is no disposition to want 30 minutes more debate.

If that request is made for any time the leadership wishes on Monday I have no objection. Otherwise I have to object.

Mr. BYRD of West Virginia. Mr. President, may I be recognized?

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, the difficulty with Monday lies in the fact that under the unanimous consent agreement the entire day is practically consumed. The amendment by Mr. ALLOTT, on which there is a time agreement of 3 hours, follows the transaction of the routine morning business. On disposition of the amendment by Mr. ALLOTT on Monday the Senate will proceed to the consideration of the amendment by Mr. SYMINGTON on which there is a limitation of 5 hours. Moreover, there is a limitation of 30 minutes on any amendment to either of these amendments.

So I think it would be out of the question as far as Monday is concerned.

Mr. FULBRIGHT. Tuesday is all right.

Mr. BYRD of West Virginia. Does the Senator object to my initial request?

Mr. FULBRIGHT. I object to it applying tomorrow. I will not object if the Senator makes the same request for Tuesday, if he does not like Monday.

ORDER FOR RECOGNITION OF SENATORS BENNETT AND JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I wish first to ask unanimous consent with respect to two or three other matters, just in case we are yet forced to adjourn tonight because of a lack of a quorum.

Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders under the standing order, the following

Senators be recognized each for 15 minutes in the order stated: the Senator from Utah (Mr. BENNETT), and the Senator from New York (Mr. JAVITS).

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the conclusion of the routine morning business——

The PRESIDENT pro tempore. Does the Senator ask for additional time?

Mr. BYRD of West Virginia. Mr. President, I ask that I be recognized for 3 minutes.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

ORDER FOR CONSIDERATION OF MR. GRAVEL'S AMENDMENT ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, at the conclusion of the period for the transaction of routine morning business, the Senate proceed to the consideration of the amendment by Mr. GRAVEL, the number of which I am not aware of at this time; that the time be limited to 2 hours, to be divided equally between the mover of the amendment and the manager of the bill; and that time on any amendment thereto be limited to 30 minutes, equally divided between the mover of the amendment in the second degree and the manager of the bill.

Mr. STENNIS. Mr. President, reserving the right to object, my attention was diverted. Did the Senator's request cover Tuesday?

Mr. BYRD of West Virginia. Yes.

Mr. STENNIS. We already have items that are set for Tuesday under unanimous-consent request.

Mr. BYRD of West Virginia. No, not for Tuesday.

Mr. STENNIS. We have three amendments set for Tuesday already.

Mr. BYRD of West Virginia. No.

Mr. TOWER. I object.

Mr. BYRD of West Virginia. Mr. President, I hope the distinguished Senator from Texas will not object.

May I say this before I propound the request again. The Senate already has entered a unanimous-consent order whereby the final vote on this bill will occur on Wednesday at the expiration of 3 hours for debate, and the 3 hours will begin running following disposition of the amendment which will be called up by the Senator from New Mexico (Mr. MONTOYA).

So we have a unanimous-consent agreement covering Monday, we have a unanimous-consent agreement covering Wednesday, and under the consent agreement, we have time limited on the final passage of the bill, and the final vote must occur on Wednesday.

This leaves Tuesday without its being covered by unanimous-consent agreement. I am merely trying to get an agreement whereby we can schedule amendments for Tuesday and once those agreements are scheduled, I can then propound a request in accordance with the suggestion of the able junior Senator from Arkansas, whereby we can then attempt to get a vote on his amendment on Tuesday. I am merely trying to work up to that point. I hope that if the Senator wishes to object, he will do so at that time, but not prior thereto.

Mr. TOWER. Mr. President, I think the Senator's original request was reasonable. The Senator from Arkansas made his decision to object. He has been the one to suggest we carry over until tomorrow on this.

I think if the Senator from Arkansas would honor the unanimous-consent propounded by the Senator from West Virginia, it can be accommodated.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be recognized for an additional 3 minutes.

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

Mr. BYRD of West Virginia. Mr. President, the Senator from Arkansas objected in his own right. He had a right to object to the request, and the Senator from Texas (Mr. TOWER) has a similar right to object to a request to vote on the chrome ore amendment on Tuesday, but I hope he will let me proceed with the other requests which lead up to that point. Then if he wishes to object, he may do so.

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

Mr. BYRD of West Virginia. I yield.

Mr. HUMPHREY. Mr. President, may I suggest, in all kindness, to Members of the Senate that if we quit tonight and come back tomorrow, take up our business and talk then, perhaps we can have some understanding. This is not a question of life or death. This is a question of procedure in the Senate on an issue which can be resolved. I think some Senators have some commitments, which may be unfortunate, but we at least have to have a chance to talk to these Senators about those commitments. We are not making a good spectacle of ourselves tonight. We would be much better off, may I say with all respect to Members of the Senate, and particularly to the leader who tries to bring these requests about, if we could fold up tonight—and I urge on my colleagues to do so—so we can come back fresh tomorrow, and we will have the bill before us tomorrow, and perhaps we will be better off and in better humor and do a better job. I would like to have a chance to talk to my associates, perhaps some of those who have been voting one way on the Fulbright amendment.

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

Mr. HUMPHREY. I yield.

Mr. BYRD of West Virginia. Mr. President, I have the floor. I yield to the Senator from Mississippi.

Mr. STENNIS. The Senator is aware that the Senator is trying to get an agreement on that amendment next week?

Mr. HUMPHREY. Mr. President, I understand that is not the problem, but we would be better off if we adjourned. I have been here for some years, as have other Senators, and I notice that after 7 o'clock we seem to lose that quality called good humor and reason. I do not advise that we adjourn at 7 o'clock all the time, because once in a while it is a good thing to "jazz" things up, but I think we have overdone it tonight.

Mr. BYRD of West Virginia. May I say to the Senator from Minnesota that the Senator from West Virginia is attempting to move in that direction, but before moving to adjourn, I would hope to get the unanimous-consent request agreed to, and I therefore, repeat my request.

The PRESIDENT pro tempore. Will the Senator state it?

ORDER FOR ADJOURNMENT FROM MONDAY NEXT TO TUESDAY NEXT AT 9 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 9 o'clock a.m. on Tuesday next.

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately after the recognition of the two leaders under the standing order, and following the recognition of any Senators under 15-minute orders, if there be such orders entered, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. HUMPHREY. Mr. President, provided that quorum calls are not included in the 15 minutes.

Mr. BYRD of West Virginia. I hope the Senator will not insist on that.

Mr. HUMPHREY. I do insist on it.

Mr. BYRD of West Virginia. The Senator's suggestion would be absolutely impractical and unworkable, and I will be glad to debate that at any time.

The PRESIDENT pro tempore. Is there objection?

Mr. HUMPHREY. I say, most respectfully, that this day we had 11 minutes used in a quorum call and charged out of the 15 minutes for the morning hour under the order. The rule calls for 2 hours for a morning hour, ordinarily, unless unanimous consent is obtained otherwise. I am not protecting my right. I have no intention to use any of the time. But I think it stretches it a bit when it is said that 15 minutes are adequate for 100 Senators, particularly when time is going to be used out of that period for a quorum call. I suggest, that we would want to save some time, say 10 minutes, out of that quorum call. I do not say we have to——

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I

may be permitted to proceed for an additional 5 minutes.

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

Mr. BYRD of West Virginia. I regret that I was not on the floor this morning when the situation arose to which the Senator from Minnesota has alluded. If I had been, I think I could have been of some assistance. But the Senator from Minnesota was here when the quorum calls were running, and he could have called those quorum calls off at any point he wished, and could have used time during those 11 minutes, if he had so chosen, but he did not choose to do so until the 15 minutes had almost expired.

Mr. HUMPHREY. May I say respectfully to my leader that I did not know the quorum call was being charged up to the morning hour. It would seem to me that if a morning hour is limited to 15 minutes, it ought to be a 15-minute morning hour. If there is no Senator who wants to talk, that is one thing, but quorum calls use up the time Senators may want to use when they cannot be present at that moment.

I do not want to cause the leader difficulty tonight. I think we ought to have an understanding on it. I understand the Senator says we can call off those quorum calls, but sometimes Senators are trying to get over to the Chamber from committee hearings, particularly when we have morning sessions, which are necessary, and it is sometimes impossible to get here.

Mr. BYRD of West Virginia. Mr. President, I shall not labor this point further just now. Suffice it to say any time I am here and a distinguished Senator does not have 3 minutes left within the 15 minutes, I shall be very glad to try to extend the 15-minute period for another 3 minutes. We can work that out.

Mr. HUMPHREY. That is not the point, I say most respectfully. Every Senator is entitled to talk without the time being yielded to him. I do not want to be spoon fed.

Mr. BYRD of West Virginia. May I say that the procedures under which we are operating were suggested, not by me, but by four distinguished Senators, two from each side; namely, Senators HUGHES and CRANSTON on this side, and Senators SAXBE and SCHWEIKER on the other side. That is why we are operating under 15-minute orders in the Senate, and that is why we are not extending 3-minute speeches under the morning business—not because of my suggestion, but because of that suggestion, and it was agreed to by the other Senators on both sides, and it was a good suggestion and has worked well. I have considered it my function to carry out the orders which have been agreed to. If I had been here when the Senator sought additional time I would have worked that out.

Mr. HUMPHREY. May I say it is not a matter of additional time. That is not the point. I hope I made that clear. I am concerned that when a quorum call runs for the purpose of some Senator who may be detained on very important business it uses up the time that Senator might need, and I do not want to see that Senator cut off. I am not talking about my being cut off. I had nothing important in mind. What was bothering me was the procedure itself. I would suggest that those quorum calls not apply to the 15 minutes.

Mr. BYRD of West Virginia. Mr. President, I am sorry this issue had to be injected into the discussion at this point, but inasmuch as the Senator has raised it, I want to state that, in my judgment, it would be absolutely unworkable to have a period for the transaction of routine morning business for 15 minutes, or 30 minutes, or whatever time, and not charge the time for quorum calls against that period. It cannot be done, from a practical point.

Mr. HUMPHREY. I shall not object, because I want to see us get out of here. I love the Senator so.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. I ask unanimous consent that on Monday, following the recognition of the two leaders under the standing order——

Mr. TOWER. Mr. President, I object.

The PRESIDENT pro tempore. Will the Senator restate his request?

Mr. TOWER. Mr. President, I ask unanimous consent that the Senator may proceed to repropound his unanimous-consent request.

Mr. BYRD of West Virginia. Mr. President, Senators are entitled to hear the unanimous-consent requests, and I, therefore, repeat:

I ask unanimous consent that on Tuesday, following the recognition of the two leaders under the standing order, and upon the conclusion of orders for recognition of Senators, if such orders be enacted, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

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

UNANIMOUS-CONSENT AGREEMENT ON GRAVEL AMENDMENT

Mr. BYRD of West Virginia. Mr. President, my previous request was with regard to Tuesday morning.

I ask unanimous consent that upon the conclusion of the period for the transaction of routine morning business on Tuesday, the amendment by Mr. GRAVEL, the number of which I cannot identify at the moment, be made the pending question; that the time on that amendment be limited to 2 hours, to be equally divided between and controlled by the mover of the amendment (Mr. GRAVEL) and the manager of the bill (Mr. STENNIS); and that time on any amendment to the amendment be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the amendment by the Senator from Alaska (Mr. GRAVEL) on Tuesday, the Senate proceed to the consideration of amendment No. 447, offered by the Senator from New York (Mr. BUCKLEY).

By way of explanation, Mr. President, there has already been an agreement entered into whereby time on that amendment would be limited to 1 hour.

The PRESIDENT pro tempore. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, is the Senator going to ask for the allocation of all the time on Tuesday, so that then there will be no time for even the possible consideration of the pending business?

Mr. BYRD of West Virginia. Mr. President, I hope all Senators will understand that I am not trying to play either side. I happened to vote with the senior Senator from Virginia on this question, but I do not intend now, or at any time in the future, and I do not think I ever have in the past——

Mr. FULBRIGHT. I did not suggest that. I was merely asking for information.

Mr. BYRD of West Virginia. I am trying to answer. I do not think the junior Senator from West Virginia is going to try any legerdemain, but I do want to make requests to take up two more amendments following the one as to which I have just presented the unanimous-consent request, and following that, on Tuesday, I would hope the Senate will proceed to dispose of the amendment on Rhodesian chrome ore.

Mr. FULBRIGHT. Would the Senator mind asking unanimous consent for that first?

Mr. BYRD of West Virginia. No; because I want to clock in the other two amendments, and know where we stand, and at what point we can dispose of the Rhodesian ore amendment.

Mr. FULBRIGHT. Well, I have been told that on Monday the time is already taken up, so it is impossible to have a vote on the pending business on Monday. If you create the same situation on Tuesday, and there is unanimous consent to vote on the bill on Wednesday, then there will be no vote.

Mr. BYRD of West Virginia. Well, now, Mr. President, if we are going to get into this kind of playing games, let me say we have already gotten the order to come in at 9 o'clock on Tuesday; we have an order whereby there will be some morning business not to exceed 15 minutes, and then we have an order whereby the Senate will proceed to consider the Gravel amendment for 2 hours.

That would take us up to about 11:30 if there are no amendments offered to the amendments. Then, if we can clock in the other three amendments on which there is already an order entered providing for an hour on each amendment, that would take us up to about 2:30. There will be ample time at that point to clock in the Rhodesian chrome ore amendment.

Mr. FULBRIGHT. Then the time the Senator is asking for on the other amendments would not go beyond 2:30?

Mr. BYRD of West Virginia. Well, it would go beyond 2:30 if rollcall votes occurred on those amendments, or if

amendments to those amendments were offered, but it is not likely that there will be amendments offered to the amendments. I think there will be ample time on Tuesday.

Mr. FULBRIGHT. Would the Senator object, on the pending business—the debate is all completed; all that is requested is enough time, about 20 minutes, to call the roll.

Why would it not be logical to dispose of that, and then take care of the others?

Mr. BYRD of West Virginia. The simple answer to that is that I am anticipating there might be an objection.

Mr. FULBRIGHT. Why does not the Senator find out?

Mr. BYRD of West Virginia. The Senator from West Virginia would at least like to make as much progress as is possible in getting agreements on other amendments to the unfinished business for Tuesday, and this would not in any way infringe on the Senator's right to object to a request to vote on the Rhodesian chrome ore amendment that day.

Mr. President, I repeat my unanimous-consent request, and hope the Senator will not object.

Mr. CANNON. Mr. President, if the Senator will yield, in order to clarify the matter once and for all, I can assure the Senator from Arkansas that there will be an objection. I think it is as important to accommodate those of us who have stayed here all day today to vote on this issue as to accommodate the people who are not here today, and I personally do not anticipate being here on Tuesday, so I am going to object to that request if and when it comes up.

Mr. FULBRIGHT. Well, then, why not object to all requests?

The PRESIDENT pro tempore. The Senate will be in order. The time of the Senator from West Virginia has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to proceed for an additional 3 minutes.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD of West Virginia. I believe that if Senators will just be patient and hear me out, we will get out of this situation shortly, and be on our way to our homes.

Mr. President, I repeat and revise my unanimous-consent request that upon the disposition of the Gravel amendment on Tuesday next, the Senate proceed to the consideration of amendment No. 447 by the Senator from New York (Mr. BUCKLEY); that upon the disposition of that amendment, the Senate proceed to consider amendment No. 448 by the Senator from New York; and that upon the disposition of that amendment, the Senate proceed to the consideration of amendment No. 449 by the Senator from New York, on each of which amendments there is an agreement limiting the time to 1 hour.

If Senators will not object to this request, then we will proceed to the crux of the matter which now troubles us the most.

This is if the distinguished Senator from New York (Mr. BUCKLEY) decides to call up his amendments, which he may not wish to do.

Mr. FULBRIGHT. Mr. President, I do not wish to be contentious, but I think I can see how this is gradually building up so that there will be no time on Tuesday to vote on the pending business. The pending business has gotten to the point that the only thing left is not a discussion or debate, but a vote.

Mr. BYRD of West Virginia. Well, the Senator would have ample time——

Mr. FULBRIGHT. I cannot tell. This keeps mounting up to the point where I am not sure about it. That is why it is wise to go over until tomorrow, so that we can figure out just what the situation will be on Monday and Tuesday. The Senator from Nevada says he will object, and others will object. I do not understand it. I think I——

Mr. BYRD of West Virginia. Mr. President, I hope Senators will not object to this request.

Mr. FULBRIGHT. I cannot see the urgency of doing this tonight instead of tomorrow.

Mr. BYRD of West Virginia. If the Senator will allow me to get this request out of the way, then we will get down to the bone of contention about which he is so concerned.

The PRESIDENT pro tempore. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, may I suggest that if the Senator from Arkansas is concerned about the amount of time that might be available to him on Tuesday for the disposition of his amendment, we should go ahead and consider it tonight or do it tomorrow, as was originally proposed by the distinguished Senator from West Virginia? I, for one, together with the Senator from Nevada, will object to consideration of it on Tuesday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

Mr. FULBRIGHT. Mr. President——

Mr. BYRD of West Virginia. Do not object to this. We will get to yours.

Mr. FULBRIGHT. All right; I will not object.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. BYRD of West Virginia. Now, Mr. President, I thank the Senator from Arkansas, and I thank all Senators.

I ask unanimous consent that on Tuesday next, immediately following the disposition of the amendment or amendments to which I have already alluded to be offered by the Senator from New York (Mr. BUCKLEY), the Senate then proceed to vote on the amendment in the second degree offered by the Senator from Arkansas (Mr. FULBRIGHT) to the amendment in the first degree offered by the Senator from Arkansas.

Mr. TOWER and Mr. CANNON. I object.

The PRESIDENT pro tempore. Objection is heard.

Several Senators addressed the Chair.

Mr. BYRD of West Virginia. I yield to the Senator from Alaska.

Mr. STEVENS. Would it be possible to move to a scheduled list of votes at a time certain on Tuesday, and have a vote on that?

Mr. BYRD of West Virginia. I thank the Senator for his suggestion.

Mr. President, I make this request. I ask unanimous consent that on Tuesday, immediately following the disposition of the amendment or amendments by the Senator from New York, depending upon whether or not he wishes to call up 1, 2, or 3, there be a—the Senator to Arkansas does not object to voting on his amendment in the second degree?

Mr. FULBRIGHT. No.

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate then proceed, after 30 minutes of debate on the amendment in the second degree——

Mr. FULBRIGHT. To vote when?

Mr. BYRD of West Virginia. On Tuesday.

Mr. FULBRIGHT. Oh.

Mr. BYRD of West Virginia. That the Senate, after 30 minutes of debate as outlined, proceed to vote on the amendment of the Senator from Arkansas in the second degree, following which there be not to exceed 1 hour, to be equally divided between the mover of the amendment in the first degree and the manager of the bill, on that amendment, but that, at not later than 5 p.m., the Senate proceed to vote on the Fulbright amendment in the first degree.

Mr. TOWER and Mr. CANNON. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CURTIS. In the light of the refusal of the Senate to adjourn, I ask, what is the pending business?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas.

Mr. CURTIS. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

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

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

Mr. ALLEN. Mr. President, a point of order. On the request for a quorum, there has been no ascertainment that there is a quorum from the other quorum call, so this quorum call is out of order.

The PRESIDENT pro tempore. The Senate transacted business in the meantime.

Mr. ALLEN. There still has been no ascertainment from the other quorum call.

Mr. McGEE. I was assured that a quorum call had been ordered.

The PRESIDENT pro tempore. A quorum call is in order. Does the Senator withhold his request?

Mr. McGEE. For what purpose?

The PRESIDENT pro tempore. The acting majority leader desires the floor.

Mr. BYRD of West Virginia. I hope the Senator will withhold his request.

Mr. McGEE. I did this once before, and we have been here an hour. I want to cooperate. Let us try it again.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. I make one final request. I ask unanimous consent that a vote on the amendment in the second degree occur on Wednesday at the conclusion of the time allotted for debate on the bill, and that the vote on the amendment in the first degree, of course, occur immediately thereafter.

Mr. CANNON. I object.

Mr. SCOTT. Reserving the right to object—and I will not object—I would suggest, sensing the temper of the Senate, that we have a quorum call, during which an attempt may be made to transact, if possible, some agreement or solution to this matter, in order to avoid the Senate making a further and continuing spectacle of itself.

Personally, I am very regretful of some of the things that have happened. I have no strong position on either side of this matter. I simply wish for a solution.

I will not object to the proposal of the distinguished Senator from West Virginia. But should there be objection, it occurs to me that men of good will might well meet during a quorum call and see whether or not they can agree privately more amicably than they seem to be able to agree publicly.

I withdraw my reservation.

Mr. CANNON. I object.

The PRESIDENT pro tempore. Objection is heard. The clerk will call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, I move in accordance with the previous order, that the Senate stand in adjournment until tomorrow morning.

Several Senators requested the yeas and nays.

The PRESIDENT pro tempore. A quorum call is in order, and the clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, there was no response to the names.

The PRESIDENT pro tempore. The Senator has made the motion.

Mr. BYRD of West Virginia. He asked for a quorum, but there was no response.

The PRESIDENT pro tempore. The Senator made the motion, and it is in order now to call the roll.

Mr. BYRD of West Virginia. There has been no response, and the Senator from West Virginia has the right to move to adjourn.

The PRESIDENT pro tempore. Not to adjourn a quorum call. A quorum call was asked for by the distinguished Senator from Wyoming.

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

The PRESIDENT pro tempore. Is there objection to the order for the quorum call being rescinded?

Mr. DOLE. I object.

Mr. HUMPHREY. Mr. President, a point of order.

The PRESIDENT pro tempore. Objection is heard.

Mr. HUMPHREY. Mr. President, I raise a point of order. When is it that a motion to adjourn does not supersede a motion for a quorum when there has been no response from any Member of this body?

The PRESIDENT pro tempore. Once a quorum call is called for, it must proceed.

Mr. HUMPHREY. Even without the response?

The PRESIDENT pro tempore. Yes. When the motion is made, the quorum call begins, and it cannot be interrupted.

Mr. HUMPHREY. An appeal from the ruling of the Chair, I suppose.

Mr. BYRD of West Virginia. Mr. President——

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

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

The PRESIDENT pro tempore. Is there objection? There is no objection.

Mr. BYRD of West Virginia. Mr. President, in an effort to get the Senate out of this quagmire, I move that on Tuesday next, immediately upon the disposition of the amendment or amendments to be offered by Senator BUCKLEY, the Senate immediately proceed to vote on the amendment in the second degree offered by Senator FULBRIGHT, to be followed immediately by a vote on the amendment in the first degree.

The PRESIDENT pro tempore. Is there objection?

Mr. CURTIS. Mr. President, I seek recognition in opposition to the motion.

The PRESIDENT pro tempore. Is there objection?

Mr. CURTIS. It was not a unanimous-consent request. It was a motion. I seek recognition in opposition to the motion.

Mr. SCOTT. It is debatable.

The PRESIDENT pro tempore. It is debatable.

The Senator from Nebraska is recognized.

Mr. ERVIN. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska has the floor.

Mr. CURTIS. Mr. President, I think we owe an obligation to the distinguished Senator from Mississippi, who works for weeks and months every time a bill is brought to the floor pertaining to the defense of the United States. We were proceeding here tonight. It is conceded that on Friday a number of people are gone and the question came up as to whether we should adjourn, and the Senate, by a rollcall vote, decided not to adjourn.

I believe that every Senator should have respect for that vote, that it was the wish of the Senate not to adjourn. The time for debate has expired. If the rollcall had been proceeded with, it could have been completed 30 or 40 minutes ago.

Now, after using the system of unanimous consent to schedule this entire bill, we come to a point where, by motion, by sheer strength of numbers, we are going to set this vote on Tuesday. I dare say that it is inconvenient to just as many people on Tuesday as it is on any other day; and I would hope that the distinguished acting majority leader would not press his motion and force the scheduling of this particular amendment on Tuesday.

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

Mr. CURTIS. I yield the floor.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I think that the distinguished Senator from Nebraska has made a very reasonable suggestion; I believe that if the Senate would now adjourn, we could find some way tomorrow to work our way out of this difficult situation.

I, therefore, withdraw my earlier motion, and I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

Mr. BYRD of Virginia. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

The question is on agreeing to the motion of the Senator from West Virginia.

All those in favor, signify by saying "Aye"; those opposed, "No."

The ayes have it and the Senate stands adjourned.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair stated that the Senate is adjourned.

Thereupon (at 8 o'clock and 59 minutes p.m.), the Senate adjourned until tomorrow, Friday, October 1, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 30, 1971:

AMBASSADOR

Richard W. Murphy, of Virginia, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Island Republic of Mauritania.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The following-named persons to be members of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency:

Robert Ellsworth, of Maryland, vice William J. Casey, resigned.

John A. McCone, of California, vice Cyrus R. Vance, resigned.

George A. Smathers, of Florida, vice Peter G. Peterson, resigned.

Earle Gilmore Wheeler, of West Virginia, vice Douglas Dillon, resigned.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Walter James Hodges, of Virginia, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1972.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 1971:

FEDERAL RAILROAD ADMINISTRATION

John W. Ingram, of Illinois, to be Administrator of the Federal Railroad Administration.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Raymond Telles, of Texas, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1976.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named persons to be members of the National Commission on Libraries and Information Science for terms expiring July 19, 1976:

Andrew A. Aines, of Virginia.

Catherine D. Scott, of the District of Columbia.

NATIONAL LIBRARY OF MEDICINE

The following-named persons to be members of the Board of Regents, National Library of Medicine, Public Health Service, for the terms indicated:

For the remainder of the term expiring August 3, 1974:

J. Stanley Marshall, of Florida.

For a term of 4 years from August 3, 1971:

Susan N. Crawford, of Illinois.

Bernice M. Hetzner, of Nebraska.

Angelo M. May, of California.

IN THE PUBLIC HEALTH SERVICE

The nominations beginning Gordon Allen, to be medical director, and ending Dennis R. Shipman, to be a senior assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 30, 1971; and

The nominations beginning Harry E. Halden III, to be senior surgeon, and ending Peter K. Vaslow, to be an assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Sept. 13, 1971.

HOUSE OF REPRESENTATIVES—*Thursday, September 30, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Show me Thy ways, O Lord; teach me Thy paths, lead me in Thy truth: for Thou art the God of my salvation.—Psalm 25: 4, 5.

O God of Justice and Father of Mercy, we come into Thy presence to offer unto Thee our prayer of praise and thanksgiving. All that we are comes from Thee and all that we have is a gift from Thy hand. We are grateful for Thy goodness and pray that Thou wouldst help us to use our resources for the good of our fellow men.

Bless our Nation with Thy most gracious favor and may she ever be a land where freedom lives, justice rules, and peace abides. Grant a renewal of courage to all grown weary in the struggle for justice and peace in our world. Strengthen our faith in the ultimate triumph of the right and let Thy light shine upon our hearts to free us from fear and to lead us to a greater life together.

In the mood of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2613. An act to extend the Federal Water Pollution Control Act, as amended, for 1 month.

APPOINTMENT AS MEMBER OF COMMITTEE TO INVESTIGATE NONESSENTIAL FEDERAL EXPENDITURES

The SPEAKER. Pursuant to the provisions of section 601, title 6, Public Law 250, 77th Congress, the Chair appoints as a member of the Committee to Investigate Nonessential Federal Expenditures the following Member of the Committee on Ways and Means to fill an existing vacancy thereon: Mr. ULLMAN, of Oregon.

REQUESTING THE SECRETARY OF STATE TO FURNISH TEXT OF ALL COMMUNICATIONS PERTAINING TO THE FORTHCOMING VIETNAMESE PRESIDENTIAL ELECTION

Mr. MORGAN. Mr. Speaker, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 595

Resolved, That the Secretary of State be directed to furnish the House of Representatives within one week after the adoption of this resolution with the complete text of all communications pertaining to the forthcoming Vietnamese presidential election between the Department of State and the United States Embassy in Saigon and between the United States Embassy in Saigon and Messrs. Thieu, Ky, and Minh since January 1, 1971.

Mr. MORGAN. Mr. Speaker, it is my intention to move to table this resolution. Although I understand the motion to table is not debatable, I intended to yield to the author of the resolution for 10 minutes. I will not take any time during the debate myself. The report filed with the resolution speaks for itself.

Mr. Speaker, I intended to yield to the gentlewoman from New York (Mrs. ABZUG) 10 minutes for debate only, but I do not see the gentlewoman on the floor.

The SPEAKER. Does the gentleman desire to proceed in some other manner?

Mr. MORGAN. Mr. Speaker, I certainly notified the gentlewoman's office I was going to call this up first.

Mr. Speaker, I move to lay House Resolution 595 on the table.

The SPEAKER. The question is on the motion.

The motion was agreed to.

A motion to reconsider was laid on the table.

TABLING OF HOUSE RESOLUTION 619

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of House Resolution 619, a resolution identical with the one just disposed of, and that House Resolution 619 be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SCHOOL LUNCH PROGRAM

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, yesterday the Senate Agriculture Committee voted to instruct the Agriculture Department to borrow from other funds if necessary in order to insure that the national school lunch program will be maintained at acceptable funding levels.

Acting on a resolution introduced by committee chairman, HERMAN TALMADGE, of Georgia, the committee chose to raise the average minimum support to 45 cents a meal. This action will be very warmly received by school administrators throughout our Nation who were appalled by the administration's decision to reduce the average support to 35 cents per meal.

Had the Department of Agriculture been successful in reducing subsidy funds, my city of Chicago, alone, would suffer a $1.7 million loss this year to its free lunch program—a program that provides nourishing meals to 174,000 children each day.

Mr. Speaker, a similar resolution, House Joint Resolution 889, is presently pending before the House Committee on Education and Labor. Immediate action on this resolution is a must if we are to maintain an effective school lunch program for the underprivileged school-age children in our land.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 9961 UNTIL MIDNIGHT FRIDAY

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency have until midnight Friday, October 1, 1971, to file the committee report on H.R. 9961, a bill to provide temporary insurance for the