

healthy sales outlook is an increased consumer purchasing power, which we are providing for in the acceleration and liberalization of the personal income tax exemption and deductions. We are also providing a further incentive in the auto industry by giving their consumers the benefit of removing the automobile excise tax.

The question remains, however—how many jobs will be generated by these measures? And we might also add, how much will it cost to provide those jobs? At this time all we can say is that it will cost \$25 billion less the additional taxes that we will gain from the profits and wages generated by those jobs.

In my judgment, we have not yet generated the kind of analyses either in the House or in the executive branch that will give us either the information or an acceptable basis for predicting the effectiveness of this measure. We should begin to gather that information and insist that the administration do the same, or we may find ourselves in the position of having lost a great deal of revenues without having made any appreciable improvement in the employment situation. We should be ready, if these measures do not prove effective, to take further steps that will guarantee the creation of jobs in those areas where we have work that needs to be done. And we should do these things now so that we can act rapidly if necessary.

In addition to the questions regarding the effectiveness of this approach, I think we should be concerned about the judgment and the justness of this program. Essentially we are seeking to stimulate employment and investment in the private enterprise area of the economy, and that, of course, is desirable.

Yet, it is the investment in the public plant and the public service area of our

economy that so desperately requires our attention. Our cities and towns are polluting our rivers because they cannot build sewage treatment facilities. Our colleges and schools are cutting back in their investments in our children because financial resources are not being made available to them. We need a near revolution in the manpower and resources for adequate health care in this country. We need more parks and recreation areas. We need more resources for research. But the administration has asked us to cut \$5 billion from the Federal investment in these areas.

Much the same situation exists in the area of housing, where we have, on the one hand, between 11 and 13 percent unemployment in the construction trades, and a substantial housing shortage on the other.

In short, it is of questionable judgment that we are on the one hand attempting to stimulate private investment and employment at such high cost where the returns are, at best—if the administration's figure of 500,000 reduction in unemployment is reliable—modest, and on the other hand cutting back in our public investment when we know both that it would provide employment and that we so badly require the plant and services that public works and public employment could bring us.

We need both private and public investment and private and public employment if we are to have the goods and services we need in this country, but the policy we are considering today will not give us the balance in those two areas that today's priorities demand. Indeed, if anything, they will intensify the private affluence and public squalor that has seriously hampered the quality of American life throughout the past two decades.

There is also the question of justness, and this probably reveals the most serious shortcomings of the legislation we are today considering. It holds out no real hope for a substantial reduction of unemployment that could eradicate poverty or fulfill the needs in the fields of health, environment, science, transportation, housing and education. It also gives little relief or equity to the working Americans in the low- and moderate-income brackets who have suffered so much from inflation. These are the Americans who work but who do not make enough to give their families the benefits of a good home and good medical services and good education along with the other necessities. They and their families comprise nearly 40 percent of our population and they pay more than their full share of our taxes. It is time that we make concrete plans to help this set of Americans fulfill their goals, as well by opening the channels of employment and housing and services to them.

We should consider a strong minimum wage hike that would give this family the income it needs to stay off welfare and not incidentally to swell consumer demand. We should consider housing legislation that will make private and public housing available to this family. We should consider a realistic and responsible revenue sharing plan that will allow cities and States to establish the social services that are needed and can employ the men and women who are now looking for work.

We should fully fund our investments in health care and environmental protection as well. If we are willing to take these steps we will provide the jobs and the consumer purchasing power that is needed to make both our private and public economies healthy.

SENATE—Wednesday, October 6, 1971

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

Almighty God, giver of life, ruler of men and of nations, we thank Thee for this Nation conceived in liberty and dedicated to the proposition that all men are created equal. Help us so to live, so to work, and so to legislate that all citizens may be equally free under Thy rulership to find fulfillment and a high purpose in life.

Mindful that from the beginning, this Government was ordained to establish justice, insure domestic tranquility, provide for the common defense, and promote the general welfare, guide Thy servants here this day in furthering these objectives that their plans and appropriations neither be too little nor so excessive as to be wasteful but that their actions may be only in accord with Thy will for His people and the peace of the world. Keep them brotherly in their con-

duct and faithful in their dedication to Thee.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 5, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under New Reports.

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

The PRESIDENT pro tempore. The nomination on the Executive Calendar under New Reports will be stated.

AMBASSADOR

The second assistant legislative clerk read the nomination of Malcolm Toon, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Federal Republic of Yugoslavia.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of this nomination.

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.

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 Texas (Mr. BENTSEN) is now recognized for 15 minutes.

(The remarks of Mr. BENTSEN when he introduced S. 2657 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

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

THE UNJUSTIFIED EMBARGO ON RHODESIAN CHROME ORE

Mr. BYRD of Virginia. Mr. President, section 503 of the pending legislation would end the United States dependence on Communist Russia for a vital defense material.

The situation in which the United States finds itself today is that, because of an embargo on trade with Rhodesia, the United States must obtain most of its chrome from Russia. Rhodesia is the No. 1 chrome-producing nation in the world. It has two-thirds of the world's reserves.

Mr. President, the matter has been debated at some length; so I will not restate the arguments.

I rise today, however, to point out that a clear majority of the Senate had made known its position in favor of the committee action in inserting section 503 into the pending legislation.

On September 23, the Senator from Wyoming (Mr. McGEE) sought to knock out section 503. However, when the votes were counted, 46 Senators had sustained the committee position by a record vote. In addition seven other Senators were either paired in favor of sustaining the committee position or were announced in favor.

So, 53 Members of the Senate are on record as favoring ending U.S. dependence on Russia for a vital defense material—a material that is essential in the construction of jet aircraft, nuclear submarines, and many other weapons systems.

Mr. President, when I introduced this legislation on March 29, I had two objectives in mind.

One was to end U.S. dependence on Russia for this vital defense material. The second objective was to focus attention and debate on the unsound and, in my judgment, wrong policy of banning trade with Rhodesia.

Up to this point both objectives have been achieved. None of us know what will happen this afternoon when the Senate votes on the modifying amendment that has been offered by the Senator from Arkansas (Mr. FULBRIGHT). However, even if the Fulbright amendment should prevail, the Senate would still be on rec-

ord as favoring the ending of this policy of U.S. dependence on Russia for this vital defense material. The second objective, that of focusing attention and debate on this matter, already has been achieved.

Mr. President, when the vote was taken on September 23, it was the first time in 5 years that either House of Congress had voted on the matter of an embargo on trade with that small African country, Rhodesia.

The embargo was put on unilaterally by the President of the United States without reference to the Congress.

I think it is a matter of great significance that when the Senate had an opportunity to vote on this matter, such as it did on September 23, a clear majority of the Senate registered its support of the proposal which would permit the United States to trade with Rhodesia insofar as this strategic material, chrome, is concerned.

Mr. President, on September 23, the distinguished minority leader of the Senate, the Senator from Pennsylvania (Mr. SCOTT) made a speech about this matter. I will read into the RECORD parts of his speech. I now quote the Senator from Pennsylvania:

First, there are legitimate and important national security considerations involved in reliance on the Soviet Union for more than 60 percent of our national needs for chrome.

The Senator from Pennsylvania is absolutely correct in that statement. Then the Senator from Pennsylvania said:

Second, the Rhodesian sanctions are economically damaging to U.S. interests.

Mr. President, they are damaging to U.S. interests. Then the Senator from Pennsylvania said:

Third, the rising prices of chrome ore, which result from Russian domination of the world market, are costly, inflationary, and damaging to the U.S. chrome industry, the ferroalloys industry and the stainless steel industry.

Again, the Senator from Pennsylvania is correct. Then, he said:

Fourth, the Rhodesian sanctions can probably be regarded as a failure.

Again, I think the Senator from Pennsylvania, the Republican leader of the Senate, is correct in that assertion.

Senator SCOTT's vote did not coincide with his speech—but that in itself makes significant his assertions that U.S. interests and security are being harmed by the embargo.

I think this debate that has been going on now for several weeks has been a desirable one. It has had a good effect.

I state again that until the issue was drawn on September 23 neither House of Congress had cast a single vote in regard to the sanctions imposed against trade with Rhodesia.

When, for the first time, the Senate had an opportunity to vote, a clear majority of the Senate, 53 Members of this body, either voted to rescind the embargo insofar as chrome is concerned, or were paired that way, or announced that if present they would have voted that way.

I think it is very important that this matter be fully debated. I think the more the Congress and the American people consider the action this country has

taken against Rhodesia in the sanctions, put on unilaterally insofar as this country is concerned, by President Johnson, the more concerned they will become.

It just is not logical that we should spend billions and billions of dollars of tax funds taken from the pockets of the hard-working wage earners of our Nation and spend those tax funds for defense against the potential threat from Communist Russia and yet at the same time be dependent on Russia for a strategic material.

Again I want to say, that in presenting this legislation, first beginning March 29, I had in mind two objectives: One, to end U.S. dependence on Russia for a strategic defense material; and, second, to focus attention and debate on the unsound and wrong U.S. policy regarding Rhodesia.

Up to this point both of those objectives have been achieved.

Even if the amendment offered by the Senator from Arkansas (Mr. FULBRIGHT) should prevail this afternoon, and I hope it will not because I think the Senate and the Congress should be willing to take action on their own and not turn the matter over to the President, but even if the Fulbright amendment prevails, the Senate will have expressed itself that something needs to be done in regard to this vital defense material and the Rhodesian embargo.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business, for which 15 minutes have been set aside, with a limitation of 3 minutes on statements.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 383, 384, 386, and 387.

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

SAMUEL R. McKELVIE NATIONAL FOREST

The bill (H.R. 9634) to change the name of the "Nebraska National Forest," Niobrara division, to the "Samuel R. McKelvie National Forest," was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-385), explaining the purposes of the measure.

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

SHORT EXPLANATION

This bill would rename the Niobrara division of the Nebraska National Forest, redesignating it the Samuel R. McKelvie National Forest. The Niobrara Division, which is one of three divisions of the Nebraska National Forest, contains 116,820 acres.

BACKGROUND

The report of the House Committee on Agriculture on this bill contains the following biography of Samuel R. McKelvie:

SAM M'KELVIE

Samuel Roy McKelvie, the 20th Governor of the State of Nebraska, farmer, rancher, businessman, publisher, and public servant, was born April 15, 1881. The fourth of nine children of Sam and Jennie McKelvie, he was raised on their farm near Fairfield in Clay County, Nebr.

Marked by boyhood days in which he acquired a deep feeling for, as well as knowledge of agriculture, Sam McKelvie began a multiplicity of careers on graduation from Lincoln Business College in 1901. At the age of 21, his first employment was a field man for one of a half-dozen farm publications in Nebraska at the time—The Twentieth Century Farmer. In just 3 years of covering and reporting agriculture for the farm newspaper, he had established himself as an authority in his field, and on change of ownership of another farm publication, The Nebraska Farmer, Sam McKelvie was made editor of the newly based Lincoln publication.

In 3 more years he purchased and became publisher of the 50-year-old publication, a move that was to result in The Nebraska Farmer becoming the sixth largest farm publication of more than 40 in the Nation by the mid-twentieth century—and the establishment of the authoritative publication in nine of every 10 farm homes in Nebraska alone. Under the signature of his "By The Way" column, and throughout The Nebraska Farmer, Sam McKelvie was devoted to the improvement, progressiveness and establishment of agriculture as the major occupation and industry it was in supplying food to the Nation. Over the course of years in his publishing, political and agricultural careers, Sam McKelvie was to influence the promotion of agricultural improvements and marketing by encouraging establishment of farm cooperatives and mutual livestock associations.

At the time his interests focused on politics and elected government office, the State of Nebraska was in the throes of early development of State government. Sam McKelvie saw the need for change, and after quick successions in public offices of city council in Lincoln, a term in the State House of Representatives, and a term as Lieutenant Governor, he bid for and was elected Governor of Nebraska in 1918. In two successive terms of service from 1919 to 1923, he initiated such large-scale government reform that he was called the biggest reform/reorganization Governor the State had ever had.

Sam McKelvie's Civil Administration Code was a forerunner of modern State government, not only in Nebraska but throughout the United States. It provided for the consolidation of more than 20 far-flung departments, bureaus, commissions, and boards into six State departments. He provided an executive budget for the State's cabinet structure of government. With lagging programs in some areas, and others nonexistent

but needed, Sam McKelvie established a State parks system, a State road program, new agricultural programs including the State Agricultural Information Service. State accounting and auditing procedures, and diversification of funding of roads and highways and other programs.

In the first 2 years as Governor, the reforms and reorganizations that were made resulted in a reduction of more than \$2 million in appropriations to run the State and a cut of one-third of the State's property taxes. The effectiveness of his reform programs lay in the reduction of waste and duplication, the efficient accounting of State programs and operations and the increased efficiency in these operations. But most importantly to Sam McKelvie, the reform resulted in an opening of the doors of elected government to the people—the renewal of responsibility to the people.

Besides his government reform and establishment of important road work programs, Sam McKelvie was to be instrumental in one other important project for Nebraska as its Governor. Perhaps the most visual contribution he made to the State is the Capitol Building that stands today. Considered one of the architectural wonders of the world, the new Nebraska Capitol was more than a brainchild of Sam McKelvie. It was needed, its design fitting and appropriate to the people and land it symbolizes. Chairman McKelvie and a bi-partisan Capitol Commission solicited plans and designs from around the Nation for a year before Governor McKelvie signed the construction contract for the plans of New York architect Bertram G. Goodhue. Sam McKelvie laid the cornerstone for the new \$10 million building that when completed several years later, had no costs remaining to be paid against it because of McKelvie's pay-as-you-go plan for financing the building.

Not choosing to seek a third term as Governor, and with his government reorganization plans in effect, Sam McKelvie returned to his publishing career and began anew in livestock production. In the years that followed his elected public office, he was to continue to be of service to Nebraska and the farm people he loved. First as a successful producer of beef cattle for breeding, Sam McKelvie served on the American Hereford Association board of directors, including one term as president; he organized, served as president for 10 years, and published the bulletin of the Sandhills Cattle Association to promote, advertise, improve, and establish sandhills feeder cattle of Nebraska as the highest quality beef in the country.

Sam McKelvie's interest in, and promotion and knowledge of farming and agriculture did not go unnoticed beyond the boundaries of Nebraska. He was asked by President Hoover to be Secretary of Agriculture in 1929, but declined because of illness. Later, after an operation and recovery, another request by the President led to his acceptance of a position on the new nine-member Federal Farm Board, on which he served 2 years.

Sam McKelvie died January 6, 1956, at the age of 74. He had been a man of many interests, many careers, from farm publications, farming and ranching, to politics and government. But most important, Sam McKelvie had been a Nebraskan, a sower of belief and strength, and determination in the land and its people. He had seen the fruition of many dreams, many aspirations, many beliefs, and concerns come true in his lifetime.

The stabilization and establishment of farming through cooperative programs and alliances with business; the improvement and production of purebred, high quality beef through association of growers and marketers; the establishment of a State road program and State park system in Nebraska; the reorganization and reform of State government into efficient, progressive, and responsible representation; the establishment of a

new, architecturally acclaimed and debt-free capitol building—all had been the efforts and concerns and product and love of Sam McKelvie.

Always in the interest of Nebraskans and farmers and the Nation as a whole, always for the benefit of improvement, betterment, progress, success, and deep concern for the good life, Sam McKelvie felt, breathed, slept, worked, and lived Nebraska, agriculture, economy. He was honest, often daring; he was respectful of personal friend and political opponent alike; he was determined and open-minded; fair and frugal; hard-working and devoted. A man of integrity, he trusted and believed in his fellow man, in Nebraskans, and in his State. Sam McKelvie was a Nebraskan first and always. He was a part of Nebraska.

PERISHABLE AGRICULTURAL COMMODITIES ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 1838) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to the practices in the marketing of perishable agricultural commodities which had been reported from the Committee on Agriculture and Forestry with an amendment on page 1, line 9, after the word "following", strike out "If the order is preceded by an oral hearing on the complaint or on a counterclaim filed in the proceeding, the prevailing party shall be allowed reasonable fees and expenses incurred in connection with the hearing," and insert "The Secretary shall order any commission merchant, dealer, or broker who is the losing party to pay the prevailing party, as reparation or additional reparation, reasonable fees and expenses incurred in connection with any such hearing."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (c) and (d) of section 6 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f), are amended by striking out "\$1,500" in each place it appears and inserting in lieu thereof "\$3,000".

Sec. 2. Section 7 (a) of such Act (7 U.S.C. 499g(a)) is amended by inserting after the first sentence thereof the following: "The Secretary shall order any commission merchant, dealer, or broker who is the losing party to pay the prevailing party, as reparation or additional reparation, reasonable fees and expenses incurred in connection with any such hearing."

The amendment was agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-386), explaining the purposes of the measure.

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

EXPLANATION OF BILL

This bill, with the committee amendment, would amend the Perishable Agricultural Commodities Act to: (1) require that an opportunity for a hearing be provided in a reparation proceeding only if the amount claimed exceeds \$3,000 (instead of \$1,500 as at present); and (2) provide for the assessment of reasonable fees and expenses incurred in connection with the hearing in favor of the prevailing party where the losing

party is a commission merchant, dealer, or broker.

This bill was requested by the Department of Agriculture, which advises that by reducing the number of oral hearing cases the bill would speed up the handling of reparation complaints and reduce the cost of such action, both to the parties involved and to the Government. The Department further advises that the provision for assessing hearing cost would discourage requests for hearing by parties whose claims or defenses were not well founded. In addition the Department advises that the PACA—Industry Conference Group, an official advisory committee representing all segments of the fresh fruit and vegetable industry established by the Department, recommends enactment of the bill.

COMMITTEE AMENDMENT

The committee amendment would make it clear that fees and expenses (i) could be assessed only against commission merchants, dealers, and brokers, and (ii) could be assessed against the losing party whether complainant or respondent. The Department of Agriculture advised that this was its original intention, and assisted the committee in preparing the amendment. The regulatory provisions of the act apply only to commission merchants, dealers and brokers, and a reparation order may not issue against a person who is not a commission merchant, dealer or broker. The Department advised that it was intended that this principle should be continued.

COST ESTIMATE

No costs would be incurred in carrying out the bill in the current fiscal year or any of the succeeding 5 fiscal years. Rather the bill would result in a slight decrease in costs as a result of the reduced number of oral hearings required. This estimate agrees with the estimate contained in the attached letter from the Department of Agriculture.

COOPERATION WITH MEXICO IN SUPPRESSING COMMUNICABLE ANIMAL DISEASES

The bill (S. 2395) to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate with the Republic of Mexico in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of February 28, 1947, as amended (61 Stat. 7; 80 Stat. 330), is further amended by changing the first sentence to read: "The Secretary of Agriculture is authorized to cooperate with the Government of Mexico in carrying out operations or measures to eradicate, suppress, or control, or to prevent or retard, any communicable disease of animals, including but not limited to foot-and-mouth disease, rinderpest, screwworm, and Venezuelan equine encephalomyelitis, in Mexico where he deems such action necessary to protect the livestock, poultry, and related industries of the United States."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-388), explaining the purposes of the measure.

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

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EXPLANATION

The bill would extend to any communicable animal disease the present authority to cooperate with Mexico in suppressing certain named diseases.

The act of February 28, 1947 (21 U.S.C. 114b) authorizes the Secretary of Agriculture to cooperate with the Government of Mexico in suppressing foot-and-mouth disease, rinderpest, and screwworm in Mexico where he deems such action necessary to protect the livestock and related industries of the United States. This bill would expand this authority to—

(1) Extend it to any communicable disease of animals;

(2) Specifically mention Venezuelan equine encephalomyelitis along with foot-and-mouth disease, rinderpest, and screw worm as examples of such diseases; and

(3) Authorize such action where necessary to protect the poultry and related industries of the United States as well as the livestock and related industries of the United States, making it clear that the amended act would apply to poultry diseases.

COST ESTIMATE

The Department of Agriculture advises that it is not providing any estimate of additional appropriations. It is not possible to estimate the amount of additional costs which might be incurred in carrying out the bill in the current fiscal year or any of the succeeding 5 fiscal years, since that would depend on the nature and extent of the problem at some future time. The purpose of the bill, of course, is to prevent, through the expenditure of a modest amount of money, the entrance into this country of communicable diseases which may cause great losses to our livestock and require the expenditure of large sums to control or eradicate. The ultimate purpose of the bill is therefore to prevent these losses and reduce Government expenditures.

This estimate is in agreement with the information contained in the attached letter from the Department of Agriculture.

COOPERATION WITH CENTRAL AMERICAN COUNTRIES IN SUPPRESSING COMMUNICABLE ANIMAL DISEASES

The bill (S. 2396) to amend the act of July 6, 1968, to authorize the Secretary of Agriculture to cooperate with Central American countries in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of July 6, 1968 (82 Stat. 294), is amended by changing the first sentence to read: "The Secretary of Agriculture is authorized to cooperate with the several governments of Central America in carrying out operations or measures to prevent or retard, suppress, or control, or to eradicate any communicable disease of animals, including but not limited to foot-and-mouth disease, rinderpest, and Venezuelan equine encephalomyelitis, in Central America where he deems such action necessary to protect the livestock, poultry, and related industries of the United States."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report

(No. 92-389), explaining the purposes of the measure.

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

EXPLANATION

This bill would extend to any communicable animal disease the present authority to cooperate with the several governments of Central America in suppressing certain named diseases.

The act of July 6, 1968 (21 U.S.C. 114d-2) authorizes the Secretary of Agriculture to cooperate with the Central American governments in suppressing foot-and-mouth disease and rinderpest in Central America where he deems such action necessary to protect the livestock and related industries of the United States. This bill would expand this authority to—

(1) Extend it to any communicable disease of animals;

(2) Specifically mention Venezuelan equine encephalomyelitis along with foot-and-mouth disease and rinderpest as examples of such diseases; and

(3) Authorize such action where necessary to protect the poultry and related industries of the United States as well as the livestock and related industries of the United States, making it clear that the amended act would apply to poultry diseases.

COST ESTIMATE

The Department of Agriculture advises that it is not providing any estimate of additional appropriations. It is not possible to estimate the amount of additional costs which might be incurred in carrying out the bill in the current fiscal year or any of the succeeding 5 fiscal years, since that would depend on the nature and extent of the problem at some future time. The purpose of the bill, of course, is to prevent, through the expenditure of a modest amount of money the entrance into this country of communicable diseases which may cause great losses to our livestock and require the expenditure of large sums to control or eradicate. The ultimate purpose of the bill is therefore to prevent these losses and reduce Government expenditures.

This estimate is in agreement with the information contained in the attached letter from the Department of Agriculture.

The PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

THE DD-963 AWARD TO LITTON

Mrs. SMITH. Mr. President, last year I vigorously opposed the award of the construction of 30 DD-963 class destroyers exclusively to the Litton Shipyard in Mississippi. Obviously I wanted at least some of those destroyers to go to the Bath Iron Works in Maine.

But I gave some reasons that are bearing up rather well as time goes on—in which I questioned the capability of Litton to produce at the contract price and

on time. I questioned the credibility of Litton's price and the procurement policy of placing the award of so many ships in one yard at considerable risk to national security interests.

In the time that has intervened, some very interesting developments have occurred which corroborate the fears and the challenges that I made. The Department of Defense has since repudiated the McNamara "single package procurement" policy under which Litton received the entire award exclusively.

And doubt about the credibility of Litton's ability to produce on time and at the contract price has significantly grown. Litton is beset with higher costs and delays. Indications are that the cost will be at least \$136 million more than the bid price and that construction is unlikely to start until early 1973. Litton has only recently come out of an extended strike. Litton is having serious difficulties in recruiting necessary skilled personnel.

I have received many reports of inefficiency on the part of Litton—and most of these reports have come from workers at the Litton Shipyard in Pascagoula, Miss. I have then inquired of the Navy about the charges and the Navy has denied them and that there was anything wrong at Litton in Pascagoula, Miss.

Frankly, I am dubious about the denials of the Navy after my experience with the Navy last year on the pre-award leak of Bath's price in its bid on the destroyer contract. Representative WILLIAM HATHAWAY told Bath president James Goodrich of the leak and Mr. Goodrich, in turn, complained to me. I then filed a complaint with the Navy Department. The Navy dragged its heels on my complaint and delayed its investigation and after much delay went to Representative HATHAWAY to get him to identify his source on the leak of Bath's price.

Representative HATHAWAY then identified Mr. R. J. Farrington of the Todd Shipyards as the person telling him precisely the total price differential between Bath and Litton at a time significantly prior to the contract award. The Navy then went to Mr. Farrington and asked him where he got his information. When he said that he could not remember specifically, the Navy did not press him for a better recollection and did not press him for identity of the person or persons so telling him. Instead the Navy dropped the case, thus making a mockery of the law against such leaks of information.

If the Navy does not believe that Litton is in deep trouble and is not concerned about conditions at the Pascagoula Litton Shipyard and its ability to produce on time and at contract price, then the Federal Maritime Commission is. I have received a very authentic report and summary from a responsible person in the Federal Maritime Commission on Litton's shockingly inferior performance on its contracts to build four container ships for Farrell Lines and four container ships for the American President Lines.

That report not only reveals Litton's poor performance on merchant marine ship production but as well on production

for the Navy. I quote specifically from that report:

Because the Navy has become very concerned and frightened they also are cutting their contract of LHA's from nine to five ships with a \$109,500,000 cancellation clause for these four vessels. Persons in the shipbuilding industry said that they would like to have that kind of cancellation clause.

Litton is one year behind on the LHA already and only recently has cut the very first piece of steel for the first LHA. The Navy has assigned a rear admiral on permanent duty at Litton because of their great concern over the situation there. This is the first time the Navy has ever had to do this.

Not only has Litton been plagued by the lack of shipbuilding expertise in the management end, but a great number of workers are "red necks" who are hardly skilled in even the art of welding let alone in intricacies of detailed shipbuilding.

Last year the Litton bid on the 30 DD-963 destroyers smacked strongly of a buy-in with the very favorable repricing provisions and in the atmosphere of the leak of Bath's price prior to the award of the contract and Navy's subsequent failure to make a credible investigation of that leak. Last year I warned that this award to Litton was another potential C-5A scandal.

As time goes on, the DD-963 award to Litton looks more and more like a buy-in and another C-5A scandal in view of Litton's performance to this time and the conditions existing in its shipyard in Pascagoula.

I ask unanimous consent to place in the record at this point the text of the summary report given to me by a responsible person in the Federal Maritime Commission.

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

REPORT ON LITTON-INGALLS

Ingalls Shipbuilding (Litton Industries) signed a contract on October 3, 1968, to build eight container ships for Farrell Lines (four) and American President Lines (four) at their new shipyard on the West Bank in Pascagoula, Mississippi.

This memorandum will deal primarily with the Farrell Line since the APL ships were moved from the new shipyard to the old shipyard (East Bank) when it was finally determined that they could not build them from the new yard. They are only 13 months behind schedule.

The Farrell Line ships were supposed to be completed and delivered on the following dates: December 22, 1970, March 22, 1971, June 20, 1971, and September 5, 1971.

The present schedule for delivery is: March 1, 1972, May 31, 1972, August 15, 1972, and October 31, 1972, or about 14 months per ship if the present schedule can be maintained. The total lost time is 1,702 days at a contract price of \$3,000 a day for each day of delay.

When the first Farrell ship was launched on June 26, 1971, the hull was only 50 per cent completed rather than the traditional 85 per cent at launching time.

As the ship has progressed, it has been apparent to Farrell officials that the quality of construction is "very bad." For example, the shell frames on the entire ship were not evenly lined up with the floor. The transverse bulkheads are out of line. Three weeks after the launching the entire superstructure sagged one-half inch and the shipyard had to go into the base of the ship and lift it to straighten up the vessel. Throughout the vessel, patchwork prevails. Farrell is very, very distressed not only about the delays, but the

very poor quality of the ship with which they may be saddled.

Meanwhile, these two subsidized steamship lines are losing money to competitors because they don't have the right kind of equipment in the rapidly changing transportation picture.

There has been a frequent change of personnel at Litton with no regular shipbuilders on hand but only space experts. Ellis Gardner, who was Litton's vice president in charge of all shipyard operations, on September 16, 1971, told the Farrell president that he was now "out" and that Harry J. Gray from Litton in Beverly Hills had the responsibility exclusively. On September 27, Gray was out with the responsibility directed to a Mr. Fred W. O'Green.

It is said by responsible people that Litton will lose \$50 million alone on these eight container ships.

Because the Navy has become very concerned and frightened, they also are cutting their contract of LHA's from nine to five ships with a \$109,500,000 cancellation clause for these four vessels. Persons in the shipbuilding industry said that they would like to have that kind of cancellation clause.

Litton is one year behind on the LHA already and only recently has cut the very first piece of steel for the first LHA. The Navy has assigned a rear admiral on permanent duty at Litton because of their great concern over the situation there. This is the first time the Navy has ever had to do this.

Not only has Litton been plagued by the lack of shipbuilding expertise in the management end, but a great number of workers are "red necks" who are hardly skilled in even the art of welding let alone in intricacies of detailed shipbuilding.

Former Secretary of Defense McNamara frequently said that the shipbuilding industry of the United States would be much better off if they would use the systems analysis method of building ships rather than adhere to the old-line standards of building vessels. Apparently, Litton took him to heart!

He also was the one who pushed for serious procurement on untested and unproven projects!

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the President pro tempore:

A letter from Martin Malinou, of Providence, Rhode Island, relative to a petition which he filed on December 29, 1970, praying for his certification as a duly qualified Rhode Island Democratic Party primary candidate for the office of United States Senator in the 1970 general election; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS, from the Committee on Post Office and Civil Service, without amendment: S. Res. 169. Resolution disapproving the alternative plan for pay adjustments for Federal employees under statutory pay systems

recommended by the President to Congress on August 31, 1971.

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

S. 2652. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes (Rept. No. 92-390).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Dudley C. Mecum, of Massachusetts, to be an Assistant Secretary of the Army.

Mr. BENTSEN. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 15 flag and general officers in the Army and Navy. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered placed on the Executive Calendar, are as follows:

Lt. Gen. John Arnold Heintges, Army of the United States (major general, U.S. Army); to be placed on the retired list, in the grade of lieutenant general;

Col. Edwin Howell Smith, Jr., Dental Corps, U.S. Army, for appointment as Assistant Surgeon General, U.S. Army, as major general, Regular Army of the United States, and as major general in the Army of the United States;

Col. Surindar Nath Bhaskar, and Col. Jack Paden Pollock, Dental Corps, U.S. Army, for appointment in the Regular Army of the United States, in the grade of brigadier general;

Rear Adm. Frederick J. Harfinger II, U.S. Navy, for command and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Gayle T. Martin, and sundry other Reserve officers of the U.S. Navy, for permanent promotion to the grade of rear admiral.

Mr. BENTSEN. Mr. President, in addition, I report favorably 201 appointments in the Army in the grade of major and below; 400 promotions to the grade of captain in the Navy; and 631 appointments in the Marine Corps in the grade of colonel and lieutenant colonel. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

Vincent R. Aceto, and sundry other persons, for appointment in the Regular Army of the United States;

William Benjamin Abbott III, and sundry other officers, for promotion in the U.S. Navy;

Lewis H. Abrams, and sundry other officers, for appointment in the U.S. Marine Corps; and

Louis R. Abraham, and sundry other officers, for appointment in the U.S. Marine Corps.

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

Robert M. Duncan, of Ohio, to be judge, U.S. Court of Military Appeals.

By Mr. MAGNUSON, from the Committee on Commerce:

Rush Moody, Jr., of Texas, to be a member of the Federal Power Commission; and

Harold B. Scott, of Connecticut, to be an Assistant Secretary of Commerce.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN:

S. 2657. A bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 2658. A bill to amend the Internal Revenue Code of 1954 to exempt from tax the first \$25,000 of corporate income. Referred to the Committee on Finance.

By Mr. BAYH (for himself, Mr. BEALL,

Mr. BROOKE, Mr. CASE, Mr. CHURCH, Mr. COOPER, Mr. CRANSTON, Mr. HART, Mr. HARTKE, Mr. HUMPHREY, Mr. KENNEDY, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. SCOTT, Mr. STEVENSON, Mr. TOWER, and Mr. TUNNEY):

S. 2659. 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. Referred to the Committee on Foreign Relations.

By Mr. HARTKE (for himself, Mr. HUGHES, and Mr. THURMOND):

S. 2660. A bill to amend title 38 of the United States Code to provide equality of treatment for married female veterans. Referred to the Committee on Veterans' Affairs.

By Mr. JORDAN of North Carolina:

S. 2661. A bill to authorize expenditures from the contingent fund to improve the payroll and personnel system of the Senate. Referred to the Committee on Rules and Administration.

By Mr. MOSS (for himself and Mr. MILLER):

S. 2662. A bill to promote the foreign policy of the United States by improving the Foreign Service personnel system of the Department of State and U.S. Information Agency through the establishment of an equitable appeals procedure for officers and employees in the matters of adverse actions and grievances. Referred to the Committee on Foreign Relations.

By Mr. HUMPHREY:

S. 2663. A bill to provide for the conveyance of all right, title, and interest in certain lands to present owner or owners of record. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER:

S. 2664. A bill to amend the Communications Act of 1934. Referred to the Committee on Commerce.

By Mr. SAXBE:

S. 2665. A bill for the relief of Gaston Landry. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 2657. A bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings. Referred to the Committee on the Judiciary.

Mr. BENTSEN. Mr. President, I think all of us are tired of cases where we have seen obviously guilty criminals released by the courts on technicalities.

With that in mind, I am introducing today legislation to amend title 18 of the United States Code, by providing a new section dealing with the exclusion of evidence in Federal criminal cases.

Recently, in his opinion in the Bivens case, Chief Justice Burger challenged the Congress to take up the problems posed by the exclusionary rules and to provide some legislation.

This is exactly what my bill intends to do. It would provide the courts with an opportunity to weigh the gravity of the crime charged to a defendant and then consider the seriousness and circumstances of the offense in seizing or searching for evidence. The court would then make a relative decision on the admissibility of the evidence involved.

In substance, I propose that the courts be given greater latitude in decisions on admissibility of evidence.

My bill removes us from the unreasonable straitjacket in which the present exclusionary rule has placed us.

It follows the conclusion of Justice Jackson when he declared—

Rejection of the evidence does nothing to punish the wrongdoing official, while it may and likely will release the wrongdoing defendant. It deprives society of its remedy against one lawbreaker because he has been pursued by another. It protects against whom incriminating evidence is discovered, but does nothing to protect innocent persons who are victims of illegal but fruitless searches.

The present exclusionary rule was first made binding on Federal courts in Weeks against United States in 1914. The court therein held that any evidence obtained in violation of the fourth amendment may not be introduced against a defendant in Federal criminal proceedings. This rule was later expanded in 1961 in the case of Mapp against Ohio under the due process clause of the 14th amendment to extend it to the State courts.

The intended purposes of the exclusionary rule are twofold: First, to preserve the judicial process from contamination, and second, to serve as a sanction against violators of defendants' constitutional rights and thereby reduce violations of the search and seizure rule.

There can be no quarrel with these purposes. But often the intended results and the actual results of the rule have been something quite different.

Exclusion or suppression of evidence frequently occurs in cases where law enforcement personnel have violated the 14th amendment in seizing evidence. It is of no concern whether the violations were intentional or not.

Tragically, this rule has forced courts into an arbitrary posture which actually allows the guilty in some cases to go scot free, while failing to penalize the policeman who violated the suspect's rights.

I am well aware that the hue and cry against the abuses and alleged abuses within our Federal system can be fully as unreasonable as the abuses themselves.

But there can be no question that the

arbitrary nature of the exclusionary rule diminishes respect for our laws and our courts.

We simply cannot allow our system of criminal justice to become a game in which the slickest stratagems can save the most blatantly guilty individual.

The exclusionary rule has become an inflexible loophole through which a criminal can walk to freedom. In my opinion, the time has come to plug that loophole with a fair and workable alternative to the suppression doctrine. We have the opportunity here to contribute to an improved system of justice in our Nation.

Let me state in the clearest possible terms that my proposal is in no way designed to skirt or dilute the constitutional rights of any citizen. I am persuaded that responsible and effective law enforcement does not depend on compromising the guarantees built into our system. Rather, this bill seeks to afford the courts more flexibility in determining reasonable standards relating to the suppression doctrine—standards which would be fully subservient to the test of constitutional validity.

Perhaps the key words in all of this are checks and balances, those fundamental precepts so important in our American system.

The intent of this bill is to protect the rights of the accused without forfeiting the rights of the victim, because in seeking to restrain the wrongdoing policeman, the courts have frequently succeeded in defeating justice by frustrating the prosecution of a wrongdoing criminal.

The criminal is to go free because the constable has blundered.

How many times has every law student in the United States heard those words of Justice Cardozo—so many times that they have become cliché.

But clichés are not without value, and Justice Cardozo's famous statement finds an answer from Chief Justice Burger who said—

We can well ponder whether any community is entitled to call itself an organized society if it can find no way to solve this problem except by suppression of the truth in search for truth.

The incredible effects of the exclusionary rule have been seen in any number of cases.

In a 1958 case, here in the District of Columbia, Miller against U.S., a narcotics peddler—a pusher—was arrested and evidence was seized that conclusively proved his guilt. But the evidence was excluded and the conviction subsequently overturned because the officers failed to state properly their authority or to give sufficient notice.

The court held that the police must make an "express announcement" before entering and making an arrest.

In other words, an officer fails to speak in a loud enough voice or utter a few extra words and as a result a criminal is set free.

In another instance, U.S. against Ravich, a warrant is held defective and the evidence is excluded because it authorizes only daytime searches and the evidence was seized at night. It is of no

consequence that the showing made to the magistrate would have justified a nighttime warrant anyway.

Thus, a technicality goes unobserved in administering a warrant, and a convicted bank robber therefore goes free.

A study of narcotics cases in one of our largest cities showed that over one-third of the cases considered were disposed of by suppression of the evidence presented against the defendant. As a result, known narcotic offenders are returned to the street without even having to stand trial.

This parade of injustices could go on to no end. The simple, unvarnished truth is that we have overstepped the bounds of reason in seeking to preserve the rights of the accused and are undermining the pursuit of justice in the process.

The exclusionary evidence rule as now applied in the U.S. courts is unique to our system of jurisprudence. The English, one of the most civilized of modern nations with a preeminent concern for individual liberties has no such rule. The French with their zeal to protect the integrity of the individual has no such provision.

The inequities in the present rule are glaring. The remedy provided by my bill is both simple and effective.

This legislation would require a court to consider the gravity of any fourth amendment violation before suppressing the evidence involved.

In determining whether to admit or suppress certain evidence, the court would consider such factors as the extent to which the violation was willful, the extent to which it deviated from sanctioned conduct, and the extent to which it invaded the privacy of the defendant or prejudiced the defendant's ability to defend himself.

Other factors to be considered would be the extent to which suppression would deter such violations in the future and whether the evidence seized would have been discovered despite the violation.

In effect, then, the guarantees and protection secured by the fourth amendment would continue to be protected under this bill.

I am not seeking to repeal the fourth amendment. I am seeking, however, to restore some semblance of reason and balance to the rules by which we administer the fourth amendment to see that justice is done.

I am seeking to insure that a criminal does not go unpunished simply because a policeman violates some minor rubric in obtaining clear physical evidence of his guilt.

Many eminent jurists and legal scholars have studied this issue and I am confident that the bill will have their support.

The American Law Institute, for instance, advocates a revision of the exclusionary rule in order to provide greater leeway for the courts in determining fourth amendment violations. That is the kind of support this effort has.

It would be tempting for us to cling to the practices of the past without raising a question—to stand pat with the

present rules of evidence and all of their abuses simply for the cause of consistency.

Such reaction brings to mind the statement of Justice Holmes on a certain intransigent legal opinion:

It is revolting to have no better reason for a rule of law than it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid have vanished long since, and the rule simply persists from blind imitation of the past.

The exclusionary rule must be modified. We must restore a balance between the treatment accorded the victims of crime and the protection afforded the perpetrators of crime.

My bill does this and I urge the Senate to give it prompt and favorable consideration.

By Mr. HATFIELD:

S. 2658. A bill to amend the Internal Revenue Code of 1954 to exempt from tax the first \$25,000 of corporate income. Referred to the Committee on Finance.

INTRODUCTION OF SMALL BUSINESS TAX INCENTIVE

Mr. HATFIELD. Mr. President, I send to the desk a bill and ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

Mr. President, with the announcement of President Nixon on August 15, regarding his administration's new economic initiatives, added attention has been focused on our domestic needs. Essential to the vitality of our economy, both historically and today, is the strength of small businesses across the country. As a member of the Select Committee on Small Business, I have become especially aware of this.

For the small business this is a time of fighting for survival: while corporations with incomes above \$1 billion have shown recent profit increases of 16 percent, those with incomes below \$1 billion have shown profit declines of 19 percent, and those with incomes below \$1 million have shown profit declines of 40 percent.

Proposals to stimulate the economy which have focused on business have done so in a general way, being of particular benefit to big businesses. And as the earlier mentioned figures indicate, particular incentive must be supplied to owner-manager small business. At present, the corporate tax laws provide a 22-percent tax on the first \$25,000 of net income with a 48-percent tax on income above that. Of course, income paid out to stockholders is taxed as ordinary income. But for the small business, this may mean anywhere from 22 to 48 percent of business profits are taxed when earned in a family business and then taxed again when withdrawn from the business at ordinary income tax rates running up to 70 percent.

To give a better break to small business, I propose that the first \$25,000 of corporate business income be tax-free, as it would be if the business were organized as a partnership, even though any money withdrawn from the business in dividends would be taxed as usual. This would provide more immediate capital for small businesses to survive and ex-

pand and would only be a miniscule bonus for the larger corporations, some \$5,000.

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

S. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11(b) of the Internal Revenue Code of 1954 is amended by striking out "the taxable income" and inserting in lieu thereof "the amount by which the taxable income exceeds the normal tax exemption (defined in subsection (f)) for the taxable year".

(b) Section 11 of such Code is amended by adding at the end thereof the following new subsection:

"(f) Normal Tax Exemption.—For purposes of this subtitle, the normal tax exemption for any taxable year is \$25,000."

(c) (1) Section 1551(a) of such Code is amended by inserting after "disallow" the following: "the normal tax exemption (as defined in section 11(f))."

(2) The caption of section 1551 is amended to read as follows:

"SEC. 1551. DISALLOWANCE OF NORMAL TAX EXEMPTION, SURTAX EXEMPTION, OR ACCUMULATED EARNINGS CREDIT."

(3) The table of sections for part I of subchapter B of chapter 6 is amended by striking out the item relating to section 1551 and inserting in lieu thereof the following:

"SEC. 1551. DISALLOWANCE OF NORMAL TAX EXEMPTION, SURTAX EXEMPTION, OR ACCUMULATED EARNINGS CREDIT."

SEC. 2. The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1971.

By Mr. HARTKE (for himself, Mr. HUGHES, and Mr. THURMOND):

S. 2660. A bill to amend title 38 of the United States Code to provide equality of treatment for married female veterans. Referred to the Committee on Veteran's Affairs.

Mr. HARTKE. Mr. President, today I introduce legislation to eliminate sex discrimination in veteran's benefits. It has recently come to my attention that title 38 of the United States Code contains certain provisions which discriminate on the basis of sex. While the male veteran is entitled under various provisions of the code to additional compensation or educational assistance allowances if he is married, no such rule applies for a female veteran generally. She may receive additional benefits only if her husband is incapable of self-maintenance and is permanently incapable of self-support due to mental or physical disability.

This is, of course, inherently discriminatory, makes no sense, and often works a great hardship on the young family trying at the same time to make ends meet and attend school. The result of this discrimination is all too evident. Recently, I received a letter from a young woman who after serving in the U.S. Navy entered college and began receiving benefits under the GI bill. She wrote:

Three months ago I married, and my husband is a full-time student as well. Under the provisions of the GI Bill, married veterans attending college on a full-time basis receive \$205 monthly for educational assistance. However, because I am a female I am

not entitled to this amount, but instead receive only \$175.

According to law, I am ineligible for increased benefits because I am a woman, and it is assumed that a woman is a dependent of her husband. My husband does not work. Yet I am unequal to my fellow veterans in the eyes of the law. College expenses are extremely demanding especially when a married couple has no income. Yet the discriminatory policy of the GI Bill would ease this burden if I were a man.

I contend that the law is unjust, and I am entitled to the same rights as other veterans. Since an imbalance does exist, it is my responsibility to protect my rights and the rights of other women under the Constitution.

Mr. President, the bill which I introduce today would eliminate this discrimination, and provide equal treatment for women veterans. It should also be noted that this bill would eliminate certain discriminations that presently operate against men as well. Under the current law, additional requirements are imposed in the case of husbands and widowers. My bill would provide that benefits for husbands and widowers of female veterans would become payable under the same conditions that now apply to wives and widows of male veterans.

The Veterans' Administration recently acceded to this point of view when it stated:

On the principle that Veterans' Administration benefits are designed to cushion family living standards for the loss of, or lessened income stemming from the veteran's disability, school attendance or death, it would seem appropriate to drop the requirement of actual dependency for the husbands or widowers of veterans' wives.

The Veterans' Administration further acknowledges that a revision of current law would make it easier to administer since dependency determinations require considerable effort and time and are difficult to administer. Beyond this, however, is my own view that such discrimination is plain, unconstitutional. The existing law must be particularly galling to those women who have volunteered and served their country so faithfully in order to preserve the Constitution.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the *RECORD* immediately following these remarks.

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

S. 2660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of title 38, United States Code, is amended as follows:

(1) Subsection (b) thereof is amended to read as follows:

"(b) For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran."

(2) The heading of said section is amended to read as follows:

"§ 102. Dependent parents; husbands."

SEC. 2. The analysis of chapter 1 of title 38, United States Code, is amended by striking out

"102. Dependent parents and dependent husbands."

and inserting in lieu thereof

"102. Dependent parents; husbands."

By Mr. MOSS (for himself and Mr. MILLER):

S. 2662. A bill to promote the foreign policy of the United States by improving the Foreign Service personnel system of the Department of State and U.S. Information Agency through the establishment of an equitable appeals procedure for officers and employees in the matters of adverse actions and grievances. Referred to the Committee on Foreign Relations.

Mr. MOSS. Mr. President, I am today introducing a bill to amend title VI of the Foreign Service Act of 1946 in order to establish an equitable appeals procedure for officers and employees of the Foreign Service in matters of adverse actions and grievances.

In the last 3 months, the press has reported almost on a daily basis about the state of affairs in the personnel system of the Foreign Service. The central fact which has emerged is that Foreign Service personnel have no appropriate appeals procedure which they can invoke to assure that their records have been maintained correctly and that judgments of selection panels are made on the basis of all the facts.

In the case of Charles W. Thomas, a veteran Foreign Service officer with a brilliant military and scholastic record, it developed that he was fired through selection out because he had not been promoted for 8 years. Yet, one of the main reasons, it now appears, for his failure to be promoted was the misfiling of highly laudatory reports about his Foreign Service record in the dossier of another Charles Thomas.

The Department of State has now finally acknowledged that the records of Foreign Service Officer Willard Brown also had been lost for several years, so that he also was passed over for promotion and was fired through selection out. When Mr. Brown indicated he would sue the State Department, to obtain compensation, the State Department proposed that it would seek to make amends by promoting him to Foreign Service Officer Class 1 and retain him on the rolls for a sufficient time to compensate him for his monetary losses. Mr. Brown however rejected this solution and insisted on a retroactive promotion. To achieve this, the State Department has now requested Congress to pass a private bill—S. 2359 introduced on July 28 by Senator Tower—for his relief.

Excerpts from the transcript of the hearings in the John Hemenway case have also appeared in the press, indicating that in recent years Foreign Service officers have been fired through selection out on the basis of documents which, contrary to law and regulations, were placed into their files without their knowledge. It has been reported in the press that, in several instances, the Department had denied the officers access to records on the grounds that they were internal documents and would not be available either to the officers or the selection boards. Yet, subsequently, the Department forwarded these documents to the selection boards which based their adverse ratings primarily on the material contained in these internal documents.

Newspapers, the television, and a na-

tional news magazine recently reported on the denial of due process to Foreign Service Officer Allison Palmer, who had suffered discrimination because of sex.

I understand that these dramatic and glaring instances of denial of due process are not unique but representative of at least several scores of other cases which have not yet been publicized. It is thus evident that the situation in the personnel system of the Foreign Service needs urgent correction.

My bill seeks to do this by establishing appropriate appeals procedures to handle both grievances and adverse actions within the State Department. In addition, in the serious case of adverse actions resulting in the firing of Foreign Service officers, whether by selection out or for cause, my bill would establish a review mechanism outside the State Department.

This review mechanism, entitled "The Adverse Actions Appeals Board," would have final jurisdiction over appeals of Foreign Service officers and employees subjected to adverse actions. The Board would have the power to review and reverse all adverse actions, including selection out, and its decisions would bind the Secretary of State, the Director of the U.S. Information Agency, and the Director General of the Foreign Service.

Because Foreign Service officers and Foreign Service information officers are appointed and promoted by the President of the United States with the advice and consent of the Senate, my bill provides a role for the Congress in the designation of two members of the Board. For this reason, the Board would be composed of one of the Civil Service Commissioners, or his designee, acting as Chairman, and one person each nominated respectively by the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee. These latter two members would be appointed to serve readily on call for periods of not more than 2 years. To assure full access to all information, the Board would have the power to issue subpoenas and to require attendance and shall take testimony by transcript and under oath. Under my bill, the Department of Justice would render every service the Board requested in carrying out its functions.

As a further protection, my bill would extend to the Foreign Service the safeguards regarding appeals included in the Veterans Preference Act of 1944. That act, originally intended to assure our veterans employment rights and protections in the Federal service, established an appeals mechanism to assure that these provisions were enforced. These protections have been extended, by executive order, since then, to all civilian employees in the Federal competitive service. However, they do not apply as yet to the Foreign Service.

There is one other provision in my bill to which I wish to call special attention. It appears as section 706 and, in my opinion, is so important that I wish to quote it here. It is entitled "prolongation of appeal right" and reads as follows:

Any employee "selected out" prior to the effective date of this Act under sections 631 and 637 of the Foreign Service Act of 1946,

as amended, shall have the right to avail himself of the provisions of this Act relating to "adverse actions," notwithstanding any other statutes of limitations, for one additional year subsequent to the date of enactment of this Act. In the event of the death of the "selected out" officer prior to the date of enactment of this Act, the appeal may be filed on his behalf by the surviving dependent or annuitant.

The purpose of that provision is to assure that injustices which have occurred in the past can be corrected by the appeals mechanism which this bill would authorize and will not need to be submitted to the Congress in the form of a host of private bills, such as in the case of Foreign Service Officer Willard Brown.

I am most pleased that the Foreign Relations Committee intends to hold hearings on the problems of the Foreign Service personnel system this week. I understand that one of the other bills which the Foreign Relations Committee will be considering is S. 2023 introduced by Senators BAYH, COOPER, HUMPHREY, and SCOTT. My bill differs from S. 2023 primarily in providing for an appeals mechanism outside the State Department as well as within it; by extending the Veterans Preference Act to the Foreign Service; and by the prolongation of the appeal right.

Because of the imminence of the hearings by the Foreign Relations Committee and the deep interest in the Senate on the issues of due process, I ask unanimous consent to insert in the RECORD at this point the full text of my bill.

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

S. 2662

A bill to promote the foreign policy of the United States by improving the Foreign Service personnel system of the Department of State and United States Information Agency through the establishment of an equitable appeals procedure for officers and employees in the matters of adverse actions and grievances.

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

STATEMENT OF POLICY

SECTION 1. It is the policy of Congress that officers and employees of the Foreign Service personnel system of the Department of State and United States Information Agency are entitled to the same career principles of an appeals procedure in personnel matters as other Federal employees, including the right of review of decisions in adverse actions outside the agency involved.

SEC. 2. It is the further policy of Congress that it is improper to deny to veterans of the uniformed military services employment opportunities and appeals procedures within the Foreign Service which are accorded them in the classified and competitive services of the United States.

VETERANS PREFERENCE

SEC. 3. In conformance with the policy enunciated in Section 2, the Veterans Preference Act of 1944 shall apply to all career appointments and assignments under the Foreign Service Act of 1946 as amended. It shall also apply to all adverse actions taken against veterans, including but not limited to "selection out" or other form of removal from, or termination of, employment; suspensions for more than 30 days; and reductions in rank or pay or withholding of normal within-grade step increases.

ADVERSE ACTIONS APPEALS PROCEDURES

SEC. 4. In conformance with Sections 1 and 2 of this Act, Title VI of the Foreign Service Act of 1946, as amended, is amended by adding at the end thereof the following part:

"APPEALS PROCEDURES FOR ADVERSE ACTIONS AND GRIEVANCES

"PART J

"SEC. 691. When used in this part, the term—

"(1) 'Employee' means any officer or employee of the Foreign Service who is a citizen of the United States and appointed or employed under the provisions of this Act;

"(2) 'Board' means the 'Foreign Service Adverse Actions Appeals Board' established under this Act with binding appellate jurisdiction.

"(3) 'Committee' means the 'Foreign Service Adverse Actions Appeals Committee' established under this Act which shall have initial jurisdiction over adverse actions.

"(4) 'Panel' means the 'Foreign Service Grievances Appeals Panel' established under this Act; which shall have jurisdiction over grievance appeals.

"(5) 'Adverse Action' means any removals, whether by 'selection out' or by other means of involuntary termination of employment; denial of normal within-grade step increases; or suspensions for more than 30 days; or reductions in rank or pay.

"(6) 'Grievance' means any complaint, except for 'adverse action' brought by any officer or employee against any injustice, unfair treatment, or aspect of work arising from employment or career status, or from any actions, documents or records which could result in career impairment or damage, monetary loss to the employee, or deprivation of basic due process.

"ADVERSE ACTIONS APPEALS BOARD

"SEC. 692. (a) There shall be established a Foreign Service Adverse Actions Appeals Board which shall have appellate and final jurisdiction over appeals involving adverse actions. The Board shall have the power to review and reverse all adverse actions, including 'selections out,' and its decision shall bind the Secretary of State, the Director of the United States Information Agency and the Director General of the Foreign Service.

"(b) The Board shall be composed of one of the Civil Service Commissioners or his designee, acting as chairman, and one person each nominated respectively by the chairman of the Senate Foreign Relations Committee and the chairman of the House Foreign Affairs Committee and appointed to serve readily on call for periods of not more than two years. All designees shall be compensated, when on duty, at the rate paid to top grade in the General Schedule. The Board shall have power to issue subpoenas and to require attendance and shall take testimony by transcript and under oath. The Department of Justice shall render every service the Board requests in carrying out its functions.

"(c) Office space and all clerical and other support services shall be supplied to the Board by the Civil Service Commission and the General Services Administration.

"(d) Except in extraordinary cases, the Board shall not act as the original appeals hearing body in adverse actions. In all cases appealed to it, however, the Board shall consider the merits of the cases *de novo* and shall permit any and all evidence to be introduced by the parties to the appeal. In extraordinary cases, the Board may act as the original appeals hearing body in adverse actions but shall have the prior consent of either the Chairman of the Civil Service Commission, or the Chairman of either the Senate Foreign Relations Committee or the House Foreign Affairs Committee before seizing original jurisdiction over any appeal.

"ADVERSE ACTIONS APPEALS COMMITTEE"

"Sec. 693 (a) There is established within the Department of State a Foreign Service Adverse Actions Appeals Committee which shall be directly responsible to the Secretary of State. All expenses of the Committee, including compensation of the witnesses for travel and appearance before the Committee, shall be assigned to the Secretary of State.

"(b) There is separately established within the United States Information Agency a Foreign Service Adverse Actions Appeals Committee which shall be directly responsible to the Director of the United States Information Agency. All expenses of the Committee, including compensation of witnesses for travel and appearance before the Committee, shall be assigned to the Director of the United States Information Agency.

"(c) The Committee shall have original jurisdiction over all adverse action appeals by members of the Foreign Service. It shall yield original jurisdiction to the Board only under conditions complying with Section 692 (d) of this Act.

"(d) (1) The Committee shall consist of the following three members:

"(A) a member designated by the Federal Mediation and Conciliation Service who shall be the chairman;

"(B) a member designated by the Department of State or, in matters involving its own personnel, by the United States Information Agency;

"(C) a member designated by the employee filing the complaint

"(2) A member designated under clause (A) or (B) of paragraph (1) of this subsection shall serve for a term of two years, except that if any such member is designated to fill a vacancy occurring before the expiration of the term for which his predecessor was designated, he shall serve for the remainder of such term.

"(3) The member appointed under clause (C) of such paragraph shall only serve until the complaint of the employee designating the member has been disposed of. Any member designated under such clause (C) is not required to be an officer or employee of the Government. If he is not such an officer or employee, that member shall receive from the Department or United States Information Agency compensation up to the maximum rate for Consultants (including traveltime) during the time he is performing duties as a member of the Committee.

"(4) A member of the Committee may be redesignated. Each member shall be reimbursed by the Department or United States Information Agency for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"(5) A decision, finding, or recommendation of the Committee shall be made only upon a vote of at least two members.

"(e) A member designated under subsection (d) (1) (A) or (B) of this section shall disqualify himself from sitting in any case in which a substantial question exists as to the impartiality or objectivity of that member. If so disqualified, or in case of the inability or unwillingness for any other reason of any member of the Committee to serve or continue to serve in a particular case, an alternate member—

"(1) shall be designated in the same manner in which the member who is disqualified or unable or unwilling to serve was designated;

"(2) shall be designated within ten days (excluding Saturdays, Sundays, and holidays) after the date on which the member for whom he is an alternate is disqualified or is unable or unwilling to serve, in the case of a member designated under subsection (c) (1) (C) of such section; and

"(3) shall only serve until that case is disposed of.

"(f) Designations to fill vacancies shall be made in the same manner in which the original designations were made.

"(g) The chairman of the Committee—

"(1) shall have the administrative responsibility for assigning the business of the Committee to the other members and to the employees of the Committee; and

"(2) may obtain such facilities and supplies, and appoint and fix the compensation of such employees, as may be necessary to permit the Committee to carry out the provisions of this part. Such employees shall be appointed and compensated in accordance with the provisions of title 5, United States Code.

"(h) All expenses of the Committee, including compensation, shall be paid out of funds appropriated to the Department and United States Information Agency.

"(i) The records of the Committee shall be maintained by the Committee and shall be separate from the personnel and other records of the Department (including records of the Service). Except as otherwise provided in this part, no notation of any pending or concluded action by the Committee shall be placed in the personnel records of any employee connected with such action in any way.

"GRIEVANCES PANEL"

"Sec. 694. (a) There is established respectively and separately within the Department of State and in the United States Information Agency a Foreign Service Grievances Appeals Panel which shall be respectively responsible to the Secretary of State and the Director of the United States Information Agency.

"(b) The Panel shall be comprised of three members who shall be designated in a manner identical with the designation of the three members of the committee and whose terms of office, rules of procedure and evidence and compensation shall be identical with those described for the Committee under Section 693(d) of this Act.

"FREEDOM FROM RESTRAINT; RIGHT TO COUNSEL; REVIEW OF EMPLOYEE RECORDS"

"Sec. 695. (a) An employee filing a complaint under this part shall be free from any restraint, interference, coercion, discrimination, or reprisal in presenting his complaint, or by reason of it.

"(b) The employee has the right to a representative of his own choosing to advise him, represent him, and accompany him as necessary, at every stage of the proceedings under this part. The employee's representative need not be an attorney at law or an officer or employee of the Government.

"(c) Witnesses and other persons involved in proceedings under this part shall be free from any restraint, interference, coercion, discrimination, or reprisal in taking part in such proceedings or by reason thereof.

"(d) The chairman of the Committee or Panel shall have the authority to review all personnel records of any employee taking part in complaint proceedings in order to insure that no references of such participation is in any manner included in such employee's personnel records. Any such employee shall have the right to request the chairman to make and the chairman shall make, such a review.

"FILING OF COMPLAINTS; ACCESS TO DOCUMENTS"

"Sec. 696. (a) No particular form is required for any complaint filed by an employee under this part. Such a complaint, however, shall be in writing. The following may be included in the complaint:

"(1) the employee's name, his foreign service category and any employee group designation within that category, his class, post of current duty, and the date, if known, of departure from the post of current duty;

"(2) a statement, with reasons, explaining the employee's complaint;

"(3) evidence supporting the employee's complaint, which may include, but is not limited to, copies of official records and statements of witnesses; and

"(4) the designation of the member of the Committee which the employee is authorized to make under section 693 or of the Panel under Section 694 of this Act.

"(b) If any matter referred to in subsection (a) of this section has not been included in the complaint, the Committee or Panel may request that the matter be furnished within thirty days after the request is made by the Committee or Panel. If the matter requested is the designation of a member of the Committee or Panel by the employee, and the employee does not furnish such designation within thirty days, the complaint of the employee shall be considered withdrawn.

"(c) The complaint and any written statement or document submitted in connection therewith by the employee, a witness, or any officer or employee of the Department of State or the United States Information Agency shall be subject to the provisions of sections 287, 1001, 1621 and 1622 of title 18, United States Code.

"(d) In order to determine the validity of the complaint, the Committee or the Panel shall have access to any document or information considered by the Committee or Panel to be relevant to the complaint, including the personnel records of the employee, and of any rating and or reviewing officer (if the subject matter of the complaint relates to that officer), or any other document or information requested shall be provided by the Department of State or the United States Information Agency within five days (excluding Saturdays, Sundays, and holidays). A rating officer or reviewing officer shall be informed by the Committee or Panel if any report for which he is responsible is being examined.

"(e) The Department of State or United States Information Agency shall furnish the employee within fifteen days (excluding Saturdays, Sundays and holidays) from the date of request therefor any document or information which the employee considers necessary to the development of his evidence. In no event, however, shall the employee be furnished personnel records of any officer or employee of the Government.

"(f) The Department of State or United States Information Agency shall expedite action on any security clearance necessary for the purpose of allowing any member of the Committee or Panel, the employee, his counsel, or any witnesses to have access to classified material.

"RULES OF EVIDENCE"

"Sec. 697. (a) The Committee or Panel may consider any relevant evidence coming to its attention, whether or not such evidence has been formally presented to it. The employee shall, however, be advised of all evidence considered by the Committee or Panel and shall be given a reasonable opportunity to rebut it.

"(b) In its investigation of a complaint, the Committee or Panel shall be guided by the principle of relevance. It shall not be limited in its investigation by the rules of evidence as applied in courts of law to either criminal or civil proceedings. Cases of doubt shall be resolved in favor of admissibility.

"(c) Testimony may be received by the Committee or Panel in the form of sworn affidavits or in the form of unsworn statements. A copy of any such affidavit or statement not furnished by the employee shall be provided to the employee. Submission of any affidavit or statement by the employee shall not affect his right to a hearing under section 698 of this Act.

"(d) The chairman of the Committee in adverse actions or Panel in grievances shall have the authority to review all personnel

records of any employee taking part in complaint proceedings in order to insure that no reference of such participation is in any manner included in such employee's personnel records. Any such employee shall have the right to request the chairman to make, and the chairman shall make, such a review.

"HEARINGS"

SEC. 698. Any employee may request the Committee or Panel to hold a hearing. If any such request is made within thirty days after the employee files his complaint, the Committee or Panel shall hold the hearing as soon thereafter as practicable. In the further exercise of its responsibility in regard to the conduct of any of its hearings, the Committee or Panel shall apply the following rules—

"(1) The Chairman of the Committee or Panel shall have the responsibility for notifying all interested parties of the date of the hearing at least ten days (excluding Saturdays, Sundays, and holidays) prior thereto.

"(2) Hearings shall be open unless the employee requests otherwise.

"(3) Except as provided in paragraph (4) of this section, the employee is entitled to be present at the hearing if he desires and be represented by some one of his own choosing as well. At any time he is not present, the employee shall be represented at the hearing by counsel.

"(4) Hearings shall be conducted in an orderly manner, and the Chairman may exclude or expel any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

"(5) Testimony at hearings shall be given under oath or affirmation, which the Chairman shall have authority to administer.

"(6) Each party shall have the right to examine and cross-examine all witnesses. The Chairman shall adjourn the hearing, if necessary, in order to obtain evidence of witnesses outside the metropolitan area of Washington, District of Columbia. The evidence of witnesses may be by deposition on notice before any official in the United States authorized to administer an oath or affirmation, or, in the case of witnesses overseas, by deposition on notice before an American consular officer. However, in 'selection out' cases, the employee has the right to insist on cross-examination, in which case the Committee shall require the presence of a witness and the Department of State or the United States Information Agency shall arrange for the attendance of the witness.

"(7) Where the Department of State or the United States Information Agency determines that it is not practicable to comply with the request of the Committee or Panel to make an employee available as a witness, it shall notify the Committee or panel in writing of the reasons for its determination. If, in the Committee or Panel's judgment, compliance with its request is essential to a full and fair hearing, it may postpone the hearing for a reasonable period of time. The Committee or Panel shall notify the Department of State or United States Information Agency of the reasonable period within which the witness is to be made available, and that failure to comply with the request shall be construed as an admission of the facts at issue in favor of the employee. If the Department of State or United States Information Agency then fails to make the witness available within such period, such facts shall be so construed and the Committee or Panel shall automatically find in favor of the employee.

"(8) The hearing and any depositions shall be recorded and transcribed verbatim, the cost to be borne by the Department of State or United States Information Agency, and a copy of the transcript shall be furnished to the employee without charge.

"(9) The Committee or Panel shall keep a minute book of its disposition of all com-

plaints, and shall keep in its permanent custody the full record of all its investigations.

"(10) Service on the Committee or Panel shall be considered official duty status. Hearing time shall be considered official duty time. The employee and his representative, if a Government employee, shall be afforded reasonable official time to prepare and present the evidence in furtherance thereof.

"SUSPENSION OF DEPARTMENTAL ACTION"

"Sec. 699. If, during its investigation, the Committee or Panel determines that (1) the Department of State or United States Information Agency is considering any action (including any action that may lead to separation or termination of the employee or any action with respect to post-promotion board or post-selection board procedures) which is related to, or may affect, an investigation of a complaint before the Committee or Panel, and (2) the action should be suspended, the Department of State or United States Information Agency shall suspend such action until the Committee or Panel has ruled upon such complaint.

"FINDINGS BY THE PANEL"

"Sec. 700. The findings of the Panel shall be communicated to the Secretary of State, or the Director of the United States Information Agency, and shall be binding on them.

"FINDINGS BY THE COMMITTEE"

"Sec. 701. The findings of the Committee shall be communicated to the Secretary of State, or the Director of the United States Information Agency. The Committee shall at this time forward the entire record of its investigation, including the transcript of the hearing, if any, to the Secretary or the Director with such recommendations for relief as it deems appropriate, including but not limited to—

"(a) permanently prohibiting any action suspended under section 699 of this Act;

"(b) removing from the employee's personnel record any efficiency, development appraisal report or any other document or record to which the employee has objection;

"(c) cancelling the rank in class assigned to the employee by Performance Evaluation Boards or Panels;

"(d) extending the time-in-class for the employee for a period sufficient to compensate the employee for the inequities suffered;

"(e) providing for retroactive within-grade step promotions to compensate the employee for losses in pay resulting from inequities suffered;

"(f) providing for immediate promotion of the employee to the next higher class;

"(g) any other recommendation in place of, or in addition to, the foregoing which the Committee considers to be justified in light of the particular facts of the case.

"Sec. 702. The Secretary of State, or the Director of the United States Information Agency, shall within thirty days of receipt of the findings of the Committee implement the findings of the Committee. In the event the Secretary of State or the Director of the United States Information Agency does not concur in the findings, he shall forward the entire record of the Committee, together with his reasons for non-concurrence, to the Foreign Service Adverse Actions Appeals Board for final action. Similarly, an employee can appeal a finding of the Committee to the Board within thirty days after notification of the finding.

"FINDINGS OF THE BOARD"

"Sec. 703. The Board shall render its final judgment, binding on the Secretary of State or the Director of the United States Information Agency, within three months of receipt of its communication from the Secretary or the Director.

"RETENTION OF RECORDS"

"Sec. 704. All records involving grievances shall be in the permanent custody of the Panel. All records involving adverse actions shall be in the permanent custody of the Committee, excepting that duplicate copies of records of matters brought to the Board shall be deposited permanently also with the Board.

"Sec. 705. No records involving grievances or adverse actions may be entered into the personnel records of employees unless the employees specifically request their inclusion in writing.

"PROLONGATION OF APPEAL RIGHT"

"Sec. 706. Any employee 'selected out' prior to the effective date of this Act under sections 631 through 637 of the Foreign Service Act of 1946, as amended, shall have the right to avail himself of the provisions of this Act relating to 'adverse actions' notwithstanding any other statutes of limitations, for one additional year subsequent to the date of enactment of this Act.

"In the event of the death of the 'selected out' officer prior to the date of enactment of this Act, the appeal may be filed on his behalf by a surviving dependent or annuitant.

"CERTIFICATION TO DOCUMENTS IN PERSONNEL RECORDS"

"Sec. 707. No document may be submitted to a selection panel without first having been shown to the officer being rated who shall signify that he has seen the document by signing each page of the document involved.

"RIGHT OF UNION REPRESENTATION"

"Sec. 708. Unions of Foreign Service employees shall have the right to attend all Hearings of the Board, Committee and Panel as observers and, upon their written request, shall have the right to introduce testimony, comments, or evidence. In the event any union has exclusive recognition, it alone shall have this right and any other employee organization or union may participate as an observer only on a specific request of the employee filing an appeal.

"PENALTIES AND ENFORCEMENT"

"Sec. 709. The Board, Committee or Panel, in addition to their communications to the Secretary of State or the Director of the United States Information Agency regarding relief for appellant employees, shall also recommend, where appropriate, disciplinary actions to be taken against other employees for the contravention by any person of any of the rights, remedies or procedures contained in this Act.

"SUPERSESSION OF OTHER PROVISIONS"

"Sec. 710. In the event of conflict between the provisions of this Act and any other provision of the Foreign Service Act of 1946, as amended, the provisions of this Act shall have precedence and shall have the power of supersession."

By Mr. HUMPHREY:

S. 2663. A bill to provide for the conveyance of all right, title, and interest in certain lands to present owner or owners of record. Referred to the Committee on Interior and Insular Affairs.

Mr. HUMPHREY. Mr. President, I am today introducing legislation which authorizes and directs the Secretary of the Interior to convey by quitclaim deed and without compensation to the owners of record all right, title, and interest in certain lands situated in Hennepin County, Minn.

On March 3, 1947, the Federal Farm Mortgage Corporation by the Federal Land Bank of St. Paul deeded, by special

warranty deed, this property to Kurt Topel and Esther Topel. The deed, however, reserved mineral rights and an ingress, egress easement which makes title to the property unmarketable.

Prior to September 6, 1957, the Federal Land Bank inquired of the property owners whether or not they wanted to repurchase the mineral rights and easement for the nominal consideration of \$1. This was not done, and the mineral rights were deeded by quitclaim deed from the Federal Farm Mortgage Corporation to the United States of America. The deed is dated September 6, 1957.

Mr. President, the State of Minnesota says there are no minerals underlying the property in question. In view of this, and in view of the earlier offer to the property owners to repurchase the mineral rights and easement, I urge that this bill be acted upon favorably.

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

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

S. 2663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed and without compensation to the present owner or owners of record all right, title, and interest in the following described lands situated in Hennepin County, Minnesota: The Southwest ¼ of the Southeast ¼ of Section 7 and the Northeast ¼ of the Northeast ¼ of Section 18, excepting therefrom a parcel of land deeded to school district Number 86 described as follows: Beginning at the Northeast corner of said Section 18, thence West 8 rods, thence South 10 rods, thence East 8 rods, thence North to the place of beginning, all in Township 117, Range 24, excepting that part described as the West 220 feet of the South 231 feet of the Southwest ¼ of the Southeast ¼ of Section 7-117-24.

By Mr. TOWER:

S. 2664. A bill to amend the Communications Act of 1934. Referred to the Committee on Commerce.

Mr. TOWER. Mr. President, I introduce today legislation which amends section 308 of the Communications Act of 1934 by requiring that in instances where there are two or more qualified license applicants for a single television transmission channel, that there be mandatory comparative hearings held by the Federal Communications Commission at which all such competing applicants be afforded an opportunity to testify. At such a hearing each applicant may present affirmative evidence upon the single issue of proposed program service to the community in which the station is to be located. My primary reason for introducing this legislation is to clarify the intent of Congress that the overriding purpose of the Federal Communications Commission in administering this act, and more specifically its licensing procedures, is to provide for the general public the best possible broadcast service. And, while carrying out this task, the Commission must maintain that intricate balance of providing sufficient stability for the estab-

lished market, yet not to the exclusion of enterprising potential new station operators. The legislation which I offer today would greatly aid in this endeavor.

The primary method by which this legislation will be of aid to both the Commission and the public is that it will set forth a method by which the Commission will necessarily be required to consider programming in its determinations of license recipients. In many instances under the present rules of the Commission, the quality of programming will be given no consideration in determining comparative cases, and it is my belief that we should not permit decisions of such significance to be rendered without consideration of this premise.

In addition to requiring that the Commission consider solely the broadcast service to be rendered by the station, the legislation which I have introduced requires that in instances where there is an applicant with a past operating record, this applicant may rely only upon such past record and may not fall into the role of only a promise-maker regarding its future service. This is the policy which has been set forth by judicial precedent over the past 40 years.

This legislation would also require that the burden of proof at such hearings be carried by competitors of existing licensees, it being incumbent upon the new applicant to demonstrate by the greater degree of credible testimony that he will provide better program service for the general public. This certainly is not too onerous for him, for if the existing operator has not performed in the past as he should have performed, then the burden will be quite easy to sustain. In a like manner, if the existing station owner has an exemplary performance record of public service, then it rightfully should be more difficult for the new applicant to prevail.

The U.S. Supreme Court recently noted that the "Communications Act is not notable for the precision of its substantive standards." The amendment which I introduce will not usurp any of the decisional functions of the Commission; however, it will set a broad based policy of requiring that the Commission make its decisions upon the intent of the Federal Communications Act rather than creating and adopting independent regulations and guidelines which may tend to circumvent the act's primary purposes.

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

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

S. 2664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 308 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(d) Whenever mutually exclusive applications for a broadcast station to serve the same community are accepted for filing, the Commission shall first determine, in accordance with Sec. 309 (a) and (e) hereof, which, if any, of such applications should be denied on citizenship, character, financial, technical

or other qualifications grounds under this Act or applicable Commission's Rules. The applications of any two or more of the applicants who are not disqualified under such determination shall be designated for hearing on the single comparative issue of which will provide the best program service to the area to be served. Where one of such applicants is applying for renewal of station license, his past operating record shall be taken as the most reliable indicator of his future performance. No applicant for renewal of license shall be denied on comparative consideration with a mutually exclusive applicant for a new station, except upon a finding supported by the weight of the record evidence that the new applicant will provide a substantially superior program service."

By Mr. SAXBE:

S. 2665. A bill for the relief of Gaston Landry. Referred to the Committee on the Judiciary.

Mr. SAXBE. Mr. President, I would like to take this opportunity to introduce and send to the desk for referral to the appropriate committee a bill for the relief of Gaston Landry. Mr. Landry was born at Ste Marie de Beauce, Rang St. Louis, Province of Quebec. He entered this country at Champlain, N.Y., on October 1, 1968.

Mr. Landry is currently residing in Flushing, Ohio, and is employed by Hoosier Engineering Co. Because he brings unique work skills to the company, I ask that he be granted permanent residence in this country.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 869

At the request of Mr. RIBICOFF, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 869, to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns.

S. 1373

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 1373, to revise the Immigration and Nationality Act.

S. 1975

At the request of Mr. TUNNEY, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 1975, to lower the minimum age for serving as a juror in Federal courts from 21 years of age to 18 years of age.

S. 2079

At the request of Mr. HARTKE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2079, a bill to amend the Fair Packaging and Labeling Act to provide for open dating of perishable foods.

S. 2289

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2289, a bill to liberalize the definition of disability under the black lung disease compensation program.

S. 2302

At the request of Mr. ALLOTT, the Senator from Alaska (Mr. STEVENS) was

added as a cosponsor of S. 2302, to amend the National Science Foundation Act of 1950 to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application.

S. 2500

At the request of Mr. BYRD of West Virginia, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2500, to establish producer owned and controlled emergency reserves of wheat, feed grains, and soybeans.

S. 2513

At the request of Mr. HARTKE, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 2513, the Older Americans Rights Act of 1971.

S. 2556

At the request of Mr. ALLOTT, the Senator from Idaho (Mr. JORDAN) was added as a cosponsor of S. 2556, to establish a municipal mine demonstration plant.

S. 2568

At the request of Mr. KENNEDY, the Senator from South Dakota (Mr. McGOVERN), the Senator from California (Mr. TUNNEY), the Senator from Delaware (Mr. WILLIAMS), the Senator from Iowa (Mr. HUGHES), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. CRANSTON), the Senator from Utah (Mr. MOSS), the Senator from Alaska (Mr. GRAVEL), the Senator from Texas (Mr. BENTSEN), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 2568, to authorize appropriations for the relief of Pakistani refugees in India.

S. 2592

At the request of Mr. HARTKE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as cosponsor of S. 2592, the Foreign Trade and Investment Act.

S. 2636

At the request of Mr. HARTKE, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 2636, a bill to amend the Federal Hazardous Substances Act to regulate hazardous detergents.

SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from North Carolina (Mr. JORDAN) was added as a cosponsor of Senate Joint Resolution 112, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Georgia (Mr. GAMBRELL) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors 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 160

At the request of Mr. TOWER, the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of Senate Joint Resolution 160, relating to disaster assistance in flooded areas.

SENATE RESOLUTION 175—SUBMISSION OF RESOLUTION AUTHORIZING SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

(Referred to the Committee on Rules and Administration.)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, submitted a resolution, as follows:

S. RES. 175

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Rules and Administration, or any subcommittee thereof, is authorized from October 1, 1971, through February 29, 1972, for the purpose stated in section 2 and within the limitations herein-after imposed in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Rules and Administration, or any subcommittee thereof, is authorized from October 1, 1971, through February 29, 1972, to expend not to exceed the sum of \$78,000 to examine, investigate, and make a complete study of any and all matters relating to the use of computer services for the Senate. Such sum is in addition to the amount specified in section 2 of Senate Resolution 28, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution. Of such \$78,000, not to exceed \$45,000 may be expended for the procurement of individual consultants and organizations thereof.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 66

At the request of Mr. METCALF, his name was added as a cosponsor of Senate Resolution 66, relating to the termination of U.S. military participation in the Indochina conflict.

RURAL COMMUNITY DEVELOPMENT REVENUE SHARING ACT OF 1971—AMENDMENT

AMENDMENT NO. 459

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

Mr. ALLEN submitted an amendment, intended to be proposed by him, in the nature of a substitute, to the bill (S.

1612) to establish a revenue-sharing program for rural development.

NOTICE OF HEARINGS ON TRUTH IN LENDING ACT

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs will hold hearings on the bill, S. 652, to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes.

The hearings will be held on Tuesday, Wednesday, Thursday, and Friday, October 26, 27, 28, and 29, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, room 5300 New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

NOTICE OF HEARING ON A NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, October 13, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

William J. Bauer, of Illinois, to be U.S. district judge for the northern district of Illinois, vice Joseph S. Perry, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

ADDITIONAL STATEMENTS

ALLEN ELLENDER—AMERICAN PATRIOT

Mr. SYMINGTON. Mr. President, it is with respect and affection that I salute the President pro tempore of the Senate, my good friend, ALLEN J. ELLENDER, of Louisiana, on the celebration of his birthday.

For more than a third of a century, Senator ELLENDER has brought nothing but honor and wisdom and humor and outstanding public service to his State and Nation during his long and distinguished career as a U.S. Senator.

As an architect of a great portion of the farm legislation which is still in operation today, he was, is, and is certain to continue to be, a most effective force in behalf of Nation's producers of food and fiber.

Although in Missouri, as in so many other States, ALLEN ELLENDER is known as a true friend of farmers, that is not his only distinction among my constituents.

No Member of Congress has made more of a contribution in the area of the control and preservation of our wa-

ter resources than has this great American. With total dedication to the welfare of all sections of the Nation, he served for 15 years as chairman of the Subcommittee on Public Works of the Committee on Appropriations; and in that position sought and obtained wise expenditure and allocation of Government funds for flood control, power development, and reclamation and improvement of the Nation's waterways.

Senator ELLENDER's vigorous efforts to preserve our water and land resources will mean just as much to future generations as it does to the American people of today. The development of the Mississippi River Valley and the Columbia Basin are but two major results of the goals set by our distinguished colleague.

Rural and urban communities throughout Missouri know only too well how mighty important the Federal flood control programs have been to our State. Agricultural land which for years had suffered annual floods has now been restored to regular production, by means of the many dams and reservoir projects which have been constructed. Straightening the channel of the Missouri River in itself gave to Missouri farmers 90,000 additional acres of rich bottom land; and at no additional cost to the more fortunate farmers in question.

Senator ELLENDER's dynamic leadership has helped to transfer various projects in many States, including Missouri, from the planning boards to actual construction, thereby boosting the recreational and economic potential of the surrounding areas as well as expanding the production ability of our farmers.

Table Rock Lake and Dam, the Harry S. Truman Dam, and the Stockton Dam are but a few of the testimonials in my State to the services of Senator ELLENDER.

In addition, and with typical insight, many years ago this wise American offered sage advice about how the Nation could alter to its advantage the economic course which our foreign policies had been taking. As but one example, since the mid-1950's Senator ELLENDER has been calling for a reduction of our troop force in Europe. He knew only too well what this "form as against substance" expense was doing to our economy, including the danger involved in our continuing unfavorable balance of payments.

More than a decade ago, it was this Senator from Louisiana who warned of the dangers which would proceed from the large quantities of gold that were steadily leaving our Nation's Treasury.

Today his drive, personality, and extraordinary capacity for many long hours of extended hard work are recognized by his colleagues as the primary reason that this year the Senate was able to complete its work on 10 of the 14 appropriations bills before the summer recess.

For such reasons, it is a privilege to join my colleagues in thanking ALLEN ELLENDER for his magnificent public service. May he have many more birthdays in the Senate, for our Nation can only continue to benefit from his experienced leadership.

INTERNATIONAL DAY OF BREAD

Mr. DOLE. Mr. President, Tuesday, October 5, was the International Day of Bread. In more than 60 cities throughout the world producers, millers, and bakers honored bread for its amazing ability to provide nutrition to the people of the world.

Appropriately, yesterday morning, Secretary Hardin spoke at a ceremony at the Department of Agriculture which was followed by similar events throughout the Nation and the world. His comments are deserving of wide exposure, and I ask unanimous consent that they be printed in the RECORD. During the ceremony President Nixon's proclamation and acknowledgement of this event was presented, and I ask that this document also be printed in the RECORD.

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

REMARKS BY SECRETARY OF AGRICULTURE CLIFFORD HARDIN, TUESDAY, OCTOBER 5, AT DAY OF BREAD CEREMONIES, ON THE PATIO AT THE U.S. DEPARTMENT OF AGRICULTURE

Once again our Nation is blessed with a year of agricultural bounty, assuring a continuation of food abundance which through the ages has been symbolized by bread.

America's farmers are reaping unequalled harvests of wheat and grain in a new demonstration of their matchless productivity. Even though they all too often have gotten far too little net return, farmers have built a bulwark against inflation, have strengthened our balance of payments, and have fed this Nation well. This year is no exception.

Our superabundance has enabled us to move in a dramatic way, in the words of President Nixon, "as no nation in the world has been able to move, to provide for those who cannot provide for themselves."

Through direct distribution to 3.5 million persons and a sharp expansion of the food stamp program to encompass 11 million recipients, a total of 14.5 million needy people are being assisted in the campaign to eliminate hunger and malnutrition. Additionally, some 7.3 million needy children are receiving free or reduced-price meals in school, an increase of 82 percent in the past year.

Not only is America attacking poverty-based hunger on a scale without parallel in the history of this or any other country, but is doing so in innovative ways that have long-range significance for the health and well-being of all people. Of special importance, for example, is the work of 10,000 nutrition aides recruited from urban and rural communities, given paraprofessional training, and assigned to low-income areas to teach essential facts on the proper purchasing, storing, and preparation of nutritious foods.

Meanwhile, through the plentiful foods program of the Department of Agriculture, the benefits of the best food values are extended to all consumers; at the same time, farm products are given extra impetus on their way to market. The biggest-volume food purveyors—supermarkets, commercial food services, institutions—cooperate in buying commodities that come into abundant supply with turns of the seasons or the fortunes of harvest.

Another distribution mechanism, which like the plentiful foods program has marked a quarter century of service, is the school lunch program. Today 24.1 million children throughout the United States are reached with a school meal. This vast sharing of abundance has been achieved by unsurpassed farm production and the cooperation of local, State, and Federal governments, dedicated school officials, and concerned local citizens.

Yet the benefits of our plenty go even farther—to countries the world around, in increasing amount. Last year the foreign business of American agriculture set a triple record, in total volume of farm exports, in total value of exported farm products—amounting to \$7.8 billion—and in sales for hard dollars.

The efforts of the Foreign Agricultural and Export Marketing Services to develop and serve growing trade outlets overseas, to negotiate concessions gaining greater access for American products to foreign markets, and to support promotional and sales activities—these are of paramount importance to farmers and all Americans.

Last year, more than half of all our production of wheat, soybeans, and rice went to foreign markets. The overseas market potential is growing, and this means many opportunities for American producers, if our trading partners show a willingness to ease their protective practices and if our own dock workers and longshoremen will quit their labor feuding and move the goods.

We are pausing today to pay tribute to the bounty of food produced by the nation's farmers. There is a harvest-time satisfaction in their success. Farmers can feel proud. Yet, this is also a sad day. A sad day for farmers.

We are at this moment engaged in a great national effort to halt inflation and strengthen the nation's economy. It is an historical time as we deescalate a long war with its inflationary excesses and return to a peace-time without inflation so that we can build our nation at home.

Yet we meet here while the testimony of a prominent labor leader reverberates across the land demanding that labor should get what its leaders want, seemingly regardless of whether it is inflationary—and seemingly without regard for what it does to the rest of society.

We also meet at a time when the ports of the nation are closed tight. The greatest trading nation in the world is on its knees, its overseas market outlets idled to a standstill.

This is a sad day, and a painful day for the nation's farmers. They are hurt in several ways:

No. 1: The inflation that is triggered by this kind of unrestrained use of power pushes farm costs higher and higher and grasps farmers tight in a cost-price squeeze. The farmer's business suffers; and his family living suffers.

No. 2: Costs of getting farm products to their important foreign outlets are increased. This makes farm products less competitive, loses sales for farmers, harms our national balance of payments, and hurts our nation.

Meantime, while the docks are tied up, farm products are backing up clear to the farm gate. Many markets, as a result, are demoralized. Just when we have a bountiful harvest to move, it isn't moving. The abundance that farmers have produced for this country and for the world becomes for our farmers a nightmare—with farmers and their families distressed by low prices, distressed by seeing their markets lost, distressed by seeing the upward march of their costs, distressed by the lack of statesmanship on the part of some labor leaders.

This nation, and the nation's farmers, deserve better on this Day of Bread.

Through the genius of cooperative effort—farmers, millers, bakers, distributors—our Nation of consumers can be assured its daily abundance of the energy and satisfaction derived from the partaking of good, nourishing bread.

So as we break bread together in the tradition of fellowship and thankfulness, let this Day of Bread also be an occasion for a renewal of the spirit that has made America a great and good land.

NATIONAL DAY OF BREAD, 1971

The real wealth of a nation can sometimes be measured by what it takes for granted. In America, there is no better example of this than our abundant food supply. As we celebrate the National Day of Bread this October 5, I welcome the opportunity to pay tribute to the hard work and resourceful spirit which has brought forth our immense harvest.

Only in the last century has it been possible for entire nations to ensure adequate food for their people. In too many lands men, women and children are sadly still desperately undernourished. But in America, our agricultural industry has provided us with an assurance of plentiful food of high quality, wide variety, and reasonable cost. Moreover, it has enabled us to share this blessing with other countries in time of need. And by its extraordinary productivity, it has made it possible to launch an unprecedented program in the United States to assure better nutrition through school lunches, food stamps, nutrition aides, and other measures—all directed toward our ultimate goal of wiping out hunger in America.

On this National Day of Bread, I salute the farmers, millers and bakers of America and all who assist them in their important continuing contribution to our economy and to our well-being as a people.

RICHARD NIXON.

NO NEED TO FEAR OUTSIDE INTERVENTION

Mr. PROXMIER. Mr. President, many people in the United States are worried that if the Senate ratifies the Genocide Convention, this country will be dragged before the International Court of Justice and be forced to do something that is contrary to our Constitution. Nothing could be further from the truth.

For, example, the Senate has ratified the Supplementary Convention on the Abolition of Slavery, which permits the International Court of Justice to adjudicate disputes between nations. This provision is the same as the article in the Genocide Convention governing the use of the International Court.

Has the United States ever been "hailed" before the International Court to answer charges of slavery? No.

Will the United States ever be "hailed" before the International Court to answer charges of genocide? No.

The Genocide Convention, like the Slavery Convention, does not give such authority to the International Court or any other international body. We have no need to fear outside intervention.

Mr. President, I urge the speedy ratification of the Genocide Convention by the Senate.

NATION'S GOVERNORS ENDORSE TAX INCENTIVE FOR RURAL JOB DEVELOPMENT

Mr. PEARSON. Mr. President, over the past several years the Nation's Governors have been in the forefront in urging that we seek the development of a national growth policy. As the chief executive officers of their respective States they see, first hand, the consequences of unguided urbanization. They know full well the enormous problems generated by the overcrowding of the megalopolis and the underdevelopment of the smaller communities. Therefore, for the past sev-

eral years, the Governors in their annual national conference, have urged the adoption of rural development and balanced national growth policies.

At the recent conference in San Juan, Puerto Rico, the Nation's Governors again adopted policy positions spelling out the vital importance of moving ahead with rural development and balanced national growth efforts.

All of their policy recommendations are deserving of consideration and attention. Of special importance at this particular time is the recommendation of the Nation's Governors that "Congress should adopt a system of tax incentives to encourage business and industry to locate in nonmetropolitan areas."

Mr. President, I have long advocated the use of tax incentives, such as provided in my Rural Job Development Act, to encourage the establishment of job-creating industries in rural areas. Fifty of my colleagues here in the Senate have joined in cosponsoring the Rural Job Development Act.

And, Mr. President, because of the growing interest and support in the use of tax incentives as a means of expanding economic opportunities, I intend to seek an amendment to the Administration's Job Development Act providing for additional tax incentives aimed at increasing the number of new jobs in rural areas.

Mr. President, I ask unanimous consent that policy positions E-1 through E-7, adopted by the 1971 National Governors Conference, and dealing especially with rural development and balanced national growth be printed in the RECORD.

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

POLICY POSITIONS OF THE NATIONAL GOVERNORS' CONFERENCE—SEPTEMBER 1971

National Governors' Conference Executive Committee for 1970-1971 are Governor Warren E. Hearnes, Missouri, Chairman; Governor Jack Williams, Arizona; Governor Robert D. Ray, Iowa; Governor Marvin Mandel, Maryland; Governor Forrest H. Anderson, Montana; Governor William T. Cahill, New Jersey; Governor Robert W. Scott, North Carolina; Governor Luis A. Ferre, Puerto Rico, and Governor Linwood Holton, Virginia.

For 1971-1972 are Governor Arch A. Moore, Jr., West Virginia, Chairman; Governor Thomas J. Meskill, Connecticut; Governor Cecil D. Andrus, Idaho; Governor Richard B. Ogilvie, Illinois; Governor Wendell R. Anderson, Minnesota; Governor J. James Exon, Nebraska; Governor Frank Licht, Rhode Island; Governor John C. West, South Carolina, and Governor Winfield Dunn, Tennessee.

E-1: ADOPTION OF A COMPREHENSIVE NATIONAL COMMUNITY DEVELOPMENT POLICY

Congress and the Administration should develop a comprehensive National Community Development Policy with the effectuating funds, agencies and programs. The Policy should provide the means whereby federal, state and local elected officials should participate directly in the formulation of national policies and goals and the establishment of major strategies and programs for implementation of such policies and goals. The formulation and implementation of such national community development policies in coordination and consonance with state development policies is essential to achieve the objectives of balanced growth.

A National Community Development Pol-

icy should embrace the major areas and issues of concern for the quality of life within the United States. The most basic components for consideration in the formulation of this policy are policies relating to population growth and distribution and to economic development. Other components are policies relating to allocation of natural resources, agriculture, transportation, housing, human resource development, and financing and administration—all established in a manner that will support policies concerning these two basic components.

E-2: ADOPTION OF A NATIONAL POPULATION GROWTH AND DISTRIBUTION POLICY

There should be an adoption of a National Population Growth and Distribution Policy, developed in concert with state and local planning policies, to lessen the congestion, and reduce pressure, on the already overburdened resources of our cities, to offer opportunities for the free movement of all of our citizens to realize their maximum personal potential, to match manpower and job training programs with the needs for community development and to lessen the problems of transportation, environmental decay and social service delivery that are not being adequately dealt with for today's population. Such a policy shall be consonant with a rural-urban balance of needs and regional potentials.

E-3: ADOPTION OF A NEW COMMUNITIES DEVELOPMENT POLICY

To effectuate a population growth and distribution policy, there should be the adoption of a comprehensive New Communities Development Program which would include expanded communities, new-towns-in-towns and new towns as major components of a national policy designed to relieve growth stresses upon existing metropolitan areas and to promote growth in appropriate areas which have growth potential.

E-4: ADOPTION OF A NATIONAL ECONOMIC DEVELOPMENT POLICY

A National Economic Development Policy should be adopted to coordinate economic assistance measures with a national population growth and distribution policy, thereby providing the employment concentrations and economic base that will make such a policy workable, offering more efficient operating environments for industry and concentrated employment centers accessible to workers in either rural or urban areas. Such policy should provide additional incentives to private business and look to new ways that public and private interests can be combined to meet public needs. Congress should adopt a system of tax incentives to encourage business and industry to locate in non-metropolitan areas.

E-5: ADOPTION OF A NATIONAL AGRICULTURAL DEVELOPMENT POLICY

There should be a National Agricultural Development Policy as an integral part of a National Community Development Policy to assure the Nation it can feed itself and meet its responsibilities to other people in the world. Such a policy should reflect the importance of and a system for the preservation and maintenance of agricultural land for future supplies and as a necessary habitat for wildlife water resources and hunting and fishing, all of which are a necessary part of providing quality environment in consonance with a population growth and distribution policy. Further, this policy should focus attention on improving agricultural production capabilities, transportation, foreign market development, processing agricultural products near the source of production and efforts aimed at developing rural America.

In addition, Congress must act on a viable farm program to assure rural America "parity of opportunity" with the rest of the Nation.

Congress and the Administration should adopt the concept of stability and parity of resource earnings as the long-term policy goals for modern agriculture and then establish an appropriate vehicle such as a National Food and Fiber Board to develop the detailed production management programs necessary to insure an adequate supply of food and fiber for the future.

A new farm bill by Congress should be shaped to give rural producers an equal opportunity to share in the Nation's prosperity and growth as all other areas. A federal farm program should be continued by the Federal Government until the market can maintain an adequate price for producers.

A strong farm program is recognized as a deterrent to further out-migration from rural areas to crowded metropolitan centers, a necessary element for a growing economy, and vital to providing reasonable food prices for consumers while assuring a fair return for all agricultural producers.

The National Governors' Conference urges the federal government to take whatever steps are necessary to insure that sufficient public works funds are available under the Economic Development Act of 1965 so that rural areas will not receive less in the coming years than they did in the past as a result of the "special impact" provision of the recently passed amendments to that Act.

E-6: JOINT FEDERAL-STATE EVALUATION OF RURAL DEVELOPMENT PROGRAMS

The new Office of Intergovernmental Relations, in cooperation with the appropriate federal offices and the National Governors' Conference and local government groups, should evaluate the possibilities and mechanisms for better coordination and delivery of federal and State programs in rural areas. The joint evaluation should examine and make recommendations for action on the following issues:

a. Avenues of cooperation between existing HEW, Agriculture, Commerce and HUD programs and state community development programs.

b. Restructuring of federal field operations to support and complement emerging State and local efforts for comprehensive rural development. As federal departments decentralize, they should utilize to the fullest extent possible the personnel, administrative and technical services of state and local government rather than building up federal field staff to handle delegated authorities for decision-making accompanying the federal field office reorganization.

c. Recognition of state designated multi-county planning and development districts, primarily composed of local officials, as the primary delivery system for most state and federal programs in rural areas.

d. Recognition and support of several States as pilot projects for the purpose of coordinating federal and state programs into a package of rural development services.

E-7: ADOPTION OF A NATIONAL LAND DEVELOPMENT POLICY

There should be an adoption of a National Land Development Policy providing guidance as to what lands are appropriate for urban development, agricultural production, conservation and open space and recreation. Such national policies must be related to the allocation and conservation of water, air, minerals and other natural resources and be an integral part of a National Community Development Policy.

THE SCHOOL PRAYER AMENDMENT

Mr. ERVIN. Mr. President, recently the required number of Members of the House of Representatives signed a discharge petition which brings before the House for its consideration a so-called

school prayer amendment reading as follows:

SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

With all due deference to its authors, I respectfully submit that this proposed amendment would do more harm: to the free exercise of religion than the Supreme Court rulings which it is avowedly designed to circumvent. In the last analysis, these Supreme Court decisions merely prohibit the State from requiring students in public schools to say prayers dictated by the State. They do not prohibit any person from making a voluntary prayer according to his own creed.

This proposed amendment, however, would impliedly prohibit any person in any public school or other public building to say a denominational prayer, in accordance with his creed. Hence, it would impliedly prohibit Protestants from saying Protestant prayers, Catholics from saying Catholic prayers, Jews from saying Jewish prayers, and Mohammedans from invoking the aid of Allah. It would even prevent one from voluntarily praying the Lord's Prayer because that is a prayer which has been adopted by the various denominations which call themselves Christians.

With further due deference to its authors, I make these inquiries:

What is a nondenominational prayer?

Who desires to pray a nondenominational prayer rather than a prayer which harmonizes with his own denominational beliefs?

As an editorial in the Morganton, N.C., News Herald for September 24, 1971, stated, there is "more than meets the eye" in this proposed amendment.

I ask unanimous consent that a copy of this editorial which was written by my longtime friend, W. Stanley Moore, be printed at this point in the body of the RECORD.

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

MORE THAN MEETS THE EYE

A sufficient number of Congressmen have signed petitions to force the so-called school prayer amendment out of committee to the floor of the House of Representatives for consideration. The bill was reposing in the House Judiciary Committee until sufficient signers could squeeze it out for debate and a vote.

It may be that there will be sufficient representatives voting in favor to approve the measure, but most observers foresee less chance for passage in the Senate.

Forcing the measure out of the House committee's pigeonhole was made possible by concerted effort stemming from many promptings. There may be those who signed the petition who think it wise to bring the measure to a decision and dispose of it and may not themselves vote for it at final passage. Others undoubtedly are as sincere as they can be, while still others may be considering the public's attitude which will look favorably upon those lawmakers who join in a righteous cause to strike down the anti-school prayer decisions of what they have thought of as the antireligious Supreme Court. And a Congressman to be worth his salt and reelection must be sensitive to the will of the people who have to decide every

two years whether to keep him in office or not.

But only vestiges now exist of the emotionalism which was generated by two decisions of the Supreme Court in 1963 which outlawed required Bible reading and compulsory prayer in the public schools. What is left is spirited enough, however.

Even this will be subject to further abatement if the public can follow closely enough the debate which will develop in the House about the proposed amendment and the two court decisions at which it is aimed.

The constitutional amendment sounds simple enough. Its wording is this:

"Nothing contained in this Constitution shall abridge the rights of persons lawfully assembled, in any public building which is supported in whole or in part through expenditure of public funds, to participate in non-denominational prayer."

But much reading between the lines will be necessary for a full understanding of the matter. Nobody was more vociferous than we when the Supreme Court handed down its decisions. Our objections, in the perspective of time, were not so much against the decisions themselves. The rulings were inevitable if the issues had to be faced by the high court. What irritated at the time was that the court, we felt, had far more important things to consider, in its broad discretion as to what cases it would hear, than to go hunting for highly emotional issues. The timing, we felt, was also poor in that the country was experiencing, in the opinion of many disturbed citizens, a wave of godlessness that would only be heightened by the action of a court which, in all consistency, might move on to strike "In God We Trust" off our coins and outlaw the daily prayers offered in the houses of the Congress at the opening of each session.

But deep-down, who could object to the real decision of the court? What the justices did was to ban required Bible reading and compulsory prayer. Nobody could prescribe as a matter of required practice a religious ritual or enforce a policy of prayers in the classroom. "Required" and "compulsory" were the key themes which brought the court's stand.

Is it the wish of the American people that school boards and administrators now be empowered to require and compel each classroom to have a specific pattern of devotional periods with prayer?

The answer for many people might be "yes" if they were assured that these religious periods were steeped in solid Baptist background or at least were in keeping with such a background. But what about Jews, Roman Catholics, Seventh-day Adventists, Presbyterians, Methodists, Lutherans and all the rest? Would they approve a Baptist-slanted devotional period? On the other hand, would the Baptists approve if they resided in a predominantly Catholic or Jewish school district where, under the proposed amendment, the school officials could require and compel religious service or prayer? The proposed amendment's use of the term "non-denominational prayer" would appear at a glance to be a safeguard against denominationalism, but persons who have spent their lives in a denominational orientation hardly know anything else and this shows through despite their best efforts at religious detachment and ecumenical broadness.

What the Supreme Court really did, when all the irritating terminology and confusion were lifted, was, in keeping with the American principle of separation of church and state, Bible reading and prayer couldn't be "required" and "compulsory." As we understand it, voluntary and spontaneous classroom exercises are still practiced without violating the tribunal's edict.

Should we now turn back the clock to

cover an eight-year span and open the door to possible overlappings of state and church which the Founding Fathers foresaw as a danger and for which the Supreme Court simply issued a cease-and-desist order? It strikes us that this would be opening a can of worms we do not need at this time.

ADDRESS BY GEN. BRUCE K. HOLLOWAY, COMMANDER IN CHIEF, STRATEGIC AIR COMMAND

Mr. BROCK. Mr. President, recently in San Francisco, before the Commonwealth Club of California, Gen. Bruce K. Holloway, commander in chief of the Strategic Air Command, delivered a penetrating speech which goes to the very heart of a serious problem facing the Nation today, the lack of full understanding by the public of the country's military force.

In the country's past, he points out, the military forces were close to the public. The standing Army was small and its job much less complex. In peacetime, the professional soldier used to be highly visible to the community, doing such things as guarding the fort, escorting settlers, building roads or training. The public understood these activities and approved of them.

Today, however, as General Holloway explains, the situation is vastly different. Masses of troops operate overseas and perform their duties and assignments with only the media to report on what is happening. Considerable activities of the military are necessarily shrouded in secrecy. Military problems are frequently so complex that the public just cannot grasp the whys and wherefores of some of the activities of U.S. military forces at home and abroad.

All of this, says the general, tends to create doubts and antagonisms on the part of the public. People wonder just what their tax dollar is being spent for on the armed services.

First, there are several answers to this problem, General Holloway suggests. It is the responsibility of the services, through their public information officers, to be as explicit and enlightening as possible on what the services are doing. This is a very necessary function of the military in a democratic society.

Then, the media which reports on the activities of the services should be encouraged to be scrupulously accurate and unbiased. Necessary secrecy should be observed. And, finally, the public has got to be more understanding of the inherent communications problems of the services in telling their stories.

I believe this is a speech well worth everyone's reading and one which is especially appropriate to ponder now as we review some of the arguments we have heard in support of reducing our military appropriations.

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

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

REMARKS BY GEN. BRUCE K. HOLLOWAY

I should like to discuss with you today a subject which affects all of us daily in every facet of our lives. It is a problem which needs some action, and I refer to communication

between the citizen and soldier of the United States.

One might judge by the tone of some recent statements that the only proper communications for the soldier are those he has with his superiors when receiving orders, and subordinates when giving them. On the other hand, many who support G.I. disservice seem to think that no limits can be placed upon the serviceman's right to speak. The truth is, of course, somewhere in between. But it is certain that in a democracy the defense establishment needs communication with its stockholders—the electorate—perhaps more urgently and continually than any other group of public servants.

That is so because—though the military spends significant public funds, guards public trust, and integrates large numbers of the citizenry into its affairs—it is extremely difficult for the citizen to know how well his investment is being handled. The soldier does not produce automobiles or sell butter or make law. A great part of military thought and activity is hidden from the public behind a necessary screen of security. Since 1957, thousands of officers and airmen of the Strategic Air Command have disappeared from public view for up to half of their time to stand alert—an invisible investment in freedom. But the very idea of secrecy is anathema in a democracy.

There was a time when the informal communication between citizen and soldier was more extensive. To begin with, the standing army was small and its job much less complex. In peacetime the professional soldier was visible to his nearby community—guarding the fort, escorting settlers, building roads or training. Citizens had free access to the fort or camp. When there was a war, the citizen joined the soldier in battle and returned afterwards with a true, if limited, view of what soldiering was all about. Because of this direct citizen-to-soldier interchange, a feeling of mutual confidence developed between the society and its protectors.

But even for those who had no direct involvement with the military, there was a measure of accomplishment. The fact that Jackson "won" the battle of New Orleans was proof enough for the average citizen that his army was a worth-while investment. No American doubted the effectiveness of the U.S. Navy after the War of 1812, or 1898. The measure of success for the military in those days was quite simple and forthright.

That time has long passed. The complexities and criticalities of modern war have increased the distance separating the citizen from his soldier-servant. The large peacetime force on strategic alert, closed or isolated military installations, long-term foreign military involvement, and the sophistication of modern civilization are all factors in this. In many cases the citizen never sees the serviceman who works behind top-secret inclosures and lives predominantly in a military community. And the greatest measure of success for the American military in the last quarter century has been not the winning of wars, but the absence or existence of them. So it is more difficult for the citizen to know with certainty whether lack of war or coercion results from military prowess, good will on the part of our adversaries, or other reasons.

We have always depended on the commercial news media to bridge the gap of communications between voter and warrior. This has been especially true in regard to major defense issues and the "big picture." There are essentially three steps in the chain of information to the citizen: someone in the military either acts or fails to act; someone in the communications business assembles, reports and possibly comments on the information; finally, the citizen receives and acts on the information. Actually, there is another step in the process. Because military activities are so complex, far-reaching and large in scope, the services use inter-

mediaries to gather and process information and act as central agents for its release. We refer to these as "public affairs" or "information" offices and find that they make the communications process a great deal more efficient than would otherwise be possible.

The return communications channels back to the service member are more vague but their resolution is rather clear cut: the public votes; the President and Congress direct; the military obeys. It is a slow and cumbersome system, but one which is intrinsically a part of our governmental processes.

After 34 years' involvement in military affairs, I am convinced that all the participants in the soldier-to-citizen chain of communication have been for the most part well-served and well-served. I am aware of many instances in which newsmen selflessly risked or gave their own lives for a story whose immediate purpose was simply to inform the people of America, but whose long-range impact was importantly far-ranging. Yet, I have seen them withhold or delay irresponsible stories when release would have meant big headlines and great coverage for the media but loss to the nation.

Before the invasion of Europe in June 1944, General Eisenhower gave a great deal of information to newsmen which, if released prematurely, could have meant the failure of the operation and hundreds of thousands of American and allied deaths. The confidence was not betrayed. A bit later on the other side of the world, reporters knew of the success of the initial kamikaze attacks of Japanese aircraft against the U.S. Navy in the Pacific. At that time there were over 50,000 Japanese aircraft remaining in the home islands. But American reporters voluntarily published stories which played down the success of the attacks, and since the Japanese suicide crews who had flown the planes could not report their successes, their high command was forced to assume that they had failed, and downgraded the mission. Thus American reporters probably saved thousands of American lives.

I have seen military public affairs and information officers under similar circumstance, and heard them speak out for the public right to know when such a position was the least politic one in the defense establishment. The case of Dan Henkin and "The Selling of the Pentagon" television program is a recent case in point. Dan Henkin moved from a successful career as a civilian journalist into public affairs for the Department of Defense and is the Assistant Secretary there. "The Selling of the Pentagon" could never have been produced without his cooperation and that of many other military public information officers. I believe the government contributed some \$3,000 in materials and man-hours supporting the television taping. Mr. Henkin also participated in a lengthy filmed interview for the program. I'm sure you know that the outcome was highly uncomplimentary to the Department of Defense, and that the Henkin interview was edited in such a way that many thought it made Dan appear, in the words of one writer, "incapable of answering a simple question with a pertinent answer." Nevertheless, Dan Henkin, when called before the Congressional committee investigating the propriety of some of the production, stoutly defended the producers' right to do the show. He indicated that just as the Pentagon is not for sale, and I now quote him: "Not for sale either is the right of a free press to criticize the Pentagon."

Today we are more dependent on the efficiency of our chain of communication to the public than ever. It is especially so because defense considerations are so complex. It is so because the horrible destructiveness of modern weapons means that there are no small decisions. Here are just a few of the complexities involved in integrating a new

system—the B-1 bomber—into the strategic inventory under present criteria: acceptance that the concept of deterrence is and will remain the most effective national defense for the proximate future; acceptance of nuclear war as the final instrument of national policy; acceptance of the manned bomber as a valid system for nuclear or conventional combat; acceptance of the continuation of a "standing army" of professional airmen geared to immediate combat response; determination to employ billions of dollars, thousands of people and years of unrelenting effort toward the task.

The reality of strategic concepts and forces must invariably depend on the long-term acceptance of propositions such as those above by the great preponderance of the American people. To fund a project such as a new bomber or an antiballistic missile system until it was almost complete and then drop it would be very wasteful economically and could be militarily disastrous because of the planning and dependence that had been placed on its acquisition. If we fail to proceed with foresight and to plan for the systems needed or expected in the future, no money, no effort, no support can bring them when they are really needed. The people have to know the ideas, what is happening, and what is expected. It is that dependence on communication with the people which concerns me most today and induces me to talk to you about the problem.—For the cold truth is, that the effectiveness of our communication with the populace leaves a great deal to be desired. There are two aspects of this lack which I would like especially to spotlight. One concerns what the public thinks of its military profession. The other concerns what the public thinks of the military threat.

The image of those in uniform in much of the public mind appears to be the worst it has been in our history. There is significant public resentment against the military profession in general and military leaders in particular. Many scholars are convinced that this has been engendered with the public because of Vietnam. I believe it is rather widely accepted that the military got our country into Vietnam, that our leaders supported every military need and plan, and that the military then failed to achieve its objective—leaving us back where we started, 40,000 lives poorer. An awful lot of people are apparently convinced of a series of conclusions so far from the truth that it makes soldiers wonder what to do.

In my opinion there is no soldier who would have fought the war in Vietnam as it has been fought if it had been simply a military problem. The essence of military victory is contained in a small group of words commonly called the principles of war which include such imperatives as: offensive, unity, mass, economy, maneuver, and surprise. Our actions in Vietnam have not followed these imperatives for a number of reasons. Significant in these has been the fact that Vietnam is not simply a military problem, and so the major decisions of policy, strategy, and tactics were not made by soldiers. At one time this was apparently better understood—or at least not widely questioned—but now there are many who ignore these points and seek to blame the soldier for the consequences of decisions he quite correctly did not make.

Denigration of the military is a very serious concern because it could mean the deterioration of the defense structure. It is not, however, our most immediate crisis in defense communications. The most immediate crisis is the lack of public knowledge of the military threat against the United States of America.

The actual physical threat to the existence of the United States is greater now, in the 1970s, than at any time in our history since the 1770s. Not since that time has there been the military power arrayed against us by an

antagonist which could immediately destroy us as an nation. That power is under the single control of the USSR—not the entire communist bloc, but one country—a country which has been amassing military power of all types at forced draft since the early 1960s. Moreover, the greatest emphasis of the Soviet buildup has been in strategic forces—those forces which undergrid all international discourse, negotiation, diplomacy, and lesser forms of military action.

The facts of the strategic threat stand in stark comparison. The Soviet Union has long since amassed strategic forces requisite for deterrence, yet those forces keep growing. Valid comparisons of strategic power are necessarily subjective and complex, but this much is clear: the USSR exceeds us in every major offensive and defense strategic weapon system, except missile submarines, and, at the present rate of building, can outnumber us there before mid-decade. I do not profess to know their detailed intentions. Neither do I think necessarily that they do either as far as a master plan or grand strategy is concerned. Communist dogma and doctrine really have only one large fixation, which is to establish communism for all peoples of the earth. Their strategies also have only one large invariable, which is to serve this end goal—and to adapt—as circumstances dictate—to this service. And they understand the meaning and indispensability of superior military force to successful prosecution of this grand ambition. Many people in our country—apparently—do not understand it.

The case of Cuba in 1962 illustrates as well as any I know the meaning of superior overall military power—strategic force power. We were determined to get Russian missiles out of Cuba. They knew we were, and we had the chips at a ratio of about five to one. I am convinced we would have used military force if necessary, and if we had, there was little doubt anywhere as to the outcome.

Now, I think it is reasonable to suppose that those of us charged with national defense should have adequately communicated our concern over the Soviet threat to the public. Yet a national poll last spring showed that 50 per cent of those sampled expressed the opinion that the government is spending too much for national defense and military purposes.

What is the cause then of our communication problem? Why is it that today our defense establishment which is charged to defend the nation against all enemies, "foreign and domestic" now is frequently unable to communicate effectively with those whom it is trying to defend. I think that the answer, as in most problems, must be sought in several places.

Some have said that the public hears but does not understand. Defense issues are complex, and some people tend to ignore them or oversimplify them or emotionalize them. Because dreams are frequently more pleasant than reality, some people tend to believe what they wish were true, rather than what is true. Because the world is a difficult place, some people tend to look for an easy answer. But these are universal human flaws, not the real problem.

In a democracy we accept the ultimate wisdom of the people to decide when presented the issue. That has always served us well.

Certainly the defense community itself is a part of the problem. We have lost a measure of public trust because some of our number have deserved to lose it. The percentage is small, but there are sometimes sloths in the military, there are sometimes cheats in the military, there are sometimes criminals in the military. The fact that most public disaffection is without foundation does not mean we must not seek out and eliminate those among us who do not belong.

Probably the worst fault of the military in the communication problem, however,

is that we as soldiers do not try hard enough to communicate. One problem is the great mass of data which is classified because of a former need, but which needs faster reevaluation. Another problem, is the number of man hours involved in declassifying. Yet that effort will surely improve our communications with the public. At the direction of the President Mr. Laird, the Secretary of Defense, has had such an effort under study since early this year.

Another problem in the military is that we don't work hard enough to present positive information. Too often our efforts to inform are simply responses to critical or negative queries. Too often the commander is too busy to be "bothered" telling people what needs to be said. There is a favorite saying of mine that "the telling is as important as the doing," and in the Strategic Air Command we try to remember it in our dealings with the public, military and civil. In connection with the telling is the explaining. Often a military specialist is the best person qualified to explain military happenings, yet he is least likely to be doing so, whether from disinclination or worrying over saying the "wrong thing."

Sometimes we are at fault because we are speaking to another generation than our own and the accent of age is difficult for youth to overcome. Frequently we are at fault because we speak in many tongues. It is not that the separate services really disagree on fundamentals, but that our differences in orientation of roles or missions make us seem to be diverging. And we falter in communicating with the public because most of us simply are not trained professional communicators. We are trying hard, however, to bridge the gap because it is the citizen's right to know.

Now I turn to the media, because they play the key role. And as the professional communicator is the best prepared and qualified to transmit the facts and notions of defense to the public, so must he also be held responsible when the communication is inadequate.

You don't have to be a journalist to note that a fair amount of reporting today is emotional rather than factual. I do not so note as a charge of merely anti-military reporting. I agree with Miss Edith Efron that bad reporting tends to treat all sides unfairly. I do not suggest a monolithic conspiracy, but I think I am not alone in feeling that the newsman's advocacy sometimes shines through his story so strongly that it is difficult to determine his news. Certainly a great deal of this advocacy has been counter to our national position in Vietnam and anti-military.

A few weeks ago a reporter cited for my comment a charge by another writer that, though President Nixon had promised to "wind down" the war in Vietnam, he had actually increased American involvement—especially in regards to air power. Yet it is difficult for me to see how any amount of political motivation could change the military facts that there are now 300,000 less American servicemen in Vietnam than there were when the President entered office, less than 10% of the casualties, 800 less B-52 sorties per month, and proportionate reductions in tactical air sorties.

Early this year we had some problems with airmen at Travis Air Force Base, near here. We consider all such incidents in the Air Force as serious, both because they indicate the possibility of unfair treatment, and because military leadership depends upon the ability of a very few to give explicit and sometimes dangerous orders to many in time of conflict, and have them obeyed without question. But the problem at Travis Air Force Base was minor compared to some in and out of the service. As I recall, there was about \$5000 worth of damage and 135 men detained, most very shortly. But that was

not the way it was presented to the public. Here is a quote from a national newspaper of some stature: "Early press reports were grossly inaccurate. A Sacramento paper reported \$40,000 worth of damage and over 600 men involved in the fracas. Another paper said that a fireman had been killed by gunfire. A television network called it the 'worst race riot' ever on a military base."

I think that there are contributions from all segments of the media toward weakening the effectiveness of the communications link from soldier to citizen. It is evident that television, when it errs, has the greatest potential for damage, both because so many Americans get most of their news from television, and because the shortage of total exposure on television makes it more probable that a mistaken impression from one source will not be corrected by a more balanced presentation on the same subject.

Nevertheless all of us, soldiers and communicators alike, bear responsibility for the failure of our efforts to make known the facts on defense.

We live in a time of great peril and of great hope. The needs of national defense were never more critical, and perhaps never less well understood. The Americans who dedicate their lives to national defense are trying desperately to communicate. We need help, understanding, and trust.

SMALL BUSINESS BURDENED WITH REDTAPE

Mr. MCINTYRE. Mr. President, for the past several years the Senate Select Committee on Small Business has been concerned with the massive paperwork burden imposed by the Federal Government on the small businessman. On October 8, 1968, the committee issued a report—90-1616—which found that Federal reporting programs over the past 10 years have increased at a rate of 50-percent greater than that of the Federal budget, and the cost of all of these reports to the Government exceeded \$8 billion in 1967. This, I might add, is not the cost to the small businessman, who has to file all of the voluminous forms, but merely the cost to the Government to collect and file them. The report further noted that there are over 2 billion public-use forms printed by the Government Printing Office each year. This is approximately 10 forms for every man, woman, and child in the United States.

Mr. President, the small businessman is deeply concerned about the ever-increasing paperwork burden imposed on him by the Federal Government. He questions the need for the large variety of information requested of him; he is concerned about the massive duplication required by different agencies, but most of all he questions why Federal forms, particularly the income tax forms, are so difficult and complicated, necessitating that he hire professional help at considerable out-of-pocket expenses.

These are vital issues which we in the Congress must grapple with or we will surely contribute to the variety of economic pressures now forcing many small businessmen to close up shop. An excellent article on this subject appeared in "The National Public Accountant" of September 1971.

Mr. President, I would not suggest at this time that the proposal outlined in the article is the solution to our problem, but I do feel that the article is a good example of the kind of creative thinking

we must do, and for that reason I want to share it with Senators.

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:

SMALL MERCHANTS NEED HELP

It is not the intent of this article to criticize any single government agency, but rather to criticize the effects, on the small businessman, of legal requirements that he supply up to 100 forms, filled in, annually, to these agencies. (Parenthetically, we admit that these forms are necessary for the information needs of government and for taxpayer compliance with complex tax laws).

For an example, let us take a small businessman, a sole proprietor operating a grocery store which also sells wine and beer, shotgun shells and seeds. The store is operated by the proprietor and his wife, two full-time and two part-time helpers. Sounds like a fairly simple set-up, doesn't it? Basically, it is a simple set up, until the proprietor sets various wheels in motion by applying for a set of numbers, and qualifies for unemployment insurance on his employees.

To begin with, Mr. Proprietor and his wife file their individual North Carolina income tax returns and their joint Federal income tax return. That's only three forms. Perhaps he has to file a North Carolina intangibles tax return—another form. Then there are the eight North Carolina estimated income tax forms to be filed, and the four Federal estimated income tax forms. There will be four quarterly North Carolina withholding tax forms and four Federal FICA and withholding tax forms. The four Federal forms must each have as many as three (average) depositaries, used at the rate of one each month for small businesses. Larger firms have a twice-monthly Federal depositary obligation. Some firms deposit weekly by choice. State and Federal annual reconciliations of withheld taxes must be prepared at year-end, and W-2 forms must be issued to all employees. There is an annual Federal employment tax form with four (average) depositaries. A dozen North Carolina sales tax returns must be filed. A county inventory tax form must be prepared.

Mr. Proprietor must apply to the North Carolina Department of Revenue for his Schedule B license taxes on soft drinks, tobacco and a number of other categories. He must apply for his beer and wine permits from the ABC Board, and he must apply—at a time different from that for Schedule B taxes—for his beer and wine sales permit taxes. He must apply again for his seed sales license from yet another agency. The Federal government supplies a beer and wine sales license upon proper application, and the Feds also require another tax and permit to sell the shotgun shells. The county government must have an application for a beer and wine permit. And, there are four returns to be filed with the North Carolina Employment Security Commission. But Mr. Proprietor may not be finished with his forms.

It is possible that our small store has been selected by the Federal government as one of the firms that must supply sales records to the Census Bureau six times a year, on both cash and credit sales, as part of the Bureau's statistical task. Too, our store might have been selected by the Department of Agriculture to supply a monthly report on prices paid by farmers for certain commodities. And, again, it might have been selected to supply the Bureau of Labor Statistics with hours and pay for one weekly payroll each month for its statistical use.

Our grocery man does not operate a diesel truck. If he did, he would have to supply 12 Carolina Department of Revenue and buy a "gas stamp" from the same department. Unmonthly reports on fuel use to the North

Carolina Department of Revenue allows some diesel fuel users to report quarterly. Too, he must file a Highway Use Tax report, with the tax itself, to the Federal government on trucks of certain weights.

(It should be explained here, in all fairness, that only a few firms are chosen by the various agencies to make these statistical reports. Our small accounting firm has three Census reports every two months, one monthly labor statistical report, and one monthly report to Agriculture.)

Not only must our businessman supply all these reports, and the cash that goes with most of them, but he is also subject to audit and inspection by several North Carolina agencies and, generally, three Federal agencies. Our North Carolina audit and compliance inspections come from the State Departments of Revenue, Employment Security, and Labor, with Agriculture and the Board of Health sometimes on the scene.

Most certainly our compliance workers are needed. There is no disputing the fact that all these agencies have problems in the enforcement of their lawful functions. It happened recently that one of our clients had a North Carolina Revenue spot check and an audit by North Carolina Employment Security in the same day. The proprietor was unable to attend to any of his business affairs for one full day, since he had to supply records and form copies for the auditors.

The deluge of forms is rapidly coming to the point that amounts to cumulative harassment. Certainly some firms may—and do—employ accountants to keep their completed forms flowing to the right place at the right time. However, while we would like to emphasize the work of qualified, ethical accountants in such matters, we must recognize that the paper burden being placed on small businesses is nearly intolerable. And, as of January 1, 1972, the problem will increase, when firms with only one employee will come under Employment Security taxation from both North Carolina and Federal governments. Businesses with fewer than four employees are not now covered in this state.

Now that we have posed the paperwork problem, is there a solution? We believe so, at least partially, in what we shall call UNITAX.

As we see it, UNITAX would consolidate the enforcement and collection functions of Revenue and Employment into a single UNITAX agency. Common sense dictates that there should be some modification of beer-and-wine and seed taxes, along with license taxes, etc., as to due dates, so that these dates would coincide. There would be no need to put a single Revenue or Employment auditor or collection man out of work. There would, necessarily, be some re-training required for personnel to carry out the UNITAX aims of auditing and enforcing for these agencies. It has also been suggested that alcoholic beverage and seed permits' enforcement be included in the UNITAX set-up, since both these fields of government collect money for taxes and permits. There is merit, therefore, as well as admittedly deep problems, in combining these two jobs into UNITAX. But it could be done, and would benefit the business community immeasurably.

Under UNITAX there would be only four quarterly reports filed with the proposed agency for North Carolina government units. Now, you could, quite legitimately, ask, Would you deprive Revenue of its monthly sales taxes? No. The four quarterly reports, easily adaptable to those punch cards that computers handle so beautifully, would summarize the depositaries of the two previous months in the quarter-year being reported. Our businessman would make State depositaries for the first two months of a quarter-year in an amount equal to the previous month's liability for sales taxes, with a small error allowance. The actual quarterly sales tax return would report the full liability for

the three-month period, with the balance of the liability remitted with a check that would also contain the estimated income tax payment, State withholdings and employment taxes.

The computer ability already exists to record and distribute these taxes properly. The ultimate in UNITAX and intergovernmental cooperation would occur when the State agencies combine with the US Internal Revenue Service for a State-Federal UNITAX unit. But perhaps that is just too much to hope for. The two revenue agencies are already exchanging audit reports.

Admittedly, the UNITAX plan is far from perfect. A critic could charge that the quarterly report would be far more complex than the current several reports that the businessman must file. This would not necessarily be true. It is our belief that the UNITAX report could be far simpler and less time-consuming than the system now used, and would offer, in addition, the advantage of one-check payment. Although the tax agencies do not forbid the single-check payment of different types of taxes, experience has taught businesses and accountants the advantage of paying each tax with a separate check. Not doing this sometimes requires correspondence to allocate the taxes properly.

Further, the three reporting numbers now required by State agencies should be simplified to one. Currently, there are reporting numbers for sales tax, North Carolina withholding, and Employment Security. These numbers are already county-coded. (Our home county is No. 35 with Revenue, and No. 34 with Employment.)

Also, there is a Federal reporting, or Employer Identification, number—beginning with 56 in North Carolina.

The entire concept of UNITAX will require changes in the laws which set up the various agencies, but the end result, we believe, would provide seriously-needed help to the businessman with his growing battle against paperwork. An expanding economy and expanded governmental tax policies have placed upon business an ever-increasing load of forms, as the agencies and bureaus proliferate. Each of these agencies, as it is formed (or so it seems), immediately grows enforcement, audit or compliance arms.

We do not challenge these agencies. They are discharging their lawful functions. But we do challenge the more-or-less one hundred forms that descend annually upon the small businessman. Many of these forms could be shortened or eliminated. But it is an undeniable fact that practicality demands some unification and/or reduction of this paperwork.

(As a direct result of the strong feelings of Author Shelton and others in the North Carolina accounting community, a resolution—House Joint Resolution DRR7233—was introduced into the 1971 Session of the General Assembly of North Carolina. The text of the resolution follows.—Ed.)

A joint resolution directing the Legislative Research Commission to study the wide range of forms, reports, audits and inspections required of businesses, large and small, by various government agencies, and to propose practical ways to simplify and consolidate record-keeping, coordinate the timing and filing of reports, and reduce the mounting burden of government-imposed paperwork.

Whereas, businessmen are increasingly obligated by Government agencies at every level to file a myriad of forms and reports and to submit to repeated inspections and audits of their books and records, so that it is difficult and expensive for the most able and often impossible for the small businessmen to keep up; and

Whereas, businessmen are now filling out each week or month various local, county, State and Federal forms for taxes, licenses, permits, special stamps, inventories, prices,

credit sales, cash sales and other commercial census studies, employment and other purposes; and

Whereas, no doubt each of these forms has been required for a worthy purpose of government; and

Whereas, in order to ensure compliance and enforcement of various laws each agency checks, inspects and audits from time to time, each on its own, and one after the other; and

Whereas, suitable records must be made and kept, often in different forms to suit the different agencies. For example, each business in North Carolina is now required to have at least three different identifying numbers; one for the sales tax, one for the withholding tax, and one for the Employment Security Commission. These are in addition to the different Federal reporting numbers that may be required. All these could be reduced to one identifying number, coded for the county and the State; and

Whereas, the cumulative effect of all this paperwork can be overwhelming on businesses and impose serious burdens on the economy of the State; and

Whereas, it is believed that many of these records and forms could be unified, coordinated and their filing dates synchronized; and the inspections and audits made by or for more than one governmental agency at the same time, thereby saving money and time for the businesses and the government. Also, it is believed that government use of computer science and shared computer facilities may offer additional savings; and

Whereas, any increase in overall efficiency would improve the economy of the State, lower the actual cost of all goods and services produced in the State, and in no way weaken the quality of government in the State; and

Whereas, we believe that other states share a similar concern in reducing paperwork and eliminating duplications. We should explore with other interested states every practical approach toward achieving such efficiencies and convenience;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The Legislative Research Commission is hereby directed to study and recommend practical ways to simplify and consolidate record-keeping required by the State or any of its subdivisions or agencies, to coordinate the timing and filing of reports and the making of inspections and audits and otherwise to reduce the mounting burden of government-imposed paperwork.

SEC. 2. The Commission shall propose any appropriate legislation on this subject.

SEC. 3. All agencies of the State and subdivisions thereof shall cooperate with the Commission in this study and where no further legislation is necessary, all agencies of the State and its subdivisions shall put into effect such efficiencies at the earliest opportunity.

SEC. 4. The Commission shall report its findings and recommendations to the 1973 General Assembly.

SEC. 5. This resolution shall become effective upon ratification.

THE PENTAGON AND CREDIBILITY

Mr. HATFIELD. Mr. President, during the debate on the extension of the draft, many of us who favored nonextension pointed to the contradictory conclusions and data being supplied by the Pentagon as to our military's manpower needs. The record speaks for itself on this matter.

During the debate, it was also pointed out that if military pay increased along the lines recommended by the President's Commission on an All-Volunteer Armed Force and the 95,000 men on nonmilitary

duty, such as KP and grass cutting, were placed in more productive areas, there would be no need to give the President the authority to draft; there would not be any shortfalls for fiscal year 1972. Apparently that message, seemingly simple as it may be, did not get through; and as we all know, the Selective Service Act was passed.

Since that time draft calls for the remainder of the year have been announced: 10,000. Keep in mind the dire predictions of danger that were made by the Pentagon and certain Members of Congress as to what would occur if the draft were not extended. Then compare these statements with the draft calls. The credibility gap widens, to the loss of our country, its citizens, and its Armed Forces.

Mr. President, I ask unanimous consent that an editorial published in the New York Times of October 6, 1971, be printed in the RECORD.

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

THE PENTAGON CRIES "WOLF"

The Pentagon's credibility gap is showing again. Defense officials put heavy pressure on members of the Senate last month to obtain quick passage of the new Selective Service Act, arguing that unless the draft were speedily reinstated the nation faced a serious military manpower "crisis." What crisis?

Now that the draft bill has been signed into law, the Department of Defense has asked for only 10,000 conscripts for the last three months of this year, the lowest call-up rate since 1965. On top of that, it is now revealed that at the very time Defense Secretary Laird was prodding Congress with alarms about a manpower shortage, the Army was instructing recruiting offices not to let ex-G.I.'s re-enlist except those with critical skills.

Renewal of the draft no doubt eases the Pentagon's recruitment problems; it may even have been necessary to insure a smooth transition to the all-volunteer force anticipated by 1973. But it is clear that the emergency pictured by the Pentagon was grossly exaggerated.

Defense officials who resort to such scare tactics to obtain their legislative objectives do themselves and the nation a dangerous disservice. By crying "wolf" when there is no wolf, they undermine the mutual confidence essential to insure effective White House-Congressional cooperation in support of genuine security requirements.

TRAGIC IMPLICATION OF MASSIVE PROGRAM OF FORCED BUSING

Mr. BROCK. Mr. President, I was struck anew by the tragic implication of the massive program of forced busing of this Nation's children recently when I read an article written by Mr. William V. Shannon and published in the Chattanooga Times which may very well foretell the complete collapse of our public school system.

We who are willing to face fact know that more and more citizens, unwilling to subject their children to the hazards—known and unknown—inherent in the busing program, are placing those children in private schools. In Chattanooga alone, several hundreds of white children who were expected to enroll in two largely black high schools simply did not do so. If my information, derived mostly from parents, is correct, those children

have been sent out of the school district to stay with relatives and to attend school there, or they have simply refused to go to school at all. In a word, they have become dropouts.

If this continues to be the pattern, our school system can look forward to lean days, indeed, for these are the patrons who pay a great deal of the taxes to support that system. Will they continue to support a school system in which they have lost faith? I think not. What then will be the advantage to those children who must continue in the program? Will they have available better education than could have been provided by preserving the neighborhood school system? Again, I think the answer would have to be "No."

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

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

DISCUSSING THE DILEMMA OF BUSING

(By William V. Shannon)

WASHINGTON.—In many communities across the nation there are sharp disputes over the busing of children to achieve racial integration in the schools. The controversies evoke so much anger and generate so much confusion because two valid aspirations are in conflict.

Each family wants the best possible education for its own children. But, at the same time, as good citizens most parents want to obey the law and help this country end the shame of racial segregation. For many parents, predominantly those who are white but also some who are black or Chinese, these values contradict one another.

They believe they are being asked to sacrifice in some degree the education of their children to achieve a hypothetical public good.

It is not useful to denounce these concerns as racist. America is a racist country, but unfortunately so is practically every other human society. In India, men advertise for light-skinned brides. In Indonesia, the Chinese are persecuted. In Kenya, a black government has expelled Indians. Political demagogues get votes out of the racial problem in Birmingham, England, as they do in Birmingham, Ala. Where racial relationships are concerned, Americans have no grounds for complacency, but neither are they uniquely guilty.

Can private anxieties and public ideals be reconciled? No one can answer with complete confidence but certainly if racial concerns about the schools are to be eased, the limits and difficulties of integration have to be candidly faced. Not all of the ideals of racial integration are likely to be achieved in the near future. For example, one of the virtues of integration is that it enables children of both races to rub shoulders together in school and thereby gradually learn the pluralist values which this heterogeneous society needs to survive as one nation. That goal is not likely to be achieved in the elementary grades by busing.

Children who do not play together after school and on weekends are not really learning to live together. Dividing them into groups by race at the end of the school day and busing them away in opposite directions is more likely to heighten rather than diminish racial differences. For integration really to work; there has to be a carry-over by the children themselves from the formal situation of the school room to the informal situations of the playground and the sidewalk.

Integration is still worth pursuing if it provides black children with a better education than they have been getting in all-black

schools. The black children benefit in two ways. They have whatever stimulus is provided by classmates of diverse backgrounds. Secondly, in some communities, busing enables them to have better teachers and better facilities which are there because white parents had the political muscle to achieve quality schools.

If these white children are to stay in the schools and the white financial and political support is to continue, the newly integrated school must continue—or in some cases to be—thought of as a "white school." To that end, racial quotas are probably necessary, obnoxious though they may seem at first glance.

Experience suggests that if a school's student body and faculty are approximately two-thirds white, its future is probably viable as an integrated school. But once a school "tips over" and has a black majority, the black students begin to feel themselves once again in a black school while the number of whites begins rapidly to diminish toward zero.

What is at stake are the values that are honored in the particular school, and these in turn depend on family backgrounds, career aspirations and the emphasis placed on doing well academically. As long as most blacks in American society are perceived as lower on the social and economic scale than whites, then most whites are going to resist sending their children to schools where blacks are in the majority.

Expressed another way, black militants are in a sense right when they argue that black students who get along well in a white-dominated integrated school are being made into "chocolate-covered white men." But competing notions about "soul" provide no basis for any integrated education.

If white parents believe their public schools are not providing what they want, they will shift their children to private schools or move their families to the suburbs.

The situation in Washington, D.C., sadly demonstrates the power of this white veto. The number of white children in the public schools here has steadily declined since 1954. The few remaining academically prestigious public schools are in a white section in the far northwest corner of the city and their future is precarious. Meanwhile, the city's mayor, congressional delegate and many of its other black leaders have abandoned the public school system for their own children for the same reasons as their white middle-class counterparts.

In fashionable Georgetown, which is overwhelmingly white, the few remaining public schools are almost solidly black. "I believe in busing," one white liberal Georgetown matron remarked the other evening. "I bus my children four miles every day to a private school."

Unless integrated education proves itself to be quality education, this dinner party witticism may become the epitaph of the public school system in every large city in America.

SCHOOL LUNCH PROGRAM

Mr. HUMPHREY. Mr. President, at 11 o'clock this morning, Assistant Secretary of Agriculture Richard Lyng held a news conference. At that time he announced that the Department has decided to agree with the Senate position and pay the Nation's school districts a minimum of 45 cents per meal for school lunches.

Last week, the Senate passed overwhelmingly a resolution by Senator HERMAN E. TALMADGE, myself, and a number of others, which would require the action the Department took today.

We should be grateful to Senator TALMADGE for his diligence in this matter, and the fact that he brought the problem to our attention. Without the reso-

lution many school districts would have received severe cutbacks in school lunch money, and many would have abandoned the program.

At this point, Mr. President, I would like to remind the Senate that this is the second time we have had to challenge the administration because it ignored hungry children. In June, we made it clear that this Congress wanted a decent school breakfast program, and we succeeded in preventing cuts in the summer nutrition program.

Today's Department of Agriculture announcement is a victory not for the Congress, but for the Nation's school children.

However, the Department has also announced that it will hold school districts to providing free or reduced price lunches only to children whose parents earned income at or below the poverty level. I am deeply concerned about this restriction. That is why, I believe, it is important that the Senate act on the Universal Child Nutrition and Nutrition Education Act of 1971, S. 2593, which I introduced on September 28. We must eliminate the incredible patchwork of limiting legislation and regulations that afflict our child nutrition programs. The health and well-being of all our children demands that we meet their nutritional needs regardless of the residence or income of their families. My bill takes account of the widespread evidence of inadequate nutrition among American children even in higher income areas, and it provides for the establishment of a nutrition education program and the substantially improved administration of child feeding programs by State and local governments.

NEW YORKER WINS U.N. ASSOCIATION ESSAY CONTEST

Mr. JAVITS. Mr. President, on September 23, 1971, the Foreign Relations Committee met to hear the winners of an essay contest held by the United Nations Association of New York in the topic "What should be done now to make the United Nations a more effective force for Peace?"

The winner in the high school division was Paul Rosenberg of Jamaica, N.Y., who attends the Horace Mann School in Riverdale, Bronx, N.Y. He wrote a most interesting and enlightened essay on this vital subject, reflecting learning and originality.

I ask unanimous consent that a copy of Paul Rosenberg's essay be printed in the RECORD:

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

STATEMENT BY PAUL ROSENBERG TO SENATE AND HOUSE COMMITTEES

Before structural changes or even new national commitments can be successful in making the United Nations more effective, a psychological rebirth must restore vigor and sense of purpose to the organization itself. Only after the UN achieves a position of ethical pre-eminence can it proceed with its specific tasks: making the world realize the awful dangers with which it is confronted, and convincing governments that the world organization must be given the power necessary to deal with these dangers.

To make nations whose defense apparatus is so awesome that attack is clearly suicidal willing to entrust the guardianship of world security to the United Nations, the UN must assert a moral supremacy that has been severely compromised by the moral nature of political deliberation. A distinct separation should be made between the UN that is an assembly of the representatives of factional and contentious nations, and the UN which has moral prerogatives of its own. Both these functions should be maintained, but clearly delineated. To strengthen its moral position, the UN should become the focusing agent of all humanitarian efforts throughout the world; a UN Human Rights Authority should be set up to enforce the Universal Declaration of Human Rights and various other agreements, such as the Geneva Conventions and the precedents established at Nuremberg. Enforcement would not be easy, of course, but the concentrated force of world opinion can be effective in many cases. The United Nations should provide the impetus and apparatus to solve the nonpolitical problems of the world that are too great for any one nation to handle—such as overpopulation, illiteracy, and pollution—and to coordinate scientific efforts in such fields as space exploration and solar power. A scientific project with commercial implications, such as the SST, could have been better managed by the UN. Scientists with the experience of the SST and the deceleration of the space program behind them, would be eager to work for an organization whose international spectrum of clients would protect them from the vicissitudes of national policies and economic patterns.

The greatest dangers to world peace are economic—both the gap between rich and poor nations that produces so much hostility, and the need of the developed nations to stimulate and maintain prosperity through arms spending. By levying a tax, or mandatory contribution, from each member's GNP, the UN could be provided with the relatively modest funds necessary for it to oversee the development of undersea resources, and the distribution of these resources so that the gap between rich and poor is narrowed. The wealth of the oceans is great enough to do this—if the United Nations can insure it is used where it is most needed. The money can be raised if the UN has the nerve to make it a prerequisite of continued membership. This choice of submitting to the decisions of the organization or leaving it will have to be offered to members time and time again—and I feel it is likely most will remain within. Other monies are needed for the UN to provide the foundation for an international market in peace-related products, so that nations can be convinced that their economies can run as smoothly as they do now geared to peace, instead of war.

But if we wish to achieve any of these new roles for the United Nations, its structure must insure that the realities of power are not forgotten. I suggest a bicameral arrangement, with a lower house apportioned by military and economic strength, and an upper house where all nations would meet on the basis of equality. These two houses would alternately goad and restrain one another, insuring that decisions correspond to political realities while moving steadily toward international law.

Somehow, the United Nations must stave off disaster from two sides—nuclear annihilation and social disintegration. To withdraw the world from the awful precipice of nuclear destruction, it must force all men to look over the edge. Old fears must be reawakened, not by creating dangerous situations, for there will be more than enough of these, but by informed, rational appeal to an irrational instinct—survival. *Fear is the only sane reaction* to such prospects as we have, and it is up to a revived United Nations to make the world face up to this fear, realize the reasons for it, and destroy them.

It cannot destroy them by turning their

own violent methods back on them. While a permanent UN military force is probably necessary to allow the UN to move flexibly and to give it credibility in a world where power is measured in overkill estimates, renewed strength of the United Nations must be non-violent. You cannot "kill for peace" without losing the ethical superiority of your position. And it is not necessary for the United Nations to be invested with military force for it to fulfill its primary objectives. The leaders of the great powers realize that the continued threat of nuclear war gives neither side a definite advantage, and that the real danger to governments all over the world lies not in ideological aggrandizement but in anarchy or annihilation. The great powers of the status quo have, after all, the greatest stake in the continued existence of this world, and it is their leaders who can most clearly see that, unless the great social problems of our world are solved, government itself will be utterly unable to function in the future. But these leaders, no matter how acute their perception of these truths, must wait for an international psychological climate to be created in which honest desire for peaceful settlement does not appear to the world as weakness, nor adherence to international law submission to alien authority. The UN must help the great powers save face through its moral position; its great task is to make peaceful solutions honorable as well as expedient. And so, if the UN is successful in the attempt to become the acknowledged leader of all who wish for peace, and thus provide a means for nations to tone down their rhetoric and scale down their arms expenditures, it will be unnecessary for the United Nations to be militarily oriented at all.

I have tried to outline a number of ways in which the United Nations chances for success might be improved. Clearly, I support such steps and I am interested in the work of the UN. But at this point it seems to me that the government of the United States is no longer interested in experimenting with international institutions. The government seems to display little ongoing interest in the United Nations, and indeed the present Administration has made clear its coolness towards the organization by failing to appoint as Ambassador a man of worldwide renown. Also, the government is supported in its indifference by many Americans; it cannot at this time be claimed that the country clamors for increased support of the UN. However, there is reason to believe that this situation will change sooner than most of us expect. The question I should try to answer then—perhaps a more important one than "How should the UN be made a more effective force for peace?"—is that of "How can the U.S. be convinced that the UN should be made more effective?" Once this is accomplished, I am sure better means than mine will be suggested.

America's needs in the area of international relations have changed radically in the last few years, and yet our foreign policy remains substantially a reaction to the beginning of the cold war some twenty-five years ago. The keystones of this policy have been the maintenance of national prosperity through the placement of armaments contracts and a competitive nuclear stalemate of mutual deterrence. Domestically, an inefficient industrial establishment has produced poorly designed weapons at fantastic cost-overruns, threatened its employees' jobs, and forced government subsidies. This prosperity is already on the decline and the people are beginning to reject the entire system. The narrow defeat of the SST was a slow Congressional reaction to a growing popular conviction.

Internationally, the practice of mutual deterrence has worked rather well so far. It has not only avoided nuclear war, but worked to calm local conflicts because of worldwide fear of big power involvement. It has even allowed for some measure of detente. But three

factors make it an outworn, disastrous policy for the future: First, proliferation, while ostensibly halted, is bound to surface at some time, as most technologically advanced nations now have immediate nuclear capability. Secondly, the possibility of a realistic China policy on the part of this nation means that the old two-power balance of terror will have to be remade to suit the new three-cornered situation, and this will be a difficult process. In any case, the resulting readjustment may be far less stable than the present system. Thirdly, the actual machinery of nuclear deterrence, the arms race, is bound to break down as it accelerates, due to its spiral nature. It is even now straining the resources of the nations involved.

So we must begin to seek a new nuclear policy to replace mutual deterrence. Any such nuclear policy is bound to produce at best stop-gap measures. The only possibility of securing some degree of safety from nuclear destruction involves the elimination of the reasons that could bring nations to nuclear war. Some of these are elemental components of human nature and cannot be altered. Other roots of belligerency, however—political instability, illiteracy, hunger, poverty—could be changed favorably if international cooperation, international law, and active support of international organizations become United States policy. In the process, none of our old goals—democracy, liberty, equality, or the pursuit of happiness—will have to be abandoned; our attitude will have to change only in regard to our ideological arrogance, and our belief that nations that receive our help should conform to our system.

When subjected to an overall analysis, it seems clear that the policies formulated in the early fifties will have to be remade, in any event, if we are to survive the next ten years. The edifice the United States constructed at the end of the Second World War is breaking apart. The Common Market makes a United Europe a possible Fourth Superpower; NATO loses members, men, and money; our supremacy is lost in the Mediterranean; our military forces in Europe may be withdrawn; and the Bretton Woods agreements are broken. As we stand at present, there is nothing for a young person living in America to look forward to but a long struggle on the part of our government and military to suppress any evidence of dissatisfaction wherever we may have a degree of influence, the result of which may be an eventual retirement to a "Fortress America" awaiting a sordid end as a result of a senseless nuclear war or an equally senseless domestic anarchy and repression. Perhaps this explains why young Americans are so anxious to see foreign policy changed. Present policy leaves us nothing to look forward to.

The most damaging characteristic of our foreign policy has been an ability to see a particular regime for what it is—in many cases, corrupt, despotic, futureless—and still to support it. Voting patterns in the United Nations have mirrored the transfer of power in many developing nations from pro-American governments to socialist-nationalist groups; while, in other nations, oligarchies remain in control. It is, of course, true that many so-called "popular" revolutions have brought to power only a new set of dictators, and there is no more reason to support these governments than the old oligarchies.

Instead of pursuing our present policy and watching the strength of the regimes we support being whittled down over the years while Peking and Moscow are able to exploit the understandable hatred of deprived people towards us, we should compete with Moscow and Peking for support among indigenous popular movements in developing nations throughout the world. The most potent force in most of these countries is nationalism—and it is very possible that against the Breshnev doctrine and the militancy of the Chinese, our friendship will appear most at-

tractive to most nations—once we cease to be identified with the forces of oppression.

It seems to be time to realize that economic conditions in most developing nations are utterly unsuited for American-style democracy and that some form of socialism represents the only possible answer to the problems of these nations. The phenomenon of convergence may assure us that so long as individual political leaders do not interfere with a natural process, this socialism will not in the end be very different from our own system. We should immediately repudiate those governments which, though they may be staunch allies, are clearly corrupt and unpopular dictatorships. We should extend all possible aid to nations genuinely trying to find a middle path through democratic means, such as India.

The role the United Nations could play in a transition of our policy is an important and many-sided one. By recognizing all nations on an equal basis through the UN, we recognize their implicit right to decide their own ideological and political policies. We must do so if we are not to remain exclusively identified with the decaying despotisms of the world. We can further aid neutral nations in resisting anarchy, rebellion, and social disintegration through aid under the auspices of the United Nations, for we clearly are not ready to provide direct support to nations at odds with our ideology.

Once we begin looking for something to help us in our reformation of foreign policy, and to provide a safety apparatus to prevent nuclear war, the United Nations is the obvious choice. As the oldest surviving large international organization, it is the only intact remnant of the Great Alliance of World War II. It has the advantage of being the place where the new nationhood of the post-colonial world was confirmed. It is the only institution with any hope of marshalling the worldwide support and prestige needed to organize international efforts which are the only real hope for a secure future. It deserves our active support. The only way to avoid the collapse of moral leadership is to change our present policies, and then change them again if necessary. For the most debilitating effect of any power is its inability to seriously consider change.

LATIN AMERICA

Mr. KENNEDY. Mr. President, the recent conference of the Inter-American Economic and Social Council at Panama has spotlighted the legitimate concern of the leaders of the Latin American nations that they are low on the priorities of this administration.

Faced with a fait accompli by the representative of this administration's new economic plan, the Latin nations spoke not only for themselves but for all the nations in the developing world when they expressed the view that they were being punished for a balance-of-payments situation that they had done almost nothing to create. Their balance of payments with the United States has been in the past and continues to be today highly favorable to the United States.

But this most recent incident in the declining relations with Latin America simply reflects an administration outlook that began with the ill-fated Rockefeller mission and continued through the refusal of this administration to permit the Export-Import Bank to finance the sale of Boeing aircraft to Chile's airlines. This latest event is viewed by Latin American nations as

an affront to their independence, regardless of their differing attitudes toward the Allende government.

Our attitude toward Latin America has been more than benign neglect. It has been accompanied by heavy handed attempts to indicate our displeasure at the coming to power of a new government in Chile and a low keyed but still evident policy of weighing the commercial interests of private U.S. companies far higher than other aspects of our national interest.

In a recent article in the New York Times, Theodore S. Sorenson discussed the deterioration in the U.S. relationship with Latin America. In his conclusion, he reminds us of President Kennedy's admonition that if our policies tend to impede peaceful change, we shall reap violent revolution in its place.

Mr. President, I ask unanimous consent to place in the RECORD the article by Mr. Sorenson.

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

WE DON'T HAVE ANY FRIENDS THERE (By Theodore C. Sorenson)

This nation's relationship with Latin America is about to be drastically, perhaps permanently, damaged as the result of narrow and inflexible commercial pressures.

Those large U.S. oil, copper and other companies which now find themselves, in the face of surging Latin-American nationalism, unable to do business in the same old way, are understandably resentful and are entitled to the full protection of international law. But our much broader national interests will not be served if our Government views these disputes, and Latin America generally, only in a hostile business context. Nevertheless, the Treasury Department, over State Department opposition, is today basically advocating that kind of negative posture; and President Nixon is said to be in the process of deciding whether to permit this approach to fill the present Latin-American policy vacuum.

The Treasury's position is evidently based on Secretary Connally's reported conclusion that "We don't have any friends there anyway." That remarkably uninformed and insensitive statement mistakenly assumes that only anti-U.S. sentiments motivate those Latin-American governments wishing to control the exploitation of their natural and marine resources, or wishing to break up the giant property holdings that have long kept their *campesinos* in virtual peonage, or wishing to reduce their national overdependence on decisions made in New York board rooms. In truth, those hemispheric leaders most determined to play a larger role in guiding national economic development are the very same leaders who recently expressed to me the most genuine admiration and affection for the people and ideals of the United States.

To be sure, their feelings may not have come through in our news media, which have a tendency (reflected occasionally even on The New York Times editorial page) to employ conveniently brief but pejorative labels—such as "leftist," "rightist," and "military dictatorship"—to explain complex developments south of the border that are in fact more pragmatic than ideological. But the present military Government in Peru, to cite one example, is in fact vastly different in background and in motivation from the traditional "junta" we assumed it to be. Similarly, the vitality of Chile's opposition parties and press is directly contrary to our customary image of "Marxist" nations. And why must we continually be asked to shed tears

for the passing of "democracies" in which actual political and economic power was wholly exercised by and for a small privileged oligarchy?

Yes, we still have friends in Latin America. But the Connally statement unfortunately has all the earmarks of a self-fulfilling prophecy. If we do start responding to each act of economic nationalism with instant and automatic hostility—without waiting to see, for example, whether those governments nationalizing properties will meet the broad international law standards of fair compensation, or whether an international conference can sensibly fix territorial sea limits—then inevitably more Latin-American students, intellectuals, workers and peasants will be driven further to the left. This can only dismay their hardpressed governments, delight presently scattered guerrilla movements, and endanger those modern-minded U.S. investors and businessmen who are fully desirous of working with these governments through joint ventures, service contracts and other collaborative arrangements.

If rigid financial interests thus succeed in dominating our Latin-American relations, it will be in part because no one else showed much interest. In ten years since the Alliance for Progress, the Hemisphere has gone from priority to purgatory in U.S. foreign policy. Those leaders with whom I met could discern no Administration "policy" for Latin America today, no single overriding program to submerge the dissonant attitudes of the Congress, corporations and competing executive departments, no bold new concepts of cooperation to replace the constant haggling over bits and pieces of policy, fishing rights, sugar quotas and the price of coffee. State Department pronouncements range from the politely tolerant to the mildly indifferent. While we are busy seeking normalization of our relations with China, we resist their normalizing relations with Cuba. In place of the trade preferences they were solemnly promised to diversify their exports, we have imposed an additional 10 per cent surcharge.

The proposed get-tough or the present benign-neglect policies may cost us nothing today. But, over the long run, do we really want a series of Calcuttas in this hemisphere which would be infinitely more dangerous than a series of Castros? Or will we remember in time that, in Latin America in particular, "Those who make peaceful revolution impossible make violent revolution inevitable."

A RECKLESS WASTE OF RESOURCES

Mr. MOSS. Mr. President, I invite the attention of Senators to an article published in the Christian Science Monitor of September 30, 1971. The story details the shortage of trees, the competition between the commercial and recreational uses of forests, and the vastly increased logging that may have to be done over the next 20 years in order to meet the demand for wood fibers. The National Forest Products Association warns that the situation is "tantamount almost to a national crisis."

We cannot afford to waste these resources that are in such short supply. Yet that is precisely what we are doing by refusing to recover and reuse wood fibers from our solid waste.

Regrettably and outrageously, the Federal Government is the worst culprit. Nearly 200,000,000 pounds of paper were used last year by the Government Printing Office, but not a single sheet of it was recycled paper. Every pound of it was virgin pulp from our shrinking forests—about 1,500,000 trees worth.

In this, the Federal Government is lagging significantly behind private industry and State and municipal governments, who have shown a willingness to experiment, and whose experience has shown that recycled paper is every bit as tough, long lasting, and versatile as paper made from virgin wood.

Those who set the paper standards for our Government had better wake up before it is too late, while our forests are still standing. They must remember that it is their duty to protect the public interest, not the status quo relationship of the Government Printing Office and its favorite virgin pulp suppliers. And the public interest is, overwhelmingly, immediate and large-scale use of recycled paper by the Federal Government.

I urge timely consideration of my bills S. 2266 and S. 2267, and other bills now in Congress relating to the use of recycled materials. Time is growing short.

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:

FIGHT ON THE TIMBER LINE: CROP OR HERITAGE?

(By Peter C. Stuart)

EUREKA, CALIF.—To a Georgia-Pacific Corporation forester, his boots planted in the dust of a logging trail, that timber on the next ridge is "a crop" to be harvested.

But to a Sierra Club conservationist, the same timber possesses "extraordinary beauty and unique quality" to be preserved.

This particular timber happens to be a controversial mountainside of redwoods bordering Redwood National Park near here, which the company owns and now is logging. But it could just as well be other forest lands most anywhere in the country.

From the rugged slopes of Douglas fir here in the Pacific Northwest to the yellow-pine flats of the Deep South, timber companies and environmentalists are locked in a footrace for American forests.

EFFECTS PROJECTED

The outcome is likely to affect even the most urbanized Americans:

Lumber prices will rise and housing needs go unmet unless logging accelerates, says the timber industry. "Tantamount almost to a national crisis," warns the National Forest Products Association.

But public use of forests—for recreation, water, fish and wildlife, scenery—will be spoiled by heavier timber production, reply environmentalists. "The forest lands of the nation," charges Rep. John D. Dingell (D) of Michigan, are being systematically destroyed by unsound forest practices. . . .

Both sides have incorporated their views into bills now competing in Congress. Public hearings have just been completed by a Senate subcommittee in several parts of the country—Atlanta, Ga., Portland, Ore., and Syracuse, N.Y.—with climactic hearings in Washington due soon.

The industry supports a bill by Sen. Mark O. Hatfield (R) of Oregon intended as he puts it, to "permit substantial increases in timber production," chiefly in private and state-owned forests through incentive grants. As balancers, the bill provides an advisory board and public hearings for national forests, and earmarks receipts from federal timber sales for management "improvement."

"Our main interest," a trade-association official told this correspondent during a visit to Oregon forests, "is to encourage develop-

ment of privately owned small forest lands, most of them in the East." These contain more than one-half of the nation's forests, but produce only 18 percent of its timber.

Conservationists prefer legislation by Sen. Lee Metcalf (D) of Montana (introduced in the House of Representatives by Mr. Dingell) putting teeth into the old concept of "multiple use." The bill curtails clearcutting (removing all timber in one cutting), wood exports, and logging in areas qualifying as wilderness.

"We are simply attempting," said an aide of Senator Metcalf, "to get a degree of state and federal control over a basic resource."

Disagreement between the two measures rages with all the intensity of a forest fire. The Metcalf-Dingell bill would "actually discourage tree growing," charges one industry group. The Sierra Club retorts that the Hatfield proposal "would give the exploiters of our forests a free rein."

DISPUTE SIMMERS

The dispute over the future of American forests has been smoldering toward a decision since early last year.

The first sparks flew when the House—recording one of the first congressional victories of the fledgling environmental movement—in February, 1970, rejected by a stunningly wide margin of 228 to 150 a bill increasing the "allowable cut" in national forests. The pending Hatfield bill revives some of its provisions.

The White House Task Force on Softwood Lumber and Plywood Supply that summer renewed a call for more timber, and the executive branch answered. President Nixon ordered logging in public forests boosted 60 percent and the U.S. Forest Service asked a correspondingly larger budget. But lack of funds has stymied implementation.

The wood-products industry now has prepared itself for another push by broadening its base (embracing professional foresters and homebuilders) reorganizing its Washington lobby—even buying full-page newspaper ads and television commercials in an effort to counteract what it regards as an unfair "anti-environment" image.

The outlook: hearings concluding in this waning session of Congress, followed next year by search for a compromise—or a showdown.

DRUG ABUSE PREVENTION WEEK

Mr. BROOKE. Mr. President, this week is Drug Abuse Prevention Week. It has been designated as a reminder of the seriousness of the problem afflicting us and of the measures we must undertake to correct it.

Throughout our Nation's history we have enjoyed unprecedented successes and achievements; we have attained unsurpassed heights of social and technological development. Yet we are now in the clutches of an evil which has spread at an alarming rate through our social fabric in the guise of a remedy for minor ills, in the guise of relief. In reaching toward the zenith of industrial development, we have been negligent in our development of human response mechanisms. We simply do not know how to cope with the forces that have been unleashed. And where the complexities of our lives have too far exceeded our individual capacity to cope, we have turned to artificial means of escape.

Drug abuse prevention goes far beyond reducing the amount of illegal heroin coming into the country. Granted, this is a vital mission and one which should be increased and intensified. Our em-

phasis should not be on the white powder itself—it has always been with us in some form—but on the reasons why it is in such demand. What are we to do to lessen the demand for illegal drugs? What are we to do to lessen the demand for legal therapeutic drugs which are also being abused? How can the youngster, the teenager, the housewife, the businessman, and the scientist be reached so that each can face problems and stress without relying on a powdered substance to sustain him? This is a tremendous task. It involved nothing less than a change of heart, a change of thought, a change of mind.

The Nation is up in arms. Our people are crying out for help. Government and private agencies are making every effort to provide aid and assistance. It is greatly encouraging that more support is being given for research into methods of reaching the addict or the potential addict, of developing the child's ability to grasp reality and its meaning, of directing his behavior in such a way that he can cope with it. Many of our private as well as public institutions are beginning to recognize that society has gone beyond us, and that we must catch up and again control. This can and is being done with new techniques and new dedication.

But now, when our population is so deeply concerned with the problem of drugs, we must accept the challenge of eradicating the causes of drug use. We cannot cure the disease by simply treating its symptoms. That has never worked and will never work. We must fortify ourselves to understanding people and their real needs. We must eliminate the underlying causes: poverty, irrelevant education, poor housing and unemployment, to name but a few. Only by focusing on the individual and his needs can we once again establish control over the system we have devised.

I am, therefore, grateful that we have this week to reconsider what we are doing and where we are going. We have a tremendous challenge facing us. It is through new methods and new directions in every level of society that we will meet this challenge. We must each rededicate ourselves to this purpose. We must be willing to accept the new, to understand the concepts and methods necessary for survival in today's society, and to reshape our institutions, and our individual responses to insure a full and constructive life for all our people.

THE FOOD AND DRUG ADMINISTRATION

Mr. JAVITS. Mr. President, in these days when government in general and regulatory agencies in particular are attacked in some quarters as unresponsive to citizen interest and demand, it is refreshing to read what one of our Nation's leading medical publications has to say about Dr. Charles C. Edwards, the head of one of our hardest working and under-rated consumer protection agencies, the Food and Drug Administration.

An editorial published in Medical Tribune for September 8, 1971, closes by saying about FDA Commissioner Charles C. Edwards:

Dr. Edwards has been a good, indeed an outstanding commissioner. If he successfully provides the answers to the questions he posed, he may well be a great one.

I ask unanimous consent that the editorial, entitled "Good—And Outstanding," be printed in the RECORD.

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

GOOD—AND OUTSTANDING

The Food and Drug Administration is fortunate to be headed by a commissioner who is a physician and an administrator and who excels at both disciplines. Since taking command, Dr. Charles C. Edwards has had the herculean task of reorganizing and restructuring the FDA and of recruiting scientific and technical manpower for it. Along with this major chore, he has simultaneously had to confront sticky problems and make decisions in the area of public health while under fire from contending vested interests and while constantly reporting to Congressional committees. All this, in addition to the almost impossible task of the FDA's day-to-day regulatory activities.

Although Medical Tribune has often taken issue with FDA decisions, it has done so with admiring respect for Commissioner Edwards' achievements, his surgical coolness under stress, and his round-the-clock dedication to his responsibilities.

In a recent speech at the Symposium on National Policy and the Life Sciences, held at Woods Hole, Mass., Dr. Edwards emphasized that public interest and sophistication in scientific matters must be encouraged by the scientific community, which must see to it that this interest "is predicated upon and nourished by scientific fact and not emotionalism." Dr. Edwards posed a number of fundamental questions that confront the FDA and that are of great importance to physicians, to patients, and to the public weal in general.

He asked: (1) "How do we get across to the public and to our public critics the double face of our responsibilities—the positive responsibility to regulate good products onto the market as well as the negative responsibility to regulate bad products off the market?" (2) "Where do we draw the line in demanding scientific proof of safety and efficacy of existing products in order to be certain we are protecting the public and yet not stifling research to discover still more beneficial cures?" (3) "How do we deal with the constant problem of having to make regulatory decisions in the face of incomplete and inconclusive scientific knowledge?" (4) "Finally, in the face of doubt and skepticism, how do we in government, in the scientific community, and industry restore public confidence in our decision making?"

This last crucial question calls for understanding and participation on the part of all responsible for the care of the sick and the preservation of health. From a long view, "public confidence in . . . decision making" will evolve out of hard decisions that may be unpopular with industry as well as with consumer lobbyists—hard decisions based on the perspectives of medicine and science that may be unpopular with legislators as well as with the lay press. Scientific perspective, the traditional procedures, and the forums of medicine are not easy to maintain in the face of hysterical headlines, but they must be if progress in medicine is to be preserved within the context of scientific freedom as well as responsibility.

Dr. Edwards has been a good, indeed an outstanding, commissioner. If he successfully provides the answers to the questions he posed, he may well be a great one.

INSUFFICIENT FUNDING OF RECLAMATION CONSTRUCTION PROJECTS

Mr. MOSS. Mr. President, a situation has recently come to my attention which demonstrates a lack of concern on the part of public officials toward the citizens they serve and the contractors who do business with them.

When Federal construction agencies such as the Bureau of Reclamation request bids for construction work, they, understandably, do not reveal their own estimates of the cost of the job. The contractors who bid on the work must within the framework of the specifications determine a specific way of performing the tasks involved. They usually choose a schedule and method which will provide the most efficient total cost, and their success in obtaining the contract often depends upon their ability to devise the most modern and effective methods.

A problem, however, arises when the successful contractor has selected a work schedule faster than the one the agency has contemplated in requesting appropriations to fund the project. In effect, the contractor then proceeds to accomplish more work in a given fiscal year than the agency can pay for. He is then faced with the need to carry the costs of financing his own work for a portion of the year; or, alternatively to bear the costs of terminating and restarting his operation. On a large construction project either of these alternatives can be a sizable financial burden and one which was not anticipated in the estimate. In effect, efficiency is penalized.

Of course, all Government construction contracts contain a proviso making the Government's performance dependent upon the availability of appropriations. The contractor, therefore, has been warned and has little legal recourse.

Government contracting and policy, however, should not penalize the independent contractor through the use of this saving clause. Occasions when contractors are faced with such a situation should be very rare and until recently they have been. In the past few years, however, there have been numerous situations of this kind on Reclamation and Corps of Engineers projects and there are a number taking shape at present.

The case with which I am most familiar involves a contractor at work on a tunnel of the Strawberry Aqueduct, a feature of the central Utah project. This is a very vital water supply project to the State of Utah and its costs will be largely repaid by the citizens of Utah. I am concerned that it be completed expeditiously and economically. The contractor, who was the lowest bidder on the job by a significant margin, based his bid upon the use of very sophisticated tunneling machinery. The contractor now finds that his rate of progress is so much in excess of the Bureau of Reclamation's estimate that there will be insufficient funds in fiscal year 1972 to permit him to keep working. He will have to lay off 100 men and either have expensive equipment lying idle or he must dis-

mantle the massive tunneling machine and move it to another job.

There are a number of reasons why so many of these cases have recently come up. Public works funds have been so stringently limited by the administration that the normal margins of safety no longer exist which have in the past provided the agencies with management latitude to make fund transfers among projects. In fact the funds are spread so thinly among the projects underway that no contingencies can be accommodated. Second, the generally depressed economy has limited the work which is available to contractors. Consequently, they are about to concentrate their best men and equipment upon the few jobs they have, and thereby they will make swift construction progress.

Whatever the reasons for this situation, it is past time for the Federal construction agencies to recognize the existence of this abnormal situation. The agencies should begin immediately to put into effect new contracting procedures to adequately warn contractors when they are contemplating schedules which are too swift to match the snail's pace funding program. The sanctity of the President's budgetary slowdown should not be preserved at the expense of American businessmen who are already bearing the burdens of a depressed construction industry.

Furthermore, the Office of Management and Budget should submit to the Congress a request for supplemental appropriations to fund those contractors who are already committed and on the job. The American people need these resource development projects and they deserve the economic benefits of the most efficient construction methods. And those citizens who are directly involved as employees of Government contractors deserve fair and equitable treatment by their Government agencies.

NATIONAL DRUG ABUSE PREVENTION WEEK

Mr. COOK. Mr. President, last month President Nixon signed a proclamation designating this, the week of October 3, 1971, as National Drug Abuse Prevention Week. His action was more than a simple recognition of drug abuse as a problem of national scope and a cause for national concern. His emphasis was on educating our Nation to effectively meet this problem. The prevention of further drug abuse in the United States requires the understanding and cooperation of every segment of our present population—teachers, parents, students, and clergy alike. The thorough understanding and realistic assessment of our present problems involving drug abuse will provide the only effective avenue toward their solution.

Two facts must be recognized. First, that the problem of drug abuse is not just one problem but many. The misuse of drugs encompasses everything from the most commonplace stimulants and depressants to the most powerful of our

hallucinogens and narcotics. Each drug carries with it its own peculiar set of problems and abuses. Each must be assessed and dealt with in a different manner. Second, drugs are abused by more than one segment of the population. Prevention of drug abuse requires the firm and coordinated efforts of every segment of society and every level of government.

The misuse of drugs is a problem which effects and concerns each one of us. The prevention of further abuse demands more of us than just lipservice, it demands educated action and legislation. Let me urge every American to take advantage of National Drug Abuse Prevention Week, and to learn more about the facts involved. The only way to prevent further drug abuse is to correct the ignorance which is at its root.

SENATOR GAYLORD NELSON'S INTEGRATED PEST CONTROL BILL: A RATIONAL ALTERNATIVE TO ENVIRONMENTALLY DESTRUCTIVE CHEMICALS

Mr. HUMPHREY. Mr. President, my good friend and colleague, the Senator from Wisconsin (Mr. NELSON) introduced a bill last May to provide an alternative to the Nation's rigid reliance on the use of broad-spectrum chemicals to control agricultural and forest pests.

This bill, S. 1794, has the bipartisan support of 26 Senators, and I am proud to be among the cosponsors.

Senator NELSON's bill would establish a large-scale, 5-year demonstration program to test and develop an integrated approach to controlling pests. This approach incorporates the several alternative—chemical and nonchemical—methods of suppressing plant pests in a scientific manner. In addition, the bill would earmark funds to expand the grant program of the National Science Foundation to elicit the research support of the Nation's universities in helping develop a sound, rational pest control approach to assure a continuing and adequate supply of food and fiber through a means compatible with a healthy environment.

Hearings were conducted on the bill on September 30 and October 1 before the Committee on Agriculture and Forestry's Subcommittee on Agricultural Research and General Legislation, of which the distinguished Senator from Alabama (Mr. ALLEN) is the chairman.

There was unanimous and enthusiastic support for the integrated pest control concept embodied in Senator NELSON's bill expressed by witnesses from the private sector and from 11 universities across the country.

The National Farmers Union, the Associated Dairymen, the Associated Milk Producers, Inc., the National Cotton Council, the Delta Council of Mississippi, the National Forest Products Association, and the Plains Agricultural Council of Texas were among the supporters of S. 1794 who appeared at the hearings or submitted statements for the record.

I commend to the reading of Members of Congress the very fine statement by Senator NELSON in testimony on S. 1794. I ask unanimous consent that Senator

NELSON's statement be printed in the RECORD.

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

STATEMENT BY SENATOR GAYLORD NELSON

Mr. Chairman, I want to thank you for the opportunity to appear before your committee as lead-off witness at this hearing to consider S. 1794, a bill that I introduced on May 6 of this year. This legislation would provide for the establishment of demonstration projects and expanded basic research in the principles of integrated pest control. A companion to this bill, H.R. 8159, has been introduced in the House by Congressman David Obey of Wisconsin and others.

It is particularly pleasing to me that you, Mr. Chairman, and two distinguished members of your committee, Senator Eastland of Mississippi and Senator Chiles of Florida, have joined with 24 other Senators in cosponsoring this bill. Few pieces of legislation receive such strong, bipartisan support in advance of committee hearings.

I think that the excellent list of witnesses that has been assembled for this hearing is further evidence of the strong support for the concept of providing a sound alternative to this nation's addiction to the widespread use of broad-spectrum chemicals to control agricultural and forest pests. I cannot recall another instance when leaders of agriculture and leaders of the environmental movement in this country have demonstrated in unison the support that has been demonstrated in this case for getting on with the job of providing food and fiber for a growing society without depending on broad-spectrum, persistent chemicals to control insect pests. The bill being considered here provides the thrust that is needed to accomplish this highly desirable goal.

I think these hearings will give recognition to the thesis that with the single strategy of chemical pest control we not only have saturated the environment with deadly poisons that endanger a wide spectrum of living organisms, including man himself, but that we have begun to seriously disrupt the economic stability of the farming community. Entomologists, ecologists and biologists, along with a good many others, have been warning us for some time of the folly of single-strategy chemical pest control. But we seemed to be so mesmerized by the apparent magic and efficacy of the chemical approach that we refused to listen.

The environmental damage and human health hazards posed by persistent pesticides contamination is quite clear. Ample documentation of this is provided in the hearing record on the Federal Environmental Pesticide Control Act that was compiled before this same committee last March.

The peregrine falcon is extinct as a breeding species east of the Rocky Mountains and is so suppressed west of the Rockies that it borders on extinction. The bald eagle, osprey, brown pelican and numerous other species of carnivorous birds have shown substantial reproductive failure as a result of contamination by chlorinated hydrocarbons. The increasing concentration of persistent pesticides in the environment threatens the survival of fresh water and ocean fisheries.

The hazard of genetic toxicity due to pesticide residues clearly is implied by findings in experimental animals. Even the human species carries an average of 10 parts per million of the residues, substantially more than the level allowed for most foods in interstate commerce.

Today some of the persistent chemicals are being phased out of use, partly due to recognition of the documented environmental dangers which have resulted in more stringent regulations. The chemical companies have responded only by marketing chemicals

with less persistence but with much higher toxicity.

Last year, Mr. Chairman, it was reported by the Poison Control Center in the Food and Drug Administration that 200 persons died from pesticide poisoning. In 1969, the last year for which nonlethal accident figures are available, the Center reported 5,747 cases of accidental ingestion or poisoning due to pesticides. The Center estimated that this probably represents only 10 to 15 percent of the cases which actually occur.

We can only expect that these figures will be increased if the trend toward the use of high potency pesticides continues.

Too, there have been serious economic disruptions due to pesticides use.

Among the numerous examples are the seizure of Coho salmon from Lake Michigan processors and, more recently, the removal from the market of Lake Michigan fish clubs due to the high level of DDT residues in the fish. Millions of dollars have been paid by the Federal government to cranberry growers and dairymen whose products were removed from the market because of pesticide contamination. Honeybee operators have been driven out of business when entire apiaries were severely damaged, if not destroyed, by pesticides.

The problem with honeybee damage has become so acute that a special pesticide indemnification program was authorized by Congress in the Agricultural Act of 1970. That indemnification, by the way, may assure the economic stability of the apiarists, but it does nothing to guard against the loss of the important pollination work carried out by the bees.

And the evidence is accumulating rapidly that chemical pesticides have failed in controlling agricultural and forest pests. This is dramatically evident in the High Plains of Texas and surrounding states where producers of cotton, grain sorghum and other crops have become alarmed over the invasion of pests—in this case a new strain of the greenbug—despite massive chemical treatments. In California, many cotton farmers have seen their cost of chemical control double in the last 20 years. In northeastern Mexico, many farmers have abandoned their fields because production no longer was profitable in the face of massive tobacco budworm infestations—a direct result of a massive chemical pest control program. In regions where citrus, soybean, alfalfa, stonefruit and forest crops are produced, pests are increasing in number and pesticides decreasing in effectiveness.

The fact of the matter is that the single strategy of chemical pest control has been an agricultural, economic and environmental failure. The use of broad-spectrum chemicals was doomed from the start because this practice ignored the phenomenon of genetic diversity—that remarkable ability of insects to continually evolve and develop resistant strains capable of withstanding even heavy dosages of toxic chemicals.

Insect resistance to chemicals is the primary reason why farmers are seeing their cost of chemical control rise to the point, where, in the case of some, the break-even threshold is perilously close.

Still, some would have us believe that either we use pesticides or starve. The evidence, however, suggests the contrary: if we continue to rely on broad-spectrum chemicals, we may very well imperil our abilities to continue to produce an adequate supply of food and fiber.

On August 4 of this year, the *Medical News* in New York published an item based on a report by the World Health Organization. The WHO report said that more than 200 species of insects, including 105 disease vectors, have developed resistance to one or other of the insecticides used against them. The list included: 30 species of malaria mosquitoes, 19 species of the mosquitoes carry-

ing a disease (filariasis) that can lead to elephantiasis, the yellow fever mosquito, the rat flea which carries bubonic plague, and blackflies, houseflies, lice, and cone-nosed bugs, all of which carry disease.

On August 8 of this year, the *New York Times* published a dispatch from Palo Alto, California, which reported that two species of mosquitoes native to California have acquired complete immunity to all man-made pesticides. One of the immune mosquitoes, the *Times* said, has a special capacity to transmit certain deadly encephalitis viruses among humans and animals. Further, the article said, the insects acquired their immunity after 20 or more years of adaptation to increasingly potent chemical poisons used in pest control programs.

That same *New York Times* article also reported that some carriers of the equine encephalitis, responsible for the deaths of more than 1,000 horses in the Southwest earlier this year and the illness of scores of humans in the same area, also have become immune to insecticide controls.

One of the scientists quoted in the *Times* story is Dr. Robert van den Bosch of the University of California at Berkeley. I understand that Dr. van den Bosch, who is very knowledgeable of the pest immunity situation, will testify at this hearing later today.

The point in this discussion is this: whatever value that chemicals may have in preventing widespread disease in a plague situation, then that value is severely minimized—if not eliminated—when these same chemicals are continually applied in a control program.

There is a compelling and urgent need to reconsider our approach to pest control by recognizing a very basic ecological principle. That is, each integral part of the natural system survives in balance with—not at the expense of—the other parts.

I believe that integrated control offers the alternative that recognizes this principle.

Integrated control involves the use of the best-suited combination of alternate pest control methods to suppress pest insects in a given crop situation below the economically disruptive threshold.

There is a wide variety of alternate pest control methods that have been developed over the years. I'm sure that Dr. Edward F. Knippling, an entomologist who is considered one of the most prominent pioneers of alternate pest control methods in this country, can better describe some of these approaches when he testifies later at this hearing.

Some of the approaches outlined by Dr. Knippling and others include the use of predators and parasites of pest species to control the pests, cultural controls involving the alteration of farming practices to create a better environment for beneficial insects, the development of plants resistant to pests, the development of synthetic hormones to interrupt the physical cycle of selected insect species, and the development of insect diseases to control pest populations. One approach that has a rather remarkable degree of success is the controlled release of sterile male insects to suppress pest populations.

Under the integrated control approach, the field is surveyed by scientists to determine the insect populations and other characteristics so that the best combination of control methods can be integrated into an effective pest management program. The key here is the word "integrated." We are not talking about a unilateral, one-method approach that we have become accustomed to in the application of broad-spectrum chemicals. And we aren't ruling out the use of chemicals in an integrated control program, because some situations may call for selective chemical applications during a particular phase of the overall program. But the use of chemicals—particularly broad-spectrum chemicals—necessarily is very limited in integrated pest control so as not to interfere

with other aspects of the program, most notably the use of beneficial insects.

This, essentially, is what integrated control is. I'm sure that many of the details of this approach will be discussed by the several excellent scientific witnesses that are scheduled to be heard at this hearing.

At this point, Mr. Chairman, I want to emphasize that the continued development of nonchemical methods of pest control is an important program to improve the arsenal of weapons that can be utilized by scientists in an integrated control program.

In the last session of Congress, I sponsored an amendment to increase funding of nonchemical pest control in the Agriculture Appropriations bill when it was before the Senate. The amendment had broad support in both the House and the Senate, and eventually it was agreed in conference to add \$1 million to the bill specifically for expanded nonchemical pest control research.

However, after this bill was signed into law the Administration impounded the \$1 million for Fiscal Year 1971. Only recently part of the money, \$775,000, was added to the budget for Fiscal Year 1972. The effect of all this is that money specifically appropriated by the Congress was not spent during the fiscal year for which it was appropriated and now, one year later, we may get \$225,000 less than the Congress wanted.

Now, we have heard much rhetoric from the Administration about environmental enhancement generally and about the need to reduce our reliance on the use of pesticides. However, it is difficult to reconcile this rhetoric with the action by the Administration in imposing this freeze of the nonchemical pest control research money.

I certainly hope that this ill-advised action by the Administration is not an indication of the fate of the bill being considered at these hearings. If so, it will do little good for Members of Congress to earmark \$4 million for development of an integrated control demonstration and research program and direct the Secretary of Agriculture to carry out this program if the Office of Management and Budget is going to turn around and impound the money.

On another point, I recognize that this bill is granting authority to the Secretary of Agriculture to do something that already can be accomplished under existing authority.

There have been several instances when legislation being considered by the Congress was deemed unnecessary by the Federal department or agency that would be affected because it was claimed that authority to carry out the intent of the legislation already was in effect.

When the Environmental Education Act of 1970 was being considered, the Department of Health, Education and Welfare said the legislation was unnecessary because HEW already had authority to establish an environmental education program. However, it wasn't until the Congress enacted this bill that the Department got on with the job of establishing a meaningful environmental education program.

The Clean Air Act of 1970 established a deadline for the automobile industry to meet strict emission standards several years ahead of the schedule that was being contemplated by the National Air Pollution Control Administration. The Administration could have moved the deadline up on its own, but it took Congress to enact a law to make this improvement in the air quality program.

It took an amendment to the Water Quality Bill of 1970 to provoke the Administration into establishing the Environmental Protection Agency. It took another act of Congress to establish the President's Council on Environmental Quality.

In the case of integrated pest control, it is generally known that several persons within the Agriculture Research Service have

been attempting for several years to get the Department of Agriculture not only to expand nonchemical pest control research but to embark on a meaningful demonstration program in integrated control. But obviously the Department's budget managers have not been convinced that this program is worth the commitment of the level of funding that is needed.

It is a credit to the ARS that some work in integrated control has been started very recently. However, from all indications this program will not move ahead nearly as rapidly as it could because the Department still isn't convinced of its high worth.

The legislation being considered here, S. 1794, would direct the Secretary of Agriculture to establish a meaningful demonstration program in integrated control, and just to make sure that the commitment is followed by positive action the bill specifically earmarks \$2 million to begin work on these demonstration projects. No longer could the Department hold back on the implementation of this extremely important program.

The bill provides that both the demonstration projects by the Agriculture Research Service and the basic research through the National Science Foundation would continue to be funded through at least a five-year period. I consider it extremely important that a program as critical as developing sound integrated control concepts be funded for at least five years so that a solid foundation can be laid for substantially reducing our reliance on chemicals to control agricultural and forest pests.

The legislation consists of two sections. The first insures that those farmers participating in the demonstration program will be indemnified for any economic losses that they may suffer as a result of the testing program. The chances are not great that any losses will be suffered by anyone. Several farms in the country already are engaged in integrated pest control programs, and many report improved crop quality and greatly improved profit margins.

Also under the first section of S. 1794, the Agricultural Research Service would receive \$2 million specifically for the demonstration program. The ARS is well equipped to handle such a demonstration program. It has a nationwide network of offices to coordinate and direct this effort, and it has the laboratory facilities and highly qualified scientific personnel necessary for success in a complex technical program such as integrated pest control.

The second section of the bill would authorize the appropriation of another \$2 million to the National Science Foundation which, through its grant program, would enlist scientific researchers in universities throughout the country in an expanded effort to provide the basic studies to assist in the development of successful integrated programs on a wide variety of crops and in varied climates.

We are very fortunate here that the Agricultural Research Service and the National Science Foundation last spring initiated a joint agreement in the area of alternatives to chemical pest control. Already these two governmental agencies have joined hands in this effort.

It is my understanding that some 18 universities in the United States, together with the Agricultural Research Service, the U.S. Forest Service and elements of private industry have done some extensive planning in how to implement a demonstration program in integrated pest control. This, of course, is a major effort, one that will depend on strong financial support if success is to be attained. I believe that the Congress, with S. 1794, has the opportunity to lend a great assist to this program by committing the necessary funds. In succeeding years, the commitment of Federal funds may very well have to be

increased over the \$4 million in this bill for the first-year effort.

But the potential for success in this program very likely will be in direct proportion to the level of funding that is appropriated by the Congress.

Thank you very much.

IMPORTANCE OF THE MULTINATIONAL CORPORATION IN WORLD TRADE

Mr. TOWER. Mr. President, the economic press is increasingly noting the importance of the multinational corporation in the world trade situation and in the formation of export industries and subindustries in the United States. These large U.S. firms have been forced economically to establish manufacturing and service subsidiaries overseas, during the last decade particularly, because U.S. wage rates have pushed up so far in advance of productivity increases that these firms could not compete in foreign, or sometimes even U.S. markets unless they utilized less expensive foreign labor.

This natural economic reaction to rising costs at home does not appear at all to be harmful to U.S. interests; in fact, it would appear that the U.S. economy is benefiting from this type of efficient international resource allocation. An article published in *Industry Week* magazine for October 4, describes the favorable impact on U.S. employment and exports that the multinational firm is creating. I call attention to these developments to help allay the fears expressed by some U.S. labor groups that the multinational firm is somehow depriving the United States of jobs when it utilizes foreign production facilities. On the contrary, if such firms did not follow lower costs overseas, they would probably not be producing the affected products at all, in most cases, because of too high U.S. costs that make product prices uncompetitive. But when they do produce overseas, they usually create demands for various U.S. capital goods and component parts and services, which demands create and maintain U.S. jobs where there would be none otherwise.

Mr. President, I ask unanimous consent that the article be printed in the *RECORD*.

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

U.S. MULTINATIONAL FIRMS OUT TO CORRECT "ERRONEOUS" CHARGES

When a U.S. company goes multinational, is it in effect taking jobs away from American workers?

No, says the Emergency Committee for American Trade (ECAT), Washington. International firms are actually providing more new jobs here than their strictly domestic counterparts.

ECAT backs up this statement with results of a survey of 40 multinational member firms. The study, says Donald M. Kendall, chairman of ECAT and chairman and chief executive officer, PepsiCo Inc., Purchase, N.Y., is a "first step in a program to correct the erroneous and often inflammatory charges that so-called multinational companies are exporting American jobs and eroding the nation's trade balance."

Total domestic employment of the ECAT members equaled 12% plus of total manufacturing employment in the U.S. in 1969, notes the study. In the 1964-69 span, members'

domestic employment rose more than 27% vs a 16.8% increase for total U.S. manufacturing employment. "The growth in U.S. employment, moreover, was broadly based among our membership with 37 of 40 firms reporting increased employment from 1964 to 1969."

The foreign investments of these firms have been beneficial to the U.S. economy, contends the ECAT report. "Initially, new investments provide a major market for U.S. capital goods. They also provide a continuously expanding market for U.S. produced [components] and enhance the marketing and service capabilities which are required to maintain and enlarge U.S. industrial exports. . . ."

Some specifics.—The ECAT companies, it continues, showed a net export surplus (a surplus of exports from the U.S. over their imports to the U.S.) of \$5.4 billion in 1968 and \$4.8 billion in 1969—the decline being "almost wholly attributable to a substantial reduction in exports of aircraft and parts in 1969."

Data uncovered by the survey, says ECAT, demonstrate "that the \$5 billion average annual trade surplus of our members is representative of our entire membership (54 companies) which spans a broad spectrum of U.S. manufacturing activity. It is, therefore, illustrative of the export potential for energetic, export-oriented firms in most major U.S. industries."

Trade surpluses are only part of the story, however, adds the organization. Favorable contributions to the U.S. balance of payments also include repatriated earnings (net of foreign taxes) totaling \$1.2 billion in 1968 and \$1.3 billion in 1969, representing returns on equity investment of 9.9% and 9.2% respectively.

The next step, explained Mr. Kendall, will be a more detailed and comprehensive survey including non-ECAT members which will cover about three-fourths of U.S. direct investment in manufacturing abroad. Returns are expected to be analyzed by early 1972. "With the facts before us, we anticipate a national educational effort to be carried out in cooperation with other business organizations and with groups concerned about the future of U.S. international economic policy," Mr. Kendall said.

REASON FOR ABSENCE OF SENATOR COOK FROM VOTE ON PASSAGE OF SELECTIVE SERVICE ACT, H.R. 6531

Mr. COOK. Mr. President, there has been some confusion among my constituency concerning my absence at the time of the final vote on the Selective Service Act, H.R. 6531.

When this bill was originally debated on the Senate floor, I voted against both the 1- and the 2-year extensions of the draft as I am unequivocally opposed to this system and support the establishment of an all-volunteer Army, which I believe can and will work. When the conference bill on H.R. 6531 was presented to the Senate I voted to table the measure as I was quite disappointed in the many compromises that the Senate was forced to make with the House. For instance, the significantly weakened Mansfield amendment, which I strongly supported; the reduction in military pay increases; the extension of the draft and the abolition of college deferments among others persuaded me to support efforts to write up a whole new bill. Unfortunately, this effort failed by a vote of 47 to 36.

On September 21 cloture was agreed

to on ending debate on the conference report on the Selective Service Act and the vote on final passage was agreed to immediately following that. This was the first indication that there would be a vote that same day on final passage. Usually, a unanimous-consent agreement is made on the day preceding an important vote thus giving all Senators 24 hours notice on the date and time. Due to a previous commitment, I was unable to be present for the vote on final passage. Notice for the vote was approximately 30 minutes at the most. I was, however, able to be positioned against final passage. Had I known within reasonable time, I certainly would have made every effort to be present for such an important vote. As you know, the bill was passed by the Senate by a vote of 55 to 30, and the measure has now been signed into law.

I know my constituents and the Nation expect responsible representation whenever there is a matter before Congress that is of concern not only to Kentuckians, but also to all Americans. I sincerely regret that I was not able to be present on this important vote.

THE JUDICIAL WORK OF HUGO BLACK

Mr. MOSS. Mr. President, many Senators have expressed most eloquent tributes to the qualities of intellect, lucidity, and judicial wisdom displayed in the life and career of the late Justice Hugo L. Black.

Justice Black sought to secure the guarantees expressed in the Bill of Rights for every American. He was dedicated to seeing that the law was to the benefit of all—no matter what their race, creed, color, or national origin. But in making constitutional rights inviolable for the personal freedom of individual citizens, Justice Black also saw to the security and permanence of the Republic itself.

Justice Black saw clearly that the Nation can only survive by striking a balance between the individual and government. He sought to maintain a continuing dialog between the state and people, preserving the "marketplace of ideas" as the cornerstone of a free government. Hugo Black dedicated his life to a strong nation of free men.

In the October 5, 1971, Washington Post, Justice William O. Douglas expresses "a colleague's appreciation" for the judicial work of Justice Black, and in lucid prose portrays Hugo Black's judicial view of guaranteeing that the Nation remains both strong and free by striking that balance between the individual and government.

I recommend this enlightening article to the Senate and ask unanimous consent that it be printed in full in the *RECORD*.

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

A COLLEAGUE'S APPRECIATION—THE JUDICIAL WORK OF HUGO BLACK

(By William O. Douglas)

(NOTE.—This appreciation of Mr. Justice Black was written by Associate Justice William O. Douglas for *Progressive* magazine and is reprinted with that magazine's permission.

It will appear in the November issue of *Progressive*.)

I knew Justice Black before he went on the Court only as the public knew him. He was prominent as a senator investigating the lobby that was seeking a defeat of the Public Utility Holding Company Act of 1935, an experience which I suspect gave him certain predilections concerning the Fourth Amendment. He valiantly pursued miscreants under the antitrust laws; and he was vigorous in his promotion of laws protective of labor. When Roosevelt proposed that the Supreme Court be enlarged, Hugo Black was in the forefront of the endorers of that Court-packing plan. He was a powerful speaker and in great demand. He travelled the country extensively in the years of political campaigns. No one on the hustings in my time was a more effective pleader of human rights.

This legislative and political record made him the symbol of the populist, Wilsonian, Rooseveltian left. He was promptly confirmed by the Senate largely because he was one of them. But when it shortly appeared that once he had been a member of the Klan, a great torrent of criticism descended on him. Though his membership in the Klan was nominal and fleeting (albeit foolish), he was made out as a devil incarnate. The animus or drive behind that deluge of abuse was not really distrust of his civil rights record but rather fear of the economic issues Hugo Black has sponsored. The result was a campaign of invective unequalled, I think, in our Court's history.

In reflecting on that period, he once referred me to I Corinthians 13: "And now abideth faith, hope, charity, these three; but the greatest of these is charity."

His charity toward his detractors made him grow in stature and dignity. And by the time he retired 34 years later, he was one of the most revered men who had ever sat on the court.

Early in 1938, he filed a lone dissent (303 U.S. 77), stating that in his view a corporation was not a "person" within the purview of the Fourteenth Amendment. I was then Chairman of the SEC, with no thought ever of being a judge. But the dissent so moved me that I wrote him a congratulatory letter. As time passed he filed other dissents or separate opinions that signalled other breaks with judicial precedents at the constitutional level; and often those opinions were very upsetting to the established interests as was the holding (322 U.S. 533), that the modern insurance business was "commerce" within the meaning the Constitution and the antitrust laws.

There was not a drop of racism in Hugo Black. He was tenacious in his view that the constitutional theme of equality protected all people no matter their color, their creed, or their ideology. While he was a law-and-order man, he demanded that sheriffs and the police as well as the people obey the law of the land. He knew that the framers designed the Constitution to make it difficult for government to do anything to the citizen. He searched the record in every case that charged overreaching to make certain that officials had acted responsibly and within bounds. The beneficiaries of the law in times past had only been corporations and the elite. Hugo Black made certain that the lower echelon were also included. Racial minorities were his concern. So were religious dissidents and even those accused of being "Communists."

Most people called Hugo Black a liberal, and he was such in the popular sense. But measured by the Constitution he was, I think, a conservative. For he was a "strict constructionist" who read the Constitution quite literally. Great debates have taken place over the interpretations he favored. But he believed with all of his heart and mind that when the First Amendment said

"Congress shall make no law—abridging the freedom of speech or of the press," it meant what it said; and the reports are replete with Hugo Black's view that it was impossible for him to read the First Amendment as if it said "congress may make some laws—abridging the freedom of speech or of the press." And after the First Amendment became applicable to the states by reason of the Fourteenth, he could see no logical way in which the states could escape the same restraint.

Hugo Black abhorred vulgarity. Yet he saw no constitutional way—unless there was an amendment—to censor or punish so-called "obscene" literature. Hugo Black was deeply religious and abhorred the sacreligious; but he knew no constitutional way to suppress that kind of publication. Hugo Black's philosophy was the antithesis of "Communism," yet so far as beliefs, speech, or publications were concerned, he saw no constitutional way to punish or suppress its advocates.

Hugo Black honored all phrases and paragraphs of the Constitution. It was to him a venerable but living document under which the noblest experiment in government had been launched. He would neither cut it down nor expand it to fit his own personal tastes and inclinations. The generalities of some clauses gave choices of interpretation.

Hugo Black knew that the constitution sought to strike a lasting balance between the individual and government, one that would guarantee that the nation was both strong and free. In his judicial work he sought to maintain that structure. Opposed was the notion that judges should "balance" a particular guarantee of freedom against a particular grant of power to regulate. In Black's view that process created a new ad hoc constitution for each decision and short of amendment performs a function that only the framers of the Constitution could have undertaken.

The judicial task in Black's view was to maintain the original constitutional protection of the freedom of the individual against the constitutional grant of power to regulate. In cases involving the First Amendment that task was easy: Since "no" law was permissible which abridged freedom of speech or of the press, there was no constitutional authority for judges to decide that some speech or some publications ran against the grain of public approval. The original design of the Constitution was to keep lines of communication and ideas open, the hope being that, in time, experience would help produce a mature people.

When it came to the construction of laws, as distinguished from the provisions of the Constitution, Hugo Black usually came down on the side of freedom of the individual. That choice led him to strict applications of the antitrust laws, to liberal construction of laws applicable to laborers, and to what some called expansive readings of civil rights legislation.

The mosaic formed by his decisions is too intricate to present in a memorial paper. His central theme was certainly the First Amendment. The market place of ideas was to him a political reality. He took Jefferson and Madison literally and he felt deeply and sincerely that the real secret of our security and success was the maintenance of a society of the dialogue.

ONSLAUGHT AGAINST THE PRESS

MR. CHURCH. Mr. President, the first 10 amendments to the Constitution were adopted as a result of bitter experience of American colonists living under arbitrary government. These amendments sought to assure Americans a panoply of

guarantees under which to live their lives—the right to be secure against arbitrary governmental acts, the right to worship freely, the right to assemble peaceably, and the right to an uncensored, uncensored press. These guarantees were highly prized, so much so that there were States whose legislative assemblies refused to ratify the Constitution as a whole until the first 10 amendments, the Bill of Rights, were incorporated.

These guarantees, of course, are never permanently secured because they run counter to the impermeable inclination of men in government to insist on having their own way. Consequently, in times of crisis—real or feigned—these rights have been intruded upon, temporarily, in many instances, and lost ground has been regained only because there were men and women in public and private life who insisted that the Constitution be a living presence, not an historical anachronism. These rights, history informs us, are never permanently won.

Today, we are launched on another struggle to repel infringements under the First Amendment's guarantee of a free press. This occurrence is more alarming than on past occasions, because government looms so large in our lives these days—its role in human affairs being incomparably greater than that envisioned at the Constitutional Convention nearly 200 years ago.

Senator SAM ERVIN, of North Carolina, has raised the alarm about the abuses to our liberties by the agents of the Federal Government. He has persistently pursued his task to awaken the Senate and the Nation as a whole to what is taking place. He quite properly points out to the complacent that constitutional guarantees are in a very real sense designed not to protect what they may agree with but to protect what they emphatically do not agree with.

Senator ERVIN has recently written:

It means that thoughts and ideas which we hate and despise will appear in print and be broadcast across the land.

Mr. President, the Washington Sunday Star of October 3, 1971, published a text of a statement with which Senator ERVIN opened a recent set of hearings by the Senate Subcommittee on Constitutional Rights of which he is chairman. The subject before the subcommittee was freedom of the press.

Senator ERVIN's statement is an excellent exposition of our predicament and of what we must do about it. I ask unanimous consent that Senator ERVIN's statement be printed in the RECORD at this point in my remarks.

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

[From the Washington Sunday Star, Oct. 3, 1971]

STATEMENT OF SENATOR SAM J. ERVIN

Many years ago, at the birth of our great Republic, Thomas Jefferson observed:

"No government ought to be without censors and where the press is free, no one ever will."

Today, nearly two centuries after our Founding Fathers incorporated Jefferson's observation in the First Amendment to our

Constitution, the Senate Subcommittee on Constitutional Rights opens a series of hearings to examine the state of freedom of the press in America.

These hearings, and the subcommittee study of which they are a part, have been organized because it is apparent that in today's America, many people doubt the vitality and significance of the First Amendment's guarantee of freedom of the press. There have been at least four recent examples of this:

First, the increased subpoenaing of journalists by grand juries and congressional committees;

Second, the recent publication by several newspapers of classified information and the government's unsuccessful attempt to enjoin the publication;

Third, the widespread use of false press credentials by government investigators; and

Fourth, new fears about government control and regulation of the broadcast media.

These developments have brought into sharp relief existing concern about the relationship between government and the working press.

In addition, we have heard sharp and angry attacks upon the news media by high government officials. These attacks have brought equally hostile responses from spokesmen for the press. Some government officials appear to believe that the purpose of the press is to present the government's policies and programs to the public in the best possible light. These officials have forgotten Jefferson's words. Indeed, they appear to have lost sight of the central purpose of a free press in a free society.

Likewise, some members of the press appear to have forgotten that the First Amendment's guarantee of free speech and free press was not intended as their exclusive possession. Those enlightened men who devised our constitutional system did not mean to secure freedom of the press by suppressing the right of Americans, whether private citizens or public officials, to criticize the press. Not every critical word about the press is an attack on the First Amendment.

UNCERTAINTY

These continuing controversies, and the bitterness and suspicion that accompany them, make it evident that many Americans are uncertain about both the role of free press in a free society and the necessary conditions for its preservation.

In my judgment, it is time to challenge this uncertainty by considering again the reasons underlying the Constitution's guarantee of freedom of the press.

It is time to re-examine and to re-emphasize First Amendment principles.

And, it is time to measure developments in the law as they affect both the printed and broadcast press against these principles. Such are the objects of this series of hearings.

The struggle to establish and preserve freedom of the press has been long and bitter. From the moment the type was set on the first printing press, kings and parliaments have attempted to control the press. Public officials have always feared the threat that a free and vigorous press poses to their power and tenure.

Anglo-American history has been no exception to this struggle. During the reign of Henry VIII, the manuscript of any material intended for publication had to be submitted to royal officials empowered to censor objectionable passages. Licensing was another means of controlling the press, and these officials also had the power to approve or deny a license for printing the material. Licensing continued in England until 1694. Thereafter, the common law crime of seditious libel emerged as a substitute for the system of licensing as a means of control.

Historical studies indicate that there were

hundreds of convictions for seditious libel during the 17th and 18th centuries in England.

"WICKED LYES"

American colonial history is replete with examples of government attempts to censor the press.

Time and time again in colonial America, men were arrested and thrown in jail for "wicked lyes and slanders upon Government," for "sundry vile insinuations against His Majesty's rightful and lawful authority," and "for inflaming the minds of his Majesty's subjects."

There is a fundamental similarity among these and other historical instances of restriction of the press in the government's rationale. Government justified prior restraint or prosecution on the grounds of the necessity of preserving its good reputation among the people. All too often, this is still the real, if no longer the explicit justification for government attempts to control the press.

In a truly free society this is not a sufficient justification. Our Founding Fathers understood that however incomplete, unfair, and even vicious the press may be in its attacks upon government and government officials, the press cannot be censored or punished without undermining one of the cornerstones of free thought and expression.

The first widespread discussion in America of the significance of the First Amendment's guarantee of freedom of the press occurred during the bitter days at the close of the eighteenth century. By 1798, our young Republic was on the verge of collapse. A Federalist majority in Congress, determined to stifle opposition, enacted the Alien and Sedition Laws of 1798. The Sedition Act made it a federal crime, punishable by fine and imprisonment, to publish "any false, scandalous and malicious writing" against the government, Congress, or the President. Ironically, this legislation passed the Senate on July 4, 1798.

The Sedition Law was vigorously enforced. The government brought to trial, convicted, and imprisoned many Americans who dared to put in print their opposition to the policies of the incumbent Administration. Many others were intimidated—or as we now say "chilled"—by fear of retribution.

From this sad chapter of repression in the history of repression in the history of our country came a greater appreciation for the necessity of protecting the press from government intimidation. While the Alien and Sedition laws were repealed and never held to be unconstitutional by the Supreme Court, most Americans accepted the view that the First Amendment's guarantee of freedom of the press was incompatible with the traditional common law of seditious libel.

Our historic commitment to freedom of the press means that we must tolerate absurd, misleading, and vindictive reports which sometimes appear in newspapers and magazines and on radio and television. It means that thoughts and ideas which we hate and despise will appear in print and be broadcast across the land. James Madison recognized that "Some degree of abuse is inseparable from the proper use of every thing; and in no instance is this more true than in that of the press." Most Americans have come to understand that the irritating excesses of the press are a small price to pay for a press independent of government control.

They realize that only an independent press can vigorously and effectively contribute to that wide-ranging and critical discussion of public affairs which is a prerequisite to a democratic society.

This view of the role of a free press in a free society necessarily means that there will be tension and sometimes hostility between the press and government. Indeed, it is the

conflict between the press and government which attests to the vitality of the First Amendment.

This conflict exists today. It is manifested in a number of relationships between government and the press.

SUBPOENAS

In recent years an increasing number of subpoenas have been issued to newsmen in connection with various government investigations. In the past government prosecutors and members of the press have attempted to adjust their different interests in a way that would serve justice without endangering freedom of the press. Apparently, the mutual understanding on the part of the press and the government which underlay this adjustment of interests has disappeared, perhaps another victim of the fear and suspicion that has developed between them. Confrontation has replaced negotiation. Today, there are members of the press who believe that their integrity and independence is being threatened by government's zealous demand for their notes, their pictures, their films, and other working materials. Some of them suggest that the government views the reporter as another investigative arm of government. The government, on the other hand, sees no reason why members of the press do not have exactly the same obligations as any other citizen when it comes to law enforcement.

It is not an easy task to resolve the conflict between First Amendment interests and the interests of justice that is involved in the subpoena controversy. The Attorney General, in August 1970, issued Guidelines to govern the issuance of subpoenas at the federal level. A case is presently under consideration by the Supreme Court which directly raises the issue of whether or not the First Amendment requires the granting of a privilege for newsmen not to appear before a grand jury under certain circumstances.

The conflicting interests of the government and the press were dramatically underlined this past summer in connection with another problem. On June 30, 1971, the Supreme Court handed down one of the most important opinions ever issued concerning freedom of the press. The case of *New York Times v. United States* is a touchstone for any analysis of the state of the law concerning freedom of the press. The conflicting positions put forth by the parties in this case underscore the need to re-examine First Amendment principles.

The government sought to enjoin publication by The New York Times and The Washington Post of the Pentagon Papers which contain classified information concerning our country's involvement in the Vietnam war. The government argued that the President's constitutional responsibility for foreign affairs and for national security entitled the President to an injunction against publication upon persuading a court that the information to be revealed threatens "grave and irreparable" injury to the country. Quite simply, it was an argument that the "inherent" presidential power to protect the national interest was superior to the proscriptions of the First Amendment.

In wisely rejecting the Government's application for an injunction, the Supreme Court reaffirmed the belief of our Founding Fathers that a press free from governmental control is essential to a free society.

Mr. Justice Black in his opinion emphasized the purpose of a free press:

"In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government."

Notwithstanding the Supreme Court's

holding in this case, the Government's attempt to restrain publication of the Pentagon Papers has raised serious doubts about the security of freedom of press. This case represented the first time since the adoption of the Bill of Rights that federal courts have been asked by the government to halt publication. Furthermore, a careful analysis of the various opinions filed in this case makes uncertain just how free from government restraint the press is.

BROADCASTING

It is my hope that these hearings will provide a forum for the examination of the impact of this important case on the state of freedom of the press.

Another special concern of these hearings is the First Amendment implications of existing government regulation of the broadcast industry. The increasing amount and scope of government regulation of broadcasting has occurred without sufficient attention to its effect upon principles of freedom of press.

While the Founding Fathers did not contemplate the media of radio and television when they wrote the First Amendment, their reasons for protecting the printed press from government control apply equally to the broadcast media. More people get their news from radio and television today than any other single source. Studies show that the impact of the broadcast media upon Americans is without precedent in the history of communications. If First Amendment principles are held not to apply to the broadcast media, it may well be that the Constitution's guarantee of a free press is on its death bed.

Great confusion surrounds the Federal statutes, regulations, and the few court decisions which affect broadcasting. Congress enacted the Radio Act of 1927 and the Communications Act of 1934 to prevent the air waves from being flooded with such a host of voices that the medium of broadcasting would be rendered useless. Whatever government regulation of broadcasting was authorized, it was only for the purpose of securing the most effective use of available air waves and communications technology. As is often the case with government control, this limited authority with respect to broadcasting has greatly expanded.

The power of the Federal Communications Commission has increased to the point that many broadcasters believe principles of freedom of the press no longer have significance with respect to broadcasting. With the promulgation by the Federal Communications Commission in 1949 of the "fairness doctrine," the Commission's power over broadcasting was greatly enhanced.

Whatever one's view of the "fairness doctrine," it must be clear to everyone that such a doctrine has placed in the hands of a federal agency a not very subtle form of censorship. A recent Federal Court of Appeals decision, for example, has sustained an FCC determination that since the relationship of smoking to health is no longer a "controversial issue," tobacco interests are not entitled to the benefit of the fairness doctrine. In other words, mankind, at least as personified by the FCC, has discovered the ultimate truth with respect to the hazards of smoking. There is no reason for further discussion.

The irony in this decision underscores its absurdity and its danger. It was only a few years ago that opponents of smoking were fighting an uphill and largely discouraging battle to convince the FCC and the courts that smoking was dangerous and therefore a "controversial issue." In less than 10 years, "absolute truth" has shifted from one side of this issue to the other.

The lesson of this one example is that whatever the dangers to freedom of expression that result from concentrated owner-

ship of the broadcast media, it is nowhere near as dangerous as leaving to a few government officials the power to decide what can be discussed and what cannot; and when ultimate truth has been discovered and what it is.

MORTAL BLOW

There are some Americans who apparently think they know what is good and what is bad for other Americans to hear on the radio and to see on television. They believe that the power of government should be used to protect Americans from falsehood, bad programming, harmful thoughts, and zealous advertising. While I do not quarrel with the good intentions of these people, I believe that the sweeping government regulation of broadcasting implicit in this view foreshadows the end of a free broadcast media and with it, a mortal blow to the First Amendment.

Our Founding Fathers were wise enough to know that there is no way to give freedom of speech and press to the wise and deny it to fools and knaves. Certainly, they did not intend for the government to decide who were the wise and who were the fools and who were the knaves.

The troublesome consequences of government regulation of broadcasting were dramatized this summer when Dr. Frank Stanton, President of Columbia Broadcasting System, relied upon the First Amendment in refusing to appear before the House Committee on Interstate and Foreign Commerce. That Committee issued a subpoena to Dr. Stanton in connection with its investigation of a controversial television broadcast. The Committee's assertion of authority to protect the public from misleading presentation of the news was challenged by Dr. Stanton's insistence that First Amendment principles apply to broadcasting as well as to the printed press.

Another manifestation of today's tension between government and the press involves the issuance of press credentials by government to reporters and the alleged use of these press credentials as "covers" by government investigators. This problem was underscored by a recent incident in Madison, Wis. This summer members of the Madison Newspaper Guild unanimously voted to destroy their press cards and denounced them as "a form of license." Speaking for its members, the Guild President said, "We take this step not lightly but in response to repeated police use in this country of undercover agents using press cards." He added, "the power to license . . . implies the power to withdraw the right."

These and other conflicts between government and the press should give liberty-loving Americans cause for concern. They have prompted this Subcommittee study and this series of hearings on the state of freedom of the press. In many situations the interests of government and the press appear to be irreconcilable. Often they are not, but only seem so because the two sides have taken intransigent positions out of mutual distrust and fear. Rarely if ever in our history have we actually had to choose between suppression of the press or disaster.

Nonetheless, it is easier to preach freedom of the press than it is to practice it. In the midst of controversies which seem to us now as earth-shaking, we tend to lose sight of the higher issues at stake. These hearings are designed to let us take pause from the daily battle, and assess where we are and where we should be going.

POW'S—MISSING OR DEAD?

Mr. KENNEDY. Mr. President, the agonizing situation in which all too many of the relatives of American prisoners of war and missing in Indochina now

find themselves, is thoughtfully discussed in two recent articles published in the Wall Street Journal and the New York Times Magazine.

I believe these articles do much to clarify some of the misunderstanding and controversy which now surrounds our Government's handling of the prisoner of war problem. I invite the attention of Senators to these articles and ask unanimous consent that they be printed in the RECORD.

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

[From the New York Times Magazine, Oct. 3, 1971]

POW'S—MISSING OR DEAD?

(By Joseph Lelyveld)

DEAR PRESIDENT NIXON: The last 24 hours has again been another day of pure hell for Americans in prison camps, cells and cages in Southeast Asia.

The Air Force sends regular newsletters to the families of all the men it lists as captured by this country's enemies in Southeast Asia or missing in action there. Usually these communications are appropriately solemn, but sometimes they fall into a chatty, upbeat tone as they describe for the relatives the grassroots campaign—involving the writing of letters and sending petitions to Hanoi—that Legionnaires, Jaycees, church women and highschool students have undertaken on behalf of their husbands, sons and brothers. Most of this huge outpouring (amounting now to more than 50 million letters) has never reached Hanoi, and there is scant reason to suppose that Vietnamese officials able to read letters in English from Salina, Kan., or Santa Fe, N.M., bother to do so. Yet such students of Vietnamese psychology as the Dallas multimillionaire H. Ross Perot have promised that "making the treatment of our men a visible issue in the United States will bring the North Vietnamese to their knees." Vietnamese Communists, Perot has discovered, suffer from an "inferiority complex" that leads them to crave the goodwill of Americans.

And so in May of last year, before some skepticism over Hanoi's susceptibility to American boosterism began to develop among the relatives, the Air Force newsletter described the efforts of Mrs. Shirley Odell of Mt. Clemens, Mich., mother of four and wife of imprisoned Maj. Donald Odell, in organizing a Prisoner of War Week for Michigan and listed her phone number for those who wanted to pitch in. The week proved to be a big success, adding thousands of letters and signatures to the pile before culminating in a ceremony at a Detroit Tigers baseball game, for which an Air Force general was specially dispatched from Washington—a big success except for the fact that one year later Major Odell was still in North Vietnam along with the 338 other Americans whose imprisonment Hanoi has acknowledged.

Once again Mrs. Odell undertook a letter-writing campaign, only this time the Air Force newsletter did not recommend it for emulation. "I write to Mr. Nixon every day and so do my four children," she said. "One day I ask him how he can enjoy his dinner in the White House when my husband has to survive on pumpkin soup. Another day I mention that while he and Mrs. Nixon are watching TV, my husband is watching a light bulb rotting."

Since July 1, when the Vietcong offered in Paris to start the release of American prisoners in exchange for the setting of a final date for withdrawing American forces from South Vietnam, every letter she writes insists that the President name the day. On

July 17, she wrote, "How many more men must die until you make a decision?"

In August Mrs. Odell sent Mr. Nixon a 6½-pound package containing hard candy, vitamins, medicinal soap and toothpaste—the same package she is allowed to send her husband every two months. With it went a letter saying, "I hope you can survive on this till I can send you another package."

The disillusionment of this one wife may have driven her to more desperate extremes than have so far been reached by the overwhelming majority of the relatives of the 1,623 men listed as captured or missing. But it shows how awkward and even embarrassing the question of the prisoners' release—"the only remaining war aim of any respectability," Richard Rovere recently called it—has suddenly become for an Administration that for two years always encouraged and sometimes led the public outcry on their behalf.

Lately Washington has been discretely advising the relatives that it would be a help, given the delicacy of the diplomatic moment, if they would muffle their movement. "We believe it would be best if public statements be kept in a relatively low key," said the Marine Corps in a letter in May to the families of its captured and missing men.

The relatives have heard it before. "I'm at the point where I don't believe anybody," said Sybil Stockdale, who started organizing Navy wives in San Diego and then across the country back in 1968 when the Johnson Administration was imploring the relatives to remain patient and quiet. Mrs. Stockdale still attends the periodic meetings that Henry Kissinger and other high officials have with representatives of the families. "I've never left Washington," she said, "without someone taking me aside and telling me in confidence, 'In two or three months we expect a development of a substantive nature.' Now I say, 'Don't tell me. I don't believe it.' But I don't believe the Vietcong either."

Of course, the wives and relatives are not the only Americans who find anything said about the war by anyone whomsoever beyond all reason, comprehension or belief. But unlike other Americans, they cannot sign away their dismay and change the channel when the subject comes up. Every diplomatic feint and thrust sends a tremor through their ranks. The prospect of imminent release held out in the latest Vietcong proposal on the prisoners left a jagged fissure that will certainly deepen if the hope for movement in Paris evaporates again.

Straddling the fissure is the National League of Families of American Prisoners and Missing in Southeast Asia, which gathered in Washington for its annual meeting last week as this article went to press. The league would speak for a membership of 3,000 relatives if it could still speak with one voice. But the organization, which works out of a small three-room suite in the American Legion building in Washington, had nothing to say all summer long about the Vietcong proposal. Almost anything it could have said would have angered some segment of its membership.

The division is not simply between those who back the President and those who think a withdrawal date is long overdue. Sometimes it is between those whose loved ones are known prisoners—and likely, therefore, to be among the first to go free—and those who have waited years to find out whether theirs are living or dead, the families of the missing in action (M.I.A.'s). Sometimes it is between parents who say sons are harder to replace than husbands and wives who say the parents will not have to live with the men when they get home. Sometimes it is between families that are military by tradition and families with no experience of military life.

The Nixon Administration decided to make an issue of the prisoners soon after it took

office. In May, 1969, Secretary of Defense Laird "went public" on the question of their treatment, calling attention to Hanoi's refusal to abide by the Geneva Convention of 1949—specifically its failure to release sick and wounded prisoners, to permit inspection of camps, regular mail or even, then, to publish a list, so wives of missing airmen could at least discover whether they were widows. For the better part of two years American diplomats at the Paris talks raised the question of the prisoners at virtually every session, expounding on it at great length—more, it seemed, to underscore the other side's intransigence on the issue than in any real hope of breaking it down, for this was one of the few ways the Americans had to gain an edge of righteousness in the exchanges.

A propaganda battle was joined. Ross Perot started his "Have-a-Heart-Hanoi" campaign, flying wives of the prisoners to Vientiane and Paris. Hanoi contended that the captured airmen were war criminals within the meaning of the Nuremberg judgments, but also said that they were being treated humanely. The North Vietnamese put on display several prisoners who had apparently been well-treated—allowing foreign journalists to film them playing volleyball or celebrating Christmas—and the United States sent on tour some of nine P.O.W.'s Hanoi had released to tell Americans about the sufferings of the men they left behind. Not surprisingly, Hanoi then halted the releases. Two years have passed since the last release, so little is actually known about the circumstances or condition of the majority of prisoners, especially those taken in South Vietnam and Laos.

Hanoi may or may not have had a heart, but it obviously had the wit to see that the campaign on behalf of the American prisoners could be turned to its advantage. In September last year it offered to "discuss" their release in return for a firm withdrawal date. This raised the question of what provision was made for their release in the President's Vietnamization program; none, said his critics. The abortive Sontay raid was one way the Administration showed its concern for freeing the men but, of course, none were freed. Finally, Mr. Nixon pledged: "As long as the North Vietnamese have any Americans as prisoners of war, there will be Americans in South Vietnam."

In other words, Vietnamization could not be the whole answer; a "residual force" would remain until the prisoners were negotiated out. The trouble, said the President, was that "a promise to discuss means nothing from the North Vietnamese." Others—including some relatives—wondered whether the "residual force" was to be left in South Vietnam for the sake of the prisoners, or whether the prisoners were to be left in North Vietnam for the sake of the "residual force."

Closing the loophole in its own proposal—and calling the American hand—Madame Nguyen Thi Binh, the Vietcong negotiator in Paris, then presented the revised offer, which dropped the "discuss": A withdrawal date, it appeared, now would bring the actual release of American prisoners captured in North and South Vietnam.

The Administration did not start—and probably could not have prevented—the campaign by the wives to bring the plight of their husbands into the open. But there is no doubt that it helped orchestrate their efforts. Shortly after Laird "went public," a Defense Department team made a 45-stop tour around the country, meeting most of the families. "We brought them together for the first time," says Richard G. Capen Jr., a former Laird assistant who made all the stops.

Capen denies that exploitation of the issue helped the Administration buy time for the war. Its only purpose was "humanitarian," he says. But time passed: 13,172 Americans

have died in Vietnam and 71,569 have been wounded since Washington took to decrying the mistreatment of prisoners; in addition, the list of imprisoned and missing men has lengthened by more than 300 names.

If the relatives of the imprisoned and missing men were not exactly conscripted for this campaign, they became at least the objects of an active recruiting drive. The Air Force sent the relatives membership forms for the National League of Families and advised them how to handle interviewers from the media. ("Use a humanitarian approach—i.e., my children and I are required to bear additional anxieties because the enemy refuses to release welfare information concerning my husband; this is in violation of the Geneva Convention. . .")

Soon the campaign was bigger than the wives. Now if you dial POW-MIAS in Los Angeles you hear a recording of Ernest Borgnine urging North Vietnam to be "civilized." Or if you send \$2.50 to a students' organization called VIVA—Voices in Vital America—you get a nickel-plated bracelet engraved with the name of a P.O.W. or M.I.A., which you then will be expected to wear until he is freed. (Add 50 cents and it comes in copper, which is said to ease arthritic pains.) The Vice President donated his royalties from the Spiro Agnew watch to a campaign on the prisoners' behalf. Supreme Court Justice Harry Blackmun found their predicament a reason for suppressing the Pentagon Papers. There have been a commemorative postage stamp, a day of prayer, a week of remembrance, a fly past at the Super Bowl, a joint session of Congress and civic luncheons by the thousands.

The fact that the prisoners in North Vietnam were allowed last year to write nearly 3,000 letters (on the six-line forms their captors provide) is cited by the promoters of the various campaigns as evidence that they have had an effect. The fact that fewer than 400 letters were delivered to the families in the first seven months of 1971—evidence that the campaigns may be proving counterproductive—is cited less frequently.

In the beginning, most of the relatives welcomed the "Have-a-Heart-Hanoi" campaign. If nothing else, it was a relief just to be doing something and to gain, in the process, an excuse for going out.

Neither the hope nor the novelty lasted long. Occasionally, wives now tell stories of civic leaders whose solemn expressions of sympathy took on sly overtones ("What do you do for fun?"). More commonly, they tell of their discovery that all their globe-trotting to foreign capitals in search of hopeful omens, their interviews on TV and the endless appearances before civic groups served only to heighten the emotional strain on themselves and their families.

"You're baring your soul and everyone just sits there eating chicken salad," recalled a wife who has foresworn the luncheon circuit. "For a while you go on, crying inside, then all of a sudden you ask, 'What in God's name am I doing this for?' Then you pull back."

Mrs. Barbara Mullen, the wife of a Marine pilot missing over Laos, continued to appear at luncheons even after she decided to divert her energies to pressing for a withdrawal date. Her last was a Chamber of Commerce affair in San Francisco where she was asked to serve, in effect, as a visual aide for a speech by the Chief of Naval Operations. "I'm not performing anymore," she declared when it was done. "I'm no longer a Nixonette."

The relatives may differ on the question of who is doing the exploiting, but the feeling of being exploited is universal. So is the suspicion that Americans really care no more deeply about the prisoners than they have about the war in general; that when it is convenient, the prisoners will simply be stranded and forgotten by the majority.

Depending on how one is inclined to view the war and the prospects for its end, the National League of Families' inability to take a stand seemed patriotically selfless or patriotically self-defeating. But it has been the distinguishing characteristic of the outcry in this country over the prisoners of war and their suffering families that it has gone on in nearly perfect abstraction from other facts about the war and even as an escape from them—from My Lai, the free-fire zones, bombing, napalm, defoliation, relocation programs, the toll among the Vietnamese. Much has legitimately been said about the Geneva Convention on the Treatment of Prisoners of War, little about the Geneva Convention on the Protection of Civilians. Schooled as they have been in the theological position that the question of war and the question of prisoners are wholly unrelated, most relatives have been unable to work up even an opinion on the Vietcong proposal to release the prisoners in exchange for a firm withdrawal date.

Assailed by fears they cannot put down and hopes they dare not entertain, the relatives are, as the old Army adage has it, "between the rock and the hard place." So it is natural that many wives—most of them, probably—still take their cues from their spouses' brother officers. That, they tell themselves, is what their husbands would expect. "My husband is a career officer," said Mrs. Robinson Risner of Oklahoma City, wife of the senior Air Force officer in the camps. "I don't think he'd like me to feel very anti-this or anti-that, and until he comes back and tells me it wasn't worth it, I'm not going to let myself feel that way."

Some wives may still mention a desire not to harm their husbands' careers in the military, but after six or seven years that particular anxiety is more wistful than real. A deeper craving now is that which demands a little meaning from the ordeal, an urge that seems particularly strong among the wives of men missing in action, women who have to acknowledge to themselves, in their darkest hours, that they may never see their husbands again. Carole Hanson of El Toro, Calif., whose husband is missing over Laos, still cares about the outcome in Saigon. "If my husband is dead," she explained, "I don't want it to have been for nothing. If he's alive, I don't want all his suffering to have been in vain."

The division among the wives that has emerged in recent months may be expressed in political terms, but it is not really political at all. The differences are too narrow, the feelings too deep and personal. Thus relatives of pilots who are known to have been prisoners for five or six years are likely to react bitterly to the suggestion that their loved ones' suffering still needs to be justified by a satisfactory outcome in Saigon, not because they have different views about what a satisfactory outcome would be, but because they want that suffering to end.

"It's a little easier to sacrifice your husband if you're not sure he's there," a prisoner's wife said bitterly.

"We're very narrow-minded in this thing," said a father. "We want our son."

Ross Perot has been silent on the Vietcong proposals, though he once said, "My interest is simply the release of our men." The Texan's lavish effort on behalf of the prisoners, it will be remembered, grew out of an earlier campaign in which he asked the "silent majority" to "let the world know we stand squarely behind our elected President." He is also a director of the Richard M. Nixon Foundation. Perot, an aide explained, supports the Presidency as an institution and would not think of pressing any views on the man who happens to personify it now.

The patience required for such distinctions comes harder to the relatives. With release in sight, a number of them have become especially fed up with the official American

theme that the prisoners issue is "humanitarian" and not "political," involving only the treatment and not the freedom of their men. "They don't have to worry," a wife said, "I'll treat him humanely."

Many wives and relatives who have not favored Madame Binh's terms, are now fed up, nonetheless, with the "Have-a-Heart-Hanoi" campaign. Only in recent months, however, have the dissident relatives started to make themselves known. One of the first was Mrs. Virginia Warren, the mother of a downed airman, who had, after arranging to have a billboard with a message for Hanoi's leaders mounted in Ypsilanti, Mich., asked herself how they would ever see it there. Later, she started gathering support to have a series of billboards put up with a message to the President favoring withdrawal from Vietnam.

Bernard Talley, a conservative Baltimore real-estate appraiser who flies the flag from his home and admires Spiro Agnew, believed in "victory" in Vietnam until President Nixon announced that victory was not the American aim. Last March Talley, whose son is a P.O.W. in North Vietnam, sent a telegram to the White House suggesting an offer to withdraw forces in exchange for the prisoners. "The hawk-and-dove business is over," he said. Not satisfied with the White House response, he arranged for his telegram to appear in May as an ad in *The Washington Post*, over the signature of other disillusioned relatives.

That same month Barbara Mullen and Delia Alvarez—sister of Everett Alvarez, who was the first airman shot down in North Vietnam and is now in his eighth year there—announced they were forming a group to be called Families for Indochina Peace. Later they changed the name. "We have to avoid the naughty word 'peace,'" Mrs. Mullen explained. "Many of the families think that means you're for North Vietnam."

The two women flew to Washington from California where they joined forces with a small group of wives who had been busy lobbying on behalf of the McGovern-Hatfield and Mansfield amendments. There they took the name Families for Immediate Release.

At the National League's board meeting in May, Louise Mulligan of Virginia Beach, Va., pressed for a poll of the membership to see if it would favor pressure on the President for an early withdrawal. Her efforts had already brought her a letter from another Navy wife accusing her of "disgracing" her husband. Bitter over the abuse and the resistance to the poll, she quit the league, which she had helped to found. "It's nothing but a P.R. firm," she said.

The discovery that they are now virtually at one with the peaceniks has been profoundly disturbing to the dissident military wives. After Madame Binh put forward her proposal in Paris, David Dellinger and Cora Weiss of the Committee of Liaison—the group of peace activists selected by Hanoi as the channel for mail from the prisoners—sent a letter to the families that said, "Every day of delay in acceptance is another day of needless, continued separation, of continued killing and destruction of homes and land." Mrs. Mulligan called the letter "garbage."

Mary Ann Fuller of Jacksonville, Fla., went to two of Dr. Kissinger's meetings with the wives and "cried all the way home." Later she returned to Washington to lobby on behalf of the Mansfield amendment. This Navy wife wants an unequivocal withdrawal date set today, since yesterday is no longer possible, but does not think of herself as belonging to the peace movement. Asked if she had any views about the bombing, she replied: "That's not my thing. I want a live husband home. That's all."

And Mr. Talley wanted it clearly understood: "I'm not going to march and picket."

Such reservations are lost on the relatives

who still have no intention of breaking rank. As most of them see it, there can be 100 views of how the war will or should end, but to say it should be ended now on the basis of the enemy's proposal comes close to backing the other side.

Carole Hanson, a slender, dark-haired housewife with a sweet voice and immense fortitude, went on TV and started distributing "Don't-Let-Them-Be-Forgotten" bumper stickers in 1968 when the Johnson Administration was asking the relatives to lie low. She has traveled around the world, met the Pope, pleaded with the Pathet Lao in Vientiane, presented a VIVA bracelet with her husband's name on it to Ronald Reagan, and now is the main organizer for the group of relatives from the area that meets monthly at the Los Alamitos Naval Air Station near Long Beach under the name P.O.W./M.I.A. International, Inc.

Mrs. Hanson says her recent efforts to back the President were inadvertently triggered by Representative Paul McCloskey when he spoke to the Los Alamitos group in May. The Congressman promised the relatives to arrange for an expenses-paid trip to Washington if they would lobby on the various end-the-war amendments then before Congress. It was plain he meant lobby for their passage, though he did not say so.

Mrs. Hanson and her friends were outraged. The prisoners meant something to the nation as well as to their families, and that was because the relatives—private people, little people as they saw themselves, with no experience in the arts of public persuasion—had been willing to exhibit themselves and their plight. Without putting it in so many words, the Congressman seemed to be saying it had all been unnecessary, pointless. "The prisoners are the only issue of the Vietnam war on which the American people are united," Carole Hanson said stanchly "and he was trying to divide us."

By then they had considerable experience in public persuasion and, over the next few weeks, they arranged for ads they designed themselves to appear in *The New York Times* and other papers on the day the McGovern-Hatfield amendment came up for a vote, hoping it would lose; organized a series of press conferences across the country for like-minded wives, and sent a letter to more than 800 families, arguing that the President should be backed and the prisoners kept "out of the political arena." More than half these families responded and the response, Mrs. Hanson says, was 9-to-1 in favor of their stand.

Barbara Mullen, whose husband was shot down over Laos 14 months before Carole Hanson's, was one of those who disagreed. Why, she asked, was it barely "political" to agree with the majority of the United States Senate that the time had come for a withdrawal date and purely "humane" to back the President? "Your husband and mine are Marine pilots missing in Laos," she wrote to Mrs. Hanson. "I know, and President Nixon knows, that they will not be released as long as U.S. bombs fall there. . . . I am not willing to allow my husband to play hostage to any more face-saving, whoever the face belongs to."

On a lazy summer Sunday three weeks after Madame Binh made her new proposal in Paris, about 70 relatives gathered at an officers' club at Los Alamitos for their monthly meeting. A Marine Corps film crew was on hand to get some footage of their barbecue. The evening's featured speakers were to be a Congressman from northern California and one of the nine P.O.W.'s who have been released by Hanoi. The small talk was neighborly, familiar, the mood that of a fraternal organization, which is what dire circumstances had made the relatives.

The Congressman, a ruggedly handsome Republican named Burt Talcott, had himself been a P.O.W. in World War II. He spoke for 20 minutes, over the laughter of the of-

ficers' bar behind him, without once alluding to the Vietcong proposal. "World public opinion," he asserted, was forcing Hanoi to improve its treatment of the prisoners, so the relatives would be well-advised to step up their pressure on the media. As for the President, he had, said Talcott—seeming to forget for an instant what audience he was facing—"a bigger stake than anyone in this room in the problem of the prisoners, a bigger stake than all of us put together."

"You're getting away from the point," an angry young voice called out from the back of the audience. The voice belonged to Peter Nasmyth, whose brother John is a prisoner in North Vietnam. The point he wanted elaborated was why Madame Binh's proposal could not be accepted "in principle" at least. "I'm tired of the Administration telling us to wait," he said.

The Congressman dismissed Madame Binh's proposal with a flat denial that it promised the release of American prisoners. "It's unfortunate that somebody representing your kind of group can have this kind of idea," he said. "It's shocking to me."

"It's shocking to me that a Congressman can be so naive," the young man retorted heatedly. But the audience was with the Congressman and not in a mood to hear what any Communists might or might not be offering.

Between speakers, everyone wrote postcards to Dr. Frank Stanton of C.B.S., voicing various objections to a network special on the prisoners. Then the microphone was handed to the ex-prisoners, a former Navy seaman named Doug Hagdahl. An intense young man dressed in a doublebreasted suit with a radiant sheen, he spoke in a low voice of how he had suffered for 28 months and the heroism of the men he left behind, who still cling, he said, to the faith that "their country will get them out."

It was as if he were bearing witness at a revival. The questions that came from the floor seemed to solicit not information—the relatives had been feeding on the same scraps of disparate fact for years—but some buttressing for the hopes that kept them going. "What's the best thing we can do to help them?" Carole Hanson asked softly.

The microphone gave Hagdahl's voice a hard cutting edge. Don't forget who the enemy is," he replied. "North Vietnam is the enemy. It isn't the Administration. It isn't Congress. It's those bastards in North Vietnam!"

Now the feeling in the room was one of uplift and rededication, not urgency or despair. Pete Nasmyth sat in silent dejection. No one spoke of the release of the men.

Tammy Bloodworth, the young wife of an Air Force pilot missing in Laos, presented the draft of a letter to be mailed by the thousands to members of Congress. The letter said the United States had never learned the fate of 389 men believed to have been prisoners during the Korean War and demanded that American negotiators in Paris insist that Hanoi live up to the Geneva Convention "before our country makes any more concessions."

That same week Tammy had gone to the Western White House at San Clemente to present a letter she signed with five other relatives urging acceptance of Madame Binh's proposals. Her open, vulnerable face knitted itself into a look of troubled concentration when she was asked to reconcile the two letters. "I have a great part of me that says, 'Do anything you can to end this war,'" she said. "I have another part of me that says, 'Do anything you can not to hurt Donald's chance of coming home.'"

The 389 from the Korean War have long been a cause for right-wing groups, which claim, typically, that the men were "abandoned." U.S. officials say there has never been a shred of evidence that any of them were

alive when prisoners were exchanged at the end of the Korean War. In any case, officials point out, the record of the Vietnamese Communists on prisoner exchanges appears reassuring. All French prisoners of war held by the Vietnamese Communists were returned within the stipulated 60 days at the end of fighting in 1954.

But the Californians, like the Vietcong, appear to have caught the Administration in the coils of its own logic. If the North Vietnamese have, as President Nixon declared as recently as April 16, "without question, been the most barbaric in their handling of prisoners of any nation in modern history," then isn't it obvious that the resolution of the prisoner issue must precede a settlement?

There were two hopeful news items for the relative before their reunion ended. One concerned a self-styled contractor who was said to be on the verge of arranging the internment of all American P.O.W.'s in a "neutral" third country which was—you guessed it—Communist China. As evidence that this was a serious proposal it was mentioned that the contractor was working closely with Larry Crosby, brother of Bing. The other item concerned an Illinois preacher who was said to be organizing an invasion of North Vietnam by unarmed American students to free the prisoners.

"I have never seen such unison," the final speaker intoned about those assembled in the room.

But unison among the families—as those who want to hold them together are finding—depends increasingly on silence. And silence is easily broken. So from now on until the ice finally melts in Paris, there will be relatives of P.O.W.'s and M.I.A.'s to speak out on both sides of every issue concerning the war's end.

Some who have been speaking out longest warn that it will not do any good. "They are going to carry out whatever plan is on their minds and nothing we can say or do will change it," Louise Mulligan declared. "I'm not bitter, really I'm not. I just keep throwing up."

"Blessed is he who expects nothing," said Mary Ann Fuller, "for he shall not be disappointed. We've had the carrot moved so many times. But one day the men who survive are going to get off an airplane, they're going to look everybody in the face, and they're going to ask, 'Why were we left there so long?'"

P.O.W. POLITICS

Issues of war and peace have splintered the movement to secure the release of American servicemen held by the Communists in Indochina. To the dismay of nearly all the wives and relatives of the men, clashes between the factions have become increasingly public and bitter.

The biggest organization is the National League of Families of American Prisoners and Missing in Southeast Asia, which claims a membership of 3,000 relatives. The league has labored effectively to spur the various campaigns in the United States on behalf of the prisoners and missing men; whether the campaigns have been effective is another question. It has also tried, somewhat quixotically, to arouse the sympathies of foreign governments. At present, it is going ahead, with support from the Advertising Council, on a national campaign that is expected to use about \$25-million worth of donated space in the public prints and time on TV and radio. The ads will talk about Hanoi's treatment of the prisoners but will not have anything to say about how or when they should be released. That, league officers have said in the past, is a "political" question, and they have been "nonpolitical" by charter—a legalism meaning, in effect, that they can apply pressure on any but their own government.

For this reason, the league has often been dismissed by disconsolate relatives and peace

activists as a mouthpiece for the Nixon Administration. The women do not see it that way, preferring to view the Administration's activities on the prisoners' behalf as a response to their pressure rather than a political necessity. "Sure there's been a calculated campaign," said Mrs. Carol North of Wellfleet, Mass., the board chairman. "But it's our calculated campaign, not theirs."

Nevertheless, the women have also had to concede that they have been nearly immobilized by the refusal, inability or fear that keeps them from confronting the larger issue of peace and war. "We've made people aware," said Mrs. Joan Vinson, the league's national coordinator, "but we've just about used up all our ideas in the process." Last week, the main question on the agenda as the organization met in Washington was whether to amend the bylaws to permit such tactics as lobbying for legislation and support of political candidates.

Before the meeting, there had been sporadic attempts from within to get the league to take a strong "political" stand. Last March, it even discussed the possibility of a vigil outside the White House, but fewer than 30 percent of the membership were said to be prepared at that time to take part. When some relatives finally started getting "political" later in the spring, they did so outside the league.

A loose-knit relatives' lobby—functioning under the letterhead Families for Immediate Release—started taking shape in May and now claims to have had messages of support from more than 300 relatives, all of whom agree that the families should not be putting pressure on the White House rather than the Politburo in Hanoi.

"The prisoners have become political hostages," the new group declared. "We feel our Government's obligation to the prisoners should take precedence over its obligation to the Government of South Vietnam."

The emergence of this faction within the league produced a series of angry counterattacks, mainly from members of a group of relatives in Southern California who go under the name P.O.W./M.I.A. International, Inc., and attract about a hundred people to their monthly meetings. They say the families must not "tie the President's hands or restrict his bargaining power."

"We all have the same doubts, the same fears, the same goals, the same motives," said Mrs. Valerie Kushner of Danville, Va., whose husband, a doctor, is held by the Vietcong. Mrs. Kushner is one of those who have been accusing the President of "using" the prisoners to prolong the war. But this summer, in what she said was an effort to heal the breach among the families, she tried to organize a candlelight vigil by relatives on the steps of the Capitol. Though she said it would be "nonpolitical," the National League of Families urged its members to stay away. Any demonstration by the families now, it seemed to be saying, would be taken as a call for a negotiated settlement on the basis of the Vietcong proposal.

P.O.W. ARITHMETIC

The campaign to free American P.O.W.'s has been clouded by confusion about their numbers. President Nixon this year spoke of "1,600 Americans in North Vietnam's jails." In fact, it will be a stroke of good fortune if even half the 1,623 Americans listed by the Defense Department as captured or missing in action prove to be alive.

The "final and complete" list issued by Hanoi last year has the names of 339 men "captured in North Vietnam." Hanoi is also presumed to hold other men captured by its forces in South Vietnam and Laos, but U.S. officials venture no guesses as to the number. The whereabouts and numbers of prisoners held by the Vietcong and Pathet Lao are also a total mystery.

Of the 1,623 names on the Defense Depart-

ment list 1,160 are in the missing-in-action category. Of those listed as P.O.W.'s, 378 were said to have been captured in North Vietnam, 82 in South Vietnam and 3 in Laos. Some of the 378 in North Vietnam were among the 20 whose deaths in detention Hanoi has announced. Thus the difference between Hanoi's list and Washington's amounts to about 25 names. There is no way of knowing whether Hanoi will be able, or willing, to account for those 25 until negotiations get to that point.

H. Ross Perot, the Texas multimillionaire, says he started the "Have-a-Heart-Hanoi" campaign because he discovered in meeting North Vietnamese diplomats that they always referred to the captured and missing Americans as "just 1,500 men," implying that their fate could never become a matter of national concern in the U.S. Now that the Vietcong have made an offer on the prisoners, it is not Hanoi but Senator Robert Dole—the Republican National Chairman and one of the first Congressional champions of the P.O.W. cause—who notes how few men are really involved. "We don't want to get out just for the prisoners," he said recently. "They're very important but they represent less than 1/2 of 1 per cent of the Americans who've died in South Vietnam."

[From the Wall Street Journal, Sept. 30, 1971]

MISSING OR DEAD?

Four years ago, Mr. and Mrs. Samuel Beecher Jr. of Terre Haute, Ind., received a telegram from the Army:

"... Your son Warrant Officer Quentin R. Beecher has been missing in Vietnam since 11 June 1967..."

Two months later, the Beechers learned from the Army that their son's helicopter had run afoul of violent thunderstorms, become hopelessly lost, run out of fuel and gone down, not over a battlefield or an enemy sanctuary, but 18 to 25 miles out in the South China Sea. There wasn't any water-survival gear aboard. An extensive two-day rescue effort turned up nothing.

"It took us two tortuous years, but we finally confronted reality," Mr. Beecher says. Here husband, an attorney and a licensed pilot, adds, "I've crashed that helicopter a thousand times in my mind, and under those conditions there isn't any way Quentin could have made it."

CLASSIFYING THE MISSING

But the Army won't drop Quentin Beecher from the list of 1,610 servicemen missing in the Indochina conflict—a list that U.S. government officials prefer to call the Vietnam "prisoners of war/missing in action" (POW-MIA). Pointing to men who were declared dead in World War II and Korea but who later turned up alive, the Army, as well as the other military services, rules a Vietnam combatant missing and keeps him that way unless his body is discovered or an eyewitness is found. Because the laws of various states won't allow the wife of a missing man to remarry, Mr. Beecher had to arrange a Mexican divorce for his daughter-in-law.

The case of Quentin Beecher and his anguished parents typifies a development unheard of in previous U.S. wars. For as interviews with 70 other parents and wives in places like Virginia Beach, Va., Colorado Springs, Colo., and suburban Portland, Ore., show, a growing number of families of the missing contend that the military should have mercifully declared their loved ones dead long ago. And some also accuse the federal government of coldly stringing them along for selfish political reasons.

"I think they're misleading us for their own purposes," Mrs. Beecher says.

These parents and wives are aware of the problems of ever finding out what happened to crews of aircraft that explode in midair, to pilots of jets that never pull out of pow-

er dives and to infantrymen who just disappear in ominous jungles. Thus, these relatives conceded that no man should be written off as dead when there is reasonable hope of finding him. But these families shake their heads in disbelief at U.S. policy, which was laid down in a June 1970 statement from the Defense Department. It said in part that "what we want from the enemy is a . . . full accounting of all who are missing."

A PLOY FOR NEGOTIATIONS?

Some wives and parents go further. They believe that top-level U.S. policy makers are being deliberately misleading when they denounce the North Vietnamese as liars because the Hanoi officials say they can't produce an accounting of anything like 1,600 men. (North Vietnam has produced a list of 339 men it says have been captured. These wives and parents suspect that Washington's demand for the accounting is just a throw-away bargaining ploy for the Vietnam negotiations in Paris.)

Many of these feelings surfaced earlier this week during a Washington meeting of the National League of Families of American Prisoners and Missing in Southeast Asia, the largest organization of its kind. Dissidents within the league picketed the White House and groaned over the remarks of at least one administration spokesman. They aimed a resolution at President Nixon that said the league "conveys to you . . . its extreme distress at the continuing failure to resolve the prisoner-of-war-missing-in-action tragedy."

Many families, however, do believe the government is doing the best job possible under difficult circumstances. Mrs. John K. Hardy Jr., wife of an Air Force officer shot down over North Vietnam, says she has had several meetings with presidential adviser Henry Kissinger and feels that "President Nixon can do something about the situation, he's the only one who can."

CLINGING TO HOPE

And as might be expected, many families cling to the hope, however faint, that Hanoi can account for their missing relatives, that most of the 1,610 might in fact be alive. Mrs. Edward Beck, for instance, says she feels that her son, a Marine PFC who disappeared in South Vietnam, is a prisoner of the North. Producing a photo of prisoners in the North, she points to a man with his back to the camera and says she is convinced that he is her son. Other families, however, reportedly have identified this same man as their husband or son.

Such feelings often stem in part from the natural refusal to accept the death of a loved one, and in part from the vagueness of circumstances surrounding a man's disappearance. Whatever their basis, these intensely personal feelings have captured the imagination of official Washington.

The Pentagon concedes that as far as hard evidence goes, only 463 of the men on the list are thought to have been captured—378 of them in North Vietnam, 82 in South Vietnam and three in Laos. Nonetheless, a figure of about 1,600 has been used by administration officials and members of Congress.

At a March 4 news conference, President Nixon said that "There are 1,600 Americans in North Vietnamese jails under very difficult circumstances at the present time." (The White House subsequently said the figure used by Mr. Nixon referred to both those who are prisoners and those who are missing in action.)

The next month Defense Secretary Melvin Laird told crowds at the opening game of the major-league baseball season that "there are a great many men in uniform, some 1,600 of them who have not seen a ball game in a long time."

Last year, while telling a House subcom-

mittee of his plans for a POW rally, Sen. Robert Dole of Kansas, chairman of the Republican National Committee, assured Congressmen that "we have not forgotten that there are almost 1,500 Americans who have been prisoners and who have been in danger not for two days, not for three days or four days."

The Senator's guess on the number of American GI prisoners was remarkably close to that contained in a concurrent Congressional resolution passed about the same time; it urged that "every possible effort" be made to obtain the release of prisoners. Part of its preamble stated that "1,500 American servicemen are imprisoned by Communist forces in Southeast Asia."

PRESSURE ON THE OTHER SIDE

Asked for comment yesterday, White House Press Secretary Ronald L. Ziegler said: "In all of our fact sheets and virtually all of our statements, we break down the numbers between captured and missing." He added that "only on several occasions has the figure 1,600 been used, and then it was clearly stated that this referred to missing and captured." It is important, the press secretary said, "to apply the pressure to the other side—not here—to give the facts about the prisoners."

In February 1970, almost eight months after the Nixon administration took the wraps off the POW/MIA list, a public poll was conducted by Gallup International for Dallas computer magnate H. Ross Perot's POW group, United We Stand. It said 68% of those questioned had heard of the prisoner issue; of those, more than one-third estimated the number of prisoners at more than 2,000—higher than the politicians' top estimates.

Regardless of the actual number, the hopes of some families that their missing sons or husbands are still alive have been put to a severe test. Consider the case of Mrs. John Swanson, wife of an Air Force captain shot down four years ago while on a bombing mission over North Vietnam. (Like many other relatives of missing men, she has asked that her home town not be given to avoid nuisance telephone calls and mail.)

Several days after the crash, she received a letter from her husband's wing commander. It said that after Capt. Swanson's jet was hit by antiaircraft fire, he had headed for the sea, finally going down two miles off the coast of North Vietnam. "Although a good chute was sighted all the way to impact with the water," the letter said, "search and rescue personnel who arrived within 10 minutes were unable to rescue John."

Two months later, Mrs. Swanson received another letter, this time from the chief of the Air Force casualty section. Recounting earlier details, this letter said, "His ejection, fully deployed parachute and descent were observed by the pilot who had followed him."

What the Air Force didn't tell Mrs. Swanson she later found out from the pilot who had seen the chute. "He said it was very indefinite that my husband was even in that chute," Mrs. Swanson recalls. "He was very discouraging."

RAISING HOPES

But her hopes were raised almost two years later by yet another letter from the Air Force. This one said: "Intelligence information just received at this headquarters indicates that your husband may be a captive of the North Vietnamese. Unfortunately the content of the information is extremely limited, and we are not absolutely certain of its reliability. . . . I cannot say anything more so as not to jeopardize the source."

Excited by the letter, Mrs. Swanson says she tried to elicit more information from the military. "They were close-mouthed about it, to say the least," she reports.

Confused, Mrs. Swanson turned to her only unofficial source, the pilot who had followed

her husband's plane out to sea. "I explained that I had received this letter," she says, "but he said that didn't alter the picture, that the odds aren't that good."

While many of those among families of the missing accuse the federal government merely of badly handling the POW situation, a sizable number bitterly charge Washington with deliberately exploiting the bereaved for selfish political reasons.

One of those is Mrs. Louis Jones, whose husband was lost over Laos and whose brother was listed as missing and who never returned from Korea. She insists that families of the missing are being misled to believe that maintenance of a residual U.S. force in Vietnam is the only way to get an accounting of the missing.

"They tell us we can't trust the Communists, that we must keep a residual force in Vietnam, until they account for the missing. Well, I wish my husband were held by the Australians. But he's not. If he's alive, he's held by the Communists, and these are the people we must deal with. If there were any living POWs who weren't allowed to return from Korea, it was probably because we still have a residual force there today."

Mrs. Jones adds that she isn't convinced living POWs were abandoned in Korea. But she also asserts that talk of a residual force for the sake of the missing is the administration's way of placating families, "of keeping us quiet."

Another is Mrs. Randolph Ford, whose husband, a Navy pilot, went down over North Vietnam in 1968 and who voted that same year for President Nixon. The Pentagon lists her husband as a prisoner, but Hanoi doesn't. "It shook me up when the administration made it appear we were there (in Vietnam) because of the POWs," she says angrily. "This is a bunch of bull. I resent using the POWs as an excuse to stay in Vietnam. Washington is just trying to save face."

Asserts Mrs. James Warner, whose son is a known prisoner and who headed the National League of Families in Michigan until she "resigned in disgust": "We've been used to drum up war sentiment."

PESSIMISM BY THE EXPERTS

Experts tend to be pessimistic about the chances of ever unraveling the fate of most of the missing. Bodies of those who have died in damp jungle areas are quick to decompose. Veteran fliers say that in cases of high-speed crashes, only a trained pathologist can possibly tell if human remains are in the wreckage.

And the experts are equally pessimistic about survival chances of those who were lost, alive, on the ground. Marine Lt. Col. Pat Caruthers, who heads up the corps' rugged survival-training program, describes what it is like for a man lost in Vietnam.

"It depends on the terrain," he says. "If you're in elephant grass, it cuts your uniform to ribbons, and you usually don't have any medicine to stop the infection. If you're in the mountains, you've got rocks and bramble bush and just rough ground to put up with."

The colonel says that in any lowland area, rain becomes a problem: "Everything is under water, your feet look like prunes, any orifice or opening in the body becomes a problem, you get blood leeches which you can pick off all day, but all you do is open sores."

"If a man's not found within 10 days," the colonel concludes dryly, "he's got a real personal problem."

Late last year, Hanoi released a list of 339 men it identified as "pilots captured" in North Vietnam, along with a list of 20 GI's who, it said, had died of wounds or disease. The Vietcong have yet to release a list, but a spokesman told reporters in Paris this summer that a list of American prisoners held in South Vietnam would be released on the same date the U.S. begins a total withdrawal

of troops from Southeast Asia. The Vietcong spokesman, Madame Nguyen Thi Binh, also said release of prisoners in both the North and the South would begin on that same date.

The Pathet Lao, a Hanoi ally not represented at the Paris peace talks, indicate only that they will "discuss prisoners when the U.S. pulls out of Laos. (Mrs. Stephen Hanson, whose husband, a Marine captain, was seen alive on the ground after his helicopter was shot down over Laos, says a high-ranking U.S. diplomat confided to her that there were "70 or 80" U.S. prisoners in Laos. State Department officials, however, say intelligence sources indicate the possibility of "around 30 men, and that's low-level stuff—things like reports of Caucasians spotted on the Ho Chi Minh Trail."

Most families don't accept the Communist lists. But some are beginning to take those figures more seriously. "I can't see how the North Vietnamese can say somebody is dead or was never captured and then turn him up after the war," says Mrs. Billie Cartwright, wife of a Navy pilot missing over North Vietnam.

COMMUNIST READINESS?

About midyear, former Defense Secretary Clark Clifford, among others, began suggesting that the Communists were ready to deal: a list of all prisoners held in the South and their phased release to match a date for phased withdrawal of U.S. forces.

Since such suggestions became public, some families of the missing are complaining that the Nixon administration is changing its stand on the POW/MIA question. Mrs. William Mullen, wife of a Marine captain missing in Laos, recalls remarks by Defense Secretary Laird that apparently expressed U.S. policy last spring. At that time he told reporters: "We are willing to take every American out of Vietnam providing that (POW) question is settled."

Mrs. Mullen contrasts that stand with more recent comments by Press Secretary Zeigler. He said that a deal tied simply to the prisoners would impose "a deadline so precipitous that it wouldn't give the South Vietnamese the opportunity to defend themselves and determine their own future."

She also refers to Sen. Dole's statement this summer to CBS television reporter Bob Schieffer: "We have to be very candid about it. We don't want to stay there just for the prisoners, we don't want to get out just for the prisoners. They're very important, but they represent less than one half of one percent of the Americans who've died in Vietnam."

Referring to the U.S. Officials, Mrs. Mullen observes: "They want to maintain their license to continue the war."

THE 125TH ANNIVERSARY OF THE SMITHSONIAN INSTITUTION

Mr. PERCY. Mr. President, the New York Times recently published an article honoring the 125th anniversary of the Smithsonian Institution. It is a birthday which all Americans can and should celebrate with pride.

"The Nation's Attic," as the Smithsonian has been affectionately dubbed, has provided thousands of visitors with endless hours of pleasure. Whether discovering new treasures or reminiscing over the old ones, those who have wandered through these halls know the Smithsonian to be truly the "people's museum."

My work on the Interior Appropriations Subcommittee this year has given me a good opportunity to review the operations of the Smithsonian in depth.

Having been a frequent visitor to the Smithsonian over the years with my children, I have experienced the impact of these programs. Now I know how they were inspired and created.

In this regard, America owes an enormous debt of thanks to S. Dillon Ripley, present Secretary of the Smithsonian, for his role in preserving and exhibiting the country's memorabilia. His ingenuity and energy have helped to provide us with this irreplaceable legacy, reminding us of our rich heritage while pointing us to the future.

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:

SMITHSONIAN, SWEPT BY CHANGE AT 125, STILL A HAVEN OF HISTORY AND FOLKLORE

(By Nan Robertson)

WASHINGTON, September 26.—It has been called the octopus on the Mall, the nation's attic, a temple of learning and a lot of other things by those groping vainly to describe the indescribable.

It is the Smithsonian Institution, and it celebrated its 125th anniversary today with speeches, music, movies, open houses and medal-giving in the heart of Washington.

Major changes have swept the Smithsonian under its eighth secretary, S. Dillon Ripley, a 6-foot, 3-inch tower of suave energy known variously as the "Sophisticated Pelican," "King Dillon" or "the Buccaneer." The most aggressive secretary since the first one, Joseph Henry, he has shaken up this lethargic giant and moved it in new directions, eliciting praise and blame.

Mr. Ripley's reign, beginning in 1964, has brought three major visible changes. First, there is expansion—vast acquisitions of buildings, collections, land. Second, although he is an ornithologist, a man of science like all the secretaries before him, he has also reached out to get and house more art, of which the most envied and controversial plum is the Joseph H. Hirshhorn collection.

Third, the exhibits have changed, too—from what one Smithsonian official called "the dusty, cluttered fascination of an old-fashioned general store" to the slick, sophisticated presentation of a "supermarket," with both its attractions and its drawbacks.

Mr. Ripley has put voices into locomotives and elephants in his museums and pushed for "total environment" shows that include not only sounds, but also smells and real, live people making things such as apple butter and fiddles.

All this has brought protests that Mr. Ripley is a show-biz simplifier, a power grabber, an autocrat who is moving too far too fast and making changes without properly consulting, for example, Congress, which is giving the Smithsonian \$55.8-million this year. On top of that are about \$3-million in Federal grants for private research and an estimated total of \$4-million in gifts and endowments from citizens.

But the criticism seems to be dying down. Representative Jonathan B. Bingham, Democrat of the Bronx, who was a tough questioner in 1970 at the first overview hearings on the Smithsonian in a century, said:

"Anyone moving that fast will tread on some toes and Ripley trod on Congressional toes as well. By now I think he's learned a lot about Congress and over-all I think he's done a super job."

MORE SUPPORT

And Representative Julia B. Hansen, Democrat of Washington, who is chairman of the Appropriations Subcommittee on the Interior and Related Agencies that hands over the Government's money, remarks: "Goodness,

gracious, anybody in America who does anything creatively and imaginatively is going to have people say he is moving too far too fast. That's the old talking."

Many Americans still think of the Smithsonian as two buildings—James Renwick's brownstone castle on the Mall, where Mr. Ripley works in the first secretary's old bedroom, and the red-brick Arts and Industries Museum next door.

Instead, of a huge physical complex, focused on Washington and the Mall, comes under the Smithsonian's giant wing. It includes the National Museums of History and Technology, Natural History; the old Air and Space Building in a World War I, hangar-like hulk; the projected new one; the Freer and National Galleries of Art; and the Hirshhorn Gallery and Sculpture Garden now being built. All these are on the Mall.

PEOPLE'S MUSEUM

The National Zoo belongs to the Smithsonian. Also under its aegis-acquired, restored, finished or deeded during the Ripley years—are these buildings dedicated to the arts: the old Patent Office Building near the Mall, housing the National Collection of Fine Arts and the National Portrait Gallery; the John F. Kennedy Center for the Performing Arts; the Renwick Gallery for American Arts, Crafts and Design; Mrs. Merriweather Post's Hillwood Estate with its collection of imperial Russian and French art and furnishings, and the Carnegie mansion on Fifth Avenue in New York, which will shelter the Cooper-Hewitt Museum of Decorative Arts and design.

In contrast to these expensive trinkets in the Ripley stocking is the Anacostia Neighborhood Museum in one of Washington's poorest areas, run by and for the people of that area in an abandoned movie house.

Beyond all this and far bigger than this is what David Challinor, the museum's secretary for science, called the iceberg's invisible bottom—an enormous series of scientific installations activities reaching out from Washington across the world.

From Cambridge, Mass., to Panama; from Point Barrow, Alaska, to Jerusalem; from Fort Pierce, Fla., to Mount Hopkins, Ariz.; in Debre Zeit, and Khereddine, Tunisia, everything from snakes in the sea to stars in the sky is being studied by Smithsonian scientists or researchers and explorers on Smithsonian grants. The scientific Smithsonian has also been greatly expanded under Mr. Ripley.

But the visible Smithsonian is what the public knows about and remembers. A smattering of its infinite variety (13 million objects in the Museum of History and Technology alone) would be: President Warren G. Harding's golf ball and the \$6-million painting of Ginevra Bencl, the only acknowledged Leonardo da Vinci outside Europe; Mrs. Nixon's inaugural gown, and 60,000 bees in a plastic hive, flying in and out of blue-and-yellow-painted slots in a museum wall on Constitution Avenue. (Bees like blue and yellow).

Or the Hope Diamond and the stuffed figure of Owey, the mongrel dog that visited post offices around the world, or George Washington's campaign tent, or a sister ship of a lunar module that went to the moon.

Or the Enola Gay, the plane that dropped the first atomic bomb, now waiting in a Maryland storehouse for a niche in the new Air and Space Museum.

Under Mr. Ripley and his men there has been a great deal of "sorting out" and trying to make sense of and a connection between these objects and the lives of the people who go to see them.

The old, glorious confusion is going or gone. The sort of visual cacophony in which a viewer's eyes could light almost simultaneously upon "a stuffed bear, a steam engine or a picture of an Indian" is no longer so, according to Charles Blitzer, the assistant secretary for history and art.

One such vanished experience is related by Geoffrey Hellman, who fell a hopeless victim to the old Smithsonian. He relates in his book "The Smithsonian: Octopus on the Mall," that when Leonard Carmichael became secretary in 1953, he made three tours of the natural history building to sort the Smithsonian out, and then gave up.

SELECTIVITY AND COHESION

"In the old days, if we had 50 stone axes, we'd probably show all 50," said Richard Cowan, director of the Natural History Museum. "There are people who just love to see them all."

Mr. Ripley emphasized selectivity and cohesive exhibits.

"We want to use the visitors' senses other than sight," he said. "Give them smells, sounds, touch."

The Smithsonian's exhibition on Presidential races, among many, plunged the tourist into bunting, banners and the recorded voice of would-be and successful candidates from William Jennings Bryan to John F. Kennedy. There was the sound of bands and the sight of posters.

When the Smithsonian's exhibitors set up an old Georgetown candy shop, Mr. Ripley's response was: "It doesn't smell. It's got to smell." So they finally devised an aerosol can and timer that would squirt just enough chocolate odor to lure the approaching visitor without permeating the entire Museum of History and Technology.

A sound track simulates the approaching and diminishing chuffs of a splendid steam locomotive in the same building.

"They all smile—A great, nostalgic smile," says Mr. Blitzer of adult tourists who remember the days before diesels.

FOLKLIKE FESTIVALS

Another of the Ripley innovations is the yearly Festival of American Folklife, which draws at least half a million visitors each time to watch and listen to weavers, carvers, moonshiners, country bands, bakers of bread and makers of jelly.

"I felt America was losing contact with hand work," the secretary said.

Of the old-time instruments played and made on the Mall, he added: "I wanted to take them and other objects out of cases, into the open air, so that people could see how they were made, played and used."

What of the future? Mr. Blitzer's view is that enough new worlds have been conquered by now. He hates the word "consolidation," but for want of a better one, used it. "The important thing now is for every museum to do everything and play its own role as best it can," he says. (The biggest single project coming up is the Smithsonian's participation in the 200th anniversary of the American Revolution.)

He does not want the Smithsonian to become "one supermuseum with branches," and feels the directors should run their own operations, encouraging scholars in their disciplines and creating "splendid exhibits for the education and delight of the public."

"There's plenty to keep them busy for a long time to come," he says.

JUSTICES HARLAN AND BLACK—EXAMPLES OF EXCELLENCE

Mr. McINTYRE. Mr. President, the distinguished conservative columnist, James J. Kilpatrick, recently paid homage to Hugo Black and John Marshall Harlan. And yet his words are more than mere words of praise; they are a reminder to all of us that men must learn to disagree without being disagreeable.

These two great legal minds came to the Court with different backgrounds, different interests, and different legal

persuasions. In fact, they soon came to be known as leaders of two entirely different philosophical orientations on the Court; Black, the liberal, and Harlan, the conservative.

And yet, as Mr. Kilpatrick so adeptly points out, these men surpassed the partisanship and rigidity that confine smaller men and wrote opinions that defy political pigeonholing. By this act of singularity to purpose, these men assured themselves of that immortality that comes from a Supreme Court opinion read and admired for generations.

That these great men put fidelity to duty above all else does not surprise us. But their loss on the Court reminds us of an even greater principle, a principle that seems more crucial today than ever before—that men can sit side by side, day after day in disagreement and never resort to derogatory or abusive remarks to upbraid a disbelieving colleague.

Mr. President, every American should take note of the lives and actions of these two monumental Justices. They knew the difference between an opponent and an enemy. They knew that there is a time for listening and a time for speaking out. Their example makes us blush that all our Nation is not more like them.

In the last few years, they kept their heads while many Americans around them were losing theirs. This makes their loss on the Court even more lamentable.

I pray that the President will replace these men with Justices of that same high calibre.

Although I do not necessarily endorse every interpretation of fact in this column, I believe that its basic message is one that deserves study by Senators.

Mr. President, I ask unanimous consent that Mr. Kilpatrick's important column be printed in the RECORD.

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

TWO GREAT LEGAL MINDS ON SUPREME COURT

(By James J. Kilpatrick)

Forgive me for coming so belatedly to the sad news of Hugo Black and John Marshall Harlan. The Supreme Court is my beat, but Harlan's retirement was not news in the Transkei, and it wasn't until I reached Rio de Janeiro that I learned of Black's death. Both the court and the country have suffered a stunning loss.

A hundred men have served on our highest bench, but not more than 15 or 20 hold much claim on history. Black and Harlan were among the great ones. They used to sit side by side, two gray old eagles on a branch, Black rocking a little in his chair, Harlan silent and immobile. We styled one a liberal and the other a conservative but the labels lacked precise meaning.

Black's death is especially sad. In the court's longevity sweepstakes, he had passed this year Story and the first Harlan. If he had remained on the bench until March, he would have passed Marshall and Field also, and would have served longer than any justice in history.

As it is, he served for 34 years and 28 days; he left his imprint indelibly on our law.

For those of us on the conservative side, Harlan has ranked as "out judge" since he came on the court in 1955. He disappointed us now and then, but usually this was when he felt bound by precedents he could not ignore. As a general rule, he functioned as

a necessary brake against activism. His dissenting opinion in *Baker v. Carr*, the Tennessee reapportionment case, will be read for many years as a classic statement of judicial restraint.

It takes nothing from Harlan's enduring reputation to remark that Black was the more interesting of the two men—interesting in the sense of his whole career. When Roosevelt named him to the Court in 1937, few persons would have dreamed that this "radical" had the stuff of greatness in him. He was a Southern senator, poorly educated, tainted by his onetime membership in the Ku Klux Klan; his sole judicial experience had come with part-time service as a Birmingham police judge 17 years earlier. His nomination touched off a torrent of abusive comment.

Yet Black survived to become one of the five dominant intellects on the court. The others were Cardozo, Brandeis, Frankfurter—and John Marshall Harlan. Almost single-handedly, Black won his colleagues to his conviction that the 14th Amendment, through its due process clause, had made the protections of the Bill of Rights applicable to the states no less than to the federal government.

Brilliant though he was, Black had his lapses. He delivered the worst single opinion of the 1970-71 term in construing that portion of the Voting Rights Act of 1970 which extended the franchise to 18-year-olds in all elections. Black's "own view of the case" was a mockery of the dedication he so often professed to strict construction. Harlan dissented in a long and scholarly opinion that made rubbish of Black's specious statement.

Yet, just a few weeks later—and this is a fascinating aspect of Supreme Court coverage—the court dealt in the *Canton, Miss.*, case with another part of the Voting Rights Act. And this time Black was right and Harlan wrong. This time it was Black protesting "perversion" of the Constitution.

The two were more often antagonists than allies. One might have supposed that Black, the liberal, would have small use for states' rights; but this past term, in a case from California, he wrote one of the most eloquent defenses of "our federalism" ever penned. In a Connecticut case, a few weeks later, it was again Black who defended state powers against what he acidulously terms a "strange" opinion by Harlan.

Now they're gone. The two vacancies create a problem for Chief Justice Warren Burger and a great opportunity for President Nixon. Meanwhile, it may suffice simply to pay tribute to the two gray eagles. They were the best the court had, and they will be keenly missed.

INCREASE IN THE MEDICARE HOSPITAL DEDUCTIBLE CHARGE

Mr. CHURCH. Mr. President, on October 1, Secretary Elliot L. Richardson of the Department of Health, Education, and Welfare announced that, starting January 1, 1972, those on Medicare would be required to pay the first \$68 of their hospital bill—as opposed to the \$60 payment now required.

The Secretary said that the increase in cost to Medicare users is caused by health care cost increases which took place before the President's freeze order of August 15. However, as chairman of the Special Committee on Aging, I believe that the Secretary's decision is a cause for deep concern. It is an action based upon bookkeeping considerations at a time when every possible effort should be made to deal with two crucial

problems: the daily erosion of the purchasing power of the elderly, and the large part that rising medical costs play in contributing to more general inflationary pressures.

Our elderly are already burdened with staggering health costs. In fiscal year 1969, the average health bill for a person 65 or over was \$692, six times that for a youth and two and one-half times that for a person 19 to 64. Of the average health bill for an aged person, \$335 was for hospital care, \$107 for physicians' services, and \$250 for all other types of health expenditures. The hospital bill, then, represents the biggest portion of the medical expenses of the elderly.

In 1966, when Medicare went into effect, the charge for the hospital deductible was only \$40. Recent changes pushed this charge up to \$60. Now our senior citizens are faced with another increase—to \$68. At a time when prices are supposed to be frozen for all Americans, our elderly—who are least able to pay, yet most burdened by medical bills—are singled out for this type of treatment? It is clear that added medical expenses at this time would represent another hard blow to America's senior citizens.

In announcing the increase to \$68, Secretary Richardson stressed the need for urgent action to slow down the rising costs of hospitalization. He emphasized that policies are now being developed to curtail these as a part of the administration's plans for phase two of its wage-price stabilization program.

We are faced, therefore, with a strange paradox: at the very time that the administration is designing new regulations to curb rising hospital costs, it is contributing to the cost-increase spiral by pushing up the hospital deductible under Medicare.

I appeal to President Nixon and Secretary Richardson to consider a postponement of this increase. This suggestion for a postponement is not unprecedented. Secretary of Health, Education, and Welfare Wilbur Cohen, on December 31, 1968, decided not to increase Medicare part B premiums, in spite of advice given to him from the Social Security Administration. In so deciding, Mr. Cohen stated:

I want to avoid further fanning of the flames of inflation throughout our entire medical care system.

This same reasoning should apply today, and I urge the administration to reconsider this decision and postpone the increase at this time.

A CLEAN INTERNATIONAL ENVIRONMENT

Mr. CHURCH. Mr. President, one of the foremost problems facing those concerned with U.S. foreign policy is that of establishing international controls on pollution. Contamination of the world environment is no idle threat as we can see from the increasing attention given to the subject. An article published recently in the *Washington Post* points out that between June and October of 1971 there are at least 17 international con-

ferences convening to discuss one or another aspect of pollution. These conferences will culminate in the United Nations Conference on the Human Environment which will meet on June 5, 1972, in Stockholm.

It is important that Americans have an understanding of some of the questions that will arise at the forthcoming United Nations Conference on the Human Environment. A recent article by Mr. Marshall I. Goldman, professor of economics at Wellesley College, commenting on some of the problems that are likely to arise, was published in the *Washington Post* on August 29, 1971. I ask unanimous consent that the article be printed in the RECORD.

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

AT WORLD CONFERENCE ON THE ENVIRONMENT: AMERICANS SPOKE WITH THE RADICAL VOICES

(By Marshall I. Goldman)

(From June to October of this year, at least 17 international conferences have been called to discuss one or another aspect of pollution. Spread out between such places as Addis Ababa, Ethiopia, and Jyväskylä, Finland, these sessions not only afford a stimulating itinerary for those hardy aficionados of pollution, but they also provide a foretaste of what promises to be the granddaddy of all scientific-political conferences, the United Nations Conference on the Human Environment which is scheduled for June 5-16, 1972 in Stockholm.

Having attended three such warm-up conferences in the last 15 months, the author senses both hope and hazard in the struggle to come to terms with our environment. This was particularly apparent this summer at the eight day International Conference on the Environmental Future sponsored and arranged by the government of Finland, the Finnish National Commission for UNESCO and the Jyväskylä Arts Festival with an able assist from the editor of the journal, *Biological Conservation*.)

For Americans who are used to believing that their problems are always the biggest and most unique in the world, it is comforting even if somewhat frightening to see the growing ranks of those from other countries who believe that their environmental disruption may be just as serious.

For those who take pride in leadership, there will probably be some compensation in the fact that the United States still is about five years ahead in terms of both the dimensions of its problem and the awareness of its public as to what is happening. Yet more and more scientists, economists and citizens all over the world are being aroused by the dangers of pollution.

This was reflected at the conference in Finland. It was refreshing to observe that when confronted with the specter of environmental disruption, the participants from most of the developed countries were willing to forget old political slogans and conditioned responses. As shocking as it may be to some, environmental disruption is not just the result of capitalist greed; socialist greed has proven to be just as hard on the environment.

There were virtually no polemics between the representatives of the East and West as to which form of political system had brought the most harm to the earth. Moreover there was mutual concern that sewage and oil discharge from Estonia affected the fate of the Baltic Sea as much as sewage and oil discharge from Sweden. Furthermore it made no difference to the Scandinavians whether the polluted air over the country originated

in East or West Germany, the important thing was that the air be cleaned up.

Strangely enough, in terms of environmental control, the most radical and iconoclastic voices came from the Americans at the conference.

Most of the participants from the other countries never did understand what was going on. They were incredulous that a randomly selected group of Americans could always agree with one another and be so uniformly distrustful of governmental assertions that all is well with the environment.

Yet because of the disquiet engendered by the war in Vietnam, the distrust evoked by the Pentagon Papers and the feeling of having been misled by governmental authorities on the merits of the SST, the Americans who spoke were openly skeptical if not distrustful of almost any official claim regarding the innocuousness for the environment of some new invention or project.

That this should come from the otherwise mild David Brower of the Friends of the Earth was not too surprising but that it should come from establishment types like Stuart Udall, the former Secretary of the Interior or the scholarly Raymond Fosberg of the Smithsonian Institution seemed unreal for otherwise sophisticated Europeans.

MAIN BATTLE

At the same time, the Americans often found it hard to understand or accept the passivity of the other participants toward the activities of their own governments or industries. We asked, for example, why virtually no representative of the United Kingdom, France or the USSR questioned the wisdom of their countries' continued efforts toward building their SST's. Didn't they realize that if they pursued their efforts, this might lead to the resurrection of the SST in the United States?

Some of our scientists asserted that the daily flight of commercial SSTs (not to mention military SSTs which are already flying) could set in motion a process which could destroy much of the ozone belt shielding the earth from the full intensity of the sun's ultra-violet rays and warned that there were too many potential hazards connected with the SST to permit any further development anywhere. Yet the English, French and Russians were filled with national pride at their technological process or at best were unworried or unimpressed by it. In any case, there was too much silence or even support for the SST which the Americans found bewildering.

Except for the issue of the SST, however, the infighting between the developed countries was of secondary importance to a main battle lines that evolved at the conference.

Next year the debate promises to be even more disruptive in Stockholm.

The issue is not so much one of capitalism versus socialism or the United States versus the United Kingdom, but the hostility of the developing countries toward the whole notion of environmental control and strangely enough, the resistance of the United Nations agencies to the changes environmental control seems to require.

The attitude of the developing countries is partially based on the fear that environmental control is also a device to hamper industrialization and economic growth among the poorer countries of the southern hemisphere. They see laws requiring the installation of emission controls as a means of imposing higher production costs on infant industries so they will not be able to compete with more established producers in the developed countries.

The two opposing positions clashed most sharply over the issue of DDT.

In response to warnings about the pending extinction of American bald eagles and Peregrine falcons and the likelihood that DDT has a carcinogenic effect on humans,

spokesmen for the developing countries warned that banning the production of DDT was viewed as genocide in their countries.

It is DDT which has put an end to the malaria epidemics which used to strike down millions each year in countries like India. Nor is the issue made any simpler when it is pointed out that the curbing of malaria may have been good for the individual but it was also responsible for the population explosion in much of the world. This only invited charges of racism and perplexing moral issues which lacked solution.

The fact remains, however, that just as environmental disruption within the boundaries of one European country often spreads over into another so it overflows the boundaries of the developing countries.

The long life of DDT and its failure to dissolve readily means that its widespread application in India builds up in the food chain and may even have a deleterious effect on those who have banned DDT within their own borders.

Similarly, mercury dumped in Japan affected a large percentage of the swordfish that was being sold in the United States.

Massive projects which seek to restructure and improve on nature have sometimes set off reverberating effects that generally give rise to new costs that are as high as the hoped for benefits.

The Aswan Dam in Egypt has not only resulted in a higher incidence of diseases such as bilharzia or schistosomiasis, but it has also disrupted irrigation patterns, led to increased soil salination and adversely affected the river bed downstream of the dam as well as the fishing in the Mediterranean. Consequences somewhat similar in nature have also been noted in the USSR and even the USA.

There is even concern that the new hybrid seeds of the Green Revolution may expose the world to a massive ecological catastrophe if new diseases should suddenly strike the few selected seed strains now being used over vast portions of the earth. In effect, we have put all our seeds in one basket and that exposes us to all kinds of risks.

As intractable as these opposing approaches were, there were areas of mutual concern and action. One of the most intriguing was suggested in a paper by Reid Bryson, a meteorologist from the University of Wisconsin. After careful study, Bryson found that short-sighted agricultural practices in developing countries like India set off massive dust clouds. These clouds negatively affected the weather so that there was less rainfall which in turn affected agriculture.

CHEAPER NOW

By reducing air pollution, India stands to gain by increasing agricultural production.

Similarly, others are trying to show that steps taken to assure clean water and air at an early stage of industrialization in developing countries are more easily and cheaply put into effect than later. Nevertheless, if a country is poor, no matter how rational it may be from the long run point of view, it is hard in the short run to invest in electrostatic precipitators rather than electric power generators.

Increasingly, however, the richer countries are imposing their environmental codes on others whether the latter like it or not. Even though the Japanese say it is still safe to eat, we banned their swordfish. More and more buyers are supporting the ban on the use of skins from exotic and rare animals in developing countries. Foreign auto manufacturers must meet US exhaust standards, even if they do not observe them at home.

Many foreign manufacturers view this as a device to curb foreign auto sales. A glance at the resistance thrown up by the US industry to such controls should show that this is not the initial motivation of the automobile manufacturers. But once such

laws are on the books they undoubtedly tend to curb imports.

That at least is the interpretation put on the decision of Volvo to support the imposition of American exhaust standards in Sweden. This will tend to keep some auto imports out of Sweden.

With time, other laws requiring the observance of environmental standards regardless of where production takes place are likely to affect foreign trade. After all, how long can American steel and copper manufacturers stand by and watch their costs rise by as much as 10 percent as they try to observe pollution control laws only to watch a foreign manufacturer take away their business because most foreign firms are spared such expense, and therefore can sell at a cheaper price.

BUREAUCRACY

Somewhat more perverse is the attitude of some of the United Nations organizations toward environmental control. While presumably they are supposed to support the greater interests of mankind, all too often representatives of one UN agency or another seem to end up supporting the interests of their particular organization.

According to them, whatever the problem is, each UN organization has either been doing something to correct the problem for at least the past decade or they did not have anything to do with it in the first place.

At one point, these conditioned responses became so annoying that some of us stood up and predicted disaster. We pointed out that the same shirking of responsibility takes place in the U.S., where the Federal government blames industry for pollution, industry blames the states, the states blame the cities and the cities blame the Federal government for the lack of effective environmental control.

In fact, each party has failed to do its part, including the individual consumer and taxpayer who resists the higher prices and taxes which come with greater pollution control.

In the same way, all countries are responsible in some way as are all UN groups for what has happened. We must all be less defensive and parochial. There must be less thinking of the particular self and more thinking of the universal self if environmental disruption is to be curbed.

AGREEMENT

Although it seemed like an impossibility, the conference ended on a positive note. Despite the volume of verbiage, the adroitness of the dodging and the blandness of what was offered as a final statement, the participants suddenly coalesced and strengthened their resolve at the last minute with a forceful conclusion.

A weak statement on the SST was rejected in favor of a strong declaration which urged the cessation of production of not only civilian supersonic planes but also of military planes, at least until it could be shown that such planes would not have a deleterious effect on the environment. This statement was remarkable in two respects.

First, the Russian delegation did not oppose it. In fact, the senior Russian acknowledged to some of us his concern that there might be something to the theory about the elimination of the ozone layer in the atmosphere. And like the rest of us, as long as there was a reasonable doubt, he felt that the SST should be challenged.

Second, the principle was accepted that the manufacturer (state and private) bears the burden of proof to show there will be no damage from his activities. Traditionally the burden has fallen on the public to show how it will be hurt.

The Conference also adopted a statement that there was an urgent need for population control in both developing and developed countries.

It also urged that an effort be made to include more of the true social costs of pollution in the price of what we produce.

Finally, wherever possible it was suggested that substitutes be found for the more toxic insecticides such as DDT. In any case, such materials should be used more selectively. A call was also made to prohibit the use of defoliants. While none of this meant that action on all of these resolutions would be taken overnight, it did nonetheless represent a big step forward for principle over pettiness.

THREE HYPOCRISIES OF THE BUSING ISSUE

Mr. KENNEDY. Mr. President, in the Washington Post on Monday, October 4, Garry Wills presents what may be the most precise and straightforward treatment of our national preoccupation with the crisis of busing to achieve "integration," "quality education" or "what-ever."

He correctly identifies the three hypocritical shields that we Americans use to justify our current failure to provide adequate public schools for black children. According to Mr. Wills, the concept of neighborhood, the term "quality education" and the phrase "forced integration" are all used to justify and solidify our traditional prejudices and hatreds, based on racial differences.

I was deeply impressed with "The Busing Issue: Three Hypocrisies" because I believe it tells the story of busing and its problems with a very factual and forthright delivery.

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

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

THE BUSING ISSUE: THREE HYPOCRISIES (By Garry Wills)

The busing dispute goes on with much hypocrisy. For one thing, we are given hymns to the concept of neighborhood. The neighborhood school is untouchable—this in a society where the father commutes to work, the mother wants a second car to drive around shopping centers, friends and family are scattered all over town and country. We deal in distances easily—to go purchase a bargain, to have things delivered, to reach places of work or recreation.

Some of the very people now insisting on enclosure within neighborhoods helped bring about one of the major anomalies of our big cities—the fact that much if not most of the city police departments are made up of men who do not even live in the city they protect. Why is this? Two things happened: whites moved out to the suburbs, yet police departments tried to remain predominantly white. Hardhat types made no protest then about the neighborhood's sacrosanct nature, about living and working together. Apartheid and travel were justified on racial grounds—just as nearness and community are used, now, for the same reason. The only constant is prejudice; the rationalizations shift easily—as easily as our looses and barely existent "neighborhoods."

A second hypocrisy hides behind the term "quality." We want a quality education, and any attention to social balance districts from the pursuit of this goal. The funny thing is that this argument is now used by right-wing education critics like Max Rafferty and Russell Kirk, who have for years been telling us there is no quality in public schooling anyway. All of a sudden they do not want us distracted from a nonexistent concern.

The whole argument is rickety. It is not a question of quality or social concern, as if educators were unable to entertain more than one idea. Besides, one reason for poor quality is the apathy, aimlessness, and general "baby-sitting" nature of our education, which does much less than it could, and has to fill up time with busywork. Engagement in real problems, a dose of actual life, would counter the apathy and improve quality, giving schools some aim and a start at self-questioning for the students.

A third hypocrisy centers on the phrase "forced integration." Integration would be all right if it happened as an accident, not on a plan, not imposed by courts. This argument assumes that there was a prior freedom of movement, and travel, and habitation, suddenly violated by the introduction of force.

But the situation we now have, which calls for remedy, was created by force—force exerted on men's ability to travel, move, choose their locale or habitation. A man who served on the Chicago school board told me how that board worked overtime to redistrict and gerrymander, creating arbitrary schooling units to preserve segregated schools.

Laws and "gentlemen's agreements," social and economic pressures, have forced blacks into ghettos, forced schools into a segregated pattern, forced people to live apart from each other—not in natural and organic neighborhoods, but in unnatural and strained patterns of prejudice. The cop on the ghetto beat is not a "neighborhood cop," but a white suburbanite maintaining a forced occupancy in his job. The man at the local engine house is not a neighborhood fireman. And most of those in the faculty of ghetto schools are not neighborhood teachers.

The whole ghetto is an artificial and exploitative arrangement, at odds with the ideals we are supposed to be teaching in public schools. We owe it to ourselves to start breaking down the walls—and it is better that we do it with buses than with bombs.

TRIBUTE TO HENRY "HANK" EGGERT

Mr. PERCY. Mr. President, memorial tributes on the floor of the Senate are generally reserved for nationally or internationally renowned individuals. Today, however, I would like to take a moment to acknowledge the passing of a man who was not well-known outside of the village in which he resided, but who made his community—Kenilworth, Ill.—a better place in which to live.

At the time of his death, Henry "Hank" Eggert was one of the most highly respected, well-loved men in Kenilworth, where he had worked in various capacities as a village employee for nearly 40 years.

The position Mr. Eggert held longest was that of school crossing guard at Kenilworth Avenue and Abbotsford Road. At that corner, he not only watched two generations of children grow up, but he guided them, listened to their problems, taught them a respect for his regulations, gave them a cheerful greeting, an occasional piece of candy, and became their friend.

My own children were among those whose safety was partially entrusted to Hank Eggert and they are among his greatest admirers. For 20 years, as I drove by his corner, I would always pause to talk with him, or at least, wave as I

drove by, and I invariably felt better for having seen or talked with him.

The qualities Hank Eggert possessed—civility, understanding, dedication—are those which have been valued throughout all time. The steadfast loyalty he showed the citizens of Kenilworth, his family, and, most particularly I would think, the children at his street crossing, endeared him to all who came into contact with him. He was a good, decent man and he will be missed. It is not only the passing on of great presidents, kings and prime ministers that should be noted on the Senate floor. There is much greatness in lesser known but sometimes even nobler citizens.

TRIBUTE TO SENATOR ELLENDER

Mr. TAFT. Mr. President, forgetting important birthdays is a problem which I am sure is not unique for any of us, and I regret to say that I am a recent culprit.

I have noted that our distinguished President pro tempore, the Senator from Louisiana (Mr. ELLENDER) celebrated his 81st year on the first of this month. Belatedly, I wish to extend to him my heartiest congratulations and to recognize his many years of valuable service to the Nation.

To me, he has always been very much of a legend, from the first time I enjoyed his gumbo in my father's days, down to the present time, when I am honored to serve with him.

I note the affection and respect in which he has been held throughout all of these years by his colleagues, and I share with them in wishing him many more years of good health and valuable service to the Nation.

DOCK STRIKE MUST END

Mr. PERCY. Mr. President, I am heartened that President Nixon has decided to invoke the Taft-Hartley Act in connection with the current dock strikes that are crippling the Nation's economy. I fully support the President in this regard.

As a first step toward sending the Nation's striking longshoremen back to work for an 80-day cooling off period, the President signed an Executive order on Monday setting up a five-member Board of Inquiry to assess the status of negotiations in the current strike situation. After the Board issues its report, hopefully sometime today, the President will then determine whether to ask the Justice Department to seek an injunction for 80 days as a result of the impasse in strike negotiations.

The President must also decide whether to apply the law nationwide or selectively. Clearly, the 97-day-old west coast strike which has already inflicted untold damage to farmers and consumers, and to the economy as a whole, must be terminated at the earliest possible time.

The threat of similar harm from the closing of Atlantic and gulf coast ports since October 1 also constitutes a situation that requires prompt action, lest we find ourselves faced with even increased economic dislocations.

Having returned from one of many weekend journeys back to Illinois and having discussed the implications of these strikes with a substantial number of farmers, labor leaders, businessmen, consumers, and transportation representatives, I am more convinced than ever that disruptions such as we now have are needless. In connection with our current national effort to control inflation, restore our competitiveness in international trade, and improve our balance of payments, the dock strikes that have closed major ports around the Nation cannot be permitted to continue.

Illinois farmers, industries, and consumers rely heavily on our national transportation system, the very system that is now severely debilitated because of lack of a mechanism that would assure prompt and equitable settlement of labor/management disputes. A stable and productive economy requires a better way to deal with labor disputes in the vital transportation sector. We need methods to provide an incentive for real voluntary negotiation consistent with the principles of collective bargaining and minimum Government interference.

The farm community has been especially hard hit. Most segments of the society, those in urban and suburban centers, live far from the farms that produce so much of the food and fiber that sustains us. Whenever our transportation system is halted for any length of time, farm essentials cannot be moved. As a result of the current strike situation, farmers are enduring huge losses in income from depressed prices. Their stockpiles, unable to be moved to market and to be exported, are suffering spoilage and will be completely lost. What good are record harvests if crops cannot be shipped and sold?

I am reminded of the last strike to affect the gulf ports for any length of time. Because of the gulf coast strike in 1969, farm exports dropped \$570 million from the previous year. Substantial losses were associated with soybeans, feed grains, wheat, meat and meat products. Specific but partial estimates of business lost by farmers during that strike included: Soybeans: 10 million bushels of beans and 300,000 short tons of soybean meal—valued at \$50 million—lost to competitive fish meal, rapeseed, peanuts, and palm oil. Competitors benefitting were Peru, Argentina, Malaysia, and China. Feed grains: 900,000 metric tons, valued at \$58 million; France benefitting by 300,000 tons of corn. Wheat: 30 million bushels, valued at \$50 million, lost to Australia and Argentina. Meat and meat products: 20 million pounds, representing about \$5 million, replaced in part by Argentina.

The transportation impasse has a critical effect on the Nation's balance of payments through our agriculture exports. Last year, agricultural exports reached a new high of \$7.8 billion. These farm exports, our present balance-of-payments deficit would have reached crisis proportions long ago. If world markets cannot rely on a steady quantity and dependable quality of U.S. farm produce, they will turn to other countries for their needs. According to the Department of Agriculture, the west coast dock

strike has grievously impaired our exports to foreign markets. For the months of July and August 1971, an estimated \$215 million worth of farm goods, which would have moved through west coast ports, went undelivered. Almost \$40 million of that amount consisted of fresh fruits and vegetables—perishable products—that can hardly wait for a strike to end. This business, once lost, may be impossible to regain.

Similar problems beset producers of grain and soybeans. Literally millions of bushels of these commodities normally move through gulf ports, and farmers depend upon these exports to stay in business. Elevators, rail and barge lines, and other preparations have been meticulously planned for months for the purpose of moving these commodities to terminal elevators to await ultimate shipment to Europe and the Orient. Yet the threat of a strike, and now the actuality of a strike, has made elevators turn away from buying up these harvests because of lack of storage space caused by the uncertainty of shipping schedules and because of the attendant certainty of price drops.

At this critical juncture, I feel that we should begin to develop a more effective approach to the problem of national transportation emergencies. We must assign the highest priority to developing a plan that will strengthen free collective bargaining in the Nation while at the same time assisting the parties to these disputes with a minimum of governmental intervention. We must guarantee that the health and safety of the Nation is protected against widespread transportation stoppages. Where Government intervention is necessary, however, the intervention should enhance rather than reduce the incentives for free collective bargaining.

Toward this end, when strikes proceed beyond the selective or regional stage and take on nationwide proportions, the Railway Labor Act has proven incapable of preserving a viable collective bargaining stance. While the Taft-Hartley Act has had a less crisis-ridden history, and in fact has proved more workable, that act also has its limitations. Accordingly, increased attention should be given to certain facets of the administration proposal, embodied in S. 560 and expertly shepherded by Senator GRIFFIN, which would furnish the President with three new options for all transportation industries upon exercise and conclusion of the present Taft-Hartley procedures. These options are, first, extension of the cooling off period; second, partial operation of the troubled industry; and, most important, third, a procedure for "final-offer selection." These options would permit the President to deal effectively with transportation emergencies which imperil the Nation's health and safety. Intrinsicly, and by reason of their multiplicity, they would provide an incentive to collective bargaining.

"Final-offer selection" if determined necessary by the President, would have the effect of forcing closer together the positions of disputing parties, since the principle requires an ultimate selection, without modification, of the most reasonable offer of one of the parties to the

dispute. It would narrow the one of disagreement by moving each party toward a middle ground, inasmuch as the penalty for maintaining an extreme position would be the possibility of its rejection by the neutral panel that has been appointed. Expectably, early settlements would follow from the encouragement of more realistic demands and alternatives at an early stage in the negotiations.

This is not compulsory arbitration. In effect, it is the opposite of that. Compulsory arbitration is self-defeating in that it drives the parties apart. Instead of encouraging collective bargaining and narrowing issues and disagreements while limiting Government interference, compulsory arbitration tends to polarize the positions of the parties in the expectation that the arbitrator will split the difference.

At this time, I support the President in taking whatever steps are necessary under existing procedures to end the current strike situation at the earliest possible time. For the future, where selective strikes come to have national ramifications, I urge my colleagues to give extensive consideration to new mechanisms and procedures which would avert the national trauma that we are faced with today.

Mr. President, I ask unanimous consent to have printed in the *RECORD* excerpts from a recent article entitled "The Waterfront Crisis," written by Mr. Lawrence M. Lesser, and published in *Traffic Management*. The piece provides an excellent insight into the narrow views of labor, carriers, and shippers on this subject, which strikingly do not reflect the national interest that is at stake.

I also ask unanimous consent to have printed in the *RECORD* and a representative sampling of telegrams urging a quick end to the dock strike.

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

THE WATERFRONT CRISIS
(By Lawrence M. Lesser)

"I'm convinced that I don't want a strike. I'm convinced my people don't want a strike. So what we've got, don't try to take away from us."

With this warning to management, Thomas W. (Teddy) Gleason, president of the 110,000-member International Longshoremen's Association, opened the door last month to negotiations over new contracts for 60,000 East and Gulf Coast dock workers. The old contracts expire Sept. 30.

This marks the fourth time in 10 years that the men who load and unload the ships at East and Gulf Coast ports have sat down with the port employers to negotiate new contracts. In the past, contract talks led to lengthy strikes that tied up ships and cargo and caused countless losses. In fact, since 1948, no settlement has been reached without a strike.

On the Pacific Coast, 15,000 members of the International Long Shoremen's and Warehousemen's Union walked off their jobs July 1 for the first time in 23 years.

Some very tough language on the West Coast situation comes from Harry Bridges, president of the ILWU. In a statement obtained directly from Mr. Bridges, he said:

"Our real economic power rests with our strength to keep vessels from loading or discharging in the Pacific Coast ports of the

United States. There is enough power in that strength to prevent the movement of vessels, except military, to win the strike. The economics of the profits in this industry is the quick turnaround time. Keep the ships at sea carrying cargo. That's where the employers make their money.

"The power of the union lies in its ability to prevent ships from moving with cargo . . . As long as that power is exercised, we have a tight strike.

"We have a good tight strike, and we know for sure that should we need it, we will have the full support of the entire AFL-CIO and the labor movement everywhere."

In 1948, a dock strike shut down Pacific Coast ports as well as all other ports throughout the nation for up to 95 days.

David Rockefeller, chairman of Chase Manhattan Bank, feels a longshore strike can run on for about two months without having any lasting impact on the nation as a whole. "But a strike that lasted more than two months would have extremely damaging effects on the economy. By that time, you would have used up stocks of all sorts of imported raw materials, and industry, would just start winding down."

For the past six years, the maritime industry has been going through a tremendous worldwide technological revolution in order to increase productivity. New automated ships, with such names as LASH (lighter-aboard-ship), Seabee (sea barge), Ro/Ro (roll-on, roll-off) and OBO (oil-bulk-ore), are starting to appear on the sea lanes of the world. Highly productive cargo-handling equipment, such as container cranes and overhead conveyor systems, has replaced manual labor. Twenty tons of cargo can now move as a single unit in a container across the world in less than half the time it took 10 years ago. In short, an industry that for years depended heavily on manual labor is now becoming so automated that much of labor is finding itself unwanted and unneeded.

It is the owners and operators of this highly mechanized equipment that provide the number one target for their employees who are fighting for job security and a share in the expected benefits from this new technology. By the same token, these ship owners and port operators are more vulnerable than ever to a strike, since they cannot afford to let their huge capital investments stand idle for very long.

Richard Pollard, vice president and maritime loan officer for Chase Manhattan, a major lender to the ocean carriers, believes that a prolonged longshore strike is "going to be a serious thing" for the steamship industry. "The U.S. flag subsidized liner services have been running pretty tight cashwise and profitwise over the last couple of years," he explains. "And it's unfortunate timing for a longshore strike, because they're hitting these companies just when they are in the poorest position to really absorb that kind of a blow."

One of the most vulnerable steamship companies is Prudential-Grace Lines, which earlier this year and last had its brand new \$25 million LASH vessel, described at the time as "the United States' most innovative ship," tied up for nearly 12 weeks by a labor dispute with the ILA. The cancellation of three voyages cost the company an estimated \$500,000 in out-of-pocket losses.

On July 19, the chairman of the Federal Maritime Commission, Helen Delich Bentley, warned the ILA that Prudential-Grace "sits on a financial precipice which threatens to give away to disaster with only the slightest push." Without refuting her statement, A. W. DeSmedt, president of Prudential-Grace, says the same statement applies to almost all the major American flag lines with heavy investment in new capital equipment. "We've seen the Penn Central, for instance, go into receivership, and if that can happen without the government blinking an eye, I guess we

can go down, too, and the American shipping industry can go down."

American Export Industries, parent company of American Export Isbrandtsen Lines, also is suffering financial woes. Last year, the shipping-based conglomerate lost \$15.6 million and ran another deep deficit in the first quarter of this year. Several months ago, Jakob Isbrandtsen, whose family controls almost 25% of the company, was ousted as president and chief executive officer in a major management shake-up.

"I would say it's tough to single out one of them as being ripe for failure," says one Wall Street analyst. "But I would say that all of them are in a position where a prolonged strike could do serious damage."

Labor's demands center around wage hikes, increased pensions for retired longshoremen, tightened control over the handling of containers and guaranteed pay for 40 hours a week, 52 weeks a year, whether or not work is available.

While longshoremen in the Port of New York and several other East Coast ports have received a guaranteed annual wage (GAW) since 1965, none of the ports on either the South Atlantic, Gulf or Pacific Coast have pay guarantees, and labor insistence on establishing such programs has met stiff employer opposition.

New York, regarded as the pacesetter for the rest of the industry, wants to do away with the GAW completely. In the past four years, hirings there dropped 21%—a decline of one million jobs. But because of the guarantee, management had to pay for work that wasn't there. The Port of New York, which includes New Jersey piers, is the world's largest container complex.

Alexander P. Chopin, chairman of the New York Shipping Association, the bargaining agent for most East Coast ports, told delegates to the ILA convention in Miami Beach July 21 that the guaranteed income was costing the industry \$30 million this year, or double the original projection. He also said that at least four major New York-based shipping companies were on the verge of bankruptcy.

Faced with fewer jobs and an aging membership (many longshoremen are in the 58 to 63 age bracket), Teddy Gleason recently explained why the ILA is seeking to extend the GAW to South Atlantic and Gulf ports:

"We're looking for that because of all the brand new ships coming out in that particular area—they'll be increasing their productivity anywhere from 1,000% to 1,500%. We're also looking for better pensions to encourage men 62 and 63 years of age to get out of the industry. Some of our guys . . . still have families at 62, and they have to support them," he added, four days before being reelected to his third term as president of the ILA.

Management—the shipping companies, port authorities and businesses that suffer from a disruption in the flow of goods—is far from sympathetic, however. They criticize longshoremen for picking and choosing only the easiest jobs and for turning down work when it is available.

"They don't really want to go to work every day taking pot luck on good ships and bad ships," says the director of a leading East Coast port. "If they're handling one type of cargo and they come to something they don't like, they just walk off. And there's not a damn thing you can do about it!"

Michael R. McEvoy, chairman of Sea-Land Service, the largest U.S. container operator, warns that the maritime industry cannot go on much longer paying guarantees for work not actually performed. "We've either got to bring work to the worker or bring the worker to the work—one way or the other," he says in reference to New York, where jobs go begging in one area of the port while men sit idly by in another. "This industry

will go completely bankrupt just having to pay guarantees on a straight 40-hour week to people," he claims.

When alerted to Mr. McEvoy's comments, the fiery ILA chief, who will be 71 on Nov. 8, replied:

"It's very funny. They were looking up a mule's ass 10 years ago and last year, they made \$39 million in profits because of the longshoremen. They increased their productivity tremendously from the old ships to what they've got now.

"I sat down with them when they didn't have anything; they were lucky they had a rowboat. And I convinced our men that we should go along with progress . . . and in return for that, they said no man should lose his job because of automation . . . In New York alone, attrition took 5,000 jobs away from us last year—men dying and those going on pensions.

"It's only a matter of time, if this type of attrition continues, that there will not be enough men in the industry to service it. And there won't be any guaranteed annual wage!"

With the contract deadline drawing near and barring a sudden reversal in the positions of labor and management, it may well be up to President Nixon to decide whether much of the foreign commerce of the United States will be moving on Oct. 1.

DECATUR, ILL.,
October 4, 1971.

HON. CHARLES H. PERCY,
U.S. Senate,
Senate Office Building,
Washington, D.C.:

Dock strike causing sporadic temporary layoffs of employees at plant in Decatur, Illinois. Several days at a time for past several months. Flying material in at large expense has minimized layoffs. Pipeline of material available for flying is drying up. Need vessel shipments to continue to run plant of over 1,000 production employees.

B. K. SIMPSON,
Manager, Employee and Community Relations, General Electric Co.

CHICAGO, ILL.,
October 4, 1971.

Senator CHARLES PERCY,
Washington, D.C.:

Instant help is needed. This firm and hundreds of our distributors will be bankrupt unless millions of dollars worth of Christmas merchandise frozen in San Francisco and eastern ports is released immediately. Please use your strongest influence to invoke Taft-Hartley law.

STERLING NOVELTY PRODUCTS.

WINCHESTER, ILL.,
October 4, 1971.

Senator CHAS. PERCY,
Senate Office Building,
Washington, D.C.:

Urge immediate settlement of coastal strikes cost to farm belt prohibitive.

RICHARD COON,
COONS GRAIN AND FEED.

CHICAGO, ILL.,
October 2, 1971.

HON. CHARLES PERCY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: On behalf of the national economy and most particularly, on behalf of the economy of the midwest and of Illinois in particular, we strongly urge you to help persuade the President to invoke Taft-Hartley in response to the widening dock strike should the strike be allowed to continue, it will undoubtedly have a serious effect on employment in general and will certainly weaken further our all too slow

economic recovery. I'm sure you are giving the situation your own careful consideration.
F. SEWALL GARDNER.

ATLANTA, ILL.,
October 4, 1971.

HON. CHARLES PERCY,
U.S. Senate Building,
Washington, D.C.:

We urge you to immediately invoke the Taft-Hartley Act in the case of the dock strike for this is disastrous to the American farmer.

EMINENCE, GRAIN AND COAL CO.

CHICAGO, ILL.,
October 2, 1971.

HON. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SIR: The widening dock strike can and will wreak havoc with the national economy and most particularly with the economy of the midwest and Illinois. We urge you to persuade the President to use the Taft-Hartley Act on putting an end to this strike.

CHARLES McCANN,
WILLIAM ALLEN,
RICHARD NUNN,
AVRIL POLSON.

GURNEE, ILL.,
October 1, 1971.

Senator CHARLES PERCY,
Washington, D.C.:

We just lost a client who manufactures fishing reels in Japan because his business is on the verge of bankruptcy due to West Coast dock strike and the East Coast slowdown. We urge you take immediate steps. Bring such outlaw type tactics to an end.

JERRY MARTIN,
President, The Jerry Martin Co.

LINCOLNWOOD, ILL.,
October 1, 1971.

Senator CHARLES PERCY,
U.S. Senate,
Washington, D.C.

DEAR SIR: Because of the devastating effect the East, West and Gulf Coast dock strike have on the American economy I strongly urge your immediate invocation of the Taft-Hartley Act. I further request that specific Federal controls be implemented that will limit union power. We cannot allow the selfish demands of a few to so completely alter, change and engulf the entire country.

RAYMOND R. BURNS.

BLOOMINGTON, ILL.,
October 2, 1971.

HON. CHARLES H. PERCY,
U.S. Senate,
Senate Office Building,
Washington, D.C.:

We urge you to urge President Nixon to invoke the provision of the Taft-Hartley Act requiring an 80-day cooling off period in the current dock strike. Permitting the strike to continue at this harvest peak of a record grain crop, much of which must be exported, will not only impose a severe economic hardship on Illinois farmers but also the total economy which is so vitally affected by our balance of payments. The current situation again points out the need for congressional action on sound legislation to resolve such disputes. We urge your support for prompt congressional consideration of H.R. 3596 or similar legislation.

LEONARD GARDNER,
Secretary, Illinois Agricultural Association.

BELLEVILLE, ILL.,
October 2, 1971.

Senator CHARLES PERCY,
U.S. Senator,
Washington, D.C.:

Grain prices will drop radically if dock strike allowed during record harvest. Invoke Taft-Hartley immediately.

JACK MURRAY.

LINCOLNWOOD, ILL.,
October 2, 1971.

Senator CHARLES H. PERCY,
New Senate Office Building,
Washington, D.C.

HONORABLE CHARLES H. PERCY: As a member of the consumer public who stands to suffer the greatest from further continuation of the west coast-east coast dock strike, I urge you to use your good offices to convince the President of the United States regarding the immediate necessity to invoke his powers under the Taft-Hartley Act and to bring an immediate end to the strike.

G. HONDA.

LINCOLNWOOD, ILL.,
October 2, 1971.

Senator CHARLES H. PERCY,
New Senate Office Building,
Washington, D.C.:

Please encourage the President to invoke the Taft-Hartley Act immediately on the International Longshoremen's Association. Every port in the United States should be opened. If immediate steps are not taken it will affect the income of every American. I also feel that the ten percent surcharge is only going to lead us into an international trade war which we cannot afford.

GORDON C. MACDONALD.

LINCOLNWOOD, ILL.,
October 2, 1971.

Senator CHARLES H. PERCY,
New Senate Office Building,
Washington, D.C.:

I recommend invocation of the Taft-Hartley Act to stop the Longshoremen's strike.

T. D. RIVERS.

HON. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

We urge your immediate action end port strikes. Our agriculture and economy is at stake.

Whitehall Cooperative Elevator, Whitehall, Illinois.

Bradfordton Cooperative Association, Bradfordton, Illinois.

Merl Welch Grain Company, Elkhart, Illinois.

Pleasant Plains Farmers Elevator Co., Pleasant Plains, Illinois.

Kaiser Grain, F. J. Kaiser, Manager, Alexander, Illinois.

Farmers Elevator Company, Lowder, Illinois.

Roggston Grain Corporation, George Deterding, Riggston, Illinois.

Rees Farmers Elevator, Franklin, Illinois.

Robert Larson, Farmers Grain Company, Green Valley, Illinois.

Mancel T. Wilson, Manager, Winchester Farms Elevator Company, Winchester, Illinois.

Pillsbury Company, Rural Route 1, Pittsfield, Illinois.

Whalen & Sons Grain Company, Waverly, Illinois.

The Pillsbury Company, Rural Route 2, Springfield, Illinois.

Alsey Elevator, Richard Swarrington, Manager, Alsey, Illinois.

HON. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.:

We urge you to do everything within your power to halt the dock strike which if allowed to continue threatens to bring severe economic hardship upon the farmers of Illinois.

Ernest Cody, Voorhies Cooperative Grain Company, Dement, Illinois.

Francis T. Luedke, Farmers Spring Company of Dorams, Mattoon, Illinois.

A. H. Wiemer, Delavan Cooperative Elevator Company, Delavan, Illinois.

Frank Grussing, Sidney Grain Company, Sidney, Illinois.

BRAZIL

Mr. KENNEDY. Mr. President, for the past 10 years, the United States has spent nearly \$10 million in a police training and improvement program operated by AID in Brazil.

Soon we will be asked to approve another year's authorization for the continuation of this program as well as similar programs in other nations. I believe that there are serious questions that must be answered before we continue this assistance. And in the case of Brazil I believe there already is sufficient reason to end this program immediately.

Brazil, which has the resources and potential to be the leading nation in the Western Hemisphere, continues to be ruled by a government that opposes a transition to free political participation and free political action.

Despite its major economic strides, the current military government has permitted torture and official repression to answer the political terrorism of those who oppose the regime.

The reports of tortures cannot be disregarded. They continue to call forth denunciations by international agencies and by various elements of the Roman Catholic hierarchy.

Although we can only comment on the attitude and actions of another independent and sovereign government, we do have a responsibility to determine whether the continuation of the public safety program and the military assistance program is in the best interests of the United States.

Following hearings this spring by the Subcommittee on Western Hemisphere Affairs, Senator CHURCH stated clearly his belief that police and military assistance programs identified the United States all too closely with the present Brazilian Government. I share that view and believe that we should not accept the political price of being linked with this repressive government.

Perhaps the clearest example of the negative consequences of our policy is the instance in 1968 when Brazilian police carried gas masks with a U.S.A. insignia as they occupied the University of Brazil.

If we view political repression and torture as antithetical to our beliefs, then I do not believe we can continue to support internal security forces which are identified with those activities.

Similar questions must be asked concerning our military assistance program with Brazil. This is all the more impor-

tant when it is understood that military personnel occupy most of the positions of authority in the various Brazilian police forces as well as a majority of the State secretaries of public safety. Ultimately, all of the so-called civilian police are under the control of the Brazilian armed forces.

I have stated in the past that both police and military assistance programs should be halted and I believe the recent hearings merely underline the need that action be taken.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Washington Post, a letter to the editor concerning that editorial, and a series of articles on the subject.

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

[From the Washington Post, Sept. 26, 1971]

BRAZIL KEEPS QUIET ON SECURITY CASES

(By Lewis H. Diuguid)

RIO DE JANEIRO.—The only news printable in Brazil on persons detained under national security decrees is that which the government chooses to release.

There are hundreds of national security cases, and government information on them is little, late and often contradictory.

Several weeks ago, a professor at the University of Sao Paulo and his wife were arrested in their home. The Rui Coelhos were friends of the Mesquita brothers, Julio and Ruy, who publish Sao Paulo's famous O Estado newspapers.

Among other friends of the Coelhos were many of the city's most prominent families, and they turned to the Mesquitas for help in finding the couple.

O Estado is perhaps the most powerful institution independent of the government, and the Mesquitas were able to use this power to discover where the Coelhos were held and, informally, why.

The friends thus learned that the Coelhos were in jail for questioning because the wife was alleged to have permitted mimeographing in her garage of student documents that the police deemed to be subversive.

But O Estado could print nothing. It had to wait until the arrest was denounced abroad, after which it announced the fact of the arrest in a cabled foreign dispatch. Other papers here printed nothing even on this.

The Coelhos are still in jail, and it is bruited about that the wife will be tried for subversion.

Word on the Coelhos spread quickly, because they are well known and their friends are influential. But when those elements are missing, and sometimes even when they are not, the family of a victim may learn nothing for weeks.

The case of another prominent Brazilian—former Congressman Rubens Paiva, who disappeared—is an example. The police were finally moved to disclaim any knowledge of an arrest, although there were records of it. Months later, they announced that Paiva had been killed in a shootout between Paiva's guards and would-be rescuers.

The official reason for the government's imposing utter silence in security cases is that questioning of suspects can lead to the capture of their accomplices, and that publication of the fact that a suspect is in custody would tip off those still being sought. But the vacuum of information often continues for weeks.

Several cases involve newsmen's personal liberty as well as press freedom.

A Brasilia correspondent for Rio's Jornal do Brasil, Jaccoud D'Alembert, who is also a stringer for the New York Times, is in jail at the moment. Again, because his associates are influential, some information on his case has trickled out. He is alleged to have been accused of taking part in a meeting in Brasilia with a subversive, perhaps an exile who returned illegally.

As in all these affairs, the defense lawyer cannot see the charges against his client until 60 days after the arrest.

Another press case involves Helio Fernandes, editor of one of Rio's many lesser newspapers, A Tribuna da Imprensa. Fernandes has often been in trouble for offending government officials, and last month he broke the one rule recognized as cardinal in the press—he suggested that there was a division of loyalties in the armed forces high command.

This brought his arrest and suspension of his paper's publication: but a couple of days later, he and the paper were again circulating.

Newspaper editors report little interference now, and say that they experience real trouble only when terrorism increases.

No censors are found in the newsrooms, although this practice has occurred in the past. No phone calls come in the night. But an interview with a police inspector, for instance, would have to be cleared by his superior.

Just how the censorship affects the public is difficult to measure. O Estado and Jornal do Brasil, along with the newsmagazine Veja, offer ample international and national coverage, and there are some respected newspapers in state capitals.

It is widely acknowledged that the government's strongest but subtlest control on the press is financial.

Most of the newspapers have limited capital, and any action that increases their costs could close them.

Several papers own television stations, or want to, and this can be their prime source of income. These stations' permits can be lifted at will by the government.

[From the Washington Post, Oct. 4, 1971]

U.S. AID TO BRAZIL

Your editorial of Sunday, "Brazil and Torture," was an excellent analysis of the present situation in Brazil but failed to analyze Washington's direct and continuing financial support of the repressive and inhumane Brazilian military government.

For example, this country has been training Brazilian police since 1959 through the Public Safety program of AID at a total cost of over \$8 million. Our Military Assistance program has been training and continues to train large numbers of Brazilian military personnel.

Our government has not only supported this repressive government, it has tried to ignore the political situation in Brazil completely. The Nixon administration, represented by Assistant Secretary of State Charles Meyer, in response to questions by Sen. William Proxmire at a Senate hearing concerning Brazil, said that instances of torture "seem to be professional excesses."

Furthermore, the present administration has requested that Congress approve appropriations for FY 72 of \$20 million in Foreign Military Credit Sales and \$60 million in Economic Development assistance for Brazil. In both instances, Brazil is scheduled for more assistance than any other of our Latin American neighbors.

It is irresponsible and inconsistent for the news media to criticize the nature and tactics employed by a foreign power while seemingly ignoring the large amount of U.S. assistance being provided to that power.

Congress, through the efforts of Senator

Proxmire and Senator Church, has become increasingly aware of the situation in Brazil. I hope your paper will be consistent with your editorial on Brazil and strongly support any efforts by these two senators to halt or restrict our foreign aid to Brazil.

HUNTER HORGAN.

ALEXANDRIA.

[From the Washington Post, Sept. 26, 1971]

BRAZIL AND TORTURE

Torture is bad for the governments that inflict it. The damage to them may not be as visible as the injuries to their victims, but it is profound and cumulative. Once learning to depend on physical pain to coerce its dissidents, a government begins to forget the other means of commanding respect. The massive evidence of widespread and systematic torture in Brazil is an evil portent for any prospect of prosperous stability.

Since the Brazilian government declines to allow impartial investigators to pursue the accusations, it is impossible to assess the accuracy of all the ugly stories now in circulation. Some of them, certainly, come from hostile groups of exiles. But a very sufficient indictment lies in the formal protests, over the past two years, by the Roman Catholic hierarchy. They include denunciations by Eugenio Cardinal de Araujo Sales and the late Jaime Cardinal de Barros Camara, archbishop of Rio de Janeiro. In some cases newspapers have been able to question at length the survivors of torture. This newspaper's interview with Marcos Arruda, published last Sunday, is an example. The pattern is, unfortunately, beyond argument.

Both police and armed forces have been using physical duress regularly in political interrogations for the past three years. Although there were scattered incidents earlier, the practice seems to have become established in late 1968 after the army, in its final triumph over the civilian politicians, shut down the Congress. Those three years are also the period of the rise of political terrorism in Brazil. Police torture and terrorism became the justification for each other. The terrorists' most spectacular successes were the kidnappings of diplomats to free prisoners in government jails. After the United States' ambassador was seized and exchanged for 15 prisoners in September, 1969, the Japanese consul was taken and exchanged for five the following March. The West German ambassador was exchanged for 40 in June, 1970, and with the price steadily rising the Swiss ambassador was exchanged for 70 last January.

Long before this series ran its course, the Brazilian government apparently concluded that it was futile to hold terrorists in prison. Within the past two years, the army has tracked down most of the known leaders. Very few of them have been taken alive. Most of them was shot while "resisting arrest," according to the police reports, or while "attempting to escape." When Carlos Lamarca was killed earlier this month in northeastern Brazil, he was the last of the widely known guerrilla leaders.

Terrorism now appears to be much less frequent. There have been no kidnappings for nearly a year. The government may, in fact, have succeeded in suppressing the terrorist movement for the time being. The beatings and electric shock treatment, of course, continues in the police stations.

The generals would no doubt defend themselves by asking whether Brazil would be better off sliding into the chaos of, say, Uruguay, where the Tupamaros appear to have the run of the country. But other governments, confronted with political terrorism, have demonstrated that the choices are not limited to simple brutality or simple anarchy.

When terrorists in Canada seized two hostages last October and killed one of them,

police were seriously hampered by a lack of information about the secret organization that they were fighting. They carried out mass arrests, but no one was physically abused. Public order survived, and the terrorist movement did not. Currently in Northern Ireland, in the face of bloody and continuous guerrilla warfare, British authorities have detained several hundred people on suspicion of membership in the terrorist Irish Republican Army. But they have not questioned these suspects under physical duress. In a large country with an expanding economy, the Brazilians are working in a much more hopeful atmosphere than Northern Ireland's. The real difference is that both Britain and Canada have self-confident and experienced governments.

The issue of police practices runs not only to morality but to basic competence in governing. The quality of rule in Brazil has declined in the seven years since the military took power. The original junta, under General Castello Branco, represented the intellectual elite of the army: cosmopolitan men with outstanding academic records and wide interests. Under that government cases of torture occurred, but they never became the general practice. The second junta, under General Costa e Silva, was a compromise with the element of jingoism that exists in the Brazilian army as in most others. Under this government the police and military interrogators began to turn regularly to duress as a standard method. The third and present junta, under General Medici, who took office two years ago, is a further compromise in the same direction.

By invoking torture, a government reveals its doubts of its own competence. It signals the abandonment of any hope of the peaceful and voluntary reconciliation that is the reward of successful politicians. No outsider could render as scathing a judgment on the present Brazilian leadership as the judgment that, by resorting to torture, they have pronounced upon themselves.

SENATOR CHURCH ASSAILS U.S. AID TO
BRAZIL POLICE
(By Dan Griffin)

U.S. aid programs to Brazilian military and police agencies are "nullities" which serve mainly to identify the United States with a repressive government, Sen. Frank Church (D-Idaho) charged in a statement released today.

Church also characterized U.S. bilateral aid programs in Latin America generally as "palliatives at best and self-defeating at worst."

Brazil's ambassador to the United States, Jose de Araujo Castro, responded that "Sen. Church's remarks as they have been reported to me certainly do not reflect either an accurate knowledge or a valid interpretation of the real situation of my country, and certainly do not help in the cause of promoting understanding between friendly nations."

Stressing that his nation "does not admit and will not admit any interference whatsoever on matters of its internal affairs," Ambassador Araujo Castro added that "Brazil is interested in keeping the closest bonds of friendship and cooperation" with the United States.

Church's comments came at a press conference at which he released what he called "a sanitized version" of testimony given in May at closed-door hearings of the Subcommittee on Western Hemisphere Affairs, which he chairs.

His sharpest criticisms were directed at U.S. programs in Brazil. The United States, he said, has twice as many officials there in proportion to the host-country's population, as the British had in India "when they were providing the government for that entire country."

Administration of U.S. programs in Brazil required 588 official Americans, or "approx-

mately one per 150,000 Brazilians," the testimony showed. The British had approximately one civil servant there per 300,000 Indians. The American figure, he added, did not include the more than 800 Brazilians working for U.S. agencies in Brazil or the more than 300 Peace Corps volunteers there.

Furthermore, he said, American programs in Brazil were not particularly effective in accomplishing any of their aims, except in providing a favorable climate for U.S. investment.

Stressing that his aim was "not to criticize Brazil, or the Brazilian government or any government," he said that the hearings had been "in part, a response to the widespread public interest in the relationship, if any, of United States police and military programs to the repressive activities of the Brazilian government."

His subcommittee "could find no evidence of any such direct relationship," he said.

POLICE AID QUESTIONED

However, he continued, the hearings did "reveal what in my personal judgment is an altogether too close identification of the United States with the current Brazilian government, and they raise a serious question about the wisdom of assistance to the Brazilian police and military."

Among those testifying at the hearings were Central Intelligence Agency Director Richard Helms, whose testimony was deleted from the transcript; U.S. Ambassador to Brazil William M. Rountree; the chairman of the U.S. delegation to the Joint Brazil-U.S. Military Commission; the director of U.S. AID-Brazil and the chief public safety police adviser of U.S. AID-Brazil.

Calling the police and military assistance programs not so much iniquitous as they are nullities, Church said, I don't believe that the advisers engaged in these programs really do much of anything; yet the fact that they are present on the scene means that the United States has to pay the political price of identification with a repressive government.

"Of course," he added, "most of our policies in Brazil also exact this price. Indeed, the principal difference between me and the Executive Branch on this subject is that the Executive Branch does not regard our identification with this government as harmful."

"It is not coincidental," he said that anti-Americanism in Brazil has increased as U.S. involvement in Brazilian internal affairs has grown, or that American aid to Brazil "was used in such a way as to support the new government (following the 1964 military takeover) and that (Brazil's) restrictions on foreign investment were then swept away."

As examples of U.S. involvement in Brazil's internal affairs, Church cited the setting of educational standards and tax-collection advice given to Brazilian tax authorities by personnel of the Internal Revenue Service.

He mentioned a particular concern with military training which, he said, "embraces a number of sensitive fields which could be of value in carrying out political repression." Some such fields mentioned in the transcript of the testimony he released included censorship, handling of mass rallies and meetings, the use of informants and clandestine operations.

"We can't buy internal reforms with our money in Latin America," he said; such reforms "can come only through the internal workings of (Latin American) political institutions."

"In some countries," he added, "reform is not enough. In some places revolution may be the only way to break the present political and military order," which he characterized as bringing poverty to the many and wealth to the few.

Church criticized bilateral aid programs in general. He called them, "on balance, more

inimical to our interests abroad than beneficial." Such programs should be cut so as to "loosen the embrace with governments that are the antithesis of what we stand for as a nation," he said.

Church pointed out that such countries as France, Britain and Italy—which either do not maintain such programs or maintain them on a much smaller scale—have continuing cordial relations with Brazil.

"Except for maintaining a very favorable climate for private investment, there is precious little evidence of Brazilian cooperation with the United States," he said.

"Brazil has refused to sign the [nuclear] non-proliferation treaty. It has extended its territorial sea to 200 miles. It walked out of the OAS (Organization of American States) foreign ministers' conference in January. It did not display much inclination to cooperate in OAS meetings at Punta del Este in March and Costa Rica in April."

Testimony during the hearings revealed that the total American private investment in Brazil is about \$1.7 billion, while U.S. aid to Brazil since the military takeover of 1964 was about \$2 billion.

"The net effect of this private investment has been to take more money out of Brazil in the form of profits than has been put into Brazil in the form of new capital," he said.

[From the New York Times, June 14, 1971]
U.S. PLANS TO INCREASE AID TO FOREIGN
POLICE FORCES TO HELP FIGHT SUBVERSION
(By Tad Szulc)

WASHINGTON, June 13.—The United States plans to increase its assistance to police forces in 25 countries in Southeast Asia, Latin America and Africa to help them deal with guerrillas and subversion.

Among the nations that would receive the increased aid are South Vietnam, the Congo, Tunisia, Colombia, Honduras, Jamaica and Panama.

The United States has been assisting foreign police organizations for nearly a decade through the public safety programs of the Agency for International Development. But the agency's request to Congress for \$26 million in police-support funds for the fiscal year 1972, starting on July 1, represents a new approach to subversion.

In the past, the emphasis has been on military assistance wherever there appeared to be a threat to the stability of friendly regimes. This assistance ranged from the massive American military involvement in Vietnam to the assignment of Special Forces teams to Latin American armies to train them in antiguerrilla and antisubversion techniques.

URBAN GUERRILLAS A FACTOR

The new strategy, however, centers on the modernization of the police forces and their instruction in antisubversion techniques. The emergence of urban guerrillas, notably in Latin America, was a factor in the changing strategy.

The new philosophy was expressed by the Agency for International Development at hearings held by the Senate Foreign Relations Committee on aspects of the \$3.3 billion reorganization plan for foreign aid that President Nixon presented to Congress April 27.

It was stressed that the public-safety programs "can serve to prepare civil police forces to prevent the development of threats to internal order before they become explosive problems requiring military action."

The \$26 million in police-support funds requested is \$4 million more than last year. Defense Department funds, however, are separate from those of the aid agency. In the case of Vietnam, for example, the agency and the Defense Department are asking a total of \$32.7 million for police support—three times last year's total.

The new approach has already raised serious criticism here and abroad.

Because the South Vietnamese police are fighting Vietcong subversion in conjunction with Operation Phoenix, an intelligence-gathering operation directed by Americans, members of Congress have charged that the public-safety program involves the United States in "political assassinations." Hearings on this and other aspects of Operation Phoenix are to open June 21 before a House of Representatives subcommittee.

The training of policemen by American experts in Latin-American countries with varying degrees of political repression, such as Brazil, Guatemala and the Dominican Republic, has led to bitter criticism of the United States by opposition elements in those nations.

In Brazil, where charges of widespread torture have been made against the police, the United States in less than 10 years has helped train locally more than 100,000 policemen. Six hundred more police officials have been trained in the United States. Secret hearings on the Brazilian operation were held here last month by a Senate Foreign Relations subcommittee.

The national police force in South Vietnam is to be increased this year from 100,000 to 124,000 men, chiefly for Operation Phoenix. The Agency for International Development told Congress that in 1970 the South Vietnamese police had arrested 153,000 persons, "including more than 26,000 suspected Vietcong."

Because of the agency's conclusion in its Congressional presentation that "Communist insurgency in Thailand remains a serious problem," the United States plans to double police aid to the Thais to \$9-million in 1972.

A high-ranking official of the Agency for International Development, noting that police-support programs are to be doubled this year in the Congo, and increased in Tunisia, Colombia, Honduras, Panama and Jamaica, remarked: "The United States is becoming the world's policeman in the most precise sense."

Programs, however, are being reduced in 13 Latin-American nations.

ESTABLISHMENT OF EMERGENCY GRAIN RESERVE

Mr. BURDICK. Mr. President, the set-aside wheat and feed grain programs as presently administered combined this year with nature's bounty to produce record crops in North Dakota and the Nation as a whole. The most recent North Dakota crop report shows that total wheat production in the State is expected to be 82 percent higher than last year, with Hard Red Spring Wheat 85 percent higher and Durum Wheat up 76 percent. Both barley and soybean crops are expected to be around 50 percent higher than in 1970, corn 25 percent higher, and oats 4 percent higher.

This abundance is a blessing in reverse to North Dakota farmers. Farmers in the southeastern part of the State today were being offered \$1.34 per bushel for wheat, 90 cents for barley, 56 cents for oats, and \$2.74 for soybeans. At Alexander in the northwest, wheat was quoted at \$1.02 per bushel, barley at 80 cents and oats at 50 cents.

Since Government policies, abandoning the principle of supply management, have brought about these plunging prices, Government now should assume responsibility for insulating this surplus production from the market. We require, as a national policy, sufficient reserves of

wheat, feed grains and soybeans to meet domestic needs, cash exports, aid program supplies and unforeseen emergencies. Producers, however, should not have to suffer loss of income to meet requirements of this national policy.

Therefore, Mr. President, I have joined the Senator from South Dakota (Mr. McGOVERN) in sponsorship of S. 2500, to establish an emergency grain reserve.

I have sponsored similar grain reserve legislation in past years. When production was maintained, through farm program policies, at a level in reasonable balance with use, such a reserve was not necessary. Now, with a U.S. wheat crop 18-percent larger than last year and a record feed grain crop 25-percent larger than needed, grain reserves should be established.

The bill authorizes the Secretary of Agriculture to contract with producers on a pro rata basis as far as possible, to put 200 million bushels of wheat, 500 million bushels of feed grains, and 100 million bushels of soybeans into storage under producer control, either on farms or in elevators. The Secretary would advance producers 125 percent of the loan value of the commodity. Present prices are low and 125 percent of loan value would be far below parity and lower than the market should be. Reasonable storage costs would be paid. When carryover stocks fall to a stated release level, storage contracts could be terminated, with safeguards against flooding the market.

Mr. President, unless positive legislative action such as this is taken to improve farm prices, thousands more of our hard-working efficient midwestern producers will be forced off their farms.

Mr. President, I ask unanimous consent that the text of the bill, S. 2500, be printed at the close of my remarks in the Record.

There being no objection, the bill (S. 2500) was ordered to be printed in the Record, as follows:

S. 2500

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

SECTION 1. It is the policy of the Congress to establish and maintain reserves of storable agricultural commodities adequate to meet any foreseeable food and fiber shortage which might arise in the Nation as a consequence of any natural disaster, adverse food production conditions for one or more years, military actions, or other causes, and to assist other nations of the world in any food emergency. It is further the policy of Congress to establish such reserves in the control of producers in years of surplus production and to assure their segregation from the commercial market so that existence of the reserves will not affect the level of market prices.

SEC. 2. The Secretary of Agriculture is authorized to enter into agreements with producers of not more than two hundred million bushels of wheat, five hundred million bushels of corn and/or its equivalent in other feed grains, and one hundred million bushels of soybeans to place such commodities in storage under their control until released under the provisions of this Act. To the extent possible, the opportunity to make such agreements shall be extended to producers who are cooperating in the appropriate programs on a pro rata basis. In consideration

of the producers' agreement to store such commodities, the Secretary shall make loans to the producers at 125 per centum of the current price-support loan rate on the commodities stored out of funds of the Commodity Credit Corporation, without interest, and shall pay reasonable storage charges each year so long as the commodities are not required for consumption: *Provided*, That when the domestic supply of wheat available to the commercial market drops below 15 per centum of the year's requirements, the supply of feed grains drops below 10 per centum of the year's requirements, or the supply of soybeans drops below 5 per centum of the year's requirements, the Secretary of Agriculture may, on sixty days' notice, terminate the payment of storage charges and waiver of interest charges on a sufficient amount of the earliest agreements to rebuild the commercial market supply of wheat and feed grain by 5 per centum of one year's requirements above the level at which the release of such emergency reserve commodities occurs, and of soybeans by 3 per centum of annual requirements. The holder of an agreement thus terminated shall have not less than a year following the termination notice to repay any Government advances against the commodity involved, or until the time of sale of such commodity if it occurs earlier, together with interest at a rate of not more than 5 per centum per annum from the date of termination of the reserve agreement, or to deliver the commodity to the Government, in discharge of any obligation.

SEC. 3. Producers may, under regulations prescribed by the Secretary of Agriculture, rotate commodities to keep the reserve stocks in good condition. A producer may terminate his agreement to carry emergency reserves at the beginning of a marketing year for such commodity by giving the Secretary of Agriculture notice of such termination not less than sixty days before the beginning of such marketing year, and by repaying any loans or advances to the Government at the time of sale, or by delivering the commodity to the Secretary of Agriculture.

TRIBUTE TO SENATOR ELLENDER

Mr. BOGGS. Mr. President, some days ago numbers of my colleagues took the floor of the Senate to pay tribute to a most distinguished Senator on a most auspicious occasion.

Unfortunately, I was unable to be present on that day, and I missed the opportunity to extend my warmest congratulations to the Honorable ALLEN J. ELLENDER, the President pro tempore of the U.S. Senate, on his 81st birthday.

It has been my great pleasure this year to work under the direction of the distinguished Senator from Louisiana on the Appropriations Committee. I must say the job before us has been performed with dispatch and precision. The committee's record this year in getting the appropriations bills reported has been unmatched for many years. In addition, I think very great and careful consideration has been given to every appropriation bill and that the measures reported to the floor have represented the best thinking of Senator ELLENDER and all members of the committee.

I must say that Senator ELLENDER's great vigor and energy are matched by few whose ages are the numerical reverse of that of the distinguished Senator from Louisiana. However, we all know his experience, wisdom, and knowledge are matched by few, no matter what age.

Again, I am most sorry I was unable to be present on the 24th of September, but I do wish to extend my warmest congratulations and best wishes to the distinguished senior Senator from the State of Louisiana.

LOOPHOLES IN THE BLACK LUNG LAW

Mr. HARTKE. Mr. President, on December 31, 1969, President Nixon signed into law the Federal Coal Mine Health and Safety Act. One title of that law established a compensation program for those miners suffering from pneumoconiosis, more commonly known as "black lung."

On paper, the legislation was a major step forward for miners who had suffered the disablement brought about by this disease. Two years later, however, we find that there are more loopholes in this law than there are lesions on the lungs of a disabled miner.

In an effort to save the Federal Government a few dollars, administrative regulations have been established which have had the effect of denying the claims of almost 50 percent of the applicants for black lung disability compensation. Surely, there is something wrong when such a large number of claimants are turned down.

Part of the trouble appears to be caused by the fact that the statute gives the Social Security Administration too much flexibility to establish debilitating regulations. For this reason, I have proposed legislation to liberalize the definition of disability in the black lung law. Other proposals to improve the law have also been made.

What concerns me most is the frustration, disillusionment, and justifiable indignation which is now being felt by coal miners. Congress has established a program to assist them, but the compensation they were promised is being delayed and denied.

This week, I am acting as host for more than a dozen coal miners who have sought to receive black lung benefits. Each has been unsuccessful; yet there is no doubt in my mind that each is deserving under any reasonable interpretation of the law.

Mr. President, to meet these men is to learn of the human side of the black lung question. They ask only what we in Congress have previously decided they deserve. Surely, that is not an unreasonable request. I ask unanimous consent that an article on this subject, published recently in the Wall Street Journal, be printed in the RECORD.

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

COALFIELD CLASH: BITTER MINERS ASSERT THE "BLACK LUNG" LAW IS FILLED WITH LOOPHOLES—DISABLED MEN SAY BENEFITS ARE DIFFICULT TO COLLECT; "SLIPSHOD" DIAGNOSES CITED—"OUR ONLY WEAPON: A STRIKE"

(By Bob Harwood)

BECKLEY, W. VA.—Peter Bob Gibson, a 67-year-old ex-coal miner, steps onto the treadmill. Blood-sampling needles protrude from his left arm. A rubber mouthpiece and tube connect his respiratory system to a bank of

testing devices, while electrodes taped to his chest monitor his heartbeat.

Slight, pale and stooped, Mr. Gibson is obviously tired as he begins a six-minute walk on the treadmill. The testing devices are measuring his ability to breathe and the capacity of his lungs for transferring oxygen to the bloodstream. He is going through two days of tests here at the Appalachian Regional Hospital to find out exactly what 31 years in the coal mines have done to his body.

Mr. Gibson, a resident of Rainelle, W. Va., was forced to retire earlier this year after a stroke. He now complains of constant fatigue and shortness of breath. He contends these maladies are caused by a lung disease named pneumoconiosis, more commonly called "black lung," which is an occupational hazard of work in dusty coal mines. But the federal government has told Mr. Gibson he doesn't have a black lung disability—and, through medical tests, Mr. Gibson is determined to prove the government wrong.

Mr. Gibson isn't alone. In fact, he's one of thousands of coal miners who have lost faith in a program they initially thought was a major legislative victory for the country's underground coal workers. The victory they had hailed was the passage of the Federal Coal Mine Health and Safety Act, signed by President Nixon on Dec. 31, 1969. Besides setting mine-safety standards, the act established a black lung compensation program providing cash benefits ranging from \$153 to \$306 a month for miners who are disabled by pneumoconiosis resulting from their work and for widows of miners who died of the disease.

BITTERNESS AND FRUSTRATION

On paper the legislation seemed to be a major advancement for the miners. But initial joy in many cases turned to bitterness and frustration. More than half of almost 300,000 miners who have applied for black lung benefits have been rejected by the Social Security Administration, which has the responsibility under the act for deciding, case by case, which miners meet its requirement of total disability stemming from mine-contracted pneumoconiosis. Social Security statistics show that through Sept. 3 of this year, 145,428 claims for benefits have been allowed while 147,761 have been rejected.

Indeed, the black lung program has proven far more complicated and controversial than anyone imagined in 1969. As the miners' disillusionment with the program has deepened the controversy has led to a campaign in the coalfields, the Congress and the courts to change the program. And there are rumbles of "black lung" strikes if the change doesn't come.

"It may take a shutdown of production to get fair black lung benefits," warns Arnold Miller, a retired miner from Ohley, W. Va., who is now president of the Black Lung Association, a miners' group formed to lobby for such benefits. Strikes, Mr. Miller adds, are "the only real weapon" miners have.

The outcry over the Social Security Administration's black lung rejections has been particularly loud in West Virginia and Kentucky, due to a noticeable disparity in the rejection rate from state to state. In Kentucky, 68% of 31,694 miners' claims have been turned down; in West Virginia, 54% of the state's 55,549 claimants have been rejected. But, in sharp contrast, some 70% of the 93,854 claims processed in Pennsylvania have been approved.

DIFFICULT TO DETECT

Unhappy miners charge that the rejection-rate disparity isn't caused by chance. Pneumoconiosis is a difficult disease to detect, and the miners claim there aren't enough qualified doctors and properly equipped medical facilities in the isolated mountain regions of Kentucky and West Virginia to permit thorough medical examination.

The miners further charge that doctors in these mountain regions are often influenced by the coal industry—which stands to inherit a large financial liability when the financing of black lung benefits reverts to state administration. (The program will be federally financed at least until Jan. 1, 1973. When the states take over the program, the coal companies will pay costs either through direct assessments or through state workmen's compensation systems.)

Social Security officials say there are other reasons for the disparity. Bernard Popick, director of the Bureau of Disability Insurance, says the Pennsylvania claimants were, on average, "significantly older" with a longer exposure to coal dust than claimants in the other states. He adds, furthermore, that black lung is more prevalent among anthracite (hard) coal miners than among bituminous (soft) coal miners, and Pennsylvania still has thousands of retired workers from the once-large but now-dying anthracite industry.

The real battle, however, isn't over state-by-state differences but over methods of testing for the disease. Disgruntled miners contend that the Social Security Administration is rejecting claims on the basis of insufficient and even slipshod diagnoses. And to back up their contention, the miners have marshaled an impressive corps of lung specialists.

CRUX OF THE CONTROVERSY

The crux of the controversy is the government's reliance on X rays as the primary basis for accepting or rejecting a claim. The miners' groups and their supporting medical authorities contend that a single X ray and a simple accompanying breathing test aren't sufficient to prove the absence of black lung. Instead, some miners recommend a series of X rays and a "blood-gas" test, which measures the amount of oxygen absorbed by the blood.

A group of 12 disabled Kentucky miners, aided by a local legal-aid organization, has filed suit in federal district court in Washington, D.C., seeking to eliminate altogether the use of the X ray in determining whether a benefit claimant has black lung. The 12 miners claim to be totally disabled by the disease but have had their benefit claims rejected either because their X rays didn't show spots on the lung or, if they did show spots, a subsequent breathing test ordered by Social Security officials disqualified them.

Some of the plaintiffs claim their examinations were inadequate. Ray Hubbard, a 39-year-old ex-miner from Manchester, Ky., says "a nurse took one picture and I never saw a doctor" during his test at a local hospital. Mr. Hubbard says he's disabled and out of work because of heart trouble and lung impairment; but his black lung claim, he says, was rejected on the basis of that one X ray and one quick breathing test.

Dr. Donald Rasmussen, director of the cardiopulmonary laboratory at the Appalachian Regional Hospital in Beckley, backs up the suing miners. "Many, many miners have been unjustly deprived of compensation," the doctor says. "The Social Security Administration has employed only the simplest and least costly testing procedures in its approach to this complicated problem."

A second court test, backed up by other medical authorities, is being prepared by the Appalachian Research and Defense Fund, a private, nonprofit lawyers' group in Charleston, W. Va. The evidence for this group's case was gathered by 12 doctors from medical schools and in private practice around the country who recently examined about 30 black lung rejectees in Beckley. Following their examinations, the doctors issued a public statement calling the Social Security testing "unduly and unnecessarily restrictive" and recommending more thorough diagnostic efforts, including blood-gas tests.

One of the dozen physicians is Dr. John Rankin, chairman of the department of pre-

ventive medicine at the University of Wisconsin. Dr. Rankin says the breathing test used by Social Security only measures the ability of an individual to breathe air in and out—while black lung interferes with the lungs' ability to transfer oxygen to the blood. "A man can have a perfectly normal breathing test and be severely disabled," the doctor says. A blood-gas test, however, detects impairments such as black lung.

Another doctor in the group says that rejections based on the current Social Security tests "should offend us all as doctors." He adds: "The denial of benefits to men too short of breath to walk half a flight of stairs should offend us all as citizens."

On the congressional front, the black lung controversy is spurring an amendment to the 1969 act. The House Labor Committee has passed an amendment sponsored by Rep. Carl D. Perkins of Kentucky that would prohibit rejection of claims solely on the basis of chest X-rays and would extend for two years the federal administration and financing of the black lung program.

KEEPING THE HEAT ON

The full House is scheduled to vote on the amendment next week. Passage is considered likely, since little opposition to the change has appeared. Indeed, coal industry interests would welcome a two-year reprieve from shouldering the black lung cost burden. The cost is no small matter. The benefits paid thus far exceed \$400 million and are currently running at a monthly rate of more than \$25 million.

In the coalfields, the Black Lung Association and its allies are campaigning to keep the heat on the government to improve the medical screening of claimants. "Our goal isn't to see that everyone who files a claim gets paid, but that they get proper consideration," says the association's Mr. Miller.

Mr. Miller's group is widely distributing in mining areas a "how-to-fight-the-establishment" cartoon booklet titled, "Black Lung Bill Battles Social Security." Featuring heavy-handed caricatures (one drawing depicts President Nixon and a coal company man, hand in hand, standing on a pile of down-trodden miners), the booklet advises miners what evidence is needed to prove black lung, how to appeal a rejected claim and how to "play the Social Security game."

Significantly, the United Mine Workers union isn't playing an important activist role in the black lung controversy. The union hasn't joined in the Kentucky miners' suit or aided in the gathering of evidence to back those fighting the Social Security. In fact, the black lung battlers are generally allied with the dissident factions in the union who are at odds with their president, W. A. "Tony" Boyle, and his administration. Mr. Miller charges the union "isn't concerned" with the black lung controversy.

A spokesman for the Mine Workers responds that the union has supported black lung compensation since the early 1950s and, since the passage of the law, has established counselors in each of its district offices to aid miners in filing claims. The spokesman, however, concedes the union won't have anything to do with the anti-Boyle black lung battlers.

Social Security Administration officials also defend their role—although they admit there is room for improvement. To complaints about testing procedures, Mr. Popick counters that "there's a small minority (of doctors) who question the use of the X-ray but the predominant medical opinion is that without an X-ray you can't prove total disability."

NO BASIC DISAGREEMENT

Mr. Popick adds that he has "no basic disagreement" with critics who say that more thorough testing methods should be utilized and that more medical examining facilities should be made available to miners. But he

says that tests other than the X-ray and the simple breathing test currently being used "take sophisticated knowledge, techniques and equipment" that aren't widely available in mining regions for the processing of large numbers of black lung claims.

Mr. Popick further reports that Social Security and the Public Health Service are jointly starting a new pilot program "which will test a few hundred miners whose applications have been denied" to determine what other tests might be used in the future.

Still, Mr. Popick contends, the Social Security Administration is administering the law as passed by Congress. He further asserts that many of the agency's difficulties, and the resulting controversy, stem from "misinformation." For example, he says, miners with disabling diseases other than pneumoconiosis—including emphysema, asthma and bronchitis—that may have been aggravated by work in the mines are nevertheless ineligible for black lung benefits.

"It's difficult for a man to understand that he can be totally disabled but not by pneumoconiosis and thus not receive benefits," Mr. Popick says. And, reflecting on the black lung program's many problems, he adds: "We don't have the final answer by a long shot."

Nor does Peter Bob Gibson have his final answer from his tests at the Appalachian Regional Hospital. He, and others like him, continue to wait and hope, ironically, that their diagnostic results will indicate the presence of black lung disease.

COOPERATION WITH MEXICO IN CONTROL OF COMMUNICABLE DISEASES OF ANIMALS

Mr. TOWER. Mr. President, today the Senate will consider two important pieces of legislation directed toward preventing future outbreaks of disease which could cost the Nation's agricultural industry millions of dollars in loss of income and cost of preventative measures. I refer to S. 2395 and S. 2396 which I am cosponsoring with the Senator from Iowa (Mr. MILLER).

These two bills would authorize the Secretary of Agriculture to cooperate with the Governments of Mexico and Central America in carrying out operations or measures to eradicate, suppress, or control any communicable disease of animals. Had the Secretary been given this authority earlier, my home State of Texas might have been spared the tragic loss of horses from Venezuelan equine encephalomyelitis this year which resulted in significant economic loss and emotional stress. It would have allowed our Government to cooperate with Mexican and Central American officials in preventing the spread northward of this highly communicable disease. Improved transportation facilities are extremely desirable but they only compound the threat of a disease capable of spreading rapidly. Today, African swine fever is a threat to our Nation as it looms on the shores of Cuba, creating a peril to our Nation's agricultural community. Passage of this legislation will encourage the Department of Agriculture to pursue, with cooperating governments, every available avenue for prevention and spread of disease to the mainland. I urge the passage of this legislation for the increased safety it may provide.

PRESERVATION OF U.S. AEROSPACE INDUSTRY

Mr. INOUE. Mr. President, since last July 27, when I issued what might be called a plea for the preservation of one of our Nation's most precious resources—the collective ability of our aerospace industry—the attacks upon that industry for which I then expressed great concern have not abated. Rather, they have redoubled—especially in political quarters—in what I referred to as a continuing, futile attempt to fix the blame instead of the problems currently threatening the survival of the industry's resources.

In view of the heightened threat, I would, at this point, redouble my plea for sane, preservative action, this time appealing on a broader—perhaps more significant—plane.

The resource of aerospace talent has—until recently—enabled this country to defend itself adequately and provide the kind of security to which its people are entitled; and it has—until recently—afforded us the leadership position in the race for technological supremacy among the world's nations.

I place heavy emphasis upon the words "until recently" because the gap that once existed between us and other world powers in the defense and technological supremacy races is no longer a gap at all. We have fallen behind.

To those growing numbers in both political and public sectors who oppose technological advancement—the kind of which has been provided by the aerospace industry in our Nation's space programs—I recommended the observation made by Dr. Wernher von Braun in a recent speech. He said:

It seems strange that America is about the only nation in the world where technology and science are held in such low repute. All the so-called "have-not" countries in Africa and Asia are straining their limited resources to gain what some of us seem bent on destroying.

Aside from the very substantial contributions made by the aerospace industry in the areas of defense and technological advancement there are also to be considered the beneficial side effects—often referred to as "fallout"—that accrue to this Nation through the industry's efforts.

Technologically, I would cite "fallout" advancements that range from the teflon on the bottoms of frying pans to lifesaving developments in the field of medicine—witness the introduction of the many instruments now used in hospitals to monitor every function of the human body.

However, there is another very important factor to be considered, and that is the serious direct and indirect effects which the attacks on defense and aerospace spending are having on our entire national economy. The annual report of the President's Council of Economic Advisers of last February, focused special attention on this problem. The Council reports that employment directly attributable to defense and aerospace expendi-

tures decreased by nearly 1.8 million workers from 1968 to fiscal 1971. Most of that drop is in private employment which declined by 1.3 million. In 1970 alone they estimate that jobs directly attributable to such expenditures declined by 1.1 million—600,000 of those in private employment. Loss of jobs on this scale is a serious cause for concern, but these figures do not tell the whole story.

In particular, they do not reflect the chain of adverse effects which these cutbacks have on employment and income in other parts of the economy—in the service industries, in supplier industries, in transportation, and the like. In one recent study it was estimated that defense expenditures of \$1 generated almost \$4 of indirect expenditures in the region where the initial expenditure was made.

The figures also do not reflect the extent to which cutbacks have fallen on particular geographic areas and on particular individuals and firms. In the aerospace industry in 1971, cuts in both defense procurement and space programs have coincided with a weakened market for commercial aircraft. As a result, regions of high concentration of aerospace employment like Los Angeles, San Francisco, and Seattle, are faced with unemployment rates ranging to twice the national average. Many of these areas are suffering severe depressions including loss of income and a general decline in property values.

Also as a result, unemployment has been serious among highly skilled production workers and professional engineers and scientists—many of whom will suffer permanent loss of those jobs for which they have the most experience and expertise, thereby destroying individual and team skills which are the backbone of our technological and production superiority. Furthermore, our youth will be discouraged from undertaking careers in engineering, science, and technology, thus seriously undermining our longrun ability to defend ourselves.

Let's look at the record concerning funding for the aerospace industry's space activities. In 1969 the Government spent \$65.2 billion on social action programs and \$4.2 billion on space. In 1970, \$75.4 billion on social action programs and \$3.7 billion on space. Furthermore, our fiscal year 1972 budget calls for social action spending of over \$100 billion while our budget for space activities totals no more than \$3.2 billion. The social action spending ratio is now over 30 times the space budget and increasing yearly.

In 1970, the aerospace industry's exports, alone, pumped \$3.4 billion into the economy, playing a major role in maintaining our rather precarious balance of trade. It was the seventh consecutive year in which aerospace exports increased, indicating to some degree the recognition of our technological expertise by foreign nations.

For those who adhere to the "retreat from technological advancement" philosophy I recommend the words I read in an editorial which appeared in *Aviation Week and Space Technology* for July 26. The editorial concerned itself with the midyear outlook for the aerospace industry, and touched upon the antitechnology dilemma. It read:

The real tragedy is the failure of the politicians and economists alike to understand the role of the aerospace depression in the national economy. In a modern economy, the high technology areas, most of which are encompassed within the aerospace spectrum, furnish the significant dynamics for growth and prosperity. When they lose their velocity, the whole industrial system gets soggy.

Until this vital fact is understood at the highest levels of political leadership and an effective program organized to re-stimulate the dynamics of technology, this country will continue to suffer economic ailments. A nation of dam builders, leaf rakers and garbage collectors may have been adequate to stave off economic disaster in the 1930's, but it will not suffice for survival in the 1970's.

Mr. President, I am desperately concerned with the possibility that we, as keepers of the Nation's security and guides for its progress, will live to regret the current popular trends against technological advancement and military strength—that we will find ourselves in the future involved in a contest in which we will be forced to play a "catch-up" game—the most dangerous and expensive sort of contest known among nations.

As I have broadened the base of my previous argument to include the economic benefits which accrue to this Nation through the efforts of the aerospace industry, so will I broaden my previous plea for the preservation of its collective capability.

Mr. President, I ask, once again, that we concentrate our future efforts not only on fixing the problems rather than the blame, but on solutions which will guarantee our defensive security, technological progress, and continued prosperity—all of which goals are dependent upon our support and on future growth of our aerospace industry.

A COLUMN BY JACK McCLOSKEY,
EDITOR, MINERAL COUNTY, NEV.,
INDEPENDENT

Mr. BIBLE. Mr. President, in this age of modernization, mechanization, and syndication the small town voice of the independent, crusading newspaper editor often seems to be a thing of the past. No so. Their numbers may have diminished, but there are still plenty of country editors around who give a courageous and outspoken personality to their papers. We have them in Nevada, and one of them is a close personal friend, Jack McCloskey of the aptly named Mineral County Independent.

Jack writes a front-page column called Jasper, and he never hesitates to let his readers know what he thinks, even if he steps on some community toes. No one, friend or foe, is safe from his blunt, plain-spoken typewriter. And that takes in everyone from a city councilman to a U.S. Senator or President.

Jack McCloskey's column took on a somber tone last month, however. It was a farewell to his mother who died recently. As it turned out, however, the column was more than a tribute to a wonderful woman. Some very basic truths crept in and with them some thoughts that should be shared with all Americans, whether they live in mountains and desert of Nevada or in the urban sprawl of New York.

Columnist Robert S. Allen, whose syndicated writing probably appears in more newspapers than Jack McCloskey has readers, called the column to my attention and commented:

To me, it is one of the most superb things I have read in a very long time, and a great tribute not only to his valorous and esteemed mother, but to Jack and the profession he has honored and distinguished so long.

I ask unanimous consent that his column of September 22 be printed in the RECORD.

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

JASPER

My mother died last week.

That is an expression we have heard countless times in writing obituaries over a period of more than 40 years. This time it was different. It was my Mom. She lived a long life but a good one, much of it a hard life (she outlived her husband and seven children), but always with an abiding faith in God and Country. Though she was born in a foreign land she lived most of her 88-plus years in the United States and was proud to be an American.

She was of humble birth—her father was a shoemaker and her mother's family were "sharecroppers" who struggled to eke out a living on an allotment of land in a little spot in Ireland, paying "tithings" to an absentee landowner. They were of "minority" status in Ulster because, through faith or stubbornness, or a combination of both, they would not yield to the pressures of Henry VIII, Cromwell or William of Orange.

When Mom was only 15 months old the family "won passage" to the United States and what they dreamed would be a better life. It was, even though it meant a new struggle in the mining camps of Colorado for those of "immigrant" status. While my father was born in Colorado, his family story was a parallel—his parents leaving the North of Ireland for the coal mines of Pennsylvania then on to the hard-rock mining of Colorado.

Little wonder that my Dad carried a Socialist card in his younger days (later to become a staunch New Dealer) and was active in the Western Federation of Miners in their long struggle for an eight-hour day. (Paid vacations and sick leave were not even thought of as "negotiable items.") Mom knew the strain and suffering of the big labor dispute in Goldfield and the 1919 and 1921 strikes in Tonopah.

She was a proud lady but she did not let pride deter her from working as a hotel maid to insure there would be meat on the table, even if only on Sunday. Our family was so far below the present day "poverty" levels it is doubtful if we could have qualified for welfare if there had been such a thing in those days.

There was no family car, no radio, no indoor plumbing. Those were luxuries Mom did not enjoy until after moving to Hawthorne, when she was almost 50 years old. But she was thankful progress was being made, albeit slow and rough at times. Although only the youngest of all her children enjoyed the luxury of a college degree (thanks in a large measure to the GI Bill of Rights), Mom was proud and happy to know that all her grandchildren were afforded the opportunity to attend college, and lived to see a great grandson enrolled at the University of Nevada this year.

Mom was patient. She also was understanding. She learned from her own mother, and impressed upon her children, that "tolerant" is a word used by smug and self-emulating people. "You must learn to accept people for what is in their hearts, not for the color of their skin or the label they might be

wearing on their coat," was the admonition repeated again and again in our home.

Saddened by the current strife in the place of her birth—now called Northern Ireland—only a month before her death Mom expressed sorrow for the plight of the young British soldiers who are being sent to "England's Vietnam" to risk their lives for the mistakes of their forebears. "If Lord Asquith, David Lloyd George and Winston Churchill were around today, I wonder if they would admit their blunder of 50 years ago," she said.

My Mom, like her Mom, seldom spoke of Great Britain, only England. Many times we heard them say: "Ireland has no quarrel with Scotland, Wales or Canada, it is those starched collar Englishmen who think they are 'born to the purple' who have fanned the religious flames and have brought sorrow to the whole of Ireland. Why don't they let them live in peace, regardless of their church, the way we do here in America?"

But in the past few years as the picture changed in the United States, Mom offered a warning against the trend that can only bring "division" that caused so much suffering and separation in Ireland. She referred to "new-fangled labels" for "hyphenated" Americans—Irish-Americans, Afro-Americans, Spanish-Americans, Jewish-Americans, Italian-American, etc., and made it quite plain:

"Never be ashamed of your ancestry, but always remember you are an American, and be proud of it."

She was, and I, too, am proud to be an American.

If this be considered "establishment" thinking then I am also proud to be a member of the establishment. My mother was a very small cog, but an important one to me, in building the American establishment. I can only hope, and pray, that she does as well in her new life.

ADMINISTRATION'S ATTITUDE TOWARD THE POOR

Mr. HARTKE. Mr. President, during the past 2½ years, I have been increasingly concerned about the administration's attitude toward the Nation's poor. Six years ago, the attention of the country was focused on the plight of the poor with the passage of the Economic Opportunity Act and the creation of the Office of Economic Opportunity.

Major portions of the antipoverty effort are suffering from underfunding and lack of attention. Other segments have been dispersed from OEO to compete with more powerful forces within the Federal bureaucracy. Now we find that OEO itself is becoming a nonentity. Its role as a spokesman for the poor will cease to exist. For a brief period of time in the history of this great and affluent Nation, one of our less powerful but very needy minorities had a voice in Washington.

The poor are a disquieting influence on our society, for they desire to improve their economic status. In pursuit of the American dream, they have agitated for causes and programs that would upset the status quo. If that has been a criminal act, then most of us have parents, grandparents, or great grandparents who are equally guilty. Our Nation was founded by persons who agitated for social and economic justice. We revere them; but too often we despise and resent those who have followed in their footsteps.

Poverty is on the rise in the United States, and it will continue to rise until we take effective action—both individual and governmental—to ease the plight of the poor. A job, adequate education, proper food, decent housing, minimal medical care—these are some of the things to which all Americans are entitled, no matter what their income or social status. The achievement of this goal will mean justice for all Americans, and that—I suggest—is far more important than all of the temporary discomfort which may be caused in the interim.

Mr. President, I am alarmed at the steady dismantling of OEO. An article published recently in the Christian Science Monitor provides an objective appraisal of the administration's attitude toward the poor as reflected in its plans for the Office of Economic Opportunity. I ask unanimous consent that the article and an editorial from the New York Times be printed in the RECORD.

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

ANTIPOVERTY UNIT QUIETLY DISSOLVING (By William C. Selover)

WASHINGTON.—The Nixon administration is carefully but resolutely dismantling the antipoverty agency—the Office of Economic Opportunity—with little prospect of any new efforts to aid the poor on the immediate horizon.

The President's nomination of the third director of the atrophied agency in the past year underscores OEO's decline in prestige.

The fragmentation and emasculation of the so-called "war on poverty" is probably the best-kept campaign promise of the Nixon administration. During the 1968 campaign, the OEO, and particularly its activist community action and legal services programs, became an issue. Mr. Nixon promised to change things.

RUMSFELD APPOINTED

Without much fanfare, this is exactly what he has done.

It was a signal of things to come when Mr. Nixon appointed U.S. Rep. Donald R. Rumsfeld (R) of Illinois as director of the OEO. Mr. Rumsfeld's task clearly was to preside over the dissolution of the agency, which he had opposed as a congressman.

Mr. Rumsfeld quickly announced some quixotic new regulations—including forbidding OEO officials to use the word "poor."

But the real dismantling took place behind the scenes. With the appointment of Dr. John Wilson as an assistant in charge of program planning and evaluation, Mr. Rumsfeld had an aide who would tackle determinedly the dismantling of the ungainly and often raucous agency.

PROGRAMS DEFLATED

Dr. Wilson put together a dedicated and talented staff and began deflating OEO programs, spinning them off to other agencies, cutting federal ties to them, and putting them under local political structures. The unspoken but clearly implied intent of this task force was to put OEO out of business altogether.

One of the group's most impressive findings about poverty was used to justify the phasing out of the OEO and the phasing in of the President's welfare-reform legislation. This finding was that the great body of Americans living in poverty may be a fairly fixed number, but that the actual makeup is constantly changing, fluctuating. And, while some may be rising above the poverty level at any given time, they are replaced by others who fall below the poverty line.

TURNOVER DISCOVERED

They found that there is as much as a one-third turnover in any single year.

This has been used as a reason for deemphasizing the long-term, service-oriented OEO antipoverty efforts and stressing the welfare-reform legislation with the minimum income factors.

It may be a logical and progressive substitute to move from OEO-type programs to the income-support-type programs. But the President, in announcing the 90-day wage-price freeze, at the same time announced that the White House would not press for the welfare reform program for another year.

This means that the antipoverty program has been weakened, and welfare reform, designed essentially to take up the slack, has been put off, leaving America's growing number of poor without any strong federal efforts in their behalf.

SANCHEZ QUOTED

It would be misleading to give the impression that President Nixon's latest nominee for OEO director, Phillip V. Sanchez, is lacking in his commitment to the poor. But it is clear that he is loyal to the President in his efforts to phase out the OEO program.

"I have been impressed with the quality of OEO programs," says Mr. Sanchez, who has been an OEO assistant director for six months, "and with the strong commitment of the Nixon administration to the interests of the poor and the disadvantaged people of this country."

But others fear the opposite is true, especially given Mr. Nixon's recent unflattering references to welfare recipients, the cutback in school-lunch-program funds for the poor, the delay and thus denial of funds for summer programs or hungry poor people in inner-city ghettos, and the delay in expanding the food-stamp programs.

FUNDING INCREASED

It would be misleading, too, to say that the Nixon administration vastly cut back funds for the OEO. In fact, over three years it has increased the funding slightly. But it was a period when the number of people living in poverty jumped dramatically, from some 25 million to around 32 million.

At the same time, the administration has moved to effectively place the OEO's Community Action Programs under local government officials, by looking to the eventual funding of local programs through block grants administered by local politicians.

This is one way to check criticism and hold down the kind of challenge to the local establishment which characterized the early days of the OEO, when the poor were able to confront a system that had for decades kept them in poverty.

All in all, Mr. Sanchez is faced with a formidable challenge—to phase himself out of a job while at the same time convincing a skeptical public that the administration does, indeed, have a "strong commitment" to the poor and disadvantaged.

OUT OF SIGHT

Operating on the "out of sight, out of mind" theory, the Administration has put on a skillful political performance in dispersing and defusing the war on poverty.

The Office of Economic Opportunity, which started out seven years ago as both a powerful agency conducting its own programs and coordinating the antipoverty efforts of several Federal departments, is now rapidly shrinking into a mere research center. The Head Start program, the Job Corps, VISTA and the Upward Bound program have all been spun off to other agencies.

Not all of these changes are in themselves ill-advised. The pending proposal, for example, to place the legal services program under the control of an independent public corporation is a worthwhile effort to shield

this pioneering effort from political interference. Furthermore, it can be argued that the O.E.O. under Sargent Shriver, its first director, expanded too rapidly, with the result that Administrative control suffered.

But Mr. Shriver did keep the attention of the public and Congress focused on the poverty problem. Under the Nixon Administration, O.E.O. has had three directors in the past two years, each less visible than his predecessor. As the agency's more successful programs merge into the grayness of the old-line bureaucracies, there is rising danger that the more than 25 million Americans who still dwell in poverty will slip back into the shadows and be forgotten.

Moreover, a successful effort against poverty cannot be prosecuted without occasionally stepping on the toes of some local establishments, some political machines, some old-line Federal agencies. There should not, of course, be a continuous adversary relationship between poverty program officials and other political and bureaucratic elements, but neither can there be perfect harmony. When it is all quiet on the poverty front, that usually means nothing is being done.

The economic recession of the last two years has done more to keep poverty in the forefront than the leadership of the Government's own antipoverty agency. The first sign of urgency in meeting the needs of the poor came only last week from Secretary of Labor Hodgson, who has shown both sensitivity and sound judgment in his plans for distributing \$200 million voted by Congress to create public service jobs in areas of severe, chronic unemployment. He is reaching into slum neighborhoods to get at the places most in need of help. But even this program got no White House welcome when it was first pushed on Capitol Hill.

THE ATTACK AGAINST CANCER

Mr. CRANSTON. Mr. President, the Senator from Wisconsin (Mr. NELSON) presented testimony on September 16 before the House Subcommittee on Public Health and Environment on S. 1828 and related legislation proposing the establishment of a Federal agency responsible for leading the attack against cancer. His testimony, I believe, presents issues and concerns, many of which I and many outstanding members of the biomedical scientific community share, that must be fully deliberated in legislative consideration of this very important matter.

Although I voted for the Senate-passed bill—S. 1828—the Conquest of Cancer Act, I did so with apprehension that the organizational structure established could be successfully implemented in order to mount the most effective attack on cancer. I nevertheless chose to support S. 1828 as a means of mobilizing the enormous public concern and the conviction of outstanding health care leaders in the fight against cancer. With such strong backing there is reason to believe that the new agency's urgent objectives would be achieved in spite of any weakness in the organizational structure.

Because Senator NELSON's testimony of September 16 summarizes and delineates the issues involved in a very effective fashion, I believe it will be of interest to my colleagues and the public and ask unanimous consent Mr. President, that it be set forth in the RECORD.

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

TESTIMONY OF SENATOR NELSON ON CANCER LEGISLATION, S. 1828

I appreciate the opportunity to appear before this Committee to comment on the Senate-passed measure, S. 1828, sometimes called, inappropriately I think, the Conquest of Cancer Bill.

This Committee and its chairman, Mr. Rogers, have a well deserved reputation for knowledgeability in the health field. I am moved to hope that this Committee would preserve and even enhance its reputation and distinction in affairs of health by saving the country from the folly of the Senate bill. One of the fundamental strengths of the bicameral system is the opportunity afforded one body to correct the errors of the other. I think it is fair to say that not more than a handful of Senators addressed themselves to the implications of that provision of S. 1828 which creates an independent Cancer Authority outside of the jurisdiction of the National Institutes of Health. Declaratory language in the bill attempts, without success, to paper over this fundamental if not fatal assault on the organizational structure of NIH.

There should be no misunderstanding on this critical point. If the Congress adopts the language of the Senate bill it is the first giant step in the dismantling of the National Institutes of Health. Next will follow the National Heart and Lung Institute with a political case for independent status equally as compelling as the political case for cancer. I emphasize the word political as contrasted with scientific because no scientific case whatsoever has been made for separatism. In fact, the scientific case is overwhelmingly against it.

What we are dealing with in S. 1828 is a mischievous political compromise of a very important scientific matter. I do not in any way question the good intentions of those who support an independent Cancer Authority, but I do question their judgment. The independent authority concept originated with the Panel of Consultants, half of whom were laymen and half scientists. Some of the Panel's most distinguished scientists have now publicly stated their opposition to this provision of the bill.

S. 1828

S. 1828 as passed by the Senate sets up a Conquest of Cancer Agency which the bill says is "within NIH," but in fact the Agency has independent status. Its Director would report directly to the President and the Office of Management and Budget.

The only statutory ties with the NIH—where the present National Cancer Institute is the largest and central Institute—is a requirement for the Cancer Agency Director to "take necessary action together with the Director of the NIH so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this act between the National Cancer Institute and the other Institutes of Health shall be maintained between the (Cancer) Agency and the Institutes of Health to insure free communication between cancer and the other scientific, medical and biomedical disciplines." (Sec. 407E(a) (11).)

This language will have only whatever meaning the Director of the Cancer Institute wishes to give it. The Cancer Agency Director would, in fact, be at the same grade level as the NIH Director. He would statutorily by-pass the NIH Director in all matters pertaining to cancer budget and program plans.

The Cancer Agency Director and the Deputy Director would be politically appointed by the President, by and with the consent of the Senate. This in itself is an unprecedented situation as regards the head of any federal biomedical activities. Not even the Director of NIH is politically appointed; he is a career public servant.

The bill, therefore, sets several precedents: it calls for politically appointed heads of one phase of federally-supported research; and it opens the door for other research areas to seek comparable status, thereby spelling the future demise of the cohesive agency known as the National Institutes of Health. I believe this would be counter-productive to cancer research in particular, and to biomedical research in general. The NIH is a unique arrangement, and probably the finest institution of its kind in the world, and certainly is the undisputed leader in the field of biomedical research.

The Senate-passed bill, then, presents a number of problems.

It doesn't make clear exactly what is meant by "within NIH".

It presents enormous operational problems as regards the role of the NIH Director in Cancer plans and budget formulations, and in management of NIH facilities which will be used by the Cancer Agency.

It portends even worse management problems for the Executive Branch. Once two or more Institutes report directly to the President, then what? He will have to delegate the responsibility to some qualified scientist. Who will he be and what will be gained by such a procedure? It will soon become obvious the logical next step would be to return the Institutes back to the jurisdiction of NIH.

This bill is a bad approach for furthering cancer research. The effort can best be advanced through utilization of the NIH facilities, expertise and peer review system as devised and refined through the years for coordinating all biomedical research.

Testimony on the cancer legislation before the Senate Health Subcommittee overwhelmingly opposes a separate agency approach.

There are areas within NIH and the National Cancer Institute where change is warranted to expedite decision-making, funding of grants and contracts, and other things. As you yourself have stated, Rep. Rogers, a look at the entire NIH is a good idea; Director Marston says he welcomes this.

As you know, I proposed, along with Senators Cranston and Schweiker, that NIH be established as an independent agency. It may be that a separate Department of Health is a better step, as you have indicated.

However, after reviewing the Panel's recommendations and the Senate-passed bill, it is my opinion that many of the recommendations have been in effect for a long time, already have been implemented, or can be brought about without dismantling NIH, or creating a new bureaucracy.

Each of the Panel's arguments should be carefully examined.

ADMINISTRATION POSITION

First of all, the Administration's position has been one of about-face.

A separate Cancer Agency is not what the President originally wanted, not what the President's Science Advisor, the Secretary of HEW or the scientific community wanted.

HEW Secretary Richardson testified before the Senate Health Subcommittee June 10: "The Administration regards it as vitally important that the cancer conquest effort go forward within the framework of the National Institutes of Health."

He testified strongly in favor of such an integrated effort, despite the fact that the "compromise" had been worked out at staff levels with tacit high-level approval prior to his testimony.

It is quite clear that the Administration changed its position on the separate agency concept as a face saving political compromise when it became obvious that S. 34 was going to be adopted despite Administration objections. A compromise was reached which simply changed the bill number from S. 34 to S. 1828, changed some language without changing the substance and substituted Re-

publican primary sponsorship for Democratic primary sponsorship. It was an unfortunate and mistaken compromise of a fundamental principle. The President and his administration were right in the first place and their position against independent status should be supported.

Proponents of a separate agency argue that the Panel of scientific and lay experts unanimously recommended a separate Cancer Authority.

In the early deliberations of the 26-member Panel, many in the scientific half strongly opposed a separate cancer research effort, and, at one point, we are told, the consensus was 60% in favor, 40% against a separate Authority. That represents a 16-10 vote. Eventually, of course, the Panel endorsed the separate Authority unanimously. Since that time, however, three representatives of the scientific group have changed their minds and oppose a separate Authority.

Thus, the image of a unanimous panel of scientists is erroneous.

In addition, it is clear that the Panel did not interview Secretary Richardson or Dr. Marston until after the Panel's decisions had been made, and that they did not talk in depth to the top administrative officials of NIH or HEW about cancer research and what is currently being done at the federal level.

In response to Sen. Dominick's request that the hearing record "reflect to what extent members of the Panel consulted with officials within the Department of HEW and the NIH regarding the scientific and managerial aspects of cancer research during the course of their study," Secretary Richardson wrote Sen. Dominick on April 5:

"The Panel staff was quartered within the Office of the Director of the National Cancer Institute during the time of the study (May 1970 to mid-February 1971). Officials and employees of the NCI, the Panel of Consultants and their staff did not interview Department and NIH top management officials during the study. Specifically, the Director of NIH received courtesy calls from the staff at the beginning and the end of the study, but no substantive discussions on either scientific or management questions were held with him. The Deputy Director, the Deputy Director for Science, the Associate Director for Administration are key officials within the Office of the NIH Director, and each is particularly well qualified to comment knowledgeably upon the questions of administrative overlap, duplication and delay, and the problem of competition for funds. None of these officials was interviewed during the study by the Panel staff.

"The Office of the Secretary did not participate in the conduct of the study either . . .

"It is thus clear that, with the exception of the officials and employees of the NCI, members of the Panel did not consult with top management officials either of the Department or NIH with regard to the scientific and managerial aspects of cancer research."

NIH CAPABILITIES

The enormous irony of proposing a moon-shot-type agency for cancer is that the breakthroughs to date have occurred because of the capabilities of the National Institutes of Health and its National Cancer Institute, not in spite of them.

All of the major discoveries, including numerous ones which fell out inadvertently from non-cancer research, have occurred largely because of the present broad-based, multi-disciplinary system of federally-supported research embodied in the NIH.

Secretary Richardson testified June 10:

"It is the existence of these capabilities, the research accomplishments to date, and the vigor and vitality of present programs that makes it possible to consider launching an expanded effort of the kind now proposed."

He further stated:

"From a scientific point of view . . . the work done during the past 15 years—not merely under the aegis of the Cancer Institute but of the National Institutes of Health as a whole—has created the opportunities that now exist for the further expansion and acceleration of cancer research. There is a solid foundation on which to build an enlarged program."

PLAN

Dr. Carl Baker, National Cancer Institute Director, and Secretary Richardson, have outlined in several hearings the plans for cancer research.

The National Cancer Institute has a comprehensive and complex plan for long-range research. The plans involve all research areas that touch on cancer, including chemotherapy and viral oncology. Extramural panels of experts are presently being appointed to draw up plans for other cancer research areas.

Therefore, the charge by the Panel that "At the present time there is no coordinated national program or program plan" is simply incorrect. The Panel further asserts, "the overall research effort (in the NCI) is fragmented and, for the most part, uncoordinated."

Where can such plans be better coordinated—given the basic nature of the research—than by the Institutes which conduct all forms of research touching on cancer?

The Panel also urged greater cooperation on an international level in cancer research. The NCI is heavily involved with the activities of the International Agency for Research on Cancer, a body associated with the World Health Organization, in coordinating such research world wide. In fact, it is probably safe to say that NCI is the fulcrum of such international efforts.

PERSONNEL

The separate agency proponents also argue that better personnel will be attracted to a Cancer Agency. Given the accomplishments of the NIH-NCI to date, are we to say that the men who directed these efforts were not of the highest quality? It would seem that these accomplishments were effected because of the wisdom and leadership of such men as Dr. Shannon, former and long-time NIH Director, Dr. Baker, and now Dr. Marston, and their predecessors.

It occurs to me that a real danger lies in making these scientific leadership positions into political appointments, as the Panel recommends and the Senate bill proposes. Under the Senate bill, the two top persons in charge of cancer research would be the only politically appointed directors of a segment of federally supported biomedical research. This raises enormous questions about the potential pork-barreling of federal scientific research. Such a situation is not possible under the present NIH setup with its careful peer review of funding applications.

It must also be remembered that scientists are not attracted by a managerial approach to research. The best scientists are turned off by being told that they must limit themselves to one direction.

BIOMEDICAL OPPOSITION

The biomedical community almost unanimously opposes such a separate Agency. Thirteen noted scientists—including five Nobel Prize winners—in a letter to the New York Times July 29 stated:

"Senator Javits (in his July 24 rebuttal to the Times' cancer editorial) implied that there is widespread scientific support for this legislation. There is not." Their letter concluded: "The bill passed by the Senate does not offer a rational approach to the conquest of cancer because it narrows the scientific focus."

The list of opponents to the separate Agency approach is impressive, and the impact of

such an effort on the morale of the nation's and the world's best scientists must be considered by Congress in passing any legislation. These are the men and women who are doing the research.

The only major organization that testified in favor of a separate Agency was the American Cancer Society. The American Heart Association favored a separate agency on the stipulation that heart research receives equal status.

Scientific organizations which oppose the separate Agency bill include: The Federation of American Societies for Experimental Biology, representing six scientific societies and 11,000 scientists; the Association of American Medical Colleges, representing 103 medical schools and 401 major teaching hospitals; the American Medical Association; the National Tuberculosis and Respiratory Disease Association; the American College of Physicians; the American Association of Pathologists and Bacteriologists; the American Physiological Society; the Federation of Associations of the Schools of the Health Professions; the American Hospital Association; the American Society of Biological Chemists; and the Chairmen of Departments of Biochemistry at American Medical Schools. The Association of Professors of Medicine, representing 77 heads of departments of medicine, unanimously opposed the idea of a separate cancer agency at their meeting in Atlantic City last May.

The President of the American Society of Biological Chemists, Dr. Eugene P. Kennedy, in prepared testimony, stated:

"It would seem highly desirable to incorporate the new program into NIH. In this way, wasteful duplication of programs, competition of two separate agencies for limited funds, and the expenses of two separate administrative structures would be avoided."

Dr. Philip Handler, President of the National Academy of Sciences, in a letter to Senator Kennedy March 15, wrote:

"It is my view, and that of all knowledgeable colleagues with whom I have discussed this matter, that the public purpose would be best served by utilizing this opportunity to strengthen the National Institutes of Health in a variety of ways, most particularly the National Cancer Institute, rather than create a National Cancer Authority. I know this view to be shared essentially unanimously by the membership of the Institute of Medicine of the National Academy of Sciences and by the membership of the President's Science Advisory Committee."

Handler went on to say that: "Those responsible for the proposed National Cancer Authority will find it necessary to re-invent virtually all of the National Institutes of Health within the Authority if the actual charge to the Authority is ultimately to be successful."

OTHER RESEARCH

The promoters of the separate authority argue that "cancer is the No. 1 health concern of the American people." Indeed, it is, and no one argues that the public fears this disease more than any other. The fact remains, however, that heart disease is the world's number one killer. Of course, we recognize that eventually, everyone's heart must give out with age. But, the case can be made for independent status for the National Heart and Lung Institute equally as strongly as the case for cancer research. Advocates of heart research already have asked for status comparable to cancer's.

Tens of thousands of Americans suffer from arthritis, a crippling disease. The case can just as strongly be made for independent status for the National Institute of Arthritis and Metabolic Diseases.

While the Panel argued that, for every person in the United States, only 89 cents was spent on cancer research in 1969, it is important to note that—while the sum is small

compared to \$410 per person spent for national defense—cancer received more money than any other federally-supported research area.

Seventy-nine cents per person went for heart and lung research; 55 cents for mental health; 50 cents for neurological diseases and stroke; 50 cents for allergy and infectious diseases; 14 cents for dental research; 68 cents for research on arthritis and metabolic diseases.

STATE OF THE ART

As for the state-of-the-art, proponents of a separate agency argue that "a national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge" and a "moonshot"-type agency is warranted "whose mission is defined by statute to be the conquest of cancer at the earliest possible time." (from Panel report)

The overwhelming opinion of the biomedical community disputes this view of the state-of-the-art in cancer research. Most scientists believe that cancer research is not at the "moonshot" stage, not far enough advanced to establish which areas should be the target of concentrated efforts.

Dr. Philip R. Lee, former assistant for Health and Scientific Affairs in HEW, testified in the Senate: "Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot... which requires mainly the mobilization of money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, multifaceted challenge at least as perplexing as the problem of the various infectious diseases. We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach."

Even the Panel acknowledged that "the nature of cancer is not yet fully known. It is erroneous to think of cancer as a single disease with a single cause. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways."

The view of the biomedical community may be best summed up by the statement of Dr. Sol Spiegelman of Columbia University: "An all-out effort to cure cancer at this time would be like trying to land a man on the moon without knowing Newton's laws of motion."

BUDGET PROCESS

The Panel argues that a major reason for setting up a separate agency is to give cancer more budget visibility.

No one opposes giving cancer research more money. In fact, the President has already requested \$100 million on top of the cancer budget, the Congress has already appropriated it, and part of the money has been made immediately available by the Budget Bureau, in a unique demonstration of funding for a priority.

The argument for separate budget authority is based on the assumption that without it government officials will keep cancer budgets low because they want (1) to keep federal expenditures down, and (2) to give all research a fair share of available funds. Thus cancer would suffer as one of the many areas competing for funds.

The fact remains that the budget people are responsible for keeping all federal expenditures within a budget, and will consider the cancer budget accordingly, regardless of whether it is independent or not.

It is important to remember that the budget process does not start at the bottom program level. It starts at the top, with the setting of fiscal policies and priorities and dollar ceilings.

These priorities will affect the cancer budget, regardless of its independence. A separate Cancer Agency, like NASA and the National Science Foundation, would be subject to overall fiscal policies established in the Executive Office of the President, and would be obliged to defend the President's decisions before Congress.

It is clearly demonstrated, by the actions of the Administration and Congress, that cancer has a high priority as regards its budget, and is getting the money without delay.

It is the commitment and the national climate surrounding an issue that gives it real priority, not independent budget status in the organizational framework. Broad public support, and the commitments of the President and Congress, will insure ample funding, whatever the organizational setting.

FUNDING DELAYS

The Panel recommended that several specific administrative powers be given the cancer authority to expedite contract and grant-making approval.

Most of the recommendations have already been implemented or have been recommended in a report by the Comptroller General's Office on the "Administration of Contracts and Grants for Cancer Research," made at the request of the Senate Labor and Public Welfare Committee (reported March 5, 1971).

Specifically, one recommendation was to grant the Cancer Agency the power to enter into prime contracts. HEW already has granted the National Cancer Institute this power.

Another recommendation—to enable the Cancer Agency to commit available funds until expended rather than on a year-to-year basis—must be acted upon by Congress in terms of advance funding. Congress could appropriate funds for the Cancer Institute to be available for succeeding fiscal years. Thus, cancer projects, which often extend for 3 to 5 years, would be funded in advance, rather than on a yearly basis.

This type of advance funding has been authorized for certain other programs, including aid to educationally-deprived children under Title I of the Elementary and Secondary Education Act of 1965.

Another cause for delay in funding is the recent practice followed by both Congress and the Executive Branch of setting annual spending ceilings. Such ceilings might be eliminated for cancer budgets.

Again, the fault is not with the NIH-NCI structure. Establishing a separate Cancer Agency would not correct these problems without attending action by Congress and the Executive Branch—and the problems can be corrected without establishing a new agency.

DELAYS IN GRANTS, CONTRACTS APPROVAL

As for the length of time presently allotted for approval of grant applications and contract proposals, I have several observations to counter the Panel's objections to these time periods.

Grants: Grants during the calendar year 1970 required an average of 6 to 8 months for review and approval.

In fiscal 1971, NCI awarded 354 research grants amounting to \$23 million dollars. Grants considered totaled 903, of which 688 were approved for funding, and 354 were funded. Study sections consider some 80-100 at each session. The National Advisory Cancer Council considers 400-500 applications at each meeting.

It is evident from the GAO report that some time may be eliminated from the 6 to 8 month review process, particularly in waiting periods between review steps. Most of the grant applications reach the first review step, the study section, within 3 months. It then may take 6-10 weeks after consideration by the Advisory Council.

Part of the delay is caused by the fact that the study sections and the Advisory Council meet only three times a year. It is difficult, however, to require the members of these bodies who are eminent scientists engaged in other work in laboratories and schools—to meet much more often than that.

They might meet four times a year. Furthermore, the review process no doubt, could be expedited at the administrative levels.

However, it is the opinion of distinguished scientists that the peer review system as now structured is one of the best ever devised, and should not be tampered with at the expense of its merits.

Grants are reviewed first for scientific merit by the study sections, then for relevance and priority by the Advisory Council. The reviewers are non-federal and eminently qualified in their respective fields. The system has a built-in check and balance to preclude the funding of poorly-qualified projects, or duplication of projects.

Any time-saving improvements would be worthwhile, but it is questionable whether the system should be dropped or significantly modified simply to expedite the handing out of federal research money.

The GAO recommended that one way to expedite the grant review process would be to award grants up to a specified dollar amount without review by study sections but with review and recommendations of the Cancer Advisory Council.

This suggestion seems to have merit, in light of the fact that 45% of the 1,182 grants funded in 1970, representing 12% of the total dollar amount (12% of \$71.4 million), were for grants of under \$30,000 each.

Contracts: As for the Panel's recommendation that more use be made of the contract mechanism in funding cancer projects, it should be noted that NCI in recent years has made extensive use of contracts for collaborative research programs. Of the Institute's \$181 million in fiscal 1970 obligations, NCI awarded 333 research contracts for \$49.7 million (more than one-fourth the total obligation.)

In addition, as previously noted, the Cancer Institute has been given the legal authority to enter into prime and sub-contracts, as recommended by the Panel.

The contracts require an average time of 7 months for review and approval. The GAO found that about 1½ months of that time was the result of unnecessary duplicative reviews by both NIH and NCI.

Contract awards are not subject to the same peer review system as grant applications. There is a problem in recruiting outside peer consultants with no conflict of interest. Contracts are reviewed by standing in-house NCI program committees and then by the Scientific Directorate, an in-house body unique to the Cancer Institute, because of the number and various types of contracts which the Institute lets out. (The Directorate is composed of 5 members: the NCI Director, the Director of Laboratories and Clinics, the Scientific Director for Chemotherapy, the Scientific Director for Etiology and the Associate Director for extra mural programs.) The Cancer Advisory Council periodically reviews plans and status of the contract program. A report in 1966 (known as the Ruina Report) recommended against a project-by-project review by the Advisory Council of contracts like that done for grants.

The GAO recommended dividing the process of contract development and award into two phases. No doubt the contract review process, like the grant review process, can be speeded up, but this can be accomplished administratively, also. The duplication of review by both NIH and NCI can be eliminated, if the total contract award process is concentrated in the Cancer Institute.

STRAIGHT LINE OF AUTHORITY

Now we come to the most crucial part of the problem, as I see it, in the Senate-passed bill—the concept of bypassing the Director of NIH in formulating cancer budgets and programs. This is anomalous, if the intention of an expanded cancer effort is to work closely with NIH and to “maintain the existing balance between fundamental and targeted research,” as Dr. H. Marvin Pollard, President of the American Cancer Society, stated in a letter to the editor of the *New York Times*, July 28.

Secretary Richardson testified before the Senate Health Subcommittee, June 10:

“The primary purpose (of a cancer program) is to keep cancer research in close and constant contact with the mainstream of biomedical research of which it is an integral part. Such contact is, in fact, essential. Cancer research has in the past profited greatly from work done in other fields, and, as you know, some of the most promising leads in the search for the causes and the cellular mechanics of cancer have come from work done in other fields. . . .

“To create the optimum conditions for a major attack on cancer, the relationships that have been so productive in the past must be maintained. Moreover, the indivisibility of knowledge and understanding in the life sciences is such that research on other diseases will also have much to gain from close contact with a greatly expanded cancer research effort,” Richardson said.

This is sound advice, but in order to accomplish such a cohesiveness among the biomedical sciences, it is necessary to have the heads of all areas of research share information and funnel it through a single source. The NIH Director is the most logical person through which to funnel and coordinate such information regarding programs and budget. The NIH Director is in the most logical position to know what programs are being conducted throughout the biomedical community, where duplication might occur, and to adjudicate priorities.

The argument is made that lines of command must be direct between the cancer agency Director and the President and OMB, that the bureaucratic layers in HEW must be eliminated in order to facilitate the cancer program.

The Panel argued that 6 layers of bureaucracy above the National Cancer Institute slowed decision-making for cancer activities. Three of the layers which the Panel cited are not even involved in cancer decision-making. Those involved under the present arrangement are the Director of NIH, the Assistant HEW Secretary for Health and Scientific Affairs, and the Secretary of HEW. The Deputy Director of NIH, the Under Secretary of HEW and the Surgeon General—whom the Panel cited—are not involved in cancer program decision-making.

Two of these channels can be eliminated by having the Cancer Director report directly to the NIH Director, who then reports directly to the President.

Without some overall direction on the part of the NIH Director, unnecessary and competitive lines of communication and command will be set up between the Cancer Director and the NIH Director, who then reports directly to the President.

The thirteen scientists who wrote the *New York Times*, July 29, stated: “It is hard to imagine a scheme with more potential for undermining the scientific integrity of the NIH and the authority of its Director.”

There is even the danger that a separate research entity will create its own bureaucracy. It would seem better to eliminate those now in existence, than to create potential new ones.

The major argument in favor of involving the NIH Director lies in the fact that little evidence, if any exists to support the conclusion that progress in cancer research has

been significantly impeded by administrative problems, and that existing inadequacies are not correctable within the organizational framework of NIH.

OTHER POINTS IN PANEL REPORT

No one quarrels with the recommendation of the Panel that more manpower be trained to conduct cancer research. There appears to be a clear need for this. At the present time, there is not enough manpower to fill a large number of cancer research centers. The Panel would like to see more such centers built, but more manpower is the first necessity. There is also a need for more demonstration treatment centers, where new forms of treatment can be tried on larger populations than at present.

These recommendations of the Panel can be fulfilled with a substantial monetary support.

The Panel also recommended a central data bank and information retrieval center. This is also a good idea, but, I am told, difficult to accomplish. The NIH presently has a computerized data bank listing grants by type of project, and a list of contracts is being added to the information. The Smithsonian Institution maintains a general Scientific Information Exchange.

However, it is evident that progress in cancer research is not held up for want of an easy information system.

SERENDIPITY, AND THE RELATIONSHIP TO NIH BROAD-BASED RESEARCH

Cancer research has produced some very heartening steps in recent years, particularly in controlling some forms of the disease such as leukemia and Hodgkin's disease. Many of the breakthroughs were the outgrowth of basic research, which was not cancer-targeted.

The discovery of the cancer-uses for several drugs—including methotrexate and prednisone—fell out of basic research in other areas.

These drugs are now used to treat various leukemias and lymphomas.

There are many examples like these of how basic research turns into applied research.

This kind of basic research must be continued. I believe that the present NIH structure is the best source of support for such basic, multiphase research.

The Panel, in its “afterword,” agreed that, “Concerted, large, broadly-based research efforts are required” to facilitate cancer research, stating further: “It is the Panel's opinion that a large and essential component of any future effort must be the continued accumulation of fundamental information, in order to provide the rational basis on which to build better methods of prevention, diagnosis and treatment.”

It is my belief that such an effort can best be moved forward through the NIH.

THE SPIRIT OF COLORADANS

Mr. ALLOTT. Mr. President, Life magazine of October 8 contains a very fine short article which speaks volumes about the spirit of Coloradans. It concerns a brave town's tragedy and its moving response to it.

The article is entitled “A Town Fights Past Its Grief.” I ask unanimous consent that it be printed in the RECORD.

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

A TOWN FIGHTS PAST ITS GRIEF
(By Loudon Wainwright)

A dreadful local disaster staggered the little Colorado town of Gunnison last month when a bus carrying 42 of its junior varsity players to a football game went out of con-

trol and crashed going down a steep Rocky Mountain pass. Survivors later recalled the smell of smoke from the burning brakes filling the bus and the silence inside until the very end of that awful, careening, faster-and-faster plunge. Then, as the bus skidded and started to turn over, the boys screamed together in fear. Eight of them and one of their coaches were killed, and many others were hurt, several critically.

Virtually every one of Gunnison's 4,500 citizens was in some way personally struck by the tragedy. It is the sort of American town where a kid has access to many kitchens, and most people who weren't related to any of the boys knew one or more of them. And the boys, of course, along with all the town's children, were Gunnison's greatest source of pride and joy. People in Gunnison don't feel especially alienated from their teen-aged youngsters. Communications between the generations remain pretty good. Drugs have arrived, but they aren't pervasive and Gunnison parents believe that they are raising their kids, as indeed they are, in a healthy, beautiful and relatively unspoiled environment. Status and responsibility are given early in such a place, and though most of the dead boys were only 14 or 15, they were recalled as individuals who had already achieved a rank beyond childhood.

After the accident the town came to a stop. Businesses were shut down, and the schools were closed. During the three days of preparations for the funerals and the mass burial, the sad processions of callers to the homes of the grieving went on, and the bereaved and bewildered parents visited each other. Anxious families and friends of the injured traveled for hours to see boys who had been placed for intensive treatment in hospitals as far away as Denver, 200 miles northeast across the mountains. Gunnison was caught up in a tight communion of shock and sorrow. A younger brother of one of the dead boys tried to comfort his father with the thought that possibly God had needed a football team. In another mourning household, another kid brother made precisely the same observation.

Then, somehow, the town began to encounter its own strength, its own resources for recovery. The grief, of course, produced them. One Gunnison clergyman who found those days the most painful of his ministry said: “This whole town was standing in line waiting—not just to do things for people, but to step into their shoes. I saw people surprising themselves. They ceased to exist for themselves.”

The father of a boy killed in the accident told a friend he was overcome by the sense of shared humanity he felt surrounding him. The mother of one of the eight boys said: “When I got back home that first night, there were hams, salads and cakes in the kitchen and a lady was doing the ironing. Three hundred people came to the front door, their hearts in one hand, food in the other.” The Gunnison clergy backstopped each other and shared services without regard to denomination. At a service for all the dead, nearly 3,000 people filled the local college gymnasium. Nothing could really restore Gunnison's loss, but in those rows of scrubbed and sad faces there was a resoluteness quite apart from the sorrow.

The town awaited the results of an investigation which might reveal whether mechanical failure or human error had caused the wreck. Yet it was those who knew the victims best, their teammates, who provided Gunnison with its biggest lift. The varsity had a home game scheduled with Leadville less than a week after the accident. The football squad was offered the chance to cancel the game. Instead, because the boys thought the town needed it, they voted to play. In a late summer snowfall they beat Leadville, 18-0, and cheered for themselves exuberantly with their coach. The following week, as

the last of the injured came off the critical list, the team was scheduled to play again, this time more than 100 miles away. Earlier, when she had called on a grieving family in those first days, a Gunnison woman told another visitor: "We don't just have kids of our own here—we have everybody's kids." And when everybody's kids won again, 34-10, they had 650 rooters from back home in Gunnison watching in the stands.

EUROPEAN ECONOMIC COMMUNITY TARIFFS ON INDUSTRIAL PRODUCTS

Mr. FANNIN. Mr. President, a spokesman for the European Economic Community has recently stated that on January 1, 1972, the EEC's tariffs on industrial products will be lower than those of the United States. Without going into a discussion of statistics, if the EEC combines any tariff rate with their system of border taxes and export rebates, they have one of the highest, most discriminatory trade systems in the world.

The spokesman further contended that while the EEC duties vary little from a low average, certain American products are protected by very high customs duties—sometimes reaching 50 percent ad valorem.

Mr. President, the EEC seems to be forgetting their own agricultural policy. This system under which duties are assessed on food imports to bring prices up to the relatively high EEC level is equivalent to a tariff of 35 percent. This is higher than the agricultural tariff of any other industrial country. Further, Mr. President, let us examine the EEC policy on purchases of heavy electrical equipment. This policy intentionally eliminates foreign competitors and enables their manufacturers to maintain a high home market price and sell their excess capacity abroad at sharply reduced prices. Mr. President, this is not a question of high or low tariffs—the EEC merely places an embargo on the product and refuses to purchase the product at any price or at any tariff rate.

Mr. President, the most puzzling of all the statements made by the spokesman for the EEC was that this country was behind in granting aid to developing countries. This country, through an overgenerous program of foreign aid, maintained at the heavy expense of the American taxpayer, enabled the EEC and Japan to become prosperous competitors. We are not asking for repayment, only that these countries begin acting as mature competitors rather than maintaining a protectionist policy designed to aid fledgling industries.

Mr. President, let us look at the tax and tariff rates relating to automobiles that the EEC spokesman conveniently forgot to mention.

Germany—13.2 percent tariff, an 11-percent value added tax and an annual road use tax of \$3.60 per 100 cubic centimeters displacement. Like many non-tariff barriers levied on automobile imports, the road tax is aimed directly at the larger American made cars.

United Kingdom—13 percent tariff and a 36½-percent purchase tax. In addition, the United Kingdom requires an import deposit of 50 percent of the value

of goods before release from customs. The deposit is to be returned to the importer after 180 days.

France—13.2 percent tariff; a 33⅓-percent value added tax on both the vehicle and the duty; a customs stamp duty which is 2 percent of the import duty, and an annual tax based on age and horsepower.

Italy—13.2 percent tariff; a compensation tax of 7.8 percent on the duty paid; a turnover tax of 4 percent of the duty plus fees; an administrative tax of 0.5 percent; a stamp tax of 0.2 percent of duties and other taxes, and an annual road tax based on horsepower.

Mr. President, these figures are discussed in a very illuminating article by Richard Ryan of the Detroit News. I ask unanimous consent that the article, published on September 19, be printed in the RECORD.

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

WHY U.S. CARS LAG IN IMPORT-EXPORT RACE (By Richard A. Ryan)

(NOTE.—The role of Michigan industry in international commerce is strikingly illustrated in this story comparing U.S. auto imports and exports, and describing a situation typical of those that influenced President Nixon's decisions in drawing up his new economic policy. The writer, Richard Ryan of The News' Washington Bureau, drew his figures together from both auto and Commerce Department sources.)

WASHINGTON.—A 1971 Chevrolet Impala that sells for \$3,859 in the United States costs \$8,164 in West Germany.

That same Impala sells for nearly \$8,000 in London and Stockholm.

A 1971 Vega sells for \$2,200 in the United States. It would cost \$4,000 to purchase that same vehicle in Japan.

Only the very rich in most foreign countries can afford to purchase an American made car. This did not result by accident. It was by design.

Most foreign governments have created a system of tariffs and taxes that are aimed directly at making the price of an American automobile prohibitive for the majority of its citizens to purchase.

Meanwhile, foreign imports have gained an increasingly larger percentage of the American automobile market. In 1970, for example, 1,230,961 imported cars excluding those brought in from Canada, were sold in the United States.

Imports in 1970 accounted for 14.67 percent of the total automobile sales in the United States. In contrast, in 1953 imports accounted for only 0.50 percent of the domestic car market.

More than one million of the cars imported last year came from West Germany and Japan, with the German-made Volkswagen being No. 1. Other countries exporting cars to the United States were the United Kingdom, Sweden, Italy, and France.

All of them sent more cars to this country than they imported from it. Much of the disparity between exports and imports can be traced directly to discriminatory tariffs and taxes levied against the U.S.-made cars by foreign countries.

A mitigating factor, however, is that U.S. auto makers also manufacture cars in foreign countries for domestic sale within those countries as well as for export to this and other countries. In fact, such "captive" imports into this country this year jumped 71 percent in the first eight months.

Until President Nixon raised the tariff to 10 percent last month, the only discrimina-

tory levy against foreign manufacturers was a 3.5 percent duty on their automobiles.

In addition to the tariff, foreign manufacturers also are required to pay the 7 percent auto excise tax. This tax is passed on to the customer.

The excise tax, which President Nixon has asked to be repealed, is not discriminatory, however, in that it is levied equally on domestic as well as foreign manufacturers.

In comparison to the U.S. levied tariffs, the following is a sample of some of the charges placed on American automobiles by foreign countries:

Germany—13.2 percent tariff, an 11 percent value added tax and an annual road use tax of \$3.60 per 100 cubic centimeters displacement. Like many non-tariff barriers levied on automobile imports, the road tax is aimed directly at the large American-made cars.

Japan—10 percent tariff; a commodity tax based on the size of the car, ranging from 15 percent on small cars to 40 percent on larger cars; an annual road tax also related to car size, ranging from \$50 to \$250, and a 3 percent purchase tax.

United Kingdom—13 percent tariff and a 36½ percent purchase tax. In addition, the United Kingdom requires an import deposit of 50 percent of the value of goods before release from customs. The deposit is to be returned to the importer after 180 days.

France—13.2 percent tariff; a 33⅓ percent value added tax on both the vehicle and the duty; a customs stamp duty which is 2 percent of the import duty, and an annual tax based on age and horsepower.

Italy—13.2 percent tariff; a compensation tax of 7.8 percent on the duty paid; a turnover tax of 4 percent of the duty plus fees; an administrative tax of .5 percent; a stamp tax of .2 percent of duties and other taxes, and an annual road tax based on horsepower.

Sweden—13 percent tariff; a sales tax of 11.11 percent of vehicle and duty paid, and a transaction tax based solely on vehicle size.

Numerous other countries restrict imports in other ways. Several countries, for example, require that any car sold within their borders must contain a certain amount of locally produced materials.

Such content requirements are in force in most developing nations in Africa, Asia and South America. Spain and Portugal, however, also have such requirements.

Requirements vary from country to country, ranging between the 5 to 14 percent called for in Venezuela to the 95 to 100 percent requirement of Brazil.

Another factor driving up the price of American cars abroad is the considerably higher shipping costs, resulting from both dockside charges to actual freighter costs.

Major foreign exporters have special carrying freighters which considerably reduce the shipping costs per car and their dockside costs, mainly because of lower wages, are less.

Still another reason for the higher prices is that foreign countries base their tariffs and taxes on American cars on the wholesale price of the car plus marine insurance and freight costs.

The U.S. tariff on foreign cars, on the other hand, is levied on the wholesale price of the auto only and not on insurance and freight costs.

Although foreign manufacturers pay less duty to export their cars to the United States, they must conform to all U.S. imposed safety and pollution control standards. Meeting these requirements has resulted in increasing the cost of the imports.

While a considerable portion of the disparity between U.S. imports and exports of automobiles can be traced to taxes that discriminate against large cars there are other reasons too.

A major deterrent to the use of the larger

American cars in Europe, for example, is the exorbitant price of gasoline resulting from high taxes.

In some European countries fuel taxes are 175 percent to 450 percent higher than in the United States. As a result, European auto manufacturers have designed cars that place an emphasis on low fuel consumption.

Road conditions and city congestion also are more suited for the smaller European car than they are to the larger American-built automobile.

"Europeans don't have anything like the number of freeways we have here," said one automobile company spokesman. "And they usually don't have to drive very far at one time. Europeans just don't jump into their cars for a 2,000 mile trip as we do," the spokesman asserted.

While American companies have been effectively barred from exporting large numbers of cars by tariffs and taxes, they have not been prohibited from investing abroad. And that they have done in a significant way.

IMPORTS AND EXPORTS—THE 1970 FIGURES

Following is a comparative list of foreign auto imports, which include cars made by U.S. firms abroad, and U.S. auto exports for 1970:

	Exports to United States	Imports from United States
West Germany.....	674,945	2,476
Japan.....	381,338	159
United Kingdom.....	76,257	434
Sweden.....	57,844	1,091
Italy.....	42,523	159
France.....	37,114	394

A factor that should be considered in any relative comparison of these statistics is the widely-differing populations of each country: The United States—204,000,000; West Germany—60,842,000; Japan—102,322,000; United Kingdom—55,534,000; Sweden—7,978,000; Italy—53,170,000; and France—50,330,000.

General Motors, for example, is one of the largest auto producing companies overseas. GM's Opel manufacturing plant in Germany produced 807,000 cars in 1970. The firm's Vauxhall plant in England turned out 269,797 automobiles in the same year.

"We don't really expect to export the Vega to Europe," conceded one GM spokesman, "when we manufacture Opels and Vauxhalls there."

Currently, oversea car production accounts for almost 24 percent of GM's car output.

The firm also is involved in exporting its Opel into the United States. Last year 86,630 Opels were sold in the United States. Through August of this year 65,330 German-made Opels were sold here.

Ford Motor Co. also has an extensive overseas operation with major plants in Germany and Britain.

In 1970, Ford of Britain sold 480,948 automobiles. Ford of Germany sold 643,649. Ford's foreign operations in 1970 accounted for 26 percent of its sales and 24 percent of its net income.

Ford also imports its overseas-built Capri into the United States. Last year more than 41,000 foreign-built Ford's were sold here.

Chrysler Corp., the remaining member of the Big Three auto fraternity, also has a large overseas manufacturing operation.

Chrysler of France, which produces the Simca, turns out about 400,000 cars a year and has about 18 percent of the French car market.

Until recently the Simca also was exported to the United States. The company discontinued exports of the car this year because, as a company spokesman explained it, the cost of installing safety and pollution control equipment became too high to justify selling the car here.

Chrysler-United Kingdom produces the Sunbeam and Hillman. A car similar to the Hillman Avenger is exported to the United States where it is sold as the Cricket.

The Dodge Colt is produced in Japan by Mitsubishi Motors. Chrysler recently purchased 15 percent control of the Japanese plant and agreed to acquire 35 percent over a three-year period.

Approximately 35,000 each of the Crickets and Colts are expected to be brought into the United States this year.

While American auto firms have invested heavily in overseas plants in recent years, there has been little investing here for foreign firms.

The reason, according to industry spokesmen, is that the much higher wages paid to auto workers in the United States would make the cost of their cars and parts considerably higher, and thus uncompetitive.

An industry spokesman said that although the additional tariff levied on foreign imports by President Nixon may be helpful in curtailing import sales in the short run, the industry favors complete free trade between all countries.

GM board chairman James M. Roche appeared to sum up the industry's feeling in an interview on the Today show one week after President Nixon raised the import tariff:

"I am a firm believer in free trade," Roche said, "because I think free trade among the nations is essential to peace and prosperity in the world."

"On the other hand, we have some very important differences in this country. Our labor rates are four times as high as they are in Japan; twice as high as in Germany, and three times as high as in Great Britain."

"These are economic factors which we have to recognize in this country and we have to find some way of competing . . . with these countries if we expect to maintain our economy on a sound basis."

CITIZENS FOR A NEW PROSPERITY

Mr. BENNETT. Mr. President, if the President's new economic policy is to succeed it must have the full support and cooperation of the American people. The President has asked our citizens to make a shortrun sacrifice to bring long-term prosperity, and the evidence so far is overwhelming that the private sector is cooperating to the greatest extent.

I was particularly interested in a full-page ad published in the Washington Post of September 27, 1971. The ad called for the American people to work together to achieve peacetime prosperity and halt inflation. It was sponsored by an impressive group of civic and business leaders which calls itself the Citizens for a New Prosperity. Among the many distinguished citizens on this panel are three former Secretaries of the Treasury who served in the Eisenhower, Kennedy, and Johnson administrations.

Mr. President, the Citizens for a New Prosperity are calling for a goal we all must support. I ask unanimous consent that the advertisement be printed in the RECORD.

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

PROSPERITY IS A JOB FOR EVERYONE

We, the undersigned, believe in the American people's capacity to come together on great goals.

Creating full employment in a time of peace is a great goal.

Stopping inflation once and for all is a great goal.

Making American products and services competitive around the world is a great goal.

These great goals can be achieved—and they will be achieved, if Americans stay together, as they always have when the chips are down.

On August 15, America set its course toward a new prosperity without inflation.

We have made a fine beginning.

From all corners of the country have come expressions of support—from employees whose wages were caught in the freeze—employers whose profits were hurt by frozen prices—homemakers, farmers, retailers, senior citizens.

Soon we will move forward into Phase II when the fight against inflation will be won or lost.

We know that winning will take sacrifice. We know that every group and every individual will have to exercise restraint in the days ahead. We must sacrifice today for prosperity tomorrow.

The willingness to unite and go forward together is what made this a great nation. That's what the American spirit is all about.

Citizens For A New Prosperity is a group of Americans—non-partisan, nationwide—who believe that the far-reaching objectives of the President's new economic policy are in the interest of all Americans. Putting other differences aside, we intend to support those objectives steadfastly and vigorously.

If you believe as we do, we ask you to join us. Together we can encourage all Americans to stay the course and win.

Robert B. Anderson, Former Secretary of the Treasury, (Eisenhower Administration).
Dwayne O. Andreas, Chairman, Archer Daniels Midland Co.

Don T. Barry, President-Elect, American Nursing Home Association.

William M. Batten, Chairman, J. C. Penney Co.

William Blackie, Chairman, Caterpillar Tractor Co.

Fred J. Borch, Chairman, General Electric Co.

Alfred P. Chamie, Attorney, Los Angeles, California.

Colonel Frank Borman, Sr. V.P., Operations Group, Eastern Airlines, Inc.

Harry E. Brinkman, President, National Small Business Association.

James H. Browne, President, National Insurance Association.

Berkeley Burrell, President, National Business League.

Wallace E. Carroll, Chairman, Katy Industries, Inc.

George Champion, President, Economic Development Council of N.Y.C.

Albert L. Cole, Vice President and Director, Reader's Digest.

John T. Connor, Chairman of the Board, Allied Chemical Corp.

Justin Dart, Chairman, Dart Industries.

C. Douglas Dillon, Former Secretary of the Treasury (Eisenhower and Kennedy Administrations).

J. William Doswell, Public Relations Consultant, Richmond, Virginia.

Fred Faassen, President, American Association of Retired Persons.

Dr. John F. Fielden, Dean of Graduate School of Business, University of Alabama, Tuscaloosa.

Max Fisher, Fisher New Center Company.

Henry Ford, II, Chairman, Ford Motor Company.

Henry H. Fowler, Former Secretary of the Treasury (Johnson Administration).

Miss Chloe Gifford, Past President of National Federation of Women's Clubs.

John S. Gleason, Jr., Chairman, Mercantile National Bank, Chicago.

Najeeb E. Halaby, Chairman and Chief Executive Officer, Pan American World Airways, Inc., Former Administrator, Federal Aviation Administration (Kennedy and Johnson Administration).

John D. Harper, President, Alcoa.
Mrs. Claire G. Hoffman, San Francisco.
Melvin C. Holm, Chairman, Carrier Corporation.

Dr. William H. Hudnut, III, Senior Minister, Second Presbyterian Church, Indianapolis.

E. Ralph Hostetter, President, Tri-State Publications, Elkton, Maryland.

Dr. William S. Jackson, Professor of Social Work, Atlanta University.

Wilson Johnson, President, National Federation of Independent Business.

W. Seavey Joyce, S.J., President, Boston College.

Hobart Lewis, President, Reader's Digest.
Edgar Mallick, Academic Dean, Mount St. Joseph, Cincinnati.

J. Willard Marriott, Chairman, Marriott Corporation.

Murray Miller, Vice President, International Brotherhood of Teamsters, Director, Southern Conference.

Einar O. Mohn, Vice President, International Brotherhood of Teamsters, Director, Western Conference.

Carla Paaske, Professor, Administrative Officer, Boston University.

Mrs. Katharine Pearce, President, National Association of Retired Teachers.

John S. Reed, President, Atchison, Topeka & Santa Fe Railway.

Pierre Rinfret, Economist.

Mary Roebbing, Chairman, Trenton Trust Company.

Robert V. Roosa, Former Under Secretary of the Treasury for Monetary Affairs (Kennedy and Johnson Administrations).

Terry Sanford, President, Duke University, Former Governor of North Carolina.

Ray Schoessling, Vice President, International Brotherhood of Teamsters, President, Joint Council 25, Chicago.

Mrs. Oscar C. Sowards, Chairman, Kentucky Consumer Affairs Committee.

George A. Stinson, Chairman, National Steel Corporation.

D. Joseph St. Germain, Springfield, Massachusetts.

Mrs. Jeannette St. John, President, Consumer Conference of Greater Cincinnati.

Rev. Leon H. Sullivan, Chairman, Opportunities Industrialization Center.

Joseph Trerotola, Vice President, Director Eastern Conference, International Brotherhood of Teamsters.

Joseph L. Vicites, Commander in Chief, Veterans of Foreign Wars.

Judge William E. Walk, Jr., Immediate Past President, Rotary International.

Thomas G. Walters, President, National Association of Retired Federal Employees.

Sumner Whittier, Executive Director, Citizens for a New Prosperity, 1627 K Street, N.W., Washington, D.C. 20006.

ESTABLISHMENT OF PORTS OF ENTRY IN NEVADA

Mr. BIBLE. Mr. President, Nevada went international recently with the establishment by the Bureau of Customs of two ports of entry. One is in Las Vegas and the other in Reno, and the cost of operating them the first year will be financed by the progressive business communities in each city. If the volume of cargo and passenger business justifies it, they will be continued at Federal cost after the first year.

The people of Nevada, recognizing theirs is the fastest growing State in the Nation, are satisfied that these customs stations will become permanent and will, in turn, stimulate more tourism and trade.

Commissioner of Customs Myles Ambrose, with whom the Nevada congress-

sional delegation worked closely on the port-of-entry projects, paid tribute to the vitality of Nevada's economy when he addressed a joint meeting of the Greater Las Vegas Chamber of Commerce and Rotary Club September 24 in Las Vegas. His comments on State growth are worth noting for the CONGRESSIONAL RECORD.

But the main thrust of Commissioner Ambrose's talks was directed to drug abuse and the increased activities of the Customs Bureau with the aid of additional funds provided by Congress. He reported that Customs seizures of heroin registered a dramatic rise in the first 8 months of this year—up 2,600 percent over the same period of 1970. Sharp increases in opium and cocaine seizures also occurred. Commissioner Ambrose urged community leaders across the Nation to join in a united effort to control and eradicate the drug abuse problem.

I ask unanimous consent that Commissioner Ambrose's address be printed in the RECORD.

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

U.S. CUSTOMS: ITS ACTIVITIES AND RESPONSIBILITIES

Distinguished Guests, Ladies and Gentlemen: Whether here in Las Vegas or New Haven, Connecticut or elsewhere in the country, the news in recent weeks has been dominated by economic developments.

The President has announced a series of fundamental changes in our Nation's economic life and its handling of international commerce.

I believe that the outcome will be beneficial and will strengthen our Nation's economic fiber.

Just as in the months ahead our national economy will feel the full impact of the President's actions; so you here in Las Vegas will experience the full impact of your new port of entry status. Your commercial activities will undoubtedly expand as more tourists and imported merchandise pass through your port.

Yours is a unique city—a one-of-its-kind place. Las Vegas to the average man in the street means glittering casinos, spectacular hotels, fantastic signs, and showgirls.

These are your "trademarks" and they are known the world over; but there is much more to your fine city and to your great State.

The 1970 Census reports that Nevada led all other states in the rate of population growth; an impressive 71 percent climb in the last decade.

You also have the highest per capita income in the far west, exceeding California by a solid margin, and

Nationally you are among the top 10 states in the growth of personal income.

Nevada is a leader, and Las Vegas deserves special status because it is first in the state in population, in total revenues, and in tourism.

The magnetism of your city is international in scope. Between 1961 and 1968 the flow of international air traffic into Las Vegas jumped almost 600 percent.

The dollar value of your foreign shipments has climbed at an annual 50 percent rate in recent years. Your port of entry should boost this impressive rate, especially after new permanent facilities are ready in October.

At your port we are offering much the same services we offer at New York—only the scale is different. Our purpose, wherever the port, is to render the best possible service.

I encourage you to take advantage of

these new facilities and services. All of us will benefit.

I feel quite certain that commercial activities will justify the optimism of Senator Bible, Senator Cannon, and Representative Bearing when they said that the opening of ports at Las Vegas and Reno marked "... the beginning of an important era of economic expansion for Nevada."

As you know, it was largely through their dedicated efforts that a port of entry was established here. They along with community representatives, deserve much credit for what has taken place.

Speaking on behalf of the Bureau of Customs, we are pleased to add Las Vegas to the list of cities we serve.

Many of you may not be familiar with all that Customs does.

—We collect duties. Last year this amounted to \$3.5 billion. In collecting this we processed \$42 billion worth of imported merchandise; cleared 232 million persons, and inspected some 67 million vehicles, aircraft and ships. At the moment we are occupied with implementing the new 10% surcharge.

—We enforce a number of other controls at our borders... everything from barring insect pests, to regulating quotas, to interdicting illicit drugs.

This last activity is one of our most important responsibilities today. Our country is being swept by an epidemic of drug abuse.

Here in Las Vegas arrests for narcotic offenses have gone up steadily in recent years: from 601 in 1969, to 942 last year... to over 1,000 arrests in the first 8 months of this year.

Through last month you had 29 drug overdose deaths, nine of which were from hard narcotics—heroin. This compared with only 2 or 3 such fatalities in the preceding several years. These statistics simply reflect what is happening all over the country.

It is estimated that there are between 250,000 and 300,000 heroin addicts, and 30,000 to 40,000 more in the armed services.

When I left the Treasury Department in 1960, there were an estimated 53,000 heroin addicts. From this you can see the tremendous growth in drug addiction that took place in the 60's.

A recent Gallup Poll reported that 42% of college students interviewed said that they had tried marijuana. In 1969 the total was 22%, and in 1967 it was just 5%.

President Nixon has called for a "national offensive" against narcotics to curb this threat to our society. Early in his administration he moved on several fronts with a wide-ranging action program.

... He elevated the drug problem to the foreign policy level and took personal initiatives in seeking the cooperation of other governments.

... He stressed the critical role of education, research and rehabilitation.

On June 17th he told the Nation that drug abuse had "assumed the dimensions of a national emergency" and he asked Congress for \$155 million in supplemental funds for the administration's anti-drug program.

At the same time he created a "special action office for drug abuse" in the White House to coordinate the government's rehabilitation, education and research efforts.

In enforcement he called for supplemental funds for new personnel and equipment for the Justice Department's Bureau of Narcotics and Dangerous Drugs, and for the Treasury Department's Bureau of Customs.

Treasury's Internal Revenue Service was also ordered to intensify its investigation of persons involved in large-scale narcotics trafficking. The targets have been selected and the program is now underway.

Recognizing the importance of international cooperation, the President initiated a worldwide escalation of existing programs for narcotics control. Through the State Depart-

ment he called home key ambassadors to consult on how better to cooperate with nations in the effort to regulate opium output and narcotics trafficking.

He directed ambassadors to East Asian governments to review the increasing problem in that area with emphasis on the effects of the drug problem on American servicemen in Southeast Asia.

On August 17, the President established a "cabinet committee on international narcotics control" and gave it responsibility "for formulation and coordination of all policies of the federal government relating to the goal of curtailing and eventually eliminating the flow of illegal narcotics and dangerous drugs into the U.S. from abroad."

As a result of these and other actions, the government of Turkey announced last June that it would stop all opium production within one year, and that it would prevent the diversion of opium to the illicit market during the interim.

In Mexico a farmer who is convicted of cultivating marijuana or opium poppies can now be deprived of his land, and in the Republic of Viet Nam narcotics trafficking can bring the death penalty.

On August 13th the Laotian National Assembly voted unanimously to make the cultivation, sale, transportation or use of opium derivatives illegal.

The results of these actions will be seen in the months and years ahead. As the momentum for international anti-narcotic cooperation grows I anticipate other nations joining us in disrupting global drug trafficking.

Now let me tell you a bit about the role Customs plays in the President's campaign against drug abuse:

With the additional funds which Congress has approved we will have increased our personnel in the last two years from about 9,000 to 15,000 by the end of this year.

We have acquired and will continue to acquire modern equipment, such as helicopters, light aircraft, high-performance patrol boats, interceptor vehicles and related items, for use by our personnel.

We have put technology to work for us in the form of computer identification systems, and highly sophisticated radio communications networks.

With our additional personnel and equipment we have initiated an intensified enforcement program in which we are looking very carefully at more people, vehicles, aircraft, boats, cargo, and mail entering this country from abroad.

And in keeping with the Administration's major policy goal of disrupting narcotic trafficking routes, we along with other government agencies, have implemented a policy of seeking international cooperative action. In this regard, we have become full members of the Customs Cooperation Council, an international organization representing the Customs services of over 65 countries.

At its annual meeting last June in Vienna the Council adopted a resolution calling for the exchange of narcotic trafficking information. Our government was instrumental in obtaining approval of this resolution.

I have met with my counterparts in Europe, including eastern Europe, Mexico, Canada, and the Far East, to discuss avenues of cooperative action for disrupting narcotic trafficking.

An indicator of our progress can be found in the number of drug seizures we have made. I am happy to report that our seizures for the first 8 months of this year have been very extensive.

The quantity of pure heroin seized during this period was in excess of 620 pounds, representing an increase of almost 2,600% over the previous year!

Opium seizures were up 104%; cocaine seizures up 69%; while the quantity of other

dangerous narcotic substances climbed almost 400%.

Some of our seizures have been spectacular. One, which occurred just last May near San Francisco, involved 10,000 pounds of marijuana—the largest in U.S. history.

Nationally, through August, we had seized over 188,000 pounds of marijuana . . . more than 94 tons! This is a 60% increase over the last year.

The fact that the demand for marijuana has skyrocketed is familiar to you. In recent weeks your newspapers have carried several stories of light plane crashes—one on August 4th near Battle Mountain in the northern part of the state, and another just a few weeks ago, on the 9th, at Alamo, only 90 miles from here—in which large quantities of marijuana were involved.

Right here in Las Vegas, since your port opened in July, our agents have seized 1,142 pounds of marijuana.

It also was here at the North Las Vegas Air Terminal that seven persons were arrested in early 1968 on one of the first major cases involving the use of private aircraft for transporting large quantities of marijuana.

Just last Friday, two individuals were arrested here on smuggling conspiracy charges involving 2,863 pounds of marijuana moved by private plane. The case involves 16 other defendants in two other states.

The rapid increase in the use of private light aircraft for smuggling has made this an important enforcement program for Customs. Our aircraft are being equipped with radar and other sophisticated sensing devices.

We will soon have the capability of tracking, pursuing and forcing aircraft to land. Our pilots are already trained for this mission.

I have outlined the magnitude of the national drug problem and some of the steps being taken by the federal government. It is a strong overall program, but it alone cannot eliminate the traffickers and their cohorts.

What is required is a united national effort. No single agency of government—no one private organization—can succeed alone. Together we can end the drug plague.

You, as representatives of a dynamic business community, are in a position to exert leadership. I urge you to join us in a united effort to control and eradicate the drug abuse problem.

Thank you.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

What is the pleasure of the Senate?

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve com-

ponent of the Armed Forces, and for other purposes.

AMENDMENT NO. 419

The PRESIDENT pro tempore. Under the previous order, the pending question is on agreeing to the amendment (No. 419) of the Senator from New Mexico (Mr. MONTAÑA). Debate thereon is limited to 3 hours, to be equally divided between and controlled by the Senator from New Mexico and the Senator from Mississippi (Mr. STENNIS).

Without objection, the text of the pending amendment will be printed in the RECORD.

The amendment (No. 419) is as follows:

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

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

(b) Funds authorized or appropriated under this or any other law to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina may not be expended beyond February 3, 1972; however, such date may be postponed by the President to a date not later than six months after the date of enactment of this Act if he finds, and notifies the Congress in writing, that:

(1) the Government of South Vietnam has conducted a democratic, freely contested presidential election; and

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

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

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

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

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

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

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

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

The PRESIDENT pro tempore. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken equally out of the time allotted to both sides.

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

The second assistant legislative clerk proceeded to call the roll.

Mr. MONTOYA. 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. Who yields time?

Mr. MONTOYA. Mr. President, I call up my amendment No. 419, and I yield myself such time as I may require.

The PRESIDENT pro tempore. The Senator from New Mexico may proceed.

PRIVILEGE OF THE FLOOR

Mr. MONTOYA. I ask unanimous consent that my legislative assistants, Karl Braithwaite and Michael James, be permitted to be present in the Chamber during the proceedings on this amendment.

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

DEMOCRACY IN VIETNAM

Mr. MONTOYA. Mr. President, elections allow a country to assess the path it has recently covered and make some judgment as to the proper path for the future. The presidential elections in South Vietnam should have provided that country and the United States a chance to make a judgment—a chance to weigh the rightness and wrongness—of the present conflict now covering the beautiful but ravaged jungles of Indochina.

How far have the two countries come in the past 7 years since the United States presence in Indochina took on its expanded role? How many of the needs and desires of both countries have been met by the long and costly engagement in Vietnam? Elections should provide an opportunity for redirecting policy through peaceful means. Unfortunately, the presidential elections held in South Vietnam did not adequately afford the populace of that country an opportunity to express their desire for a new turn in the policy now followed by the present government. The lack of choice among candidates provided to the Vietnamese people is due in large part to the presence of the United States in Vietnam. The availability of United States manpower and foreign aid have allowed the government of Nguyen Van Thieu to follow policies that do not reflect the broad cross-section of opinion in that country.

The effect of our involvement in Indochina has been devastating for all parties concerned. When the specific impact in our country and in Vietnam is analyzed, it becomes increasingly apparent that both countries should have used the opportunity of the recently completed presidential elections as an opportunity

to choose another path more beneficial to their respective countries. We did not do so, and we must reconsider that lost opportunity.

At the outset of my remarks about our involvement in Southeast Asia, I should like to explain the amendment I have offered to the Military Procurement Authorization bill which relates to that involvement.

Six days ago, this body went on record by a vote of 57-38 in support of a policy ending U.S. combat activity in Vietnam by a specific date. I am extremely pleased that the Senate once again enacted the Mansfield amendment. My amendment is complementary to the majority leader's. My amendment would call for funds used for the activities of U.S. combat forces in South Vietnam to be cut off no later than the date established for withdrawal by the Mansfield amendment, and was specifically designed to correspond with that date.

My amendment also provides an incentive for South Vietnam to establish the kind of open and broadly based government that is necessary for the survival once we have withdrawn our forces. I do not agree with those who have no concern for the kind of government we leave behind; a government established through truly popular support, established by open democracy, attracting the participation of most groups, will have a much better chance of preserving the gains purchased by the deaths of so many Americans.

Once we withdraw, the dictatorial Thieu government is very likely to crumble and precipitate chaos. Since our President has consistently stated a policy of withdrawal, and by vote the Senate has established a specific date for the completion of such a withdrawal, it behooves the Senate to provide incentives for the establishment of a government in South Vietnam that will have the true support of its people. Such a government will be much more able to provide civil liberties and democratic processes of government leading to actual self-determination for that war-torn country.

IMPACT OF THE WAR ON THE UNITED STATES

Economy. The most pressing problem facing the United States today is the fact that millions of able-bodied men and women are not allowed by present economic conditions to find meaningful jobs. In addition to this, those who do hold employment find inflation undercutting the buying power of the wages they presently earn. To halt this inflation and attempt to gain control of the economy, President Nixon has engaged in the most drastic economic policy ever announced in the absence of a declared war. It is this latter point that I would like to stress. Press accounts have analyzed the new economic policy of the administration by using the terms of "unprecedented peacetime action." Such comments miss the mark. The economic difficulties faced by our country are substantially attributable to our involvement in Southeast Asia. Whether the war is declared or undeclared has little effect on the economic results of the expenditure of war-related funds.

Economic equations are immune to the diversionary tactics of carefully formulated advertising phrases. Economic reality cannot be turned away by words. The high war expenditures undertaken in the late 1960's came at a time of relatively high employment. They also occurred during the growth of nondefense expenditures in the Federal budget. When these two factors were mixed together with the catalyst of deceptive involvement in Indochina and underestimated war expenditures, the inflation which resulted was only to be expected.

As a country, we were not allowed to view the information that might have enabled us to anticipate the consequences of our involvement in Vietnam and adopt policies designed to alleviate the effect of heavy wartime spending. It is clear from the publication of the "Pentagon Papers," that the President's own Council of Economic Advisers was not informed as to the exact expenditures generated by our involvement in Vietnam. The combined effect of adding sizable defense and nondefense expenditures to the economy in the late 1960's led to an increase in interest rates, a decline in housing, and higher prices which have eventually led to a decline in exports from this country. One does not have to be a professional economist to understand the implications of such an economic policy. An overheated economy led to price rises and increased wage demands that began to price American goods out of the competitive international market place. The result was a growing deficit in our balance of payments, which accelerated the flow of dollars from the United States to foreign countries.

For the past few years, our balance-of-payments deficit has been roughly equivalent to the net war payments needed to cover our costs in Vietnam. If the present rate for 1971 continues, the deficit for this year will be \$9 billion in our balance-of-payments account, which will be higher than the net war payment for the year.

Let us make no mistake about the connection between the war in Vietnam and our present unhappy economic situation at home. War expenditures added to an economy of high employment and led directly to rapid inflation. This in turn handcuffed American goods in the international marketplace, and led to a precarious international position for the U.S. dollar. The policies of the Nation in the late 1960's and early 1970's were inadequate to deal with the situation; they simply led to devastating unemployment with continued inflation. While other factors were certainly operating, there is no doubt that Vietnam was the main factor that derailed the strong economy of the mid-1960's. The Consumer Price Index rose over 30 percent during the decade of the 1960's, but three-fourths of this rise occurred after our build-up in Vietnam. Annual corporate profits, which had been rising steadily in the 1960's, actually declined \$4.4 billion from 1965 to 1970. These two key economic indicators clearly demonstrate that neither the consumer nor the businessman gains from our involvement in Vietnam.

The present new economic policy announced to cure our country's economic ills is a drastic but necessary step to halt the deterioration of our economy. It is important to see how crucial our balance-of-payments deficit is associated with our presence in Vietnam. Had we not entered the war so significantly in 1965, it is very likely that our balance of payments would have shown a surplus in the late 1960's. Instead, we maintained a growing deficit, and the international money market finally began to crumble under the weight of excess dollars held abroad. When Germany chose to float its currency in May and thereby weaken the dollar, the international money community knew that the action by Germany was not merely a warning sign, but actually sealed the fate of more drastic changes to come. This international money situation, coupled with persistent domestic inflation, forced the U.S. Government to take the action announced in August. In no way can any of these moves be separated from our heavy expenditures in Southeast Asia.

Can anyone doubt that our lives have all been worsened by the conflict and the necessary economic adjustments associated with the horrible carnage of modern high-powered warfare? In earlier statements on Vietnam, I have discussed the human misery involved in the killing and carnage of the war. We must also realize how far that misery is extended when a war affects an entire economy and its international markets.

I ask unanimous consent to have printed at this point in the RECORD a recent article by Alice M. Rivlin, published in the Washington Post, September 20, 1971, entitled "Inflation: The Search for a Cure," which illustrates dramatically how common it is for war to create major disturbances in our Nation's economy. The war in Vietnam is certainly no exception to this rule.

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

INFLATION: THE SEARCH FOR A CURE
(By Alice M. Rivlin)

The wage-price freeze has forced the nation to face a hard question: what do we have to do to run a reasonably free economy at full employment without inflation? Most economists do not pretend to know the answer to this question or even whether it has an answer. They are hoping that the experience of the 1970's will teach us all.

Inflation, like a fever, is a symptom, not a disease. At the moment, the economic doctors are not sure what the underlying disease is, how the patient will respond to various treatments or what prognosis to make.

One reason for their ignorance is that they have not been dealing with inflation, certainly not the present variety of inflation, for very long. It may come as a surprise to anyone under 40, but historically inflation has not been the normal condition of the American economy. Wholesale prices were no higher in 1940 than in 1801. Indeed, the normal condition in the 19th century was falling prices. Technology was changing, productivity was increasing, especially in agriculture, manufacturing and transportation. Producers competed to sell for less and productivity gains were passed on to consumers in lower prices. Moreover, there was no government intervention to counteract unemployment when it occurred.

The pattern of falling prices, however, was interrupted abruptly and dramatically every time there was a war, when excess wartime demand for increases in goods caused prices to shoot up rapidly. But there was nothing mysterious about these wartime inflations—just too much money chasing too few goods—and the downward movement of prices was reestablished after each war was over.

Since World War II, however, we have been living in a different environment—one in which the general price level never seems to fall, in which moderate price increases of 1-2 per cent annually have come to be regarded as normal (not characterized as "inflation"), and the term "inflation" is reserved for accelerations in the upward drift of prices, say to 3 per cent per year or higher. By that definition there have been four distinct inflations since the end of World War II, but at least two of them have the historic war-demand explanation.

Price controls held inflation pretty well in check during World War II itself, but prices shot up in the period 1946-48 when controls were lifted and wartime savings and pent-up demands for consumer goods were unleashed on the private market. Partial mobilization and panic buying by consumers produced another jump in prices at the beginning of the Korean conflict in 1950-51, before controls were reestablished. A less rapid, but much more mystifying inflationary spurt, however, followed in 1956-57, when there was no war and the economy was not even running at full capacity. The mystery caused many economists to theorize that the economy had entered a new era in which inflation could be caused by cost increases, even though demand for goods was sluggish, or in which a few noncompetitive basic industries like steel could raise prices, causing an upward-spiraling chain reaction throughout the economy.

Inflation subsided in the early sixties, began again in 1966, and persisted with exasperating tenacity until the Presidents' desperation move of last August 15. At the beginning, the current inflationary episode posed no mystery—the rapid increase in government expenditures for the Vietnam buildup of 1966-67 (on top of an investment boom) made this inflation appear to conform to historical precedent. But the persistence of price rises, indeed their rapid acceleration in 1969-70, when the war was winding down and unemployment beginning to rise, revived the concern of the late 1950's that the current inflation was a new virus, one perhaps not susceptible to treatment with acceptable dosages of known drugs.

No one thinks that inflation is incurable if enough unemployment antidote is administered. At some level of unemployment and underproduction sellers will stop raising prices and workers will forego wage increases rather than be entirely out of work. But when the amount of unemployment necessary to bring this about is large, the cure looks worse than the disease, and other treatments, like direct price and wage controls begin to look attractive. It was the persistence of inflation in the face of a 6 per cent unemployment rate that led President Nixon to prescribe the freeze—costly medicine, but surely less costly than even more unemployment.

The question of what kind of wage and price control mechanism should follow the freeze depends on a diagnosis of what has really happened to the economy in the last few years. Have there been some underlying changes which make it impossible for full employment and price stability to coexist without permanent price and wage controls? Or can we expect, after a period of temporary controls, to return to free-market setting of wages and prices? No one is really sure.

The current problem may be simply that once inflations get started they are hard to

bring to a close, even if the demand for goods and services is no longer high. Cost-of-living clauses keep wages rising; unions strive for wage increases at least as large as those already achieved by other unions; and past inflation generates self-fulfilling expectations of continued price and wage escalation. If this is the basic difficulty then temporary controls may work. If they hold back inflation for a while the factors which keep it going may peter out and controls may no longer be necessary.

Alternatively, there may well have been a basic increase in the amount of unemployment which is compatible with stable prices, an increase due to changes in the composition of the labor force and other factors. It is true that at a given rate of unemployment, say 5 per cent, a higher proportion of the unemployed are women and inexperienced young workers now than in earlier years. It may be harder to reduce unemployment among these groups without bidding up the wages of relatively scarce and skilled adult males, whose wage increases, in turn, tend to increase prices. If this is the basic explanation, then permanent price-wage controls may not be needed provided other means, such as public employment programs or intensive skill training for the young, are used to reduce unemployment.

A more pessimistic view, held by economist John Kenneth Galbraith, among others, is that price-wage controls will be needed from now on if we are going to have any chance of achieving price stability and full employment simultaneously. Galbraith believes wage and price competition is a thing of the past. Our current economy is dominated by a few giant firms. ("The numbers are not great; we must think without error of most work being done by five or six hundred firms") and a few big unions. The giant firms can set prices where they want them—they do not have to react to market pressures as small sellers do in a competitive market. The unions can exact large wage increases, because the firms know they can pass the costs on to consumers. An upward wage-price spiral is inevitable. Unless the government is willing to put pressure on firms and unions by allowing massive unemployment—hardly an acceptable alternative—it will have to resort to direct controls on wages and prices to mitigate the spiral. Few economists are as pessimistic as Galbraith, but plenty would admit the possibility that wage-price controls may prove a permanent necessity if inflation is to be controlled.

Nor does past experience with wage-price controls provide much guidance for the future. History tells us that in wartime—with the full cooperation of business and labor leaders and an elaborate bureaucracy—comprehensive mandatory controls can operate effectively, at least for a while. The World War II and Korean price controls did work. There was a special wartime spirit of sacrifice, of course, and besides not much real sacrifice was necessary. Production employment and profits were at extremely high levels—no one was hurting—a fact that suggests that general prosperity may be one of the keys to general cooperation with wage-price controls. The costs in red-tape and loss of freedom were considerable, but most people were willing to pay these costs in the interests of maintaining reasonable price stability in wartime.

The past success in voluntary controls is more questionable. The experience with the Kennedy-Johnson guidelimits in the 1960's is open to interpretation.

The Kennedy administration came into a situation in which price stability had been bought—in the last Eisenhower years—at the price of considerable unemployment. The new team was eager for economic expansion, but equally eager to accomplish it without inflation, in part because the bal-

ance of payments deficit was growing, and, in those days, letting the dollar float was an unthinkable thought. So they promulgated the guideposts—a set of rules about wage and price increases—and urged voluntary compliance with them.

The first rule was that wages should rise at the rate at which productivity (output per man hour) was rising for the economy as a whole. That was to be a general rule, although it was noted that wages would be expected to rise somewhat faster in industries with exceptionally low wage rates or with labor shortages, and somewhat slower in other industries. The second rule was that prices should change in line with costs, going down in industries with higher than average productivity, especially those with high profits, and up in those with below average productivity. The net result was supposed to be fairly stable general price level with gradually rising wages.

The rules were sensible and, in fact, the early 1960's were years of relative price stability, although it is not clear how much credit goes to the guideposts. There were a few spectacular incidents, notably the government's confrontation with the steel industry in 1962, in which presidential pressure to conform to the guideposts was clearly effective. There were others, like construction wages, where the guideposts were clearly violated. Efforts to induce actual price cuts, such as would have been appropriate in the highly profitable automobile industry, met with failure. On balance, the guideposts moderated price and wage increases in the early 1960's, although it is impossible to say how much.

The pressure of the Vietnam build-up made the guideposts more difficult to take seriously. In fact, the government abandoned the practice of issuing specific numerical guideposts and tried instead to exert its influence on a few crucial wage and price decisions. This practice, which came to be known as "jawboning," probably also had a moderating influence, but was vociferously rejected—as unwarranted interference with a free economy—by the Republicans when they took office.

In the light of this history it is not at all obvious what should follow the current freeze, if only because no one yet knows for sure exactly what is causing this inflation, how long it will last, or what should be done about it. In view of all the uncertainty, whatever controls are tried should be seen as frankly experimental. As a nation we will have to try various approaches until we find one that works. What has finally become clear is that the American people are no longer willing to tolerate either high unemployment or rapid inflation and are willing to put considerable effort into finding a workable mechanism that does away with both.

GROWTH OF NATIONAL DISTRUST AND SUSPICION

Mr. MONTROYA. Mr. President, the war has done more than disable and kill many of our fine young men, or robbed us of income, jobs, and a stable dollar. It has also eroded the very soul of this country. The unity and purpose that began to coalesce in this country under President Kennedy have been shattered by our presence in Southeast Asia. Distrust has replaced cooperation; division has replaced common efforts toward the public good.

Deception has been one of the key traits in official explanations of our involvement. The tragedy of this is not so much that a handful of men lose their honor, but that an entire Nation jeopardizes its soul. Our Government is based on mutual trust between our elected officials and the people. The damage done

by the violation of that trust will bear bitter fruit for years to come. The appearance of the Pentagon Papers washes away any attempt to explain our involvement on the basis of rational and open deliberations. The continuation and extension of the air war at the same time that our rhetoric heralds the return of combat troops is simply a further continuation of the process and principles that ensnared us in the jungles of Vietnam those many years ago.

The Senate, in a closed session last June, discovered that the air war in Laos was leading this country into a new bed of quicksand while our pronouncements were claiming steady withdrawal from Vietnam. 300,000 Laotians have been turned into refugees by our air war over their homeland. Already our Nation has released more than three times the tonnage of World War II bombing in the air of Indochina. To continue such activity under the cover of pronouncements of disengagement will simply lead to further shattering of the bonds that have so delicately held this country together. Rather than causing a rallying together of our national effort, Vietnam has caused the growth of division and faction. This is too large a cost to pay.

DRUG ADDICTION IN THE U.S. ARMY

We are not the only Americans who realize the impropriety of our involvement in Vietnam. The men serving in our Armed Forces also recognize this fact. As a result of the unclear rationale for American presence there, and the inaction associated with a military strategy based on holding enclaves, the men in our Armed Forces have turned to drugs. It is estimated that over 50,000 troops have now been involved in the use of drugs in Vietnam, and that at least 15 percent have become addicted. Precise figures in this area are difficult to obtain, but it is unanimously agreed that the drug problem is extensive among our troops in Vietnam. The net result of this will be a tremendous drain of human and financial resources of this country as we attempt to deal with the problems these young men will carry with them upon their return to their homeland. Again we must ask the question, Is our involvement worth this price? The answer must be a resounding "No."

PRISONERS OF WAR AND SEPARATED FAMILIES

The war has placed a tremendous load on the family life of many American servicemen. Though all servicemen assigned to Vietnam must bear this burden, no one bears it with the severity of those whose loved ones are now jailed by the enemy forces in that country. The longer we prolong this war, the more we impose separation on the families of servicemen and prisoners of war. The only way to reunite these families is to end the war. Former Secretary of Defense Clark Clifford announced earlier this year that his discussions with representatives of North Vietnam indicated that arrangements for the release of prisoners would be made as soon as this country set a specific date for the withdrawal of its combat forces and ended the bombing. The same statements have been made by Senator GEORGE MCGOVERN and Representative

SEYMOUR HALPERN, of New York, after their visits to Indochina. The only way to test this argument is to arrange for the withdrawal of our troops.

It is the usual practice in warfare for prisoners to be exchanged after hostilities cease. It seems to me that those who argue for continuation of the war bear a responsibility to these separated families to provide an explanation for the continued separation of husbands and fathers from their families.

LEADERSHIP IN FOREIGN AFFAIRS

The war in Vietnam has made Congress aware of the responsibilities it has neglected in past decades. This is to the benefit of Congress and the country, but the overall pattern of leadership now being formed as a result of contentions over this war is not healthy for this country. The President and Congress should cooperate in formulating policies on foreign policy, and the result seems best when the President first establishes the lead. But the present situation in Vietnam does not allow this kind of pattern. We can wait no longer.

In order to rationalize executive leadership that has led us in the wrong direction, advocates of presidential power have gone to unhealthy extremes. The comments of the State Department on March 10, 1969, regarding the national commitments resolution are a clear example of this:

As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

The point I would make is this: Such comments are not in the best interests of developing cooperative leadership in foreign affairs for this country. Some degree of struggle between the branches of Government is always healthy: The degree of contention between the executive and congressional branches over Vietnam has clearly gone beyond the point of beneficial competition. The state of our Nation demands unified leadership. Vietnam has instead produced contentions at the highest levels of Government.

EFFECT OF THE WAR ON VIETNAM CASUALTIES

The war has been devastating for South Vietnam. Its military forces have absorbed twice the number of casualties received by U.S. forces. Over one-third of the population are now refugees. The war has chased the peaceful civilian population of Vietnam back and forth across its beautiful mountains and jungled valleys. Every study of Vietnam shows that the greatest desire of the population is simply to achieve peace.

THE ECONOMY

The war has caused severe dislocation in the U.S. economy; but it has virtually devastated the economy of South Vietnam. Prices have risen 700 percent since 1965. South Vietnam's balance-of-payment account showed a deficit of \$588 million in 1970. That deficit takes on increased meaning when we see that South Vietnam imported \$600 million worth of

goods and only exported \$12 million worth of their products. South Vietnam has come to depend overwhelmingly on U.S. aid for its existence. A minimum of 50 percent of the South Vietnamese governmental budget is financed through U.S. aid. This is not healthy for any government.

POSTWAR ADJUSTMENTS

Modernization brought by U.S. money has created rising expectations among the population of South Vietnam. The influx of technology and a higher standard of living can only be supported by the flow of dollars from the United States to South Vietnam. Austerity measures will certainly be necessary after the war is over and U.S. presence declines. The longer America maintains its presence in Vietnam the more difficult this readjustment will be. Our presence has already brought difficulties by creating life styles that cannot be supported after we withdraw. The least we can do is to avoid making the situation worse by continuing our presence and making the readjustment more and more difficult as more Vietnamese become accustomed to our way of life.

AGRICULTURE

Vietnam was once the rice basket of Southeast Asia. Our presence in Vietnam has now made past history of such productivity. Rice production has been cut in half since 1965. The country used to export great quantities of rice, but has not done so since 1964. This is particularly harmful in light of the fact that 65 percent of the 17 million South Vietnamese make their living through agriculture. The bombing, population shifts, and use of chemicals in warfare have had immediate effects which have caused a drop in production, and will continue to bring long run difficulties for the agricultural sector of the Vietnamese society.

DEFOLIATION

One-seventh of the land area of South Vietnam has been sprayed with defoliants. This is enough for 6 pounds per person in the Vietnamese population. The use of such chemical substances has destroyed food that would supply 600,000 people for 1 year, and enough timber to supply Vietnamese needs for 30 years. Can anyone imagine that the cost of this war has matched the benefits for the Vietnamese society?

DEMOCRATIC ELECTIONS

South Vietnam has just completed a farcical election. President Thieu ran as an unopposed candidate. Perhaps the most telling comment about this election was the fact that President Thieu can only manage such an election through the control of the apparatus he has established with American support and aid. The immediate effect of such an election is to give an image of hypocrisy and deceit to the present government in Vietnam and to our involvement with it. The longrun effect, however, could be even more disabling to Vietnam. If the present Government in Vietnam does not establish broad-based participation in its processes, it is doomed to failure. That failure will come when American presence is withdrawn. Since the President has indicated that we are definitely

withdrawing—though he has not established a definite date for withdrawal—it is only a matter of time before the Thieu government has to face such a reality.

Let me emphasize this point: The viability of a postwar government in Vietnam will depend on its ability to draw the various factions in Vietnam together to form a unified government. As long as our presence is used to defeat such a purpose, we are being used for the disservice of the future of Vietnam. The gains made over the last few years toward establishing a rudimentary form of participatory democracy have been swept aside by the recent elections.

We must do more than attempt to bring other candidates in by offering them financial support. We must instead exert our influence to force a truly open election. If we do not, our entire effort in Vietnam will be for nothing. The present government is doomed to failure if it does not broaden its support; Communist takeover is inevitable if President Thieu follows the pattern of Diem and narrows the portion of the population allowed to participate in the political process. A viable election would show North Vietnam that South Vietnam is moving toward a government that actually reflects and controls its population. This in turn would be much more likely to lead to meaningful discussions with North Vietnam for a permanent solution to the warfare that now covers that land.

STRATEGIC NEEDS OF THE UNITED STATES

The role of China in Southeast Asia is crucial to determining the needs of the United States in that area in the future. Our misconceptions regarding the Peoples Republic of China helped lead us into Vietnam in the beginning. We mistakenly thought that China controlled North Vietnam, and that she was attempting to expand her military control throughout the region. Such, in fact, has not been the case. North Vietnam has constantly feared close association with China. Those who know Southeast Asia know that countries there have an inherent dislike for China, and that if left alone they would seek at a minimum to establish neutrality rather than close ties with China.

Our involvement in Vietnam may indeed force countries closer to China in order to balance the undue influence they feel from our country. Recently, the Government of Thailand initiated contacts with China and in the process gave a very interesting reason:

Vietnam shows how dangerous it is to be too loved by a major power.

Just as the influence of China turned out to be a mirage leading us into Vietnam, so also is the notion that the road out of Vietnam lies on a path through Peking. If the announced trip by our President to Peking is for the purpose of negotiating an end to the war, it is based on misconception. The fact that North Vietnam is a Communist country is indeed an unhappy reality. Given that fact, the best role for the strategic interests of the United States is for North Vietnam to remain the "buffer" state between the Soviet Union and China. Attempts

by our Nation to drive Vietnam into the arms of China will only lead to disaster.

Our strategic interests in Southeast Asia rest with the dominant powers in that area, Japan and China. Our success there will depend on how well we keep our friendship with Japan and how soon we establish stable relations with China. Vietnam hinders both these developments. We are paying a strategic cost for our involvement in Vietnam as well as other costs known so well in our country.

I want to restate my belief that we must take steps to encourage the establishment of a broadly based government in South Vietnam. If the rulers of South Vietnam will not allow the development of a democratic government, then we should cut our losses and sever our ties with such men as rapidly as possible.

After 55,000 dead Americans, more than 300,000 wounded and \$130 billion spent, all we have to show is a dictator eliminating opponents, making himself the sole candidate and overwhelmingly reelecting himself by force. This is where we stand after almost two centuries of independence. Here lies the heritage of Thomas Jefferson, lover of liberty and apostle of individual dignity; betrayed by an Asian dictator and the Government of the country he helped found.

Throughout our history, we have fought not to enslave others, but to free them. Now, in the name of political expediency, we have reversed our tradition by openly assisting Thieu to stifle representative democracy, negating sacrifices made by our Nation during this misdirected war.

Worse, the American Embassy in Saigon, including the Ambassador himself, acted as an arm of the Thieu regime, accepting silently the ugly reality of wholesale suppression of dissent. In the process, our degradation before the world was compounded.

Is this an example we are determined to set for a generation of American youth? Can we expect to exercise leadership anywhere on the basis of moral rectitude and respect for human rights? Can we hope to command any respect save that engendered by a mailed fist?

From this moment on, we stand branded as champion of President Thieu, whose police and troops effectively silenced dissenters; people who took our words about self-determination and parliamentary institutions.

There can be no evasion of responsibility. We cannot say to anyone that we did not know what was being done in our name.

Every American boy who dies or is wounded in Viet Nam now is a monument to our persistent desire to embrace dictatorship, no matter how blatant. That is what our amendment is about.

We cannot prop up and do battle for this kind of cause without being indelibly stained by it and its deeds. We are what we believe in and stand for. We become what we defend and embrace. Will we want to exhibit pride in such a venture in times to come? Hardly.

One would have to search diligently today to discover any thinking American to endorse further American commitment to the Indochina conflict. Now it is time for us to confront the reality of

what a continuation of our involvement will mean to the future of our Nation and its institutions.

Many a great power throughout history has been drained of vitality through blind persistence in a sterile foreign adventure. Athens found its Syracuse. Napoleonic France found its Spain and Russia. Napoleon III found his Mexico. No state, whatever its might, can pursue such a course without being bled of its physical strength and ideological fervor.

America's military power has always been mounted on a vehicle of positive ideology. Self determination, an end to slavery, Federal power versus States rights and a struggle against tyranny; these have been motivating forces behind our most spectacular victories.

An ignoble cause can never help but degrade and eventually defeat those who fight for it. Who can deny that colonialism, imperialism, slavery, and race hate degraded our opponents in the past? Who can deny that our persistent embrace of all the evil this war represents will not erode us in a similar manner?

We would do well as a country to calculate what prolongation of our involvement will mean. It will multiply and expand the already severe effects of negative factors in our national life.

Dialog between groups has in many instances given way to utter estrangement. Whatever happened to the theme of President Nixon's inaugural, "Bring Us Together?" It has gone the way of our prosperity, progress in human rights and dedication to domestic problems. If we continue to wage war in southeast Asia, meaningful discussion of differing points of view on vital issues will become a rarity. We cannot afford further stifling of such discussion. As a result of our Asian adventure, we have sustained an unprecedented rebuff. We are unaccustomed as a nation to such shocks. The longer we remain committed there, the more severe will be our eventual harm. One ultimate result of such a chain of happenings will be an unprecedented insularity on the part of the mass of Americans.

If we persist in an already sterile military enterprise, complete with oppression characterizing our Saigon clients, we shall lose what is left of any good will we have accumulated around the world. Never before has America loomed over the international stage as a potential aggressive force, complete with intervention, abuse of technology and abuses against civilian populations.

Previously, we have been a defender of liberty, liberator of enslaved peoples, and nation of rebuilders. In the eyes of much of the nonwhite world, we have become a destroyer of non-Anglo-Saxon cultures and societies. Even though we did not intend it, such an image has been created in the minds of hundreds of millions of people with no memories of the Kaiser, Hitler, and the Korean invasion.

They see only devastated villages, defoliated vistas, mutilated youngsters, and fleets of bombers dropping tonnages that have turned much of South Vietnam into a landscape rivaling the moon in desolation. Today we stand before much of the world, like it or not, as a

domineering, ultra-powerful state, gorged with foreign raw materials and destructive technology, tearing up small countries resisting our will.

We can hope to be respected only by coming to grips with the reality of Vietnam and leaving it as swiftly as possible. Only by such action can we salvage a vestige of pride, self respect, and national dignity, avoiding the fate of being considered a pariah among nations; a kind of super-powerful Albania or North Korea.

It is written that he who sows the wind reaps the whirlwind. Such a truism will bear bitter fruit in our land in years to come, emanating from the very men who have had to fight this war. It will come from boys we have trained; a generation of killers for a cause that turned out to be devoid of meaning.

It would be a beneficial exercise if Americans made it a point to seek out and speak to veterans of the Indochina adventure. Most people will recoil in alienation from the reaction, such is its force, bitterness and barely repressed violence.

Nothing is worse than idealism, patriotism, and commitment turned sour by a sense of betrayal. Millions of veterans harbor a sour taste of being let down by the very society they fought for. Idealism has been replaced by cynicism, patriotism by bitterness and commitment by anger. Across our land there have been no victory parades for these men. Rather, they have returned to violent polemics and acrimonious debates dividing us over the war most now feel is a waste. Memories of friends dead and suffering shared become betrayals to be avenged instead of recollections to be cherished.

Worse, our society has shortchanged them in terms of jobs, skills, training, and a feeling of being wanted. As they join lines of patients waiting treatment in staff and fund-short veterans hospitals, they ponder.

We extend our commitment to Saigon at the risk of producing still more such frustrated men. It behooves America to get about the long-delayed task of easing their transition and absorbing the harsher edges of their emotions rather than creating more of them, risking even greater divisions and alienation.

America would do well to ponder another nondegradable byproduct of this conflict: creation of a wartime mentality already lasting close to a decade. An entire generation of Americans has grown to maturity knowing nothing but conflict. Our guns have never been silent to them. War has become a permanent state of mind. Peace is a word used by people running for office or mentioned in sermons. We teach it in school. We pay lip-service to it at public festivals. Yet in real life we exist in a constant state of war. Our foreign policy is at odds with our ideals and national goals in the minds of millions of young people. Is it a source of wonder, then, that so many of them are harshly estranged from society?

Another result has been virulent hatred of America by those very minorities who have borne such a disproportionate share of sacrifices in the field. Well-to-

do America has lived sheltered in large measure from the ugliness of Indochina. Not so the case in our minority communities. Black, brown, red, Appalachian, poor southern white, poor rural, poor urban ethnic, poorly educated, and non-college-deferment people. All have spilled their blood in more than full measure. If we persist in this conflict, we shall end by incurring more alienation on the part of these citizens than from anyone else.

This conflict has prostituted, corrupted, and bastardized every ideal we purport to stand for. Jefferson spoke of the tree of liberty sprouting in the soil of America. What chance does it have to flourish if it is poisoned by dictatorship, abrogation of civil liberties, and suppression of dissent?

Indochina has led to the development of a fullblown counterculture, hostile to every traditional American value. Everywhere we are confronted by evidence of its infrastructure, hating our ideals, damning our institutions and vilifying our way of life. Many of its representatives are our own children, who, in the face of national endorsement of an inexcusable conflict, in moral agony turn upon us as personifications of national hypocrisy.

America's capacity for cultural and political pluralism is also being irreparably damaged. Previously, the American genius was compromise. Every crisis confronting us was averted or watered down by compromise. The only time that failed us, we were plunged into civil war. Today pluralism and its corollary of compromise are in grave jeopardy because of political polarization, one of the bitterest, most menacing byproducts of Vietnam.

More than ever before, the American people deeply distrust their Government. Before now, we were almost unique among nations in that most citizens were predisposed to grant credence to claims and statements of their Government. European regimes enviously noted this syndrome, knowing centuries of hard lessons had taught their citizenry to exhibit the opposite reaction.

Today, the United States is no longer an exception. Our people have been lied to and lied to again. Falsehood has been piled upon exaggeration. We have had fraudulent victories, secret negotiations, plans to end the war, light at the end of the tunnel, and a host of other claims by people garbed in traditional symbols of authority and credibility. All have been proven false. No nation can long survive if its people overwhelmingly distrust its leaders and the institutions they dominate and mold. For the second time we have met with frustration in Asia. I fear creation of a new American attitude of hatred for Asia, Asians, and things related to that area of the world. We must act more out of a sense of national self preservation than through mere indignation. I have offered my amendment as an alternative to a program of endless withdrawal and continual support of the present dictatorship. I hope that this body will recognize the need to help establish a popular, broadly based government in South Vietnam coupled with a definite date to liquidate U.S. military

presence, and I hope the Senate will vote to pass this amendment.

Mr. BYRD of Virginia. Mr. President, I yield 10 minutes to the Senator from Georgia.

Mr. GAMBRELL. Mr. President, I rise to oppose the amendment offered by the distinguished Senator from New Mexico. I believe I understand its appeal under present circumstances. However, I strongly urge the Senate to reject the amendment offered, which is designed to force a new presidential election in Vietnam. I am not here to attack, or to defend, the recent elections in Vietnam. I believe it is enough to say that what transpired in Vietnam on Sunday did not measure up to the standards of democratic processes as they are applied here in the United States. However, the question propounded by the Montoya amendment is whether we will seek to apply made-in-the-United States standards to events in a country 10,000 miles away. I think we cannot, and should not, do so.

As I see it, we have been trying to help the South Vietnamese people defend themselves so that they can develop their own democratic processes. We have not demanded, up to now, that their processes necessarily mirror ours.

If we seek to require that Vietnamese elections meet U.S. standards, I think we will be sending an unfortunate message to capitals around the world. We will be saying that the United States will capriciously intrude into the political processes of its allies and into the political processes of the nations to whom it provides assistance on the threat of withdrawing that assistance. I would not like Congress to send out any such message.

Whatever countries will these guidelines be applied to?

Further, I question whether the standards set forth in this amendment could ever be honestly met and whether President Nixon could ever make the findings which the amendment requires.

For example, the amendment says elections should "guarantee free and open competition" among opposing candidates. I suggest that Congress has recently been at work because we are not convinced that free and open competition is guaranteed in the United States.

The amendment requires that campaign workers be free from "harassment and intimidation." In many democratic nations, including the United States, charges are often made involving such intimidation.

The amendment says that open and free elections should guarantee that voters "are allowed to freely exercise their franchise." I suggest that in the United States, which is generally thought of to be the freest of the free nations, we have not always been able to deliver on that guarantee.

In other words, Mr. President, the Montoya amendment can be read as requiring not only that South Vietnam conduct elections as we conduct them, but even that South Vietnam conduct elections as we would like to see them conducted. It has been frequently said in this debate that the United States is withdrawing from Vietnam. One amendment to this bill has already been adopted

which is designed to accelerate the pace of the U.S. withdrawal.

In reality, the Montoya amendment is not really an amendment directed at the elections in Vietnam; it is in truth and in fact a Vietnam withdrawal amendment. It is not only a withdrawal amendment, but it is also a funds cutoff amendment.

The amendment provides that funds authorized or appropriated for operations in Indochina may not be expended beyond a period up to February 3, or possibly up to April 1, 1972. In other words, all that could be gained by a new election in Vietnam under this amendment prior to February 3, 1972, would be the extension of an additional 3 months of U.S. assistance to the new government. What sort of assurance, guarantee, or support is that for the type elections, the type democracy that this amendment seeks to support?

Mr. President, I suggest that inasmuch as other allies that we support and to whom we give financial assistance have elections of which we would not approve, we should not discriminate in our commitment against South Vietnam.

The amendment, therefore, simply supersedes the Mansfield amendment which already has been adopted to the pending measure. The amendment not only urges the President to negotiate, but also, in fact, places a termination point on those negotiations and at the absolute termination point of our negotiations with the Vietnamese Government it requires termination of participation in Vietnam at the end of 6 months, regardless of what takes place. I think we have already plowed that ground several times before in connection with the draft bill. The so-called McGovern-Hatfield amendments of similar character have been voted down time and time again in this assembly.

Mr. President, in the elections recently held in Vietnam, of course none of us know the exact circumstances and I find it very difficult from reading newspaper accounts to determine exactly what took place as measured by our own standards, but I would say that we need not leave it to the President of the United States to make a determination about the character and quality of that election. It has already taken place; it is behind us. If we wish to condemn it, let us condemn it on our own, but let us not leave it to the President with nothing but a vague, indefinite, and uncertain yardstick to determine whether the election was democratic or not democratic and whether it met high standards or not.

An amendment such as this simply delegates to the President a determination which this body should make on its own, if it is to be made at all.

Therefore, I hope Senators will decide that this proposed amendment by the distinguished Senator from New Mexico is ill-advised and that it is a poor way to express our commitment to free and open government processes which this Government supports in South Vietnam and other countries with which it is allied around the world.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I yield 10 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

I yield to the distinguished colleagues from Virginia and Georgia. I also rise in opposition to the Montoya amendment.

I was listening with considerable care to the colorful speech which was made by the Senator from New Mexico. I must say I was somewhat surprised by it. If one were to listen to that speech and accept what he said, the whole problem in Vietnam consists of the United States; not a word was mentioned about the North Vietnamese, they being the ones who invaded South Vietnam, Laos, and Cambodia. We have not invaded anyone; we have gone to South Vietnam to try to preserve the rights of the people of South Vietnam to be able to defend themselves. Our objective has been to let them live in peace without being subjected to Communist takeover.

I did not hear any of that mentioned in the Senator's speech. I did hear a lot of other words about the problems over there. Of course we have problems there. We have had problems in Chicago, if that needs to be said, and problems in all parts of this country in our elective process.

But the thing that is surprising to me and that is never brought home is that while the Republic of South Vietnam which is referred to in this amendment as the "government of South Vietnam" has conducted about seven or eight congressional elections in terms of what we would call congressional elections, and an enormous number of local elections, they have now gone through two presidential elections while they have been at war.

It is nice to say that since 1964 the horrors have gone up and that they are not exporting rice. Of course, they are not exporting rice. They have been fighting a war since that time. Most of what they produce has gone for their own supplies and to take care of their people, and some of it has been destroyed. It is true where it was being used for support of the Vietcong or the North Vietnamese that was done with approval of the Province chiefs.

This is not a hit or miss proposition. We get all these emotional statements back and forth. The truth is that the United States acted with the acquiescence of the Senator from New Mexico. He voted for the Gulf of Tonkin resolution, as I did, and for appropriation and authorization bills all the way through which provided funds for Indochina; and just a few days ago he supported the Symington amendment which provided \$350 million for expenditure in Laos, not counting expenditures required to bomb the Ho Chi Minh Trail and areas around Laos.

So it seems to me we have two different things. We have actions of the Senator from New Mexico and then we have the speech that he has just made.

What is the effect of the amendment if it is agreed to? Among other things,

the amendment would cut off all aid to Laos, and cut off the funds provided in the Symington amendment, which the Senator has just supported.

I did not support it. I voted against it. I voted against it for a different reason, I am happy to say. But I do not think we ought to simply say we are going to cut out all aid in Indochina simply because we do not like the form in which they have their elections. It just does not seem to me to make good sense.

Secondly, I would point out that although it is a different type of election than we desire in this country, nevertheless there was an opportunity for other candidates to participate. Mr. Minh and Mr. Ky were certified as being eligible. Both of them said no, they did not want to run. They did not want to be beaten. Nobody likes to get beaten in an election. That is perfectly true of all of us here. Some of us run and take a chance. Some of us are successful even when we think we are not going to be. These two gentlemen decided they did not want to run, and that is all right. That is their prerogative. But I do not see why people should say that simply because only one man ran for office, at that point we are going to cut off all aid, disrupt the country, require new elections, interfere even more in their own internal affairs, and disrupt the whole program for withdrawal that the President has been trying to work on. That would be the effect of it.

There are some other things that I think should be said about the amendment itself. While on page 2 it says that we have to cut off all aid, over on page 3 it says:

Nothing in this section shall be construed to affect the authority of the President to—
arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces.

Now I ask you, Mr. President, this question. We do not have military in there. We do not have any aid. We do not have any money. We do not have anything else. How in the world are we going to provide asylum for three countries, with the millions that are in Cambodia, the millions that are in Laos, and the millions that are in South Vietnam? Are we going to provide asylum for them? How? It just does not seem to me this amendment holds at all in a sensible program of trying to complete the withdrawal which every one of us is working for at this point.

There are a few other points which I think are of interest. What is going to happen, if this amendment should be adopted, as I said, to the authorizations which have been approved and the Symington amendment for the protection and support of the people in Laos? What is going to happen, for that matter, in Thailand, where we have a SEATO obligation, if we suddenly, by act of Congress, say, in an area of hostilities, "We do not like the way the government is going in one particular area and, therefore, we are going to stop it"? How many of our allies are going to believe that the United States has any firmness of

determination in any of its alliances? How are we going to convince the Japanese or the Thais or anybody else in the Asian area that we are going to support what we have said in duly executed, carefully worked out treaties of mutual support and defense? It does not seem to me that that could possibly be carried out with an action of this kind by Congress, if we adopt the amendment.

Mr. President, with all due respect to the Senator from New Mexico, and giving him a full plus for idealism, I would say that, from the standpoint of practical operations, this amendment is not only unworkable but, if it were adopted, would undercut us in all our alliances in Asia, which would most certainly start the domino theory in operation again and, above all, it would create civil strife in Vietnam which would be beyond belief—the very thing we have been trying to avoid.

With reference to the question of democratic processes, this is really quite interesting. I have before me a press dispatch from the AP this morning which says that Ky has charged that there was a rigging of the election—I do not know whether there was or not—and also that four people have now filed before the Vietnam Supreme Court a contest of the election on the ground of irregularities. Here we have a country at war. Here we have an election going on. Here we have an individual who has been elected by a referendum. It is said there are no democratic processes there, but each person can still go to the supreme court and get an injunction against it. The people themselves are doing it, not the U.S. Government.

It strikes me there is nothing more suitable to challenge the question of whether or not this election was good or bad than the particular method of having it challenged by the people in the country itself.

One other point, Mr. President, I think is of interest. I want to make sure I have is properly worded here. I referred previously to other elections. I refer to the Republic of Vietnam's Senate elections in August of 1970. I believe it was universally agreed, or almost universally, anyway, that that election was scrupulously fair. There were six or seven parties represented, as a result of that election, in the Vietnamese Senate. More recently, in the lower House the Buddhist candidates have had a greater broadening of their representation, showing the democratic process there.

Of course it is not perfect. There are many countries in Latin and South America, I might say to my friend from New Mexico, which have had what under no circumstances could be said to be democratic elections. As a matter of fact, most of them have been military takeovers.

So I would say there is no point in trying to put the blame for the whole situation on the basis of one election, after a country has been engaged in war for some 6 years and we have seen what went on in previous elections, when the government was disrupted. This proposal would be a further downgrading of the purpose, the will, and the objective of

the United States and of the South Vietnamese people in trying to preserve for themselves their own rights of freedom.

I thank the Senator from Virginia for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to each side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of Virginia. Mr. President, I yield 20 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Virginia for yielding me this time to discuss the pending Montoya amendment. I rise in opposition to the amendment.

It is a somewhat different amendment from the amendment as originally filed, it now being a star print of the amendment, changing the amendment in one very important particular which I shall discuss in just a moment.

We are back, as I see it, where we were a few weeks ago when some Senators were claiming that we could legislate a date certain to end the Vietnam conflict.

This amendment, it occurs to me, is a combination of the McGovern-Hatfield amendment and the Mansfield amendment, and if any issue has been fully debated on the floor of the U.S. Senate, it is the issue embraced in the McGovern-Hatfield amendment.

We are back to the point where some Senators have become military strategists overnight. Not only that—they have been endeavoring to put the President in a straitjacket by robbing the executive department of authority it has rightfully used since the boring days of our Nation.

Let me be specific. The Montoya amendment seeks to force the President of the United States to encroach upon the sovereignty of the Republic of Vietnam by prohibiting the expenditure of funds authorized or appropriated under H.R. 8687 or any other law to support the deployment of U.S. Armed Forces in, or the conduct of U.S. military operations in or over, Indochina beyond 4 months after last Sunday's presidential election in South Vietnam unless the President submits a report to the Congress that the Vietnamese election met certain criteria established in the proposed new section.

The original amendment provided that the funds should be cut off at the end of 4 months unless the President made a certain certification with regard to the democratic processes in the election in South Vietnam. If the President made that certification, then the 4 months limitation was lifted, and there would be no prohibition on the expenditure of funds, no cutoff of funds; whereas, in

the star print, the funds are cut off at the end of 4 months unless the President buys an additional 2 months by the making of the certification as to the holding of a so-called democratic election in South Vietnam.

Under the original amendment, if the President made the certification, there was no cutoff of funds. Under the star print, if the President makes the certification as to the holding of a democratic election, then the funds are not cut off for a total of 6 months, but at the end of that time, the funds would definitely be cut off, getting back to the old McGovern-Hatfield principle calling for a definite time on the withdrawal of troops, or in any event, the withdrawal of funds to support the troops, which would force a withdrawal.

AMENDMENT 419

Mr. President, in the debate on amendment 419 to the military procurement bill let us put the question in perspective. For this purpose, I want to quote the remarks in the opening three paragraphs from the introduction to the monograph prepared by Sol. W. Sanders entitled "The Arc of Free Asia".

Much of the great debate over Vietnam policy in the United States is irrelevant. It often lacks historic perspective; ignoring or distorting, for example, the enormous impact of our relations with Asia on American history from the founding of the Republic. Looking toward the future, much that is said refuses to take cognizance of the vast technological changes which must apply to world politics in the coming decade.

My argument here is straightforward: Whatever happens in Vietnam—whatever the outcome of that conflict—the U.S. is committed to a growing involvement in Asian affairs in the 1970s and beyond. The complexity of our commitment will grow, whatever the exact nature of its demands, due to the enormity and the complexity of Asian problems. This is the outgrowth of the accumulated failures of the past in Asia, but particularly of the immediate two post-World War II decades.

Radical new concepts and methods will have to be applied to these problems if their enormity does not overwhelm the Asians—and threaten our own security. Despite our obvious mistakes, the U.S. is uniquely qualified to lead this revolution in Asian development. In fact, the impact of American culture and technology in Asia today is the chief revolutionary force dwarfing the self-styled revolutionary approach of the Communists to change the fundamentals of Asian societies.

Mr. President, with these observations in mind, it is appropriate to ask what is the purpose of the proposed amendment?

Let us refer to its language. "Section (a)—The purpose of this section is to reaffirm the position of the United States Government with respect to the establishment of democratic processes of the government of South Vietnam."

Let us forget South Vietnam for the moment. What is meant by the term "democratic processes"? Now specifically what is meant by the word democracy?

Mr. President, this term has tripped up many people for many years. When we turn to the opinions of authorities on the subject, we find no consensus of opinion. One can turn to Carl L. Becker in his interesting book entitled *Modern Democracy* and get several points of view.

Or one can turn to any one of a host of other authors for definitions, few of which agree in all the attributes of democracy or democratic processes.

So-called liberals and so-called conservatives are confronted with a semantic dilemma. However, since the amendment under consideration is offered by professed liberals, it is only fair that we turn to liberal sources to demonstrate the semantic dilemma. In the scholarly treatment of the subject by Sol. K. Padover in his book entitled *The Meaning of Democracy*, one could quote endlessly on the subject, but a few quotations picked at random will suffice to illustrate the point:

As democracy is difficult in practice, so it is also hard to explain fully in words. It has never been easy to say with precision and inclusiveness what democracy is, primarily because one of its salient characteristics is its lack of rigid dogma or structured form. Being essentially a humane polity, that is, one that on the ideological plane is rooted in ethics and justice, an understanding of it may lie in feelings as much as in reason.

Still others, possibly a majority of those who profess faith in democracy, consider it primarily a welfare system. They equate democracy with social welfare, regardless of how it is achieved or maintained.

The author, Mr. Padover, calls our attention to this very pertinent question:

In countries like India and Japan, this writer has frequently been asked by thoughtful individuals whether democracy, being a product of Western and Christian civilization, had any applicability to Asians and others whose culture was neither Occidental nor Protestant. They expressed serious doubt whether the democratic idea, so widely proclaimed as embedded in American policy, could really be exported.

Similar doubts have been raised by others, including Westerners, who have questioned whether democracy was suitable to any other peoples except the nations of North America and northern Europe. In an article entitled "Can Democracy Survive?" an acute critic, C. Northcote Parkinson, stated flatly, "Where democracy exists, it may well survive for a further period; but there is good reason to question whether it is likely to take root in any soil to which it is new."

On the behavioral level, democracy has wider applications. It is, as John Dewey emphasized, "a way of life." It is a way of looking at things. It is a way of feeling about humanity and society. It is a way of political behavior.

One finds nowadays skepticism about the applicability of democracy to modern conditions. Some consider it too dated, and hence unfit for the space age. Their doubt is based on the fact that democratic ideas and institutions were created in—and presumably for—a world radically different from today.

Mr. President, I hope I may be forgiven if I question whether the proposed amendment affirms a proposition with respect to a national policy which does not exist and perhaps never existed outside the idealistic imaginings of word mongers. Can it be said that there can be no healthful skepticism about the applicability of our concept of democracy and democratic processes of government in South Vietnam? Or can we agree with the judgment of Rousseau expressed in this observation:

As for democracy, the basic definition was made by Aristotle and subsequently accepted by others, including men such as Montes-

quieu and Jefferson—namely, that it is a system of government where the "supreme power is lodged in the people." This does not mean "perfect democracy" where all the people rule directly, which Jean Jacques Rousseau admitted was an impossibility, saying "It never has existed, and never will."

Mr. President, I could continue to quote ad infinitum on the concept of democracy, but this is not my purpose. We have an amendment to be voted on which proposes to reaffirm the position of the United States Government with respect to the establishment of democratic processes of government in South Vietnam.

The point is that there is no consensus of opinion anywhere in the United States or in the nations of the world on the meaning of the term "democracy" or "democratic processes."

Nevertheless, in the language of the amendment:

Congress declares that United States military assistance to the Government of South Vietnam has consistently been founded on the concept of free and open elections.

This particular section of the proposed amendment rattles off additional attributes of what the authors consider to be democratic processes, and then declares:

This has been the stated policy of the United States Government for many years.

Mr. President, I think the average citizen will be forgiven if he questions the wisdom of our right to establish by law "democratic processes" for any nation.

But, Mr. President, this is not the end of questions about the proposed amendment. Section (b) provides, in part, as follows:

(b) Funds authorized or appropriated under this or any other law to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina may not be expended beyond February 3, 1972; . . .

This means that after the fiscal year, beginning in July 1971, no funds may be used to support military operations against a Communist takeover of Southeast Asia after a maximum period of less than 4 months from today, depending upon the date of enactment of this amendment—should it be enacted. We would thus be creating a power vacuum in an area of the world vital to the interest of the United States. The term "Armed Forces" includes military advisers, instructors, and maintenance personnel absolutely necessary to defense, not alone of South Vietnam but other free nations in Indochina.

To be fair, the proponents say that the date for cut off of support for the nations of Indochina may be extended beyond February 3, 1972, if the President of the United States notifies the Congress in writing that:

(1) The Government of South Vietnam has conducted a democratic, freely contested presidential election; and

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

(3) such election was conducted in a manner consistent with the purposes of United States efforts on behalf of the Government

of South Vietnam as defined in subsection (a) of this section.

The Commander in Chief of the Armed Forces of the United States may be given a 6-month reprieve to protect the vital interests of the United States in South-east Asia, provided he empowers "democratic processes" to undo results of the election already completed, and by "democratic processes" compel the people of South Vietnam to hold a new election supervised by the United States.

Mr. President, I submit that this proposal is utterly preposterous. This proposal would require the overthrow of the only government that is in South Vietnam and then lay down ground rules and dictate the conduct of a new election.

Is it proper to ask if the authors of this amendment are willing to establish the same criteria for assistance to Communist nations? War is war and there are wars by other means.

Mr. President, I might support an amendment in the language proposed by the authors of this amendment, if it established the same criteria for elections held in Communist nations. Or if we established the same criteria for elections held in all nations of the United Nations. But this is obviously unrealistic.

Mr. President, under the constitution of the Soviet Union, the power to rule the nation is delegated to the Communist Party. It is the Communist Party that rules the Soviet Union. The government of the Soviet Union is but an instrumentality of the Communist Party. Yet they insist that their single party elections are consistent with democratic processes.

What is good for the goose should be good for the gander. If it is a wise policy and one consistently to be followed that our aid to help nations defend against Communist aggressions should go only to countries which conduct free and open elections, then I think the assistance in every shape, form, and fashion should be excluded from all communist nations and all other nations which do not conduct free and contested presidential elections and elections in which procedures used guarantee free, fair, and open competition among the candidates and protect campaign workers as provided by criteria established in the amendment before us.

Why should the proponents of this amendment not urge the President to insist on the same criteria for elections in North Vietnam and urge the President to seek an agreement with North Vietnam to provide for a series of phased and rapid withdrawals of their troops from South Vietnam and from other nations of Indochina.

It seems to me that the issue presented by the proposed amendment must be decided on the basis of our national interests. Where does our national interest lie? It is a fact that United States troop involvement in South Vietnam is being wound down. The President's policy of phased withdrawal of Armed Forces from Vietnam is ahead of schedule. Why handcuff the President in related matters in Indochina?

The conduct of foreign affairs is by nature the primary responsibility of the

executive branch of Government. This was clearly recognized by the authors of the Federalist Papers and in the debates on the adoption of the United States Constitution. It would seem to me that all Senators recognize that the Congress of the United States cannot, on a day-by-day basis, conduct the foreign affairs of this Nation. Why else do we have a State Department with primary responsibility for foreign affairs under direction of the Chief Executive?

This is not to say that Congress is without a proper role under our unique system of checks and balances. It is the repository of the purse and it can interpose its will by denying funds to the President for implementation of foreign policy which either he or his principal advisers may have determined upon.

The fact is, however, that the President is doing his dead level best to pull us out of the mess in South Vietnam but in a manner consistent with our responsibilities to our SEATO allies.

Let us be honest with ourselves. If the Senate were to enact this amendment, the President of the United States would be confined by a straitjacket. He would be confined to a time framework which imposes limitations on Executive prerogatives and initiatives and on the flimsiest grounds that the time element is more important than our national interest in preserving stability in Southeast Asia. This being so, we can only ask who would most profit by restrictions on the options of the President of the United States? Communist North Vietnam would be the immediate beneficiary and the forces of international communism would be the ultimate beneficiary. Why create a vacuum which invites their intervention and ultimate domination in Indochina?

Mr. President, it is my sincere conviction that the interests of the United States would best be served by leaving the President free to continue on a realistic schedule what all of us recognize to be a most desirable objective of extracting U.S. Armed Forces from the morass of our involvement in South Vietnam fighting.

There are those who say that the issue is really a partisan political matter. Pundits in the media ask if the Democratic party can permit the President of the opposition party to claim credit for pulling us out of the quicksand of Southeast Asia military involvement.

I believe most sincerely that in a matter of this consequence—in a matter that involves the integrity of our commitment to allies—in a matter that involves the fate of Southeast Asia—that politics should stop at the water's edge. I am a Democrat, as I understand that word, but I will gladly concede to the President of the opposition party full credit, which he deserves if he can continue to wind down the war in South Vietnam under terms which do not sacrifice our honor or the integrity of our Nation's commitments, and under terms which protect to the fullest extent possible the safety, security and the lives of troops who remain in South Vietnam and our prisoners of war.

This proposed amendment does not help the President in pursuit of these objectives.

Mr. President, I urge Members of the Senate to put aside political considerations and to vote on this issue on the basis of our national interests. I know they will. For this reason, I am confident of the outcome of this vote. I am confident that this proposed amendment will be voted down.

Specifically, the President must find and certify to Congress in writing that "the Government of South Vietnam has conducted a democratic, freely contested presidential election"; that "the procedures used in such election guaranteed the rights of campaign workers and protected the franchise of the people of South Vietnam"; and that the "election was conducted in a manner consistent with the purposes of U.S. efforts on behalf of the Government of South Vietnam as defined in subsection (a) of this section." Such a certification, which would be false, doubtless, would convert the 4-month deadline to a 6-month period.

Frankly, I am not aware of any policy of our Government which, in effect, directs the government of any other nation to follow electoral procedures that are first approved by the United States.

I would suggest that such a policy would be odious, not only to the people of South Vietnam, but to other sovereign nations of the world.

I would also suggest that such a policy would be a most dangerous precedent for this or any other nation to design, to legislate, or to export.

I would suggest, too, that any such policy would be ridiculed, ignored, and foredoomed to failure.

I would further suggest that if we were to apply the same criteria and show the same concern for internal affairs in other nations of the world, we would be left with a very short list, indeed, of governments that we would feel completely comfortable with and to whom we would give our 100-percent approval.

Accordingly, Mr. President, I reject the premise upon which this amendment is made and urge the Senate to do likewise.

As the President has frequently emphasized, the essential objective of the United States in South Vietnam is to seek the opportunity for the South Vietnamese people to determine their own political future without outside interference. This desirable objective does not imply the intent of our imposing any form of government upon the people of South Vietnam or for the United States to dictate that nation's internal political procedures as suggested by the amendment now before us. Nor would the application be an appropriate vehicle to exact compliance by South Vietnam or any other foreign government with the political predilections of the United States. In short, such a measure could well lead to an out-and-out failure of our objective to help the people of South Vietnam gain their place in the sun by becoming self-sufficient both economically and militarily.

Mr. President, our interests concerning the political evolution of the Vietnamese would be best served by the development of a stable political environment throughout all of South Vietnam by

the people of that nation themselves. I wholeheartedly agree with the President's declaration that:

What the United States wants for South Vietnam is not the important thing. What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam.

It is the Vietnamese, not the U.S. Government, who are charged with the responsibility to insure the self-determination of the Vietnamese people.

As we know, the people of South Vietnam responded on October 3, 1971, by casting some 95 percent of their votes for President Thieu. Although President Thieu was the only candidate, it should not be forgotten that the Vietnamese voters were free to express at the ballot box their dissatisfaction with his administration with a negative vote. Thus, the overwhelming vote given President Thieu can only be viewed as a vote of confidence.

I, too, wish that more individuals had stood for president in the election for South Vietnam's highest office. Let me remind the Senate, however, that as the Government of Vietnam has gained control of an overwhelming majority of hamlets in South Vietnam, more than 90 percent of these now have elected officials chosen by the people where there was spirited competition for the various local offices. Thus, precipitate action over one disappointing development should not be allowed to jeopardize the remarkable progress that has been achieved in South Vietnam through democratic processes.

To my way of thinking, it is certainly more appropriate for the Congress of the United States to view political developments in South Vietnam from the vantage point of a historic perspective, realizing that democracy in the Western World required centuries of germination and strife to reach even its present role in the affairs of men. In a much shorter period, we have expected South Vietnam to assume our democratic institutions and traditions, which are alien to their culture, while engaging in an all-out war for survival against an external power.

All of this goes to say that Vietnamization to date has proven to be a valid concept. We are transferring to the South Vietnamese, in an orderly manner, the responsibilities which we had assumed. The armed forces of South Vietnam have made great strides in assuming responsibility for conducting combat operations, with the consequence that American casualties have been dramatically reduced. As the military arms of South Vietnam steadily achieve a greater capability and greater reliance, it would be extremely disadvantageous to submit the various Vietnamization programs to an arbitrary curtailment of funds on the grounds that the Vietnamese Government must comply with U.S.-inspired electoral procedures.

As I understand the rationale of military assistance, it is to aid and strengthen those nations whose aims coincide with the national interests of the United States. South Vietnam certainly falls into

this category. If we are going to spend taxpayers' dollars for military hardware, the very least they can expect is an increase in their security. For us to deny military assistance to South Vietnam just because there are some objections to their present electoral process and present government would be a serious blow to our common defense. South Vietnam is not simply a tiny southeastern Asian country 7,000 miles across the Pacific. South Vietnam is a front line of American security.

Mr. President, I do not want Congress to be a rubber stamp. But, by the same token, I do not want Congress to be obstructionist. Far be it from me to say that we should accept or approve everything done or proposed by the President. But what I have in mind is something bigger than a tug-of-war between the legislative and executive branches. I believe that the time is soon coming when this Nation cannot deal with crises if it is to be bedeviled by incessant wrangling within our Government each time unity of purpose is an overriding necessity.

It is this sort of thing, this heaping up of reservations, that has made our country's course in world affairs a source of disquietude among our friends and allies.

It is this course of delay and divided counsels which have caused a complex of doubts and fears, frustration and apathy, and, yes, even defeatism, in the United States.

I am convinced that too many in Congress are forgetting that what we say and do here can affect our national defense disastrously. What I fear is that constant use of pettifoggery devices may lead to a mood of futility which could undermine the entire defense effort, both at home and abroad.

Long ago, it was written, "when I became a man, I put away childish things." Our Nation simply cannot afford the childishness of business as usual, politics as usual, selfishness as usual, at a time when unity and co-operation are indispensable for survival.

The immediate aim of Vietnamization is to make the Republic of Vietnam militarily self-sufficient. The long-term objective of Vietnamization calls for the building of democratic ways, as we work to eliminate the ignorance and disease, the oppression and hunger, the despair and discontent that are the fertile soil of godless communism.

Mr. President, neither I nor anyone else can guarantee that Vietnamization will prove successful. All things considered, however, Vietnamization programs have a good track record to date. It may very well be, though I doubt it, that this policy may turn out to be love's labor lost. But our very pursuit of it will serve to reestablish in the minds of the people of America—indeed, freedom-loving people everywhere—that we prize democracy as a reality, not as a slogan.

I urge defeat of the pending amendment.

I yield back the remainder of my time.
The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 51 minutes. The other side has 55 minutes.

Mr. STENNIS. I thank the Chair. I yield myself 10 minutes.

First, Mr. President, I want to emphasize to the author of this amendment, as well as those who have been here in opposition to the amendment, that I greatly regret my absence from the Chamber this morning. I have great regard for the Senator from New Mexico, and I respect him and anything he proposes. I had no choice, however. I had to appear at a meeting of the Foreign Relations Committee.

I am most grateful to the Senators from Colorado, Virginia, and Alabama and others who have contributed to this debate.

Mr. President, let me point out that I have great understanding of the concern of the Senator from New Mexico and the Senator from Montana (Mr. MANSFIELD) who had an amendment with reference to the war and for those who spoke in favor of it and voted for it; but I must respectfully say that with the Mansfield amendment already in the bill—and I am certainly going to sponsor it at the conference again—my study of the Montoya amendment in light of the Mansfield amendment being already in the bill makes them contradictory and would put the conferees in a most difficult position.

Earlier this week we voted for an amendment, the original draft of which would have limited expenditures in Laos for this fiscal year to \$200 million, excluding the bombing of the Ho Chi Minh Trail. But the final form of the amendment excluded the bombing of the Ho Chi Minh Trail in northern Laos and then allowed \$350 million to be spent. The amendment was passed by an overwhelming vote, 67 to 11. We were passing on the question for fiscal year 1972. That was certainly the sentiment of the Senate, and the vote was for continuation along the present lines of operation with more legislative control.

Thus, there are in the bill now two amendments directly relating to the war. With the greatest deference I say that perhaps the Montoya amendment was filed first in its original form but, at the same time, the Mansfield amendment is already in the bill now, and the Montoya amendment is a contradiction to the Mansfield amendment, and also to the amendment of the Senator from Missouri (Mr. SYMINGTON) where there was an overwhelming vote for it in its final form.

I am not trying to pick flaws here, but I have been concerned for a great while about this question of a sanctuary. I want us to pull out. That will create other problems. I have been concerned about an effective sanctuary for people in some of these countries over there that we know have been persecuted and many of them have lost their lives by the North Vietnamese Communists.

What will become of them? What protection will they have, particularly those who have taken a leading part in the war? There must be some kind of refuge for them. The Senator from New Mexico recognizes that and in his amendment says he does not want to limit the President's authority to—

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

Mr. President, how are we going to do that if we are going to withdraw all our soldiers, all our military power?

How are we going to protect these people?

Will we get some people from the State Department over there to protect them by fighting with their fists?

It is going to take some kind of force that is effective and that knows how to handle those situations, in order to do it.

Thus, this provision it seems to me, is like the main part of the bill, requiring this full deployment and would preclude the President from any consideration of any appreciable asylum or any appreciable program that could possibly be an effective asylum, unless our military were kept there—not just a few advisers, not just a few squads of men, and not just a few battalions, in order to protect these people effectively. I do not know—that may be one of the main troubles the President had in getting some kind of terms that he thinks would justify us in pulling out even more precipitately than we are.

Mr. President, this whole matter of the war has already been gone into thoroughly. We have met some limitations more or less by agreement. The opposing groups, led by the Senator from Missouri and I as manager of the bill on the other side, were able to reach an agreement which we could more or less, jointly, recommend. We did not know how it would be taken by the Senate. No poll was taken on that one. As it turned out, it met with the overwhelming will of the Senate. It is now in the bill. It has a good chance to survive in conference.

So now, coming in with this contradiction, and I say it with all deference, this contradiction with the Mansfield amendment, we strongly advise against it.

We are down to the closing arguments and the closing hours of debate on this bill. It has been most thoroughly debated. The pros and cons have been heard day after day. I commend all Senators who were in opposition to some of the provisions in the bill for their hard work, their diligence, and the very fine and exceptionally well-thought-out presentations of their views to back up support of their amendments.

The star print amendment is substantially different from the one originally introduced.

It provides for a fund cutoff on February 3, 1972, but with the proviso that this date may be extended not more than 6 months upon certification—that is, 6 months from the date the bill becomes law—by the President of certain findings in connection with the election in South Vietnam. Also identical language

regarding continuation of further safety during withdrawal, and so forth.

This amendment says in effect that regardless of whether there are free elections or not, there will be no funds expended 6 months after date of enactment. In other words, if they hold the freest kind of elections regardless of what the President certifies, the funds will be cut off.

Well Mr. President, why go into the matter about the elections? Why put that into this version here? We have elections of our own. The President of South Vietnam over there ran without opposition. I tell the Senate frankly that I do not want a government to operate without opposition. I had the privilege of running that way one time. I want all of the elections in New Mexico to go, when our friend the Senator from New Mexico is involved in them, the way our friend wants. I do not want to tie this bill into the elections in Vietnam. We want to encourage elections, and we have.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

Mr. President, I think we have done a lot of good along that line, even though it took a long time. However, if they can hold what they gain through our efforts, the fruits will be plenty.

I do not like to accept the idea of the President having to certify the election in a foreign country by saying that he approves or disapproves of it in order to keep this money flowing 4 more short months. I object to it on that ground.

It is one of the things that we can stay out of and that we had better stay out of so far as making it a basis of legislation.

Mr. President, I hope that point will be considered. The Mansfield amendment at least provides for the concurrent release of U.S. prisoners. And that is a powerful point. This amendment merely says that we would cut off the funds whether or not we get back the prisoners.

If we do cut off these funds, that really ends our part in the matter and what about those prisoners then?

I do not see how there would be a chance if we were to announce now that we should wait 6 months and let the clock tick and that for 6 months it will be unlawful for the President to do anything over there. I think that is the last chance we have to get our prisoners out.

The amendment—and I am familiar with this point, too—casts its case in terms of the policy of the United States, argues for that policy, and says that is the policy that should be established. This amendment says that we will cut off the money as a matter of law.

That would be a stalemate, a stoppage of everything. I cannot imagine any more chaotic condition than a reversal of all the good that has come about than our passing a mandate and cutting off the money.

There will not be any use in waiting 6 months if that is going to become law. Everyone had better get out of there before nightfall. There will not be any

sanctuaries to worry about. And there will not be POW's coming home, in my opinion, if we just cut off the money.

I strongly advise that we all think a second time. We can see ourselves marching back up the hill and down the hill again in a dozen different ways.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, I rise to state that the Senator from Kansas shares with his colleagues in the Senate a strong desire to have the American military presence in South Vietnam ended in such a way as to leave in South Vietnam a self-sufficient and representative government. But the Senator from Kansas disagrees with the methods with which the pending amendment proposes to accomplish these objectives.

UNACCEPTABLE ALTERNATIVES

The amendment of the Senator from New Mexico casts the issue of U.S. withdrawal from South Vietnam in the context of ideological imperialism. It would have U.S. withdrawal in an orderly manner be held hostage to an election "circus" in South Vietnam, offering as the alternative, the threat of a precipitous removal of the American presence. The price which this amendment would exact would be nothing less than direct U.S. involvement in Vietnamese domestic politics through support for reluctant opposition candidates. The pending amendment would have the United States back candidates and become involved in South Vietnamese elections at the very time in which our President is carefully diminishing our presence in Vietnam. The Senator from Kansas finds this logic difficult to understand.

THE RISK OF PRECIPITATE WITHDRAWAL

At stake are several principles and issues of considerable importance. First, is the question of the advisability of risking the fragile fabric of national independence in South Vietnam by precipitate withdrawal when careful and definite withdrawal is already underway. Withdrawal, according to the 4-month or 10-month mandate of this amendment, would hand the enemies of South Vietnam an operational timetable and destroy any incentives they might have to negotiate, and it would do nothing to aid the release of our prisoners of war and those missing in action.

IMPOSITION OF OUTSIDE SYSTEMS

A second question of principle raised in the pending amendment is whether it can be considered proper to hold an ally "hostage" to American concepts of elections and government. The idea of contested elections held regularly between adversary political parties is the imperfect product of 300 years of Anglo-Saxon evolution. Even today this system is a frail innovation in much of Western Europe and but a vague ideal in many non-European states. Its origin is to be found in a history of stable and traditional governments characterized by gradual evo-

lution and dependence upon the existence of a loyal opposition. This loyal opposition, in conjunction with a demonstrated willingness of the incumbent party to relinquish power, stands as the key to institutionalized mechanisms for the peaceful political transfer of power.

In this context I believe it should be pointed out that, far from stating a determination to retain power at all costs, President Thieu showed a willingness to resign if he received less than an affirmation of popular support. This point is particularly significant in the light of the performance of the supposed opposition which was singularly unimpressive at best.

The Senator from Kansas would once again bring to the attention of his colleagues the rather remarkable series of six democratic and successful elections which have been held since the election of the Thieu government in October of 1967. The elections were both local and national and were subject to intense foreign scrutiny as well as Vietcong harassment. I ask unanimous consent to have printed in the RECORD a brief description of South Vietnam's electoral history since 1965.

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

CHRONOLOGY OF ELECTIONS IN THE REPUBLIC OF VIETNAM SINCE 1965

May 30, 1965—Province Level Elections. These elections were conducted throughout South Vietnam for provincial and municipal councils. Government of Vietnam officials and ARVN personnel were prohibited from running. Throughout South Vietnam, 1,000 candidates contested 471 seats. Of the 4.7 million registered voters, 3.5 million, or 74% cast ballots. To make voting easier for those who read with difficulty, each candidate chose an identifying symbol to emblazon on his campaign posters. The major organized labor confederation elected 13 of its 16 candidates. In the central provinces, candidates associated with Buddhist organizations made strong showings. Foreign press observers termed the elections the most honest Vietnam had ever had up to that time.

September 11, 1966—Nationwide election for a 117-member Constituent Assembly brought out some 4.3 million voters, representing 80.8 per cent of the registered electorate and over 55 per cent of the estimated population of voting age, despite a major Viet Cong effort to disrupt the elections.

September 27, 1966—The Constituent Assembly convened and prepared a democratic Constitution which was promulgated on April 1, 1967. Constitution provides for a modified presidential system, a bicameral legislature, an independent judiciary, a basic bill of rights for citizens.

March-June 1967—The first round of village and hamlet elections held. These elections were bitterly opposed by the Communists, who killed six and kidnapped 18 candidates, killed 15 and kidnapped 38 voters, in 555 terrorist incidents. Despite Viet Cong attempts to frustrate the elections, 2,511,543 voters (77.6 per cent of those registered) elected officials in 984 villages and 4,600 hamlets.

September 3, 1967—Election of President Nguyen Van Thieu, Vice President Nguyen Cao Ky, and 60 members of the Upper House of the National Assembly. There were 8,824 polling stations in the 50 provinces and municipalities of Vietnam. Out of the 5,853,251 registered voters, 83.3% went to the polls. There were 11 candidates for the Presidency and 480 candidates for the 60 Senate seats.

The Thieu-Ky slate received 34.8% of the vote, twice as much as the next closest slate which received 17.2%. Eighty percent of the votes went to candidates who advocated no compromise with the Viet Cong. In addition to 116 official observers, more than 600 foreign correspondents, cameramen, and TV crews, representing the world's major news services overwhelmingly concluded that the Government of South Vietnam had made every attempt to hold an honest election, that voting officials had demonstrated a high level of efficiency, and that the elections themselves were free and fair by any reasonable standards.

October 22, 1967—Election of a 137-member Lower House with representation based on population and including deputies from minority groups. Seventy three percent of the registered voters of South Vietnam selected 135 men and two women for the Lower House membership widely representative of both national and local political interests. The major religious groups were widely represented with about 65 Buddhists, some 35 Catholics, and the remainder split among the various other religious groups: Hoa Hoa, Cao Dai, Confucianists, and others.

October 31, 1967—Inauguration of President Nguyen Van Thieu and Vice President Nguyen Cao Ky. Several of the defeated Presidential candidates take positions in the national government.

March 1969—Village and hamlet elections took place in more than 3,600 communities throughout South Vietnam on four successive Sundays in March. Over one million men and women, representing nearly 90% of the eligible electorate, went to the polls and elected 7,741 leaders—village council members, hamlet chiefs, and deputy hamlet chiefs. These March elections, together with rural elections held in 1967 and 1968, brought elected councils to 1,693 of South Vietnam's 2,130 villages and elected chiefs to 7,867 of its 10,755 hamlets.

June 1969—Almost 90% of the eligible voters turned out to choose 1,121 hamlet chiefs and 1,092 village council members in rural elections held on the first four Sundays in June. It was the second phase of the Government's program to hold country-wide rural elections before the end of 1969. Combined with previous election results, these June elections brought fully-elected councils to 1,891 of Vietnam's 2,130 villages and locally-elected chiefs to 8,776 of its 10,775 hamlets.

July 11, 1969—President Thieu proposed elections in which "all political parties and groups, including the NLF" . . . can participate . . . if they renounce violence and pledge themselves to accept the results of the elections." To provide special guarantees to ensure fairness, he proposed the establishment of an electoral commission with NLF participation, and an international supervisory body—in his six-point proposal for a political settlement of the war in Vietnam.

March, April and May 1970—Village Council elections. By early 1970 council elections had been held in more than 2,000 of the 2,300 villages of South Vietnam. In March 1970 the three-year terms of the councils elected in March 1967 expired and by May 1970 more than 900 second round elections had been conducted. Elections will continue over the next three years as the three-year terms of the councils expire. Voting percentages averaged about 85 percent of the registered voters, versus 78 percent for 1967. There was a major turnover in village council membership, averaging around 50 percent. A significant percentage of those elected were local officials, Regional and Popular Force and Revolutionary Development personnel.

June 28, 1970—Province/Municipal elections. Elections were held for city councils in the cities of Saigon, Vung Tau, Dalat, Cam Ranh, Hue and Danang and provincial

councils in each of the 44 provinces. Seventy-three percent of those eligible cast ballots. Increasing interest was demonstrated in these elections by political parties and religious associations, but most candidates ran without publicizing party affiliations.

August 30, 1970—Upper House Elections. Sixteen slates of ten men each contested for the thirty seats up for re-election in South Vietnam's Senate. The leading ticket in the balloting was the Buddhist slate. (The opposition Buddhists had boycotted the 1967 elections.) The second winning slate was an Independent Opposition slate and the third leading slate was a ticket generally in support of the present South Vietnamese administration and its policies. More than 65% of the eligible voters of the country participated in the voting. Representatives of the 13 losing slates described the elections as the most honest they had ever experienced.

August 1971—Lower House elections.
October 1971—Presidential and Vice Presidential elections.

August 1974—Upper House elections for one-half of the Senate.

The above record of competitive and increasingly progressive political development in the Republic of Vietnam stands in sharp contrast with the totally restrictive Stalinist pattern imposed as a monopoly of the Lao Dong (Communist) Party in North Vietnam.

Mr. DOLE. Mr. President, the Senator from Kansas believes that this record speaks loudly and clearly against those who characterize the government of South Vietnam as totalitarian. Indeed, it sets an example with few peers in the developing areas of Asia or Africa.

THE RESPONSIBLE COURSE

The situation in South Vietnam which occupies us here today has been recently viewed by the Senator from Kansas, firsthand. Although he viewed without relish the prospect of the uncontested election, he also earnestly believes that this body must concentrate its efforts toward support of the careful and flexible withdrawal which is presently being managed by the President of the United States. Any attempt by this body to bind the President to a date certain or a farcical "show election" in South Vietnam will only diminish the prospects for a termination of the conflict and the recovery of our prisoners of war.

It would be a travesty against the intentions of the American people and three presidential administrations should this body force the disorderly and disgraceful termination of U.S. presence in Vietnam. The alternative sought by this amendment would be a "circus election" in which a U.S. "ringmaster" would elicit a staged performance by a reluctant foreign country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator from Mississippi yield me an additional 5 minutes?

Mr. STENNIS. I yield an additional 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for an additional 5 minutes.

Mr. DOLE. Mr. President, the pending amendment would constitute a blatant example of moral imperialism. It would make a mockery of America's professed belief in national self-determination. Worse yet, it would turn an orderly and definitive withdrawal into an ignominy.

ous and disorderly exit from a difficult problem which the President is succeeding in reducing with distinction.

Even the Washington Post has editorially stated that—

The time is past for the United States to try to arrange the politics of Vietnam for its own convenience.

NO DATE CERTAIN

The Senator from Kansas would also point out that this amendment, like the many so-called end the war amendments before it, deceptively holds out to the American people the promise of a "date certain" for ending the war.

There is no "date certain" in this amendment. First it speaks of February 3, 1972. But then it says "not more than 6 months after the date of enactment." Who knows when that will be? today? tomorrow? 6, 8, 10 months from now?

No, Mr. President; this amendment, like so many others before it, is merely an exercise in appealing to the emotions and anxieties of a war-weary American people. It is not an effective, a responsible or a positive approach to achieving the end of American involvement. President Nixon is the one who is pursuing such an effective, responsible, and positive course. And, as I said, if the Senate wants to do something to speed the end of this tragic and costly war it can do so by uniting with the President and backing his efforts to end the war and achieve a lasting world peace.

SUPPORT FOR THE PREVIOUS ADMINISTRATION

The Senator from Kansas takes note that the position of the Senator from New Mexico, as expressed in the pending amendment, stands out in contrast to the positions he presented to the public only a brief time ago.

During the previous administration, the Senator from New Mexico was one of the most forthright and outspoken supporters of U.S. policy in Southeast Asia.

On June 7, 1965, the Senator took the floor of the Senate to commend the student council of the University of New Mexico for its action in passing a resolution pledging its "support to the actions being taken by President Johnson in Vietnam."

On August 10, 1967, the CONGRESSIONAL RECORD contained the text of a speech delivered by the Senator from New Mexico before the annual convention of the Disabled American Veterans. The Senator's remarks on that occasion were clear, forcefully spoken and unambiguous:

But, loss of American lives in Viet-nam is not my only concern, nor perhaps even the greatest concern of this day. I have come to accept the fact that our nation has a self-imposed commitment to protect for others the freedom we so jealously cherish ourselves. And this commitment becomes more acute when aggressors attack a nation incapable of protecting its own freedom because of the overwhelming might and methods of the aggressor.

I believe our men in Viet-Nam are fighting—and yes, dying—for the freedom of many peoples; just as surely as Americans fell for liberty and human dignity in the trenches of the Meuse-Argonne or on the

beach at Normandy—or the frozen hills of Korea."

The Senator went on to say:

I, for one, and I know the membership of the DAV will back this statement all the way—am ready to make any sacrifice here at home in order that our men will not be deprived of any of their needs in Viet-Nam. I believe we are not safe here at home until Communist aggression is halted—and it must be halted in Viet-Nam.

Because of this conviction—I pledge full support of our fighting men in Viet-Nam—for whatever they may need to carry on the war and assure them maximum safety while carrying out their task.

The basis for this unquestioned support for our fighting men in Viet-Nam stems from the fact that I am convinced the threat of communism is real. It is real in Viet-Nam—it is a dark shadow in Thailand and Laos. It stands off our own shores in Castro's Cuba.

I have commented that I am concerned over our internal problems. But this concern is only because of the bigger picture. Communist eagerly awaits our apathy—our letting barriers down. If we fail in Viet-Nam—we shall surely have signed over our birthright to democracy.

If those despoilers of patriotism have their way, opposition to the spread of communism will be obliterated. It will be a welcome sign to war and destruction—or capitulation of our Government to Communistic rule.

Yes—I am concerned that Communists continue to talk out of both sides of their mouth. They speak of peace—but their reference to peace has a different meaning than what the remainder of the world considers peace. They mean another Munich—peace through capitulation—peace by submitting to Communist rule.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 5 additional minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 additional minutes.

Mr. DOLE. Mr. President, still later, on October 5, 1967, the Senator from New Mexico took the Senate floor to discuss the topic, "What Is Our National Interest in Vietnam?" in the course of that statement he said:

The problem is not whether one or another country in the area is going to be the base for missiles that might be used against us tomorrow. It is whether the millions of people are going to be able to live in freedom. It is whether their skills and resources and energies are going to be used for cooperation in creating a freer and better world or whether they are going to be harnessed under a system that has as one of its primary goals our destruction—and the destruction of all we believe in.

Looked at in this light, can there be any doubt of where our national interest lies?

And in conclusion, the Senator stated:

Yes, Mr. President, we do have a vital national interest in Asia. And in fighting in Vietnam we are expressing that interest in a highly effective way.

I predict that if our stand now begins to waver and to weaken, the Members of this body, the American people, and the world are going to rue the day. On that day, we can begin to prepare for World War III.

I pray that that day never comes.

A CHANGED POSITION

The Senator from Kansas would submit that the adoption of the amendment sponsored by the Senator from New Mex-

ico might well mark such a day as the Senator suggested in his remarks of October 1967.

In any event, the pending amendment—standing out as a blueprint, on the one hand, for a precipitate American withdrawal and, on the other hand, for the imposition of a moral imperialism in Vietnam—bears little resemblance to the views expressed by the Senator from New Mexico during the previous administration.

The Senator from Kansas would point out that it was the policies of the previous administration which raised American troop strength in Vietnam to more than 550,000 with no plan for an end to their presence or an end to their deaths in combat.

It is the present administration, the Nixon administration, which has turned the corner in Southeast Asia. It is this administration, the Nixon administration, which has brought back to America some 335,000 Americans who were in South Vietnam. Under President Nixon, casualties were reduced by 90 percent; that is still too many. But the deaths are being reduced. I say that the record is a good one.

But I believe in all sincerity, and with all respect to the distinguished Senator from New Mexico, that the pending amendment does not solve any problem; it creates problems.

I suggest, as I have before, that our military involvement in South Vietnam is being ended and in such a way as to avoid the imposition of imperialistic ideals or the accomplishment of the enemy's goal of domination and subjugation of the South Vietnamese people.

I respectfully urge that the amendment be rejected.

I visited in Southeast Asia and talked with President Thieu and Vice President Ky, and I tried to talk to Minh, but he was in the process of withdrawing from the race that day.

Much of what happened prior to the election was politics, much like politics in America. But I also discovered that there is no two-party system, no three-party system, and no discipline or party responsibility.

I hoped for a contested election. That did not happen, but we could not by force of our Government force them to have some kind of election, whether it be a circus, a show, or whatever it might be.

I hold no brief for any elected leader in that country, but I can remember when the Thieu-Ky regime would be condemned almost daily on the floor of the Senate. Now, however, Ky is apparently a good guy and only Thieu is criticized.

I believe in the President's policy of Vietnamization, and it does little good to adopt an amendment of this kind. I urge that the amendment be rejected. In that way there can be an orderly withdrawal, a return of American prisoners, and we can leave South Vietnam so they may have the right of self-determination.

Our country was not perfect in the early days, and it is not now. Neither are other countries perfect. I see signs

of progress in Vietnam. I was there prior to the election and saw the campaign activity and believe a democracy is emerging. I see some hope in South Vietnam and therefore, see little realism in the amendment offered by the Senator from New Mexico.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 47. An act for the relief of Flore Lekanof;
S. 617. An act for the relief of Siu-Kei Fong;

S. 1489. An act for the relief of Park Jung Ok; and

S. 1759. An act for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 26. An act to revise the boundaries of the Canyonlands National Park in the State of Utah; and

S. 29. An act to establish the Capitol Reef National Park in the State of Utah.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2566. An act to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands;

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs;

H.R. 3808. An act to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes;

H.R. 6568. An act to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to the construction, acquisition, alteration, or closing of veterans' hospitals, and to prohibit the transfer of Veterans' Administration real property unless such transfer is first approved by the House Committee on Veterans' Affairs;

H.R. 10203. An act to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes; and

H.R. 10879. An act to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 374) calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2566. An act to authorize the Secretary of the Army, or his designee, to convey to the State of Texas certain lands at the Fort Bliss Military Reservation in exchange for certain other lands; to the Committee on Armed Services.

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs; to the Committee on Commerce.

H.R. 3808. An act to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 6568. An act to limit the authority of the Veterans' Administration and the Office of Management and Budget with respect to the construction, acquisition, alteration, or closing of veterans' hospitals, and to prohibit the transfer of Veterans' Administration real property unless such transfer is first approved by the House Committee on Veterans' Affairs; and

H.R. 10879. An act to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents; to the Committee on Veterans' Affairs.

H.R. 10203. An act to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 374) calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes, was referred to the Committee on Foreign Relations.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 5, 1971 the President had approved and signed the following act:

S. 1253. An Act to amend section 6 of title 35, United States Code, "Patents", to authorize domestic and international studies and programs relating to patents and trademarks.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) laid before the Senate a message from the President of the United States submitting the nomination of Rear Adm. Kent L. Lee, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving, which was referred to the Committee on Armed Services.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. MONTROYA. Mr. President, I yield myself such time as I may require.

I have heard from the opposition to this amendment this morning, an opposition which I respect and to which I have accorded my most cordial attention.

First, we heard from the junior Senator from Georgia who made quite a point that we should not tell the people in South Vietnam how to conduct their elections, that we should not interfere in the elective processes in Vietnam, and that my amendment was designed to do that.

I submit most respectfully that my amendment does no such thing. My amendment merely states that the funds which are going to the support and deployment of our forces in Indochina may not be expended in Indochina unless the President certifies that certain conditions do exist in Vietnam. One of those conditions is a free and meaningful election and all the attendant elements in the process.

We are not telling them to conduct a free election. We are not telling them that they have violated our expectations. We are merely saying that we will extend no more money. We have adequate precedent for this type of action.

The Senator from Colorado tried to fortify his argument by saying that there were some real democratic elections for the senate and then the lower house in Vietnam. That is not the point. The point of concern is this: Do the people of Vietnam have a share in self-determination and do the expended lives of more than 55,000 American men and over 300,000 casualties mean anything? President Eisenhower, President Johnson, and now President Nixon have stated time after time that our boys were being sent to Vietnam in order to provide self-determination to the people within Vietnam, in order to conserve democratic ideals.

Does that expenditure of life, does that suffering mean anything? Are we going to let these boys down now? Has that expenditure been in vain? I think that is the decision we have to face here today.

Are we going to try to reorient the Government of Vietnam toward the democratic process? The very expectation of a democratic process is what brought us into Vietnam initially. We said to our boys—

Go there to persevere the democratic process. Stop the advance of communism. Yes, integrate that democratic process in Vietnam with our security as a world power. Let us stop communism there.

Those were the arguments that motivated the patriotism and the unity of

the American people in supporting Presidents heretofore.

I have no apologies to make for supporting President Eisenhower, President Kennedy, and President Johnson, and I support President Nixon today. I have never deviated in my support of these Presidents, and I applaud President Nixon for trying to withdraw our troops. I have not said anything by way of condemnation of his policy. I support it.

Another red herring that was raised here was that we have supported dictatorships in Latin America; so why did we not enact something to tell them to have elections there? That was the implication.

I can answer that, Mr. President: In Latin America we had not expended 55,000 American lives and suffered over 300,000 casualties. Otherwise I would have offered this amendment to cover those countries, too.

Another argument that was brought up here is that this is a changed amendment. It is a changed amendment because initially it was directed at an oncoming election, which has since been held. Then, because of the timetable here in the Chamber, the election was held in the interim.

There has been a statement made that there is a conflict between my amendment and the Mansfield amendment which was approved. I submit respectfully that there is no conflict. The change in the amendment came about because the election was held after it was introduced, and it is now directed toward encouraging, if possible, a meaningful, free, and open election. It would not order the Vietnamese people to do so; it would merely encourage this. It is complementary to the Mansfield amendment for this reason: If the President certifies that a meaningful election has been held between the date of enactment of this bill and before the 4 months have expired, then the withdrawal date shall be postponed within the mandate of the Mansfield amendment, which carries a period of 6 months from the date of enactment.

So there is no inconsistency, there is no contradiction, there is no conflict between the Mansfield amendment and my amendment.

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

Mr. MONTROYA. Yes, I yield.

Mr. DOLE. What if the President has not certified that it has been, under this section, a freely contested presidential election?

Mr. MONTROYA. Then the 4 months will apply under my amendment.

Mr. DOLE. How does the Senator suggest that the election be brought about? Through U.S. pressure, or just the passage of this amendment, or how?

Mr. MONTROYA. I am glad the Senator from Kansas brought that up. There is an atmosphere here of reluctance to apply pressure on Vietnam, and the reluctance expressed here is contrary to the actual facts that have transpired during the last few months in Vietnam. We read in the press about Ambassador Bunker conferring with President Thieu, about Ambassador Bunker conferring with General Minh, about Ambassador Bunker

conferring with General Ky, urging them to run, and about Ambassador Bunker trying to prevail upon President Thieu to ask the Supreme Court to reopen the ballot for meaningful opposition. This government is on record as applying pressure.

If the Senator does not want to say that that is pressure, that is his privilege, but I say that we have applied it, and I am not criticizing the application of that pressure. I commend our Government for doing it, because I think it is our responsibility to the memory of our boys who died that we try to bring about the very expectations that they had when they expended their lives in Vietnam.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. MONTROYA. I yield.

Mr. DOLE. I think we probably have been in serious trouble in Vietnam since the overthrow of the previous government, the Diem regime, on November 1, 1963. I suggest that there was urging by Ambassador Bunker and others to have a contest this year, but the contest did not develop. We cannot force people to engage in politics. Vice President Ky and General Minh understood this, and decided not to contest the election.

Under this amendment, if an opponent could not be found for President Thieu, then is that the fault of the system? Is that the fault of our Government? Is that the fault of our administration? How do we force people into politics?

Mr. MONTROYA. Then the President can truly say that there was a free and open election.

Mr. DOLE. Even if no one else runs?

Mr. MONTROYA. That is correct. But that did not happen in Vietnam recently. The ballot was closed. Repression set in. Instructions went out to the election officials to rig the election, to make it a Moscow ballot. That is what happened in the recent election.

But if it is a free and open election, and no competition, my amendment permits the President to certify to Congress that there was a meaningful free and open election, and the funds will not be cut off.

Mr. DOLE. If the Senator will yield further, I suggested to those I talked to in South Vietnam that whatever happened their election would be misunderstood in America, particularly in the U.S. Senate, and urged very strongly that there be a contest. But there was no contest.

I had the privilege of having dinner with four of their Senators, one of whom was a Ky supporter, one a Thieu supporter, and two of whom were independent.

They all thought they were proceeding fairly rapidly down the route of the democratic process, and they did not understand, even though one supported Ky, one supported Thieu, and two were independent, why the great concern in the United States.

They pointed out that, after all, they were making progress. Ky is a young man. I believe he still has political ambitions. I do not believe General Minh ever intended to be a candidate, frankly, and General Thieu always in-

tended to be a candidate for reelection. But at least I asked the question.

As much as we would all have liked to have a contested election, I assume there could have been some strawman put up who might have received some small percent of the vote. As it was, there was really no contest, except that voters could express opposition to President Thieu, and there was some opposition expressed.

Mr. MONTROYA. May I say to the Senator from Kansas that that is not a very plausible argument, because they do that in Russia. They can go in there and, by not voting or by submitting a blank ballot, they can express their opposition, too.

Mr. DOLE. They do it here, too, in America.

Mr. MONTROYA. Yes. But when 91 percent of the vote is counted as without opposition, there is something wrong there.

The Senator from Kansas is fully aware, and he knows full well, being the Republican national chairman, that only in a very local election can any candidate get 91 percent of the vote in America. It could not happen in a presidential election; 91 percent is impossible.

So what conclusion do I reach from that? I reach the conclusion that those election officials were rigged to make that kind of a count, and that the National Election Bureau was also rigged to announce that kind of a count.

Mr. DOLE. I might say to the Senator from New Mexico that there has been some suspicion of elections being rigged in this country; I could not cite all of them.

They did have inspection in Vietnam. The Senator from New Mexico could have gone; I could have gone. The Senator should also remember that the dream of any of us in the Senate would be to have an uncontested election. We do not relish competition, but that does not excuse the situation in South Vietnam, particularly for the office of the presidency. But I say there has been some progress made.

I do not believe the amendment would accomplish anything, if Ky, Minh, or anyone else who had been interested chose not to run, how can one say the election held on October 3 was repressive, and then say that one next February might be free and open? I am unable to see the distinction.

Mr. MONTROYA. Mr. President, I have only a little time left, and I hope the Senator from Kansas will appreciate this.

We could go on arguing this point, but I do want to say that the thing at stake here is this: are we going to be passive? Are we, with our silence, going to say to the rest of the world, "We went in to try to preserve democracy and to nurture free institutions, we expended 55,000 lives and 300,000 casualties, we incurred the wrath of the world in the process"—I think the image of America has been tarnished all over the world, because of this war—"and now, at the end, as we are withdrawing, and we are leaving behind one-man rule in South Vietnam and are relinquishing the expectation that

we had when we told our boys, 'Go in there and fight for free institutions, and for self-determination of the Vietnamese people.'?"

Are we going to suffer that kind of incrimination before the eyes of the world? Are we going to be silent? That is what is at stake in this amendment.

Mr. DOLE. Mr. President, will the Senator yield for one further question?

Mr. MONTOYA. Yes.

Mr. DOLE. I know he is on limited time.

I have submitted for the RECORD, as I assume the Senator from Colorado has, a list of the elections that have been held in South Vietnam since 1965, in the latest of which in August 1970, many of President Thieu's opponents were elected to the lower House.

But, when we discuss what the Senator suggests has happened and will happen, because of the so-called one-man rule, the Senator must have an alternative. Assume that the amendment does not pass; is the Senator suggesting that President Thieu resign, or be overthrown, that there be a military coup and that someone else take over in South Vietnam?

Mr. MONTOYA. I am not suggesting any such thing. If the Senator from Kansas will read the amendment, he will find that I am providing in my amendment that we shall not expend any more funds unless the President certifies that there has been a free, open, and meaningful election in Vietnam.

Mr. DOLE. But if that does not happen, what does the Senator from New Mexico suggest?

Mr. MONTOYA. Then there is a 4-month cutoff device in my amendment.

Mr. DOLE. But if the amendment fails, then what does he suggest?

Mr. MONTOYA. I suggest that we go back to the Mansfield amendment and have an absolute, unconditional withdrawal in 6 months. I support the Mansfield amendment, which is already a part of this bill.

Mr. DOLE. It has been adopted by the Senate.

Mr. MONTOYA. Yes.

Mr. DOLE. It hopefully will not be a part of the bill.

Mr. MONTOYA. Mr. President, I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, how much time do I have remaining, and the other side, also?

The PRESIDING OFFICER. A quorum call is in progress.

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

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

The Senator from Mississippi has 22 minutes remaining.

Mr. STENNIS. And how much on the other side, if I may inquire?

The PRESIDING OFFICER. The Senator from New Mexico has 35 minutes remaining.

Mr. STENNIS. Mr. President, I yield 12 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, never before has Congress been asked to jeopardize the existence of an ally, because some allege that that nation's election did not come up to America's standards.

This amendment, No. 419, would provide for a cutoff of funds for United States and allied forces in Vietnam by February 3, 1972, if the South Vietnamese Government does not call a new election by that date. The author of this amendment requires that this new election be "free and open" allowing for the qualification of meaningful candidates, an open campaign, protection of campaign workers, and protection for voters.

Regardless of how well-intended this amendment may be, it is neither realistic nor workable. The President of the United States could not provide such guarantees for an election in this country. Neither could the President of Vietnam do so. Could President Nixon insure Democratic campaign workers would not be harassed or intimidated somewhere in this city, the States of Maryland and Virginia, or elsewhere in this Nation? Of course, not. Neither can President Thieu do so in Vietnam.

Mr. President, this Nation has never undertaken to dictate to a foreign nation how it should run its elections. President Nixon has stated our goal in Vietnam is that of seeking the "opportunity for the South Vietnamese people to determine their own political future without outside interference." It is not and should not be the policy of this Government to dictate internal political procedures to other sovereign nations.

The distinguished Senator from New Mexico (Mr. MONTOYA) has offered an amendment which would have us make a precipitate withdrawal from Vietnam. The result would be chaos for the South Vietnamese and our other allies in Indochina. The Communists would quickly seize upon the situation and possibly gain control of South Vietnam. Then you would see some elections that would make the October 3, 1971, election look like the most democratic ever conducted.

The Senator apparently bases his amendment on the grounds that since U.S. lives and treasure have been spent there, we have a right to dictate procedures of elections to that Government. Apparently, the United States did make real efforts to have the election conform as much as possible to our own, but once again we cannot and should not dictate. A country is stronger when it resolves these problems on its own. If one props a country up, then it will fall when the prop is removed. They must learn to stand on their own feet, and this requires administering their own government no matter how imperfect it may be by American standards.

Further, it is nothing new for the United States to aid a government where the democratic process as we know it is not in force. In fact, the United States provides military and economic aid to

many countries which have no elections at all, such as Ethiopia and Spain, and we do not hear this hue and cry about those countries. Undoubtedly some of the sponsors of this amendment support these programs. Many other countries we aid either through foreign military sales or the military assistance program do not have real elections. These would include Nationalist China, Afghanistan, Greece, Iran, Jordan, Nepal, Pakistan, Saudi Arabia, the Congo, Mali, Morocco, Nigeria, Argentina, Bolivia, Brazil, Portugal, Peru, and Panama.

The supporters of this amendment may counter by saying that our military forces did not fight in these countries. That may be true, but although our men fought and died in Vietnam, we have no more right to dictate election procedures to them than to the other allies I have cited.

There is much progress to be seen in the South Vietnamese political scene despite the fact that the country is at war. It is no easy job to conduct elections when an enemy force controls sections of one's territory and is actively fighting in the cities and rural areas where the election has to be held. It is really amazing that under these conditions more than 90 percent of the people had the courage to go to the polls and vote. It is further significant that more than 90 percent supported the reelection of President Thieu. Perhaps that is what is bothering some of these people—that such a large percentage did go to the polls and that such a large percentage did support President Thieu.

This body should also remember that the South Vietnamese Senate election on August 1 of 1970, under the new constitution, was by all accounts scrupulously fair. More recently, the lower house elections evidenced a widening representation of the Buddhist-backed candidates, thus reflecting the efficacy of the democratic process. Further, more than 90 percent of the villages and hamlets are governed by locally elected officials.

Mr. President, the Senate should also be aware there is a significant change in the language in the Star print of amendment No. 419 when compared to the original amendment. Under the new amendment, which the Senate is now considering, the language absolutely requires withdrawal of U.S. forces from Vietnam within 6 months after the date of enactment of this act. In other words, whereas the Mansfield amendment did not make such a withdrawal mandatory, the pending amendment would give the withdrawal the force of law.

The only way withdrawal within 4 months would not have the force of law would be if the South Vietnamese conducted a new election prior to February 3, 1972, and the President found that the new election met all the requirements set out in this amendment. Even then the 6-month withdrawal requirement after the date of enactment would remain in force.

Thus, this amendment goes further than the Mansfield amendment regarding the point of withdrawal. All of the arguments as to the Mansfield amend-

ment would, therefore, apply to the Montoya amendment.

Finally, this amendment would have the United States withdraw whether or not our prisoners are released. It would cut off funds based simply on the refusal of President Thieu to call a new election. It urges negotiation for our POW's but does not require their release along with any withdrawal. It also provides in section "c" that nothing in the amendment should be construed to affect the authority of the President of the United States to assure a safe withdrawal and provide aid for our allies. This contradicts the amendment itself, as the United States could not withdraw by February 3, 1972, without endangering our men and jeopardizing aid for our allies.

Mr. President, this amendment is not only unwise but also unworkable and I hope the Senate will see fit to reject it.

In closing, Mr. President, I want to say again that I hope Congress will see fit to give President Nixon a chance to wind down this war in the proper way, as he is trying to do.

The war did not start under President Nixon. I repeat, the war started, as I said yesterday, under President Kennedy. It continued under President Johnson. President Nixon is now trying to wind down the war. He has brought out of Vietnam more than 300,000 of our fighting men. There are less than 200,000 remaining there now. That is something the other Presidents did not do.

Let us give President Nixon a chance. Why do we want to try to tie his hands? Why do we want to embarrass President Thieu before the whole world? President Thieu has held the elections. They have not shown corruption or wrongdoing. Why should we not stay out of the affairs of other countries and attend to our own affairs, because that is what we are called upon to do, anyway.

The PRESIDING OFFICER (Mr. STEVENSON). Who yields further time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes remain to the Senator from Mississippi, and the Senator from New Mexico 35 minutes.

Mr. MONTOYA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. MONTOYA. Mr. President, I think we have covered all the points that were brought out by the distinguished Senator from South Carolina. He probably was not in the Chamber when I covered the points he elaborated in his presentation. However, I do want to say, by way of additional emphasis, that our country has much at stake. Because of the election held in Vietnam recently, we are being judged throughout the world as condoning an election of a dictator or a dictatorship.

I am not going to get into an argument as to whether President Thieu has been a good President of Vietnam, but I say that when a man under those circumstances is elected, when reprisals set in, when repressive measures are taken, the

body of public opinion in this country will have no respect for such a government or such an institution. Certainly world opinion will not have any respect for it. This is accentuated by the fact that the freely-elected members of the Vietnam Senate, petitioned President Thieu by a vote of 28 to 3 to hold another election, and he refused. I think this is evidence of the concern of many of those who serve in the Parliament of Vietnam. Certainly, it should be of concern of all of us because, after all, if we do not sustain the kind of government in Vietnam that will have the fiber of freedom and a cross-section representation of the wishes and makeup of the population, then that government will not endure. It will become a candidate for a takeover by a military junta. We have no guarantee that such a takeover will be in the interests of freedom, in the interests of democracy, in the interests of the United States, or in the interests of what our boys fought and died for.

That is what is at stake here. I am not telling the South Vietnamese people to conduct an election. I am saying that we went in there to fight for free institutions, for self-determination for those people. I am saying that we went in there so that there would not be a repetition of what happened to President Diem when he was overthrown, because he was repressive, because he was dictatorial. I am saying that we shall not expend any more funds unless the President certifies that Vietnam is living up to the expectations for which our boys fought and died and that is meaningful self-determination on the part of the people of South Vietnam. He must certify the existence of free and open elections, and unless he does that within 4 months, we withdraw.

If meaningful elections are held, then my amendment relegates itself to the time limitation of the Mansfield amendment, which is 6 months. The Senate has already spoken most eloquently and overwhelmingly, with the Mansfield amendment vote, that we must withdraw. I am sure that when the Mansfield amendment came up, many Senators made up their minds, because of what was happening in the elective process in Vietnam, and I am sure that the eyes of the world are upon us today here in the Senate.

Are we passively going to endorse what has happened in South Vietnam? Are we going to say to the world by our votes here today against this amendment that we are actually saying there was a meaningful and free election in Vietnam?

I say no. We should not do that.

Mr. President, I am most sincere about the amendment. I respect the arguments which have been presented against it. I respect the sincerity of those who have presented those arguments, but I think that underlying all this debate is the respect which we all share for the memory of those fighting men who were told to go to South Vietnam and fight for democracy in that part of the world, to fight for self-determination, to fight to see that the onslaught of communism does not advance any further; and now, those expectations have come to naught because of the election.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, will the Senator from Mississippi yield me 3 minutes?

Mr. STENNIS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes remaining.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Kansas.

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

Mr. DOLE. Mr. President, I have listened carefully to the comments of the distinguished Senator from New Mexico. I do not quarrel with his sincerity. He did make the point about the onslaught of communism. I am not certain what the pending amendment does to halt communism if it were to be adopted.

As we look at the amendment, we should also look at some of the alternatives in the event it does not pass or in the event there is not what is described as a "free election" which can be, as I understand, an election without an opponent.

Whatever the Senator from New Mexico may suggest, whether he suggests the overthrow of the present government, or a takeover by the Communists, or a resignation by the present President of South Vietnam, what are the alternatives, after stirring up the emotions of the American people with regard to this war?

I suggest there has been a lot of effort by the Senate to help President Nixon. Many positions have changed in the Senate over the past 2½ years. But I would submit, as I have done before, that President Nixon's program is working. I have cited the statistics before this morning. I say again, there has been a withdrawal of more than 300,000 Americans from South Vietnam by President Nixon, without any legislation being passed by the Senate, without any termination date being set by the Senate, and without any legislation to control the President's actions. He has done it on his own.

He has done it voluntarily. And he has kept his word with the American people. Every time he has announced a troop withdrawal, he has been on time or ahead of schedule with the accomplishment of that withdrawal. The casualties, instead of running at the rate of about 200 or 300 a week, as in 1968, are now at about 20. Those are still too many casualties; however, it is progress. The South Vietnamese Army is stronger. The democratic process is taking root in South Vietnam.

There were elections in South Vietnam. In fact, there have been a half-dozen elections since 1967—democratic elections, free elections. There were elections in the lower House of South Vietnam as late as August of this year.

So I say very sincerely the amendment does nothing. It is another effort to fix a date. It is an effort to force the South Vietnamese Government to yield to some demand from our Government to force an election and to literally force people to run for public office.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 1 additional minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 1 additional minute.

Mr. DOLE. We have had Senators unopposed in their elections to the Senate.

The Senator from Vermont (Mr. AIKEN) was unopposed in 1968.

The Senator from Louisiana (Mr. LONG) was unopposed in 1968.

The late Senator from Georgia (Mr. Russell) was unopposed in 1966.

The President pro tempore, the senior Senator from Louisiana (Mr. ELLENDER), was unopposed in 1966.

The distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), was unopposed in 1970.

So it is not unheard of that there are elections in which people are unopposed.

As the Senator from Vermont (Mr. AIKEN) said, it is nice. I have never had that pleasure. However, it probably would be.

In conclusion, I see nothing in the pending amendment but an attempt to force the South Vietnamese Government—if the amendment is agreed to—to hold a farcical election, a circus election, or a sideshow election to satisfy the requirements of an amendment which in my opinion has no merit.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I do not have very much more to say about this matter. There has been thorough debate here. The Senator from New Mexico is a very resourceful man. His original amendment would have given a chance, insofar as a contrast with the Mansfield amendment is concerned, to squarely draw this issue. However, now with the lapse of time, with the holding of the election and with the Mansfield amendment having passed, I respectfully submit to the Senate that the two measures are contradictory to a large degree.

If the Senate sends two amendments on this issue to the same conference, as I have said before, we might as well admit that this will be a hostile conference on this point about the war.

If we send two amendments to conference on the same subject, amendments that are substantially contradictory, we would just be giving the House conferees an excuse to stand on rather than to get down to the real issue. The issue will not be clearly drawn. It will not be positively drawn. It will be a double-barreled proposition. Instead of giving the Senate conferees a chance to bear down on one thing, we will have two feet—one foot up and one foot down. We will be at a great disadvantage, especially under a hostile situation.

I respectfully submit to the Senate that this reason within itself is a good reason to reject the amendment in view of the fact that the other amendment has already been passed.

If this measure goes to conference with the Mansfield amendment that has already been passed and is already in the

bill, it will be my duty—and I expect to live up to it—to do the best I can to represent the Senate. The Senate has spoken on the Mansfield amendment. However, with this double-barreled situation, this twofold situation here, it leaves the conferees between the sediment and the ground, if I may use a good Western expression. I hope that does not happen.

Viewing a comparison of these amendments, assuming for the moment it is all right to go into the elections, time wise, the Montoya amendment says—

Six months and we are through; no more money.

The Mansfield amendment says:

"Six months and the POW's and no more money."

So the Senator from New Mexico is not overlooking the POW's. He is not forgetting them. He is concerned about them. However, as to the method used, I strongly believe that the interpretation of the "6 months and no money and the POW's" is not a strong enough approach.

The Mansfield amendment is clearer and therefore stronger on that point. However, even passing on beyond that, I do not believe it is a sound formula here to enact legislation on an amendment of this kind trying to end the war—which is a national issue and particularly in the field of foreign relations and foreign policy—with an amendment that has tied into it the election in South Vietnam and the requiring of the President of the United States as our spokesman on foreign policy to make a judgment here on the merits of that election.

I just do not believe that is a guideline or a proper foundation. I believe that we just should not do it. I would rather just strike out altogether the part about the election. We ought not to put a provision in this bill about the election. We certainly ought not to try to have the President of the United States certifying the election, and so forth, as a price for getting a little more time. I just believe that that is the wrong approach.

Mr. President, one other point and I will be through. With respect to the matter of the sanctuary, a place for these refugees, political refugees, displaced people who are fighting on the same side that we have been fighting, I believe it is wrong to just write into the amendment that they will be taken care of and that we will make an exception to that, and at the same time we say "No more money for the troops."

I hope the Senate will reject the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONTAYA. Mr. President, I want to say again that I truly respect the Senator from Mississippi who has offered opposition to my amendment.

I respectfully submit that it is the concern of the American people, the concern of the U.S. Congress, and the concern of this body, to make a judgment of our expectations as to whether we are interested in seeing a viable government in South Vietnam, because I believe we went there with that intention. We told our boys to go in there and to fight for

the self-determination of these people. We went in there to fight for free institutions and 55,000 or more Americans have died. There have been over 300,000 casualties, over \$130 billion has been expended, our economy has been shattered, inflation is rampant, and because of it the fiber of our society has been weakened and debilitated and respect for our free institutions tarnished. That is what Vietnam has done to our society here at home.

Those boys went over there to spill their blood and to leave their bones for self-determination by the Vietnamese people, for free democratic institutions. Now, toward the end of the war, one-man rule has set in. We are back to the days of President Diem when he had one-man rule and was overthrown, and when his overthrow triggered the initial steps taken by our Government to go in there. Are we going to forget that history? Are we going to forget what these boys fought for? Are we going to say in the name of not interfering that we endorse the one-man election that was held under a Russian ballot in South Vietnam recently? That is what is at stake.

Are we going to be the laughing stock of the world, having expended all these resources and all this agony, only to be back where we started? I do not think that America is made of such kind of thinking. I say that we have determination as a people and I say that this Senate represents that determination, and unless we enact this amendment, I feel that world public opinion is going to laugh at us.

Now, there have been many statements made. We went into Vietnam to train the Vietnamese forces, and that turned into combat by our forces. As of last May, South Vietnam had 1.2 million fighting men in their forces. They have the capability to defend themselves. I say we must withdraw. I say that my amendment rides in tandem with the Mansfield amendment and is not contradictory to it. It is within the noble purposes of the Mansfield amendment.

The distinguished chairman of the committee presented an argument that the adoption of this amendment together with the Mansfield amendment will make it difficult in conference, May I respectfully submit that I have attended many conferences with the House and when a conferee has two marbles to play with, he plays with strength, with more strength than with one.

I submit that the two amendments going to conference will give the chairman strength to sustain the will of the Senate for an early withdrawal from Vietnam.

Mr. President, I think the issue is clear cut. Does the Senate, by its vote, passively endorse the one-man rule of South Vietnam, which is the rule against which over 55,000 of our boys died and 300,000 became casualties?

I submit this amendment is proper and fitting as an attachment to this particular bill.

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

The PRESIDING OFFICER. All time

having been used or yielded back, the question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. EASTLAND. Mr. President, on this vote I have a pair with the Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. HART. Mr. President, on this vote, I have a pair with the Senator from South Dakota (Mr. MCGOVERN). If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), and the Senator from Maryland (Mr. BEALL) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Hawaii (Mr. FONG) is detained on official business.

If present and voting, the Senator from Maryland (Mr. BEALL) would vote "nay."

The result was announced—yeas 25, nays 60, as follows:

[No. 253 Leg.]

YEAS—25

Anderson	Hughes	Nelson
Bayh	Humphrey	Pell
Byrd, W. Va.	Inouye	Proxmire
Church	Javits	Ribicoff
Cranston	Kennedy	Symington
Eagleton	Magnuson	Tunney
Fulbright	Mansfield	Young
Hartke	Mondale	
Hatfield	Montoya	

NAYS—60

Aiken	Dominick	Packwood
Allen	Ellender	Pastore
Allott	Ervin	Pearson
Bellmon	Fannin	Percy
Bennett	Gambrell	Roth
Bentsen	Griffin	Saxbe
Bible	Gurney	Schweiker
Boggs	Hansen	Scott
Brook	Hollings	Smith
Brooke	Hruska	Spong
Buckley	Jordan, N.C.	Stafford
Burdick	Jordan, Idaho	Stennis
Byrd, Va.	Long	Stevens
Case	Mathias	Stevenson
Chiles	McClellan	Taft
Cook	McGee	Talmadge
Cooper	McIntyre	Thurmond
Cotton	Metcalf	Tower
Curtis	Miller	Weicker
Dole	Moss	Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Eastland, against
Hart, against

NOT VOTING—13

Baker	Gravel	Muskie
Beall	Harris	Randolph
Cannon	Jackson	Sparkman
Fong	McGovern	
Goldwater	Mundt	

So Mr. MONTROYA's amendment (No. 419) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 438

The PRESIDING OFFICER (Mr. STEVENSON). Under a prior order, the Senate will now proceed to vote on the amendment (No. 438) of the Senator from Arkansas (Mr. FULBRIGHT).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Will the Chair restore the Senate to order, and identify the question? I respectfully suggest that the amendment should be stated, because it is several days since the matter has been considered.

The PRESIDING OFFICER. The Senate will be in order.

The question is on agreeing to the amendment (No. 438) of the Senator from Arkansas (Mr. FULBRIGHT), 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".

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Is this a straight vote on the amendment, up or down?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRIFFIN. On this vote I have a pair with the Senator from Tennessee (Mr. BAKER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. MATHIAS (after having voted in the affirmative). On this vote I have a pair with the Senator from Maryland (Mr. BEALL), who is unavoidably absent. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. MOSS (after having voted in the affirmative). On this vote I have a live pair with the senior Senator from Ala-

bama (Mr. SPARKMAN). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. NELSON (after having voted in the affirmative). On this vote, I have a pair with the senior Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTROYA), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Maryland (Mr. BEALL) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The respective pairs of the Senator from Tennessee (Mr. BAKER) and that of the Senator from Maryland (Mr. BEALL) has been previously announced.

The result was announced—yeas 38, nays 44, as follows:

[No. 254 Leg.]

YEAS—38

Aiken	Hartke	Pell
Bayh	Hatfield	Percy
Boggs	Hughes	Proxmire
Brooke	Humphrey	Ribicoff
Burdick	Inouye	Scott
Case	Javits	Stafford
Church	Kennedy	Stevens
Cooper	Magnuson	Stevenson
Cranston	McGee	Symington
Eagleton	McIntyre	Taft
Fong	Mondale	Tunney
Fulbright	Packwood	Williams
Hart	Pastore	

NAYS—44

Allen	Dole	Metcalf
Allott	Dominick	Miller
Anderson	Eastland	Pearson
Bellmon	Ellender	Roth
Bennett	Ervin	Saxbe
Bentsen	Fannin	Schweiker
Bible	Gambrell	Smith
Brock	Gurney	Spong
Buckley	Hansen	Stennis
Byrd, Va.	Hollings	Talmadge
Case	Hruska	Thurmond
Chiles	Jordan, N.C.	Tower
Cook	Jordan, Idaho	Weicker
Cotton	Long	Young
Curtis	McClellan	

PRESENT AND GIVING LIVE PAIRS, AS
PREVIOUSLY RECORDED—5

Griffin, for
Mathias, for
Moss, for
Mansfield, for
Nelson, for

NOT VOTING—13

Baker	Harris	Muskie
Beall	Jackson	Randolph
Cannon	McGovern	Sparkman
Goldwater	Montoya	
Gravel	Mundt	

So Mr. FULBRIGHT's amendment (No. 438) was rejected.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Mississippi will state it.

Mr. STENNIS. Is that vote subject to a motion to reconsider?

The PRESIDING OFFICER. It is.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 455

Mr. MATHIAS. Mr. President, I call up my amendment now at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

At the proper place, insert the following: "Notwithstanding any other provision of law or any action taken by the President pursuant thereto, the pay raise authorized under section 3(c) of the Federal Pay Comparability Act of 1970 to be effective on or after January 1, 1972, shall take effect at the beginning of the first pay period on or after January 1, 1972, and no alternative plan submitted by the President in accordance with section 5305(c)(1) of title 5, United States Code, shall take effect in lieu thereof except, however, that no pay increase shall exceed the highest of any wage or salary adjustment that may be authorized under any wage or salary stabilization order issued by the President under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91-379; 84 Stat. 799), as amended, and as may be in effect in January 1972, at the time the comparability adjustments for each Federal statutory system become effective."

The PRESIDING OFFICER. The time on the amendment is limited to 30 minutes, 15 minutes for the Senator from Maryland and 15 minutes for the Senator from Mississippi. That time comes out of the 3 hours on the bill.

Mr. MATHIAS. Mr. President, before I make any remarks, I yield to the Senator from Utah such time as he may require for the purpose of offering an amendment to the amendment.

Mr. MOSS. Mr. President, this morning in the Post Office and Civil Service Committee, we considered at great length my bill which was introduced 2 days ago, S. 2647, which was on the same general subject matter as the amendment of the Senator from Maryland.

The wording of the bill that was finally voted unanimously by the committee to be reported, I now intend to offer

as an amendment to the amendment of the Senator from Maryland.

The parliamentary situation is that we are not going to be able to get a bill up for consideration and action before the deadline for rescinding the increases in the Federal salaries, which deadline expires at midnight tomorrow night.

As the Senate knows, I have a resolution pending which we had hoped to call up tomorrow. That resolution would rescind the freeze. However, the committee recognized and my bill recognizes, as does the Senator from Maryland, that the Federal employees should not have any advantage and neither should they be disadvantaged.

The bill the committee ordered reported this morning would provide that Federal employees, if the freeze is lifted, may receive their salary increase on the first day of January or the end of the pay period that comes after the first day of January, but they would not be permitted to get an increase beyond that which is allowed generally to all wage earners.

In other words, if the President comes forth in phase II of his economic program and sets some sort of ceiling on salary increases, say 3 percent, 5 percent, or 1 percent, or if he freezes it entirely, then the Federal employees must abide by that decision. However, if the President in his order gives some leeway to private industry, the Federal employees may not be disadvantaged and may receive the salaries authorized by statute as an increase.

Therefore, in order to accomplish that purpose, I intend to offer an amendment as a substitute for the language contained in the amendment of the Senator from Maryland. I have talked to the Senator from Maryland on this matter and I have discussed it fully with many Senators.

Mr. President, I ask unanimous consent that the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of my amendment in the nature of a substitute.

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

Mr. MOSS. Mr. President, I offer an amendment in the nature of a substitute for the language contained in the amendment of the Senator from Maryland and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

That, notwithstanding any provision of section 3(c) of the Federal Pay Comparability Act of 1970 (Public Law 91-656) or of section 5305 of title 5, United States Code, as added by section 3(a) of Public Law 91-656, such comparability adjustments in the rates of pay of each Federal statutory pay system as may be required under such sections 5305 and 3(c), based on the 1971 Bureau of Labor Statistics survey, to become effective on the first day of the first pay period that begins on or after January 1, 1972, shall not be greater than the general average of any wage or salary adjustment that may be authorized under any wage or salary stabilization order issued by the President under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91-379; 84 Stat. 799), as amended, and as may be in effect in January 1972. The

President shall place such wage and salary adjustments into effect at approximately the same time as such wage or salary stabilization order applies to wages and prices in the private sector of the United States economy. Nothing in this Act shall be construed to provide any adjustments in rates of pay of any Federal statutory pay system which are greater than the adjustments based on the 1971 Bureau of Labor Statistics survey.

The PRESIDING OFFICER. The amendment of the Senator from Utah is not in order under the unanimous-consent agreement until all time has expired on the Mathias amendment.

Mr. MOSS. Mr. President, I thank the Chair.

Mr. MATHIAS. Mr. President, as the author of the original amendment, I accept the amendment of the Senator from Utah as a modification to my original amendment.

The PRESIDING OFFICER. That request is in order.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, I was going to make a parliamentary inquiry concerning that very point. Is the amendment now a substitute for the original Mathias amendment?

The PRESIDING OFFICER. The amendment becomes the pending amendment inasmuch as the Senator from Maryland has accepted it.

Mr. STENNIS. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, that was possible under the unanimous consent agreement?

The PRESIDING OFFICER. There was no unanimous consent agreement on the amendment of the Senator from Maryland. Therefore, a modification is appropriate.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, were the yeas and nays ordered on the Mathias amendment?

The PRESIDING OFFICER. Not yet.

Mr. MATHIAS. Mr. President, I was just about to make that request.

Mr. President, I request the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, should not the time start over again? We have another amendment. I understand that there is controlled time.

The PRESIDING OFFICER. No. It is the same amendment. It has just been modified.

Mr. MATHIAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MATHIAS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maryland has 7 minutes re-

maining, and the Senator from Mississippi has 15 minutes remaining.

Mr. McGEE. Mr. President, will the Senator yield me 3 minutes?

Mr. MATHIAS. Mr. President, I yield 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. McGEE. Mr. President, this is not the measure I had advocated. I had felt that if the President had an economic crisis that confronted the Nation concerning inflation and increasing wages of such consequence that he felt wages should be frozen, it is just as inflationary if we pay the military, however noble the purpose—a measure for which I voted—\$2 or \$3 billion, as it is to pay civilian employees. They are already agreed on comparability.

Therefore, I think it is important that we clear up the inflation issue once and for all. Are we in a period of inflation that the President wants to turn around, or not? If so, I say this should take precedence over all others for the simple reason we may not have a chance to have a useful and effective volunteer Army. If it is not, and we are picking on Federal civilian employees as a gimmick to impress others, I say we are doing them an injustice and a wrong.

But because it was important that we get a bill out of committee this morning, I supported reporting this measure, but I want to report to the Senate as a matter of record that I think we are still falling short in what we should be doing, if the President is sincere in his efforts to combat inflation. Inflation cannot be impeded piece by piece or by being for someone and against someone else.

I do commend the Senator from Maryland for his efforts in this matter, but I must register my misgivings about the bill with these qualifications on it.

Mr. MATHIAS. Mr. President, I yield 2 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, as the ranking minority member of the Committee on Post Office and Civil Service, I ask that my name be added as a cosponsor of the amendment offered by the Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, it certainly is acceptable to me that the Senator be added as a cosponsor.

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

Mr. FONG. Mr. President, this amendment I am cosponsoring would place Federal employees on the same level as private employees after the present wage-price freeze expires on November 12. When the President froze the pay of Federal employees until July 1, 1972, he did it under a statute which forced him to act by September 1, 1971. Under present law he has no power to amend or rescind his decision. Should the President decide to allow pay increases to the private sector before July 1, 1972, he will be unable to do likewise for Federal civilian employees and military personnel. This amendment will place Federal employees on the same basis as employees in the private sector should

the President decide to allow increases to private salaries. I am of the firm conviction that employees in the private sector should not be treated more favorably than Federal employees, and that Federal employees should not be treated better than employees in the private sector.

In this amendment we are saying to the President, "When you give private employees a salary increase, you must treat Federal employees on the same basis."

We do not know what phase II wage controls for private employees will be. The President may control pay increases, industry by industry and give industry A a certain percentage, whereas there may be a different percentage for industry B. However, in the Moss-Fong substitute amendment we are telling the President to average these increases and give the average increase to Federal employees. We do not feel Federal employees should bear the brunt of sacrifice in the anti-inflation program. If one sector is going to bear the brunt, let all sectors bear the brunt. If all sectors are not going to bear the burden, then do not force Federal employees to bear it alone.

Our amendment proposes that fairness and equity be applied in the matter of pay increases to Federal employees as well as to those in the private sector.

Mr. President, I strongly favor fair and equitable salary treatment for Federal employees at all times. This is why I worked so hard over the years to establish in law the principle of comparability, whereby Federal pay scales would be comparable to private. This principle is now embodied in the law governing Federal employees' pay.

During the Nation's present wage stabilization anti-inflation program, I believe the principle that Federal employees should be treated fairly and equitably should continue to prevail.

I believe just as strongly that private employees should be treated fairly and equitably during the wage stabilization anti-inflation program.

Through November 12, Federal employees and private employees are being treated on the same basis.

In phase II, which begins November 13, when all Americans are asked to continue to make sacrifices so that inflation can be curbed, so that more jobs can be created, and so that our economy can be put on an even keel, the burden of sacrifice should be distributed fairly and equitably among all.

Mr. STENNIS. Mr. President, I yield myself 5 minutes. I will use 1 minute of that and then I will yield the remainder to the Senator from Pennsylvania.

Mr. President, has this amendment been printed? Are any copies available?

The PRESIDING OFFICER. The amendment has not been printed. There are copies being made right now.

Mr. STENNIS. May I direct this question to one of the Senators sponsoring the measure. The matter of vetoing the President's deferment will be considered tomorrow. Is that right? Is that the plan?

Mr. McGEE. Yes.

Mr. MOSS. Yes.

Mr. STENNIS. What is the purpose of

running in this measure today as an amendment on this major bill?

Mr. MOSS. If I may respond to the Senator from Mississippi, in committee this morning we considered this matter and the committee voted to report it out. However, the mechanics of getting it before the Senate are that it could not come up prior to our consideration of the resolution unless it came on today.

Mr. STENNIS. I thank the Senator. I yield 4 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I share the deep misgivings of the Senator from Wyoming on this matter. In the first place, this is being brought up ahead of the resolution of disapproval which is set for tomorrow, on which we can determine the issue. Secondly, I hope the resolution, when it comes up, will be voted down, because it anticipates what the President is going to do.

The President announced that he will address the Nation at 7:30 tomorrow night and discuss what he intends to propose in phase II of the economic plan.

The Senate is engaged here in a process of trying to second guess the President and anticipate what he is going to say, trying to establish certain rules which might shoot grievous holes in the President's fight against inflation.

To pass this amendment would place the responsibility on Congress and directly on Congress for failing to support the anti-inflationary efforts of the President.

All of us are for comparability. It is almost a sacred code word around here, and everybody in the executive department that I know of is for comparability, and comparability can be worked out.

But this is an attempt to respond to all sorts of outside pressures to pacify people who, in my opinion, are not justifiably concerned about their future here. There will be comparability and everyone is being asked to exercise a certain restraint, discipline, and responsibility. I think it would be unfortunate, indeed, if the Senate today were to act favorably on this amendment as a substitute, or for that matter on the resolution of disapproval tomorrow, without a single Member of this Chamber, including the leadership on both sides, knowing what the President intends to propose tomorrow night on what phase II will constitute. I do not think this is a responsible way to go about it.

I hope the amendment is rejected and I think it is extremely important that it be rejected. If it is not defeated, Congress—or at least the Senate—will have to bear the responsibility for having shot holes in the anti-inflationary fight. I, for one, will continue to hold them responsible day by day until the days of accountability occur.

If, in spite of all our vast commitments to avoiding inflation in this country, we are going to be the first ones to break the dike it will not hold along the line, and I think it should hold along the line. I urge the defeat of the amendment. I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

I am opposed to this amendment. It looks to me like a race to see who can anticipate the President's recommendations and get this on the law books. Just the reverse method would be to wait to see what he is going to say and then have a bill, let it be debated on the merits, and then go to the other body.

The bill under consideration today was the pending order of business when we came from the recess and hopefully it is going to be passed this afternoon and go to conference where there will be 100 different amendments, 100 differences between the House version and the Senate version, and that is leaving out the minor matters. There are at least 100 major differences. That means there will be a great deal of work which takes time in conference.

In addition, we have the Mansfield amendment, which is well known, and which will be a very difficult matter. Long before that bill gets to the President, this question will be moot. It is not necessary to have it here today or on this bill in particular. It will lie there in a dormant position for 30 days or more; I hope it will be less. But there are no magicians around here that I have found in getting agreements in conference.

So this matter is premature. I almost said illegitimate. I think parliamentary-wise it is illegitimate to come in here at the last moment on this bill, after we reached an agreement last week to have a vote on final passage today. I cannot explain it. That is why I am not going to try. I hope the Senate will vote down the amendment and let us proceed in an orderly way.

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

Mr. STENNIS. I yield.

Mr. ERVIN. Is not this, in effect, proposed legislation to take effect on the happening of some kind of "if" sometime in the future?

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. Is it not complicating simplicity and is it not a rather vain proceeding because the subject will be taken out in conference, particularly since the House has rejected the proposal to veto the freeze?

Mr. STENNIS. The Senator has made a wise statement, as he always does.

I will yield time on this matter to any Senator who wishes to speak.

Mr. SCOTT. Mr. President, will the Senator yield me another 2 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator.

Mr. SCOTT. Mr. President, I think the Senator from Mississippi has made a highly valid point here about the parliamentary illegitimacy of this amendment. Nobody really knows the import of the amendment. All we know is the Senate is in a rush so it can gain considerable face with Federal employees by saying "We are going to do a lot for you. We are going to put a lot of sugar in the cake we bake, and we will send the cake to the other body," where it will grow stale for 30 days, until everybody will have forgotten the promise, except that

when Senators run for election they will be able to say then, "See, I was for the Federal employees."

Lest it be overlooked, I am for them, too, and I will quote that in context in due time.

Really, this is an exercise in complicating simplicity, as the Senator from North Carolina has said. It is an exercise in urgency, yes, but in urgency for what, for running in place. For running very hard while standing still and while giving the illusion of motion to people who, we hope, will believe we love them.

Let us, instead, pass a resolution saying we love them. At least they are entitled to a valentine rather than a fake Christmas present. This is all ribbon and fluff and wrapping paper and stuffing. None of it is edible and none of it is cashable at the bank.

I think it is high time we exercised our responsibility. As I see it, those who support the resolution, with all due respect, are simply trying to beat the President in his announcement tomorrow night. They do not know what it is, and I do not know what it is. When you try to beat a man to a speech you have not read, you are taking an awful risk. Therefore, I hope the Senate will vote down the amendment.

Mr. MOSS. Mr. President, will the Senator yield me 2 minutes to try to answer the Senator?

Mr. STENNIS. The Senator has time of his own.

Mr. MATHIAS. Mr. President, I was about to say we are just about at the bottom of the barrel.

Mr. MOSS. That is because all our time was spent reading the bill. We should not have taken that time.

Mr. MATHIAS. I promised to yield 1 minute to the Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I am sorry that the distinguished minority leader has taken this position on the amendment, because this amendment is accomplishing nothing more than what Government employees are entitled to, and that is to be treated exactly like the private sector is treated. It is necessary because, while we contemplate what the President will propose tomorrow night, we have to consider whether or not to veto the President's action. It is reassuring to the Federal employees to know that Government employees will be treated exactly like those in the private sector. I do not think this is a Valentine or gift; it is a promise of equal treatment. That is all we are asking for, and I think it is timely to take it up at this time.

IN SUPPORT OF PHASE II PAY INCREASES FOR FEDERAL EMPLOYEES

Mr. KENNEDY. Mr. President, every so often, the U.S. Senate is asked to vote on a question of such elemental fairness and equity that the merits of the issue are all on one side. Today, the Senate votes on such an issue—a provision to give fair treatment to Federal employees under phase II of the President's economic program.

Of all the aspects of the President's new program, none is more unconscion-

able than the cruel demand that Federal employees should be singled out to bear the heaviest burden of the President's economic policy. I can find no rational economic justification for the President's demand that Federal employees should bear such a burden. In recent weeks, responsible economists of every political persuasion have emphasized that the most effective route to the Nation's prompt economic recovery is through an immediate and vigorous stimulus to consumer spending. The relevance of this point is incontestable. Dollar for dollar, new money in the hands of Federal employees is precisely the sort of effective economic stimulus the economy needs at the present time. It makes no sense, therefore, on economic grounds, for the administration to oppose the comparability pay increase for Federal employees scheduled for next January.

The sole justification I can find for the administration's action is a justification based on the discriminatory principle of partisan political expedience. The administration's decision to take \$1.3 billion out of the hide of Federal employees is no more nor less than an assault on the pocketbooks of a group in our population who usually vote as Democrats, and who are too weak to mount effective opposition.

As such, the extra burden the administration now seeks to impose on Federal employees is a symbol of what is basically wrong with so many other aspects of the administration's economic program—the distorted priorities that give special favor to the few, while ignoring the overwhelming needs of the many. You don't find business being asked to bear a special burden—not when the heart of the new economic policy is a multibillion dollar tax windfall for plant and equipment through accelerated depreciation and the investment credit.

Instead, in an effort to find a partial offset against such overgenerous largesse for the special interests, the administration has produced an unseemly and unfair hodge-podge of budget cuts to balance the Federal books—cuts inflicted on the groups with the least voice in White House policy and the fewest Republican votes on election day. It is no accident, therefore, that the principal revenue savings in the administration's program are achieved partly at the expense of Federal employees, through the 6-month freeze on pay increases, and partly at the expense of the poor, through the postponement of welfare reform.

The facts of the situation with respect to Federal employees are clear. In the Federal Pay Comparability Act of 1970, Congress established the basic principle that Federal employees should be paid the same wages as private employees for the same level of work. Under the act, so-called comparability pay increases for Federal employees are automatic, and their magnitude is determined in accord with regular surveys of private pay levels by the Bureau of Labor Statistics. In accord with the provisions of the act, the next pay increase for Federal employees is scheduled to take effect on January 1,

1972, and would have averaged in the neighborhood of 6 percent.

Under the terms of the 1970 act, however, the President has the authority to delay any wage increase if he determines that it is unwarranted "because of a national emergency or economic conditions affecting the general welfare." The act gives Congress 30 days to disapprove any such delay requested by the President. Last August, in accord with this provision of the act, the President proposed that the increase scheduled for next January 1 should be deferred 6 months, until July 1, 1972.

The terms of the pending proposal on the Senate floor are simple, fair and reasonable. The amendment seeks no special exemption or dispensation for Federal employees. All that it provides is that Federal employees shall be treated on an equal basis with all other employees under phase II of the administration's economic program. As such, Federal employees would share the benefits and burdens of phase II with every other citizen. Thus, whatever comparability increase is called for under the terms of the 1970 Act would be modified to meet the requirements of phase II. As modified, the increase would go into effect on January 1, 1972, the originally scheduled date.

That is the route we ought to take. No amount of rhetoric can mask the inequity and partisan appeal of the administration's discriminatory demand for a special financial sacrifice by millions of Federal employees. I urge the Senate to accept the pending proposal, and to end the second-class status to which Federal employees have been consigned by the administration's policy. Surely, at a time when the Senate has only just bestowed yet another military pay increase—worth nearly \$400 million—on top of the \$2 billion military pay increase signed into law a week ago by the President, we can ill afford to discriminate against the civilian employees of the Federal Government.

Mr. JORDAN of North Carolina. Mr. President, at no time since I became a Member of the Senate have I advocated favored or preferential treatment for Federal employees.

It has always been my contention that those working for the Government were entitled to the same consideration given employees of business and industry—no more and no less.

That is my position today and my basic reason for opposing the President's plan to delay until mid-1972 the comparability pay raise which the Government had promised its people next January.

Let me make it abundantly clear that I supported the President's wage price freeze order as a necessary step at the time it was taken.

I am going to support just as strongly any control measures which I conclude are appropriate and necessary for economic reasons after the freeze expires.

But I think they should apply equally to everybody.

People in the private sector who were promised raises before the freeze are going to get them after November 13, to the full extent permitted under the phase II guidelines.

A commitment has been made to Federal employees and I think it should be honored on the same basis.

There is no equity in an order which would force them to shoulder a disproportionate share of the burden in the battle against inflation.

I, therefore, favor the pending amendment which will permit the January 1 raise within any control limits in effect at that time and I hope in the interest of fairness it will be adopted.

Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator from Maryland has 2 minutes and the Senator from Mississippi has 5 minutes.

Mr. MOSS. Mr. President, will the Senator from Mississippi yield me 2 minutes of his time?

Mr. STENNIS. If the agreement will permit, but I will not yield any of the time on this amendment.

The PRESIDING OFFICER. If that is the decision of the Senator from Mississippi, it is permissible.

Mr. STENNIS. I will yield 2 minutes to the Senator, because he is the author of the amendment.

May I take 30 seconds first to say we do not know what is in the Mathias amendment. We do not know what is in the amendment of the Senator from Utah. We do not know the difference, and yet we are being asked to vote on it today.

Mr. MOSS. That is why I was going to say there has been a lot of humor in this debate about frosting the cake and so on. The plain, stark fact is that at midnight tomorrow the power of the Congress to rescind the freeze is gone and the freeze then is permanent through the 30th of June 1972.

We are told here very blithely that we ought to wait until tomorrow night and hear what the President has to say. Whatever he says he is going to say after the Senate has adjourned its session, and at midnight it is locked in. What could be plainer than the fact that we ought to act today if we do anything? Tomorrow we will have to face a vote on the resolution that would rescind the freeze and allow the increase to become effective on the 1st of January.

The PRESIDING OFFICER. The time of the Senator has expired.

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

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Why could not this come after the vote on the bill, so we could have time to understand it?

Mr. STENNIS. The Senator from Mississippi did not call it up.

Mr. FULBRIGHT. The Senator agreed to it, did he not?

Mr. STENNIS. Oh, no.

Mr. FULBRIGHT. I do not know what is being offered. It ought to come after the vote on the bill.

Mr. MATHIAS. Mr. President, I yield 1 minute to the Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, the amendment of the Senator from Maryland is a simple matter of fundamental equity. The fact is that there are two groups singled out under the President's

program to carry special burdens. One of them is Federal employees. We know that Federal employees are one of the weakest groups in our society in terms of political muscle. What is being proposed by the administration for Federal employees may be called a valentine or stuffing in a turkey, but it means dollars and cents to those who need it, and we have every obligation to give it to them.

The second group that has been singled out is those who would benefit from welfare reform, who also demand justice and equity. We shall have the opportunity to air that issue in the near future, but today, we have a responsibility to give equity to Federal employees. That is why we should vote for the amendment of the Senator from Maryland.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. STENNIS. Mr. President, I yield myself 2 minutes. What I have to say is repetitious, but there is good reason to say it. I cannot explain this amendment or the opposite side of it. I do not know enough about it. I cannot explain the Mathias amendment. We substituted one for the other. We do not know what is in either one. We do know it has no proper place in this bill and that it will not save any time to put it in this bill, for the reasons I have already given.

My goodness alive, why the stampede? Why the rush? Where is the considered judgment? Where is the recommendation from a committee or some kind of guidelines that we should have? We did not even have copies of the amendment. I saw one just 3 minutes ago. The staff director has not had time to go over it. Why throw away all the safeguards, all the standards, all the procedures, and just rush pell-mell here to try to adopt an amendment to a military procurement bill that will take weeks and weeks even to be brought back into this Chamber, perhaps, not even to mention how much time it will take to send it to the President's desk?

I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, does the Senator from Mississippi agree with the Senator from North Carolina that the excuse given by the able and distinguished Senator from Utah is without any validity whatever; that although the time for passing the resolution may expire, Congress still has all the legislative power in this field that the Constitution gives it?

Mr. STENNIS. Absolutely. And I have already said weeks ago that this procurement bill—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself another minute. This procurement bill must move into some figures before the Appropriations Committee can even write up its bill, before the House Appropriations Committee can start their recommendations and start the bill through the House of Representatives; then it has to come here, of course, and be finally enacted.

So there is every reason why it should not be put on this bill, and I have not

heard a single one why it should. I hope the Senate, if for no other reason than to protect itself, will rise up here and vote down this amendment.

That is all I have to say.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I have an amendment to the amendment.

The PRESIDING OFFICER. All time on the amendment has not expired, and the amendment to the amendment is not in order until all time has expired.

Mr. MATHIAS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has no time. The Senator from Mississippi has 2 minutes. Who yields time?

Mr. MOSS. Does the Senator from Maryland have any time remaining?

Mr. MATHIAS. I have no time remaining, but I have an amendment at the desk.

The PRESIDING OFFICER. Time is running against the Senator from Mississippi.

Mr. MANSFIELD. Mr. President, is it possible to get time on the bill?

The PRESIDING OFFICER. It is possible to get time on the bill.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Maryland, as modified.

Mr. STENNIS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SCOTT. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. I yield it to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I think the fact that there is no real merit in this amendment, how thin it is, how moot it is, and how well people know that it is moot, is evidenced by the fact that most of the presidential candidates have not been heard on the subject. Most of them have not returned from their travels or their journeys to the States, to come in and be heard. Few of them have appeared to beat their breasts for the Federal employees. No chest is sore. No self-inflicted wounds have been recorded.

Therefore, I think, we all know that this is a paper chase, and that is all it is. It is just a fruitless paper chase in which we hope we can get something on the RECORD to show people that we want to help them.

It will not work. It will not be passed in the next 30 days, and probably never. Therefore, any "yea" vote on this amendment is an act of supererogation. That is a long word, which I suspect uses up the rest of the minute. [Laughter.]

The PRESIDING OFFICER. The Senator's 1 minute has expired. All time on the amendment has expired.

Mr. MATHIAS. Mr. President, I have an amendment at the desk which I call up.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:
On line 14, strike the words "January 1972" and substitute "on and after January 1, 1972".

The PRESIDING OFFICER. The time on the amendment is limited to 30 minutes.

Mr. STENNIS. Mr. President, will the Chair have that amendment read again?

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On line 14, strike the words "January 1972" and substitute "on and after January 1, 1972".

The PRESIDING OFFICER. The time on this amendment is 30 minutes, 15 minutes to a side. Who yields time?

Mr. MANSFIELD. No, Mr. President; 20 minutes, I believe. Is that not correct?

The PRESIDING OFFICER. It is 30 minutes.

Mr. MANSFIELD. No, Mr. President; this is an amendment to an amendment, and I think under the agreement it was to be 20 minutes, 10 minutes to a side.

The PRESIDING OFFICER (Mr. TUNNEY). The agreement reads as follows:

Ordered further, That, after the disposition of amendment No. 438, debate on the bill, H.R. 8687, be limited to 3 hours, to be equally divided and controlled by Mr. Stennis and Mr. Scott or his designee. *Provided*, That time for debate on any further amendment to the bill be limited to 30 minutes, to be equally divided and controlled by the mover and Mr. Stennis.

The time is to come out of the 3 hours on the bill. Who yields time?

Mr. MATHIAS. Mr. President, how much time do I have at this point?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. MATHIAS. I yield 3 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, one thing that I think is overlooked, and the opponents of this amendment overlook it, is the fact that this Congress passed the pay raise for the Federal employees to get comparability. We passed that in the last session. What we did then was say that they might have 4 percent then, and on the 1st of January they get the additional 6 percent. So by law, signed by the President into law, the Federal employees are entitled to an increase of 6 percent on the 1st day of January.

Now they have been frozen back beyond anyone else. They have been frozen back to the 30th of June. All this amendment says that if the freeze is lifted by a vote of this body, then the President may still control the amount of the raise, provided it is equal with what is made available in the private sector.

What could be clearer than that? And what could be clearer than the need for such an amendment right now, to say, "Yes, Mr. President, you may control the wage rates, and if you do it in the private sector, do the same thing for the Federal employees." That is all it says, to do the same thing for both, private and Federal.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. MOSS. I yield.

Mr. MATHIAS. Mr. President, I believe I have the floor.

Mr. MOSS. Excuse me.

Mr. MATHIAS. Is this on the time of the Senator from Mississippi?

Mr. STENNIS. I want to ask the Sen-

ator from Utah a question on my time. I yield myself 1 minute.

If we vote down the freeze tomorrow, if we should go that way and veto the postponement, that will settle the whole thing, will it not?

Mr. MOSS. That will settle the whole thing.

Mr. STENNIS. Why offer this today, on this bill?

Mr. MOSS. Because we may not vote it down. We may undo the freeze tomorrow, and if we do, we want to have that equity provision in there, so that the Federal people are treated no better and no worse than the private sector. That is all it is for.

Mr. STENNIS. But the Senate could still pass a measure that would do what you are proposing to do today.

Mr. MOSS. We might be able to do that sometime later, but without this kind of control on it, many Senators might well be influenced in whether they vote for relaxing the freeze or whether they vote to continue it.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. STENNIS. I yield myself 1 more minute.

Does the Senator think that this bill, within this amendment on it, would really reach the President's desk sooner than one the Senate might pass on that subject alone? What is the Senator's judgment?

Mr. MOSS. I do not know whether it would reach it any sooner, because, as the Senator has pointed out, it must go through conference, and a long course. But what it does is say right here, today, on this floor, that the Senate believes Federal employees ought to be treated equally with all the private sector employees, and that if we tear that down tomorrow, the Senate may decide to undo the freeze and permit Federal employees to have some kind of a pay raise on the 1st of January if the private sector is going to get that leeway.

Mr. MATHIAS. Mr. President, I yield myself 5 minutes, because I would like to address myself to the very interesting question that the Senator from Mississippi has raised, which is the heart and soul of this amendment, about why we seek to do this today, if there will be a resolution of disagreement offered to the Senate tomorrow.

The Senator from Mississippi knows far better than I the hazards that lie along the legislative road, and that it is better to seize opportunities when they are before you. But more substantive than that is the fact that the question the Senate is debating today is not the question immediately involved in the resolution of disagreement.

The resolution of disagreement would totally abrogate the act of the President of the United States in suspending pay raises and otherwise regulating compensation of Federal employees without regard to what we all recognize as the changing economic situation of this country.

This is not speaking to the abrogation of the President's economic plan. This is middle ground which, as the Senator from Utah says, treats Federal employees and employees in the private sector with

an equal hand. It does not let anybody have an advantage because he is in public service, but at the same time it is punitive to him and his family because he devotes his life to public service. It is middle ground respecting the very serious situation with which the President was confronted and the conditions under which he acted. But it also recognizes that no one element of our society should be made to bear an unequal burden in fighting the battle of inflation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial published in the New York Times of October 6, 1971, entitled "Double Talk on Federal Pay."

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

DOUBLE TALK ON FEDERAL PAY

Unless the Senate introduces some element of sanity today into the Government's approach to wage policy for Federal civilian and military employees, Congress and the Administration will be partners in leading the national fight against inflation into a dangerous cul-de-sac.

President Nixon began it all by his increasingly frenzied demands for a six-month postponement of the general pay increase all Federal workers are scheduled to get next Jan. 1. These demands meant that Federal pay would stay frozen after all other workers had been made eligible to get raises under whatever stabilization rules govern Phase Two of the anti-inflation effort.

As if this were not inequitable enough, the President promptly began undercutting his own policy by letting it be known that, as soon as the existing wage-price freeze expires Nov. 13, he would put into effect—without any limitation—the \$2.4-billion military pay increase Congress incorporated into the new draft law.

This week a coalition of House Republicans and Southern Democrats sustained the President's proposed delay of the Jan. 1 Federal wage boosts. Ineptitude on the part of the House Democratic leadership and the absence of a score of liberal Democrats enjoying a Columbus Day junket to Italy at the expense of the Italian Government helped explain the Administration's success.

While the House was voting, the Senate was jacking up the projected extra pay raises for the military by nearly \$400-million. If it fails today to make all the promised increases for Federal civilian and military employees subject to the same restraints and the same immunities that apply to everybody else's wages, the Senate will be contributing to the establishment not merely of a double standard but of a triple standard.

The postfreeze period will have one set of rules governing wages in private industry and state and local government, another disadvantaging the great bulk of Federal workers, and still another exempting from any curbs those military grades which benefit from special raises Congress has just authorized with the Administration's blessing. All hail equality of sacrifice.

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

Mr. MATHIAS. I yield.

Mr. MANSFIELD. The Senator has mentioned the question of equity. What about the schoolteachers who signed their contracts last spring, who are not now getting the increases which were granted to them by the school boards in their respective municipalities, counties, and States? I think that group as well needs a great deal of assistance and

equitable consideration. What do we do to help them?

Mr. MATHIAS. The Senator has raised an extremely interesting question. I would anticipate—and that, in fact, is the very reason I offered this amendment—that in phase II, the employees of local government, including schoolteachers, policemen, and firemen, will be given some flexibility.

Mr. MANSFIELD. But firemen and policemen and the other municipal employees, when they got their raises, got them. When the teachers signed the contracts 3 or 4 months and even longer before the President's announcement, they were penalized, in my opinion, and they are a group that also needs a great deal of consideration at this time.

Mr. MATHIAS. I would agree with the Senator, and I would hope that in phase II, when we look at the stabilization of the economy, we recognize the equity of the schoolteachers, as of other people who have contracts providing for advances, within the guidelines that may be established. What we are doing is simply saying, "Apply the same kind of rule to the Federal employees, who do not have a contract, but who had the understanding implied in the act of Congress which provided for their compensation."

I think this is particularly necessary. Mr. President, because the underlying reason for the act of Congress, in the first place, was that many of the Federal employees were already at a level below what their comparable employment in the private sector would have produced for them. If that were not the case, there would have been no reason and no basis for the legislation in the first place.

All we are trying to do is to say that, since they have, in effect, a contract with the Government, as implied in the legislation, we shall give effect to that contract, but only to the same extent that everybody else in the country will get the benefit of contract raises that are already provided for in their employment.

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

Mr. MATHIAS. I yield.

Mr. MOSS. I point out that the situation with respect to schoolteachers and others becomes unfrozen on the 13th of November unless the President enters a further freeze order; whereas, the Federal employees are frozen until the 30th of June, 1972.

Mr. MANSFIELD. Does the pay of the teachers go back retroactively, or does it start again on November 15, when the freeze is lifted? Do they lose all that with respect to the contract they signed last winter? I am deeply concerned about these questions.

Mr. MOSS. I am in the most hearty agreement with the majority leader. I think it is shocking that the board would rule that when contracts had been made before the freeze went into effect on the 15th of August, the freeze would be applied to teachers. I do not want to be understood as being unsympathetic. I was simply pointing out that there is a lengthier freeze with which we are dealing with respect to the Federal employees. It goes to June 1972.

Mr. MATHIAS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. MATHIAS. Mr. President, in further response to the distinguished majority leader, let me just say that I would hope that the condition of school teachers to which he has referred will be relieved as of the 13th of November, at which time the total freeze will end, under the President's announced program, and at which time I would assume some flexibility would be restored to the economy; and those who have contract rights to increases should be given the benefit of those contract rights within the guidelines with which we all will have to live. That is exactly the kind of principle we are trying to establish here—no more and no less.

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

Mr. MATHIAS. Mr. President, let me say further that the amendment I offered to the Senate which was printed several days ago had the same thrust as the amendment which was unanimously agreed to by the Committee on Post Office and Civil Service today. The difference in meaning is very small. The difference in language is apparent.

Mr. BENTSEN. Mr. President, will the Senator yield for a question?

Mr. MATHIAS. I yield.

Mr. BENTSEN. Would the fact that we voted a military pay raise establish any precedent at all that would cause us to have to equate the Federal employees' pay raise to it?

Mr. MATHIAS. I do not think there is a precedent. I do not think it is a question of precedent. I think what we have is equity as it applies across the board. I do not believe it requires it, but I think we have obligations to civilian employees as well as the very serious obligations to the military.

Mr. BENTSEN. I am not asking as to the question of equity. I am asking as to the provisions of this amendment. Would that be the type of wage increase referred to in this amendment?

Mr. MATHIAS. I think it is agreed that the answer to that question is "No."

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. STENNIS. I yield myself 3 minutes.

I ask the Senator from Maryland just how the last amendment he sent to the desk changes the amendment that was pending before that. He covered this once, but I am not sure that I understand. Some say it is just a clerical change.

Mr. MATHIAS. Does the Senator refer to the question of dates?

Mr. STENNIS. Yes, the question of dates.

Mr. MATHIAS. The original language in the committee was, I believe, "in January of 1972." The language I have offered is more precise. It refers to on and after January 1, 1972. "In January" is a somewhat imprecise definition of a period of time.

Mr. STENNIS. Is it not fair to say,

then, that the last amendment is for clarification and exactness alone?

Mr. MATHIAS. I would not say "alone." As the Senator, with his distinguished record as a lawyer, well knows, time is of the essence in many matters of human existence. I would not say that this was merely exactness alone.

Mr. STENNIS. Frankly, I was thinking that just to get it out of the way and to get back to the real issue, we could perhaps adopt this amendment by a voice vote. As I see it, there is no substantial change, except for clarity. The Senator is so much better versed than I in this subject, that I would not know.

Mr. MATHIAS. If we want to get on with it, I will yield myself several additional minutes and conclude my remarks, and we can have a vote on the main amendment, if the Senator has no further requests for time. I have no desire to delay the vote.

Mr. STENNIS. What does the Senator call the main amendment?

Mr. MATHIAS. The Mathias amendment as modified by the Moss substitute.

Mr. STENNIS. The Senator makes his argument. I will hold all my options. I am not agreeing to anything now.

Mr. MATHIAS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maryland has 5 minutes remaining.

Mr. MATHIAS. I yield myself 2 minutes.

Mr. President, this matter is not one that is taking the Senate by surprise. The Senate has been on notice for some days that this matter would be debated and decided. It is not a question of second-guessing the President or wondering what he will do because, as the Senator from Utah has pointed out, some of the options to act will expire tomorrow night. What it is in fact is an attempt rationally to consider a difficult problem which faces some 3 million Americans and how they are going to live in this overheated economy in which we find ourselves. It is a question even more than that, I think, of national honor in talking directly to all Americans as equals, treating them as equals, seeing that they are compensated by an even-handed and equal rule.

It is as simple as that.

It does great deference to the President's plan for a new economic program, which I support and which I recognize is necessary.

It acknowledges the President's right to establish the guidelines and it says that Federal employees will have to live within the guidelines the President establishes. It simply says that we are not going to bear down more heavily on these people because they are in his grip than others who may not be in his grip. That is all it says.

Mr. COOPER. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I yield.

Mr. COOPER. I must say, before I ask my questions, that I intend to vote against the amendment. My question goes, I hope, to a somewhat larger issue, than the specific amendment.

The President by his declaration changing economic and military policy

has received, I believe, the approbation of the people of our country. They look forward to his decisions regarding phase II. We assume, and I believe, that he will lay down guidelines and recommendations according to what he believes is necessary for valid economic progress, for monetary adjustments, and the increase of employment.

Why then this amendment attempting to prejudice and lay down specific rules, when the President must look, and will look at the question as a whole for the benefit of the country as a whole? Why should we not wait and see what he does about phase II, unless we want to throw the whole thing out? With the adoption of this amendment and perhaps others; we can pick his program to pieces.

Mr. MATHIAS. I am inclined to remind the Senator from Kentucky of the old saw, "I am glad you asked me that question," because it is important that the Senate understand it. This is not a question of waiting until the President has acted to see what he will do. He has acted. He has said that he will put the Federal employees in a position where, regardless of their contracts with the Government, they will not be allowed to get a pay raise.

But it is commonly known, and I think the Senator from Kentucky would agree, that it is highly likely the private sector would be allowed some flexibility, that it will be allowed to get benefits from the contracted-for pay raises which it may have negotiated in the past. School teachers, and others who work in local governments, might also ultimately get the benefit of their contracts which will provide for pay raises; but the President has already said no to anything concerning Federal employees. In other words, if we do not act, the freeze will end, so far as the general economy is concerned, on November 13; but it will be continued until next July so far as the Federal employees of this Government are concerned.

I just do not believe that is fair treatment. It is a question of keeping the freeze on for, really, a year longer for Federal employees than for employees in the private sector. That is the reason we should act now.

Mr. COOPER. I understand the Senator's thesis. But I take the position that as the country approves phase I and as we look forward to the President taking action in phase II, necessary to improve the economic and monetary problems of this country, that I just cannot see any sense in approving amendments prejudging and delimiting in advance, what he might think is most important for the country as a whole.

Mr. STEVENS. Mr. President, will the Senator from Maryland yield me 30 seconds?

The PRESIDING OFFICER (Mr. ROHR). All time of the Senator from Maryland has now expired.

Mr. STEVENS. Mr. President, will the Senator from Mississippi yield me 30 seconds to ask him a question?

Mr. STENNIS. Yes, I yield to the Senator for 30 seconds, as a courtesy.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 30 seconds.

Mr. STEVENS. Mr. President, I would like to ask the manager of the bill this simple question: The amendment is vitally necessary if we do disapprove of the President's action tomorrow. Without this on the books, the President would not have the power to change the pay and make it equivalent to the private sector in phase II of his control program. I should like to ask, what is wrong with this amendment? Why can the manager of the bill not accept it? If we fail to act tomorrow to disapprove the President's recommendations, this will not harm the bill at all. The Senator can take it to conference and get rid of it. If we do disapprove, this language is vitally necessary as we proceed.

Mr. STENNIS. Mr. President, the point has already been made that all legislative avenues are open to everyone. We do not have to put it in this bill. It may not get to the President's desk for 5 or 6 weeks. That is elemental. This is a matter of jumping the gun. We do not know what is involved. I do not. I do not believe anyone else does, either.

Mr. President, a parliamentary inquiry. What is the time remaining on this amendment?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. STENNIS. How much remains on the other side?

The PRESIDING OFFICER. That is all the time there is.

Mr. STENNIS. Mr. President, I yield back my 9 minutes on the amendment.

Mr. President, I move to table the Mathias original amendment—the Mathias amendment in the first degree.

Mr. MATHIAS. Mr. President, a parliamentary inquiry—a parliamentary inquiry—

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays on that.

Mr. MOSS. Mr. President—

Mr. MATHIAS. Mr. President, a parliamentary inquiry—

Mr. MOSS. Mr. President, is it possible to lodge a tabling motion against the original amendment when there is an amendment to the amendment pending? Does it not have to be disposed of first?

The PRESIDING OFFICER. No. A motion to table the original amendment is in order.

Mr. STENNIS. Mr. President, the yeas and nays.

Mr. GRIFFIN. Yeas and nays, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the first degree amendment of the Senator from Maryland (Mr. MATHIAS) which carries with it the second degree amendment if agreed to.

Mr. MATHIAS. Mr. President, a parliamentary inquiry—

Mr. GRIFFIN. Mr. President, regular order.

Mr. MATHIAS. Mr. President, I was seeking recognition. Do I have the right to withdraw the amendment to the amendment which was pending at the time of the motion to table by the Senator from Mississippi?

The PRESIDING OFFICER. It is in order for the amendment in the second degree to be withdrawn.

Mr. STENNIS. Mr. President, a parliamentary inquiry. My motion to table will still apply, will it not?

The PRESIDING OFFICER. That is correct.

Mr. MATHIAS. Mr. President, I so withdraw it. Let us go ahead and vote.

The PRESIDING OFFICER. The amendment in the second degree is withdrawn. The question is on agreeing to the motion to table the first degree amendment of the Senator from Maryland (Mr. MATHIAS).

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 Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from South Dakota (Mr. McGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 34, nays 54, as follows:

[No. 255 Leg.]

YEAS—34

Aiken	Dominick	Packwood
Allott	Eastland	Roth
Bellmon	Ellender	Saxbe
Bennett	Ervin	Scott
Brock	Fannin	Smith
Buckley	Griffin	Stennis
Byrd, Va.	Gurney	Taft
Cook	Hansen	Thurmond
Cooper	Hruska	Tower
Cotton	Jordan, Idaho	Young
Curtis	Long	
Dole	McClellan	

NAYS—54

Allen	Hartke	Moss
Anderson	Hatfield	Nelson
Bayh	Hollings	Pastore
Beall	Hughes	Pearson
Bentsen	Humphrey	Pell
Bible	Inouye	Percy
Boggs	Javits	Proxmire
Brooke	Jordan, N.C.	Ribicoff
Burdick	Kennedy	Schweiker
Byrd, W. Va.	Magnuson	Spong
Case	Mansfield	Stafford
Chiles	Mathias	Stevens
Church	McGee	Stevenson
Cranston	McIntyre	Symington
Eagleton	Metcalfe	Talmadge
Fong	Miller	Tunney
Gambrell	Mondale	Weicker
Hart	Montoya	Williams

NOT VOTING—12

Baker	Gravel	Mundt
Cannon	Harris	Muskie
Fulbright	Jackson	Randolph
Goldwater	McGovern	Sparkman

So the motion to lay on the table Mr. MATHIAS' amendment, as modified, was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Maryland. 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 Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON) is absent on official business.

I also announce that the Senator from Wyoming (Mr. McGEE), abstained from voting and has previously stated his reason.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nevada (Mr. CANNON), and the Senator from South Dakota (Mr. McGOVERN), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Alaska (Mr. STEVENS) would vote "yea."

The result was announced—yeas 60, nays 27, as follows:

[No. 256 Leg.]

YEAS—60

Allen	Fong	Miller
Anderson	Gambrell	Mondale
Bayh	Gravel	Montoya
Beall	Hart	Moss
Bellmon	Hartke	Nelson
Bentsen	Hatfield	Pastore
Bible	Hollings	Pearson
Boggs	Hughes	Pell
Brook	Humphrey	Percy
Brooke	Inouye	Proxmire
Burdick	Javits	Ribicoff
Byrd, Va.	Jordan, N.C.	Schweiker
Byrd, W. Va.	Kennedy	Spong
Case	Long	Stafford
Chiles	Magnuson	Stevenson
Church	Mansfield	Symington
Cook	Mathias	Talmadge
Cranston	McClellan	Tunney
Dole	McIntyre	Weicker
Eagleton	Metcalfe	Williams

NAYS—27

Allen	Ellender	Roth
Allott	Ervin	Saxbe
Bennett	Fannin	Scott
Buckley	Griffin	Smith
Cooper	Gurney	Stennis
Cotton	Hansen	Taft
Curtis	Hruska	Thurmond
Dominick	Jordan, Idaho	Tower
Eastland	Packwood	Young

NOT VOTING—13

Baker	Jackson	Randolph
Cannon	McGee	Sparkman
Fulbright	McGovern	Stevens
Goldwater	Mundt	
Harris	Muskie	

So Mr. MATHIAS' amendment (No. 455), as modified, was agreed to.

Mr. MATHIAS. I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS and Mr. BROOKE moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE subsequently said: Mr. President, I ask unanimous consent, in keeping with my remarks made here on the floor in regard to the discussion on the Mathias amendment, that I be recorded as "present but abstaining."

I did not vote, but I want the record to show that I was here and did not vote as a matter of policy, in line with the statement I made in regard to it.

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

AMENDMENT NO. 454

Mr. CURTIS. Mr. President, I call up my amendment No. 454.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 9, line 8, strike out "\$1,818,256,000" and insert in lieu thereof "\$1,820,456,000".

Mr. CURTIS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Under the previous order, each side has 15 minutes. Mr. STENNIS. Mr. President, will the Senator yield to me for 1 minute on my time?

Mr. CURTIS. I yield.

Mr. STENNIS. Mr. President, for the information of the Senate, I am not predicting now that we are almost through. I think that is bad luck. But the only thing I see in sight is a few amendments that probably will be settled by colloquy, and I hope that there will be no more amendments by the Senator from Maryland today and that we can finish.

Mr. CURTIS. I yield myself 7 minutes.

Mr. President, it is unusual for me to challenge the judgment of this particular committee and its esteemed chairman, the Senator from Mississippi (Mr. STENNIS), and I want the record to show my respect for the overall good job done by the committee and the chairman not only this year, but through the years.

Now, the instant issue which prompts my amendment is a \$2.2 million reduction by the committee in the food research, development, testing, and engineering program of the Department of Defense.

I know something about this program, both as a member of the Agriculture Committee and as a member of the Aeronautical and Space Sciences Committee and as a former member of the Joint Committee on Atomic Energy.

This is probably the most comprehensive food research and development program in the Federal Government today.

The Department of Defense spends \$1.25 billion for the purchase of food alone annually. Of this amount, approximately 40 percent, or \$500 million, is for the procurement of beef alone, and beef happens to be a very important product of the State of Nebraska.

This \$2.2 million reduction by the committee is in work performed at the Natick, Mass., Laboratories or under the auspices of the Natick Laboratories. These facilities belong to the Army, and until this year, fiscal year 1972, practically all of the work at Natick was performed by and for the Army. This is the first year that food research and development programs of all the armed services have been combined. Thus, the work now being done at Natick, under the budget currently under consideration, is for the Air Force, Navy, and Marine Corps as well as the Army.

This work does not duplicate research and development carried out by any of the other Federal agencies. As a matter of fact, in the area of food irradiation research, it is closely and carefully coordinated with work now taking place under the auspices of the Atomic Energy Commission, the Department of Agriculture, the Department of Commerce, the Department of the Interior, and the Food and Drug Administration. The food irradiation program at Natick is an important link in a Government-wide effort to perfect the art and safety of the radiation preservation of food for civilian as well as military uses.

I will come back to this point in a moment, because it is important. It involves not just a military program, but a national program.

It may be that the committee were under the impression they were actually approving a budget increase from \$3.652 to \$4.012 million.

I asked the officials of Natick Laboratories to check this out for me, and they advised me the actual amount spent last year was \$4.831 million. The \$4 million figure which the committee approved apparently was based on information supplied by the Department of Defense to the committee last February. The Army Material Command, recognizing certain shortages, transferred additional funds to the Natick Laboratories from unexpended balances from the previous year and from other programs. I understand that this flexibility to transfer no longer is possible this year. Therefore, it is very important that the amount authorized accurately reflects the needs for ongoing research and development work.

I regret that I do not have a listing of all of the activities by dollar amounts that are being phased out by the Air Force, Navy, and Marine Corps. However, I understand that the phasing out process has spanned a period of several years and that Natick has gradually assumed broader responsibility.

For example, the Navy closed its Bayonne, N.J., food equipment laboratory in 1966. The annual budget for the Bayonne facility was running about \$3 million a year. What the people at Natick are trying to do in combining the food research, development, testing, and engineering activities of the various branches of the military is improve the food service system in order to achieve long-range savings for the Government.

I previously mentioned the matter of food irradiation and the possible effects of any cut in this national program. The committee report does not reflect an

awareness of the broad impact that the reduction would have upon other agencies with related or interdependent activities.

The committee records reflects that Mr. Hyman Fine, a member of the Research and Development Subcommittee staff, may have been under the impression that this program "would appear to be appropriate for the Department of Agriculture and HEW," after which he asked officials of the Army, "Why are you doing work in these areas?"

I think such a change should be considered first by the Joint Committee on Atomic Energy, since it is primarily responsible for national policy in this area, before this cut in the military authorization is effective.

One of the items that specifically would be cut if the committee action prevails is the purchase by the Natick Laboratories of \$350,000 worth of Cobalt 60 to refuel the irradiators that are being used in this national food research program. The purchase of this fuel is quite a technical matter. It is sensitive because it involves not the policy of any particular agency, but a Government-wide policy and program. The Natick Laboratories have reason to believe that they can acquire this fuel from the Atomic Energy Commission for a cost of \$350,000 if they move quickly. By November 1, of this year, they have to make a commitment for it. If they do not receive authorization in this bill to make this commitment, the cost of the fuel is likely to rise to a figure in the range from \$1,500,000 to \$5 million.

Now, I ask you, Mr. President, would it not be false savings to deny the allocation of \$350,000 to buy a product that we need when we know the cost is going to multiply at least 4 times and possibly 14 or 15 times if we delay?

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Joint Committee on Atomic Energy on this very point.

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

FEBRUARY 9, 1970.

HON. STANLEY RESOR,
The Secretary of the Army,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I have received a letter dated January 31, 1970, from Assistant Secretary of the Army (R&D), the Honorable H. L. Johnson. I was shocked and dismayed to learn that the Army proposes to discontinue its Radiation Preservation of Foods Program at the end of this fiscal year. This proposed action is completely contrary to the many statements repeatedly made by responsible Army officials over the years and most recently in the September 3, 1969, letter from your Chief of Research and Development. That letter set out a five-year program beyond the date upon which you now propose to terminate. You have continually stressed the important benefits to be derived by the military from the food irradiation process and its high priority in the Army's RDT&E program. We not only have agreed with the Army's position but have vigorously and consistently supported it. We did not object to the inclusion of FIS costs in the five-year projection, because the program was to be completed.

There appears to be nothing fundamentally new in the justification given by As-

sistant Secretary Johnson for discontinuing the program. There has always been competition for funds though perhaps not so keen as at present. There have always been alternate food preservation processes, but none, either singly or in combination, possesses the unique advantages of irradiation preserved food. For example, we knew that certain foods like hams and roasts cannot be maintained in a highly acceptable, fresh-like, ready-to-eat condition for long times by any other food preservation method except refrigeration. We would be derelict in our obligation to provide the Armed Forces with the best means of subsistence possible if we were not to exploit the potential advantages of the irradiation process.

Mr. Johnson has mentioned the high investment risk in proving wholesomeness as a reason to terminate the program. I offer the exact same reason to continue. The high-risk, high-payoff aspect is the argument which the Army proffered to convince us to begin the program in the first place, because this is the type of program which only the government, and not private enterprise, can afford to undertake. The Army has successfully resolved all the other major high-risk technological and scientific issues involved in this program. I have every reason to believe that the Army has the ability to resolve successfully the wholesomeness issue which is the only remaining major scientific hurdle.

I fully recognize the pressures of planning in a stringent budget environment. However, in the matter of costs, Professor Walter Urbain of Michigan State University recently sent me a copy of a speech he delivered last October in which he demonstrated that the Department of Defense could have saved approximately \$12,000,000 in one year had irradiated meats been available for the Southeast Asian Theater. Such an annual saving, particularly over several years, would more than offset expenditure of the R&D funds needed to successfully complete the irradiation program. Termination of the program so near to completion amounts to placing the lid on an investment of over \$35 million and over 15 years of research with no yield. While it certainly will take money to complete the program, and I certainly favor savings realized through efficient and economic planning, I cannot accede to the view that we can afford to throw away such an investment.

The most recent estimate of additional costs involved to complete the ham wholesomeness program (approximately \$2.8 million) represents less than 10% of our present investment. Such an additional expense would itself seem justifiable to realize a return on our present investment. Moreover, recent experience of the Atomic Energy Commission in obtaining contractor services through competitive bids for the low dose irradiation of papayas indicates the strong possibility that the Army program might be completed for significantly less than is presently estimated. Contractor services would also obviate the need for additional government personnel or construction activities and costs which were mentioned in Mr. Johnson's letter.

I seriously doubt that the statements in Mr. Johnson's letter are meant to imply that the Army and the FDA are unable to develop a research protocol which would provide the data necessary to satisfy FDA on wholesomeness. The Army has consistently reassured the Joint Committee that irradiation preserved foods are safe to eat, most recently in July, 1968. (JCAE print "Status of the Food Irradiation Program", pages 87 and 88.) Am I to assume that the Army now finds itself not scientifically competent in this field or that FDA, with its many Advisory Groups drawn from the outside scientific community, will not cooperate?

Mr. Johnson expressed the view that the

program continues to merit support and should be placed "in an appropriate agency". The Army has done an outstanding job with its excellent team of scientists in the world's finest facility for research in food irradiation. What could be gained by a transfer of responsibility at this juncture? Clearly an attempt to establish a workable organization in a different agency would result in at least the partial loss of this outstanding group of experts which would be disastrous to the continuity of the program both from the military standpoint and from the standpoint of world leadership by the United States in this field.

I am enclosing a copy of remarks made only last week by Chairman Holifield and me at the hearing on FY 1971 Authorization Legislation for the Atomic Energy Commission. I am also enclosing remarks I made on the floor of the House of Representatives which expand on the reasons why I believe the Army must not discontinue this program at this time.

I urge the Army to proceed with what I consider an essential program—one which has as its goal for the 1970s providing the military consumer with an assortment of high quality irradiation preserved meats. To accomplish this I request that the Army resubmit to me the 5-year program of September 3, 1969, augmented with sufficient funds to cover the FIS costs and a 10% increase for inflation, for review by both the Armed Services Committees and the Joint Committee on Atomic Energy. I also request that the Army defer any actions which would slow down progress or lead to loss in scientific personnel until this subject is reviewed by those Committees.

Please contact me immediately if you have any problems in complying with my request.

Sincerely yours,

MELVIN PRICE.

EXCERPT FROM CHAIRMAN HOLIFIELD'S OPENING STATEMENT ON AEC'S FY 1971 AUTHORIZATION REQUEST

The cut of 50% in the food irradiation program also causes me concern. The Committee expects to review this matter closely inasmuch as it is our understanding that researchers are very near the point of obtaining final data upon which they will be able to evaluate this new and very promising method of preserving food.

Mr. CURTIS. Mr. President, moreover, a delay in procurement of this cobalt will result in increased labor costs to conduct on-going research in this national program because of the low activity of the current cobalt source, resulting from its normal decay of 1 percent a month. This is technical, and I will not go into detail, but it is true.

The food irradiation work being done at Natick Laboratories has military as well as civilian implications. There is considerable evidence that the Soviet Union has been putting a great deal of effort into this same type of research. The Soviets are interested, as we have been, in developing food products that can be served fresh to front-line troops without having to be refrigerated in order to prevent spoiling. They are already serving some of these products to citizens in remote areas where refrigeration is not available or is not practical.

I have in my hand a copy of a 3-page summary of irradiated food products that have been cleared for human consumption in different countries. On page 2 I note that only two items, wheat and wheat flour for the purpose of "insect

disinfestation" and white potatoes for the purpose of "sprout inhibition," have been cleared by the Food and Drug Administration for consumption in the United States.

On the next page, the products cleared by the Soviet Union are listed. They take up the entire page. They are potatoes, grain, dried fruits, dry food concentrates, fresh fruits and vegetables; semiprepared raw beef, pork and rabbit products in plastic bags; poultry eviscerated in plastic bags; culinary-prepared meat products including fried meat in plastic bags; and onions.

All of these products in the Soviet Union are cleared for treatment with Cobalt-60, the same type of fuel that will be denied to the Natick Laboratories for experimental purposes if this budget cut prevails.

It might be well to look at what some of the other countries are doing. Canada has cleared three products, the Netherlands eight products, Israel two products, and Denmark, Hungary, and Spain one each. I do not believe we can afford to slip any farther behind in this field of research. This is why the Joint Committee on Atomic Energy, in 1970, ordered the Army to continue its phase of the research program at Natick Laboratories when the Army itself wanted to discontinue this program for budget purposes.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I yield myself 3 more minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 more minutes.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the Honorable Melvin Price, from Assistant Secretary of the Army for Research and Development R. L. Johnson, dated March 18, 1970.

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

DEPARTMENT OF THE ARMY,

Washington, D.C., March 18, 1970.

Hon. MELVIN PRICE,

Chairman, Subcommittee on Research, Development and Radiation, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. CHAIRMAN: This letter is a further reply to your letters of 9 February and 5 March concerning continuation of the Army program to determine the feasibility of preserving foods by high-dose ionizing radiation. As discussed by you and Mr. Poor, Deputy Assistant Secretary of the Army (Research and Development), on 12 February 1970, the Army will initiate an animal feeding study to attempt resolution of the wholesomeness problem for benefit of the nation.

As you have stated, the wholesomeness issue is the remaining major scientific hurdle. This is more complex than the technical research because FDA and the public must be convinced of the safety and nutritional adequacy of foods preserved by the high-dose sterilization process. Since the safety and nutritional aspects of wholesomeness fall into the safety areas currently being emphasized by the public and government, our protocol and data from the animal study are subject to scientific controversy. Although we have not changed our belief in the wholesomeness

of foods preserved by this process, there is no evidence to indicate that our efforts will be successful in removing the FDA questions and the emotional public doubts.

Our food requirements have changed significantly over the past few years. The parallel efforts in food research and development, product improvements, improved packaging and packing, improved transportation and storage capabilities, and organizational improvements are permitting us to meet our feeding requirements. Although we could use the high-dose sterilized meat, poultry, and marine products when they are proved safe, acceptable and commercially available, there is no unique military requirement that alone justifies our expenditure to prove wholesomeness for the public. For this reason we are identifying the food radiation sterilization program as a national program conducted by the Army.

We are providing as Inclosure 1 a new funding program based upon the estimated cost of a contractual wholesomeness study and maintaining a scientific technical capability. As compared to the September 1969 program, this program emphasizes wholesomeness and decreases technical advancement. The decrease in technical effort is possible because several foods have been developed and are ready for wholesomeness testing. We believe that we should not continue developing technology when the issue is wholesomeness and any further developments will be wasted if the wholesomeness is not proved.

Our estimated annual requirement for the wholesomeness study of one food is \$1,000,000. Although the award of the contract may change our estimate, we do not expect to approach the lower costs in the low-dose program. Our costs are significantly higher because of greater animal requirements, more extensive tests, more testing requirements, and longer time requirements. For example, the high-dose preliminary study requires 60 more days for rodents; the dog study requires 990 dogs, covers three years, and stresses three generations as compared to 112 dogs, two years, and one generation in the low-dose study; and the low-dose study does not contain the rodent reproduction study, protein efficiency test, and search for antinutrient factors.

We are inclosing the seventh draft of the protocol for conducting the animal feeding study. This protocol contains the scientific experimental procedures to be used for a feeding study on any food. This draft must again be coordinated with FDA for comments on FDA's previously recommended changes and to attempt to resolve the difference in the selection of a preservation method for the control item. FDA has submitted the entire protocol to its Protocol Advisory Committee for recommendations. Until all differences are resolved, we cannot provide a final copy of the protocol. This draft does show the changes the Army has made due to FDA recommendations.

We are now exploring the possibility of changing the first feeding study from ham to beef. This change has the advantage of eliminating the problems caused by the curing process in ham. Unless FDA raises objections, the protocol for ham can be used with only minor wording changes and the cost estimate will be unchanged.

I appreciate the support you have given to the Army and this program. I regret that our past efforts were unsuccessful in removing the doubts concerning the safety and nutritional adequacy of foods preserved by the high-dose process. I sincerely hope that the completion of the next wholesomeness study will resolve these doubts.

Sincerely,

R. L. JOHNSON,
Assistant Secretary of the Army,
(Research and Development).

Fiscal Summary of the Planned Army Food Irradiation Research Program—Fiscal years 1971 through 1975

[Proposed funds in thousands of dollars]

PROGRAM TOTALS	
Radiation preservation of food:	
Fiscal year 1971.....	\$1,825
Fiscal year 1972.....	2,350
Fiscal year 1973.....	2,000
Fiscal year 1974.....	2,000
Fiscal year 1975.....	2,000
TASK DISTRIBUTION—FISCAL YEAR 1971	
Technical feasibility of meats, poultry, and marine products.....	45
Assurance of wholesomeness.....	1,000
Flexible packaging.....	47
Adaptation to military needs.....	80
Basic food irradiation research.....	169
Radiation services.....	180
Facilities and installation support.....	304
Total.....	1,825

NOTE.—The task distribution of funds within the total is the first approximation and is subject to modification as more detailed analysis is made and more precise wholesomeness cost is known.

Mr. CURTIS. Mr. President, the food research and development program at Natick Laboratories is important to our national security. This program is important to agriculture because it offers the prospect for developing new food products not merely for domestic consumption but more importantly for building new foreign markets.

I want to point out also that the Natick food irradiation program presently has a beef research project as its principal effort in the national food irradiation research program. The long-term results of this research will be important to ranchers and cattle feeders in terms of finding new markets for beef.

The House approved a \$6.2 million budget for the food research and development work of the Department. I have looked into this matter carefully and I do not find any valid factual reasons for the Senate to reduce the House figure. I have cited the overriding factual reasons why the full House figure should be restored.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me on September 22, 1971, from the U.S. Army Natick laboratories.

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

DEPARTMENT OF THE ARMY,
U.S. ARMY NATICK LABORATORIES,
Natick, Mass., September 22, 1971.

HON. CARL T. CURTIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CURTIS: Because of your strong personal interest in food processing and preservation, I am bringing to your attention that the Army Natick Laboratories are facing a funding crisis in the Food R&D program in FY '72 as the result of action by the Senate Armed Services Committee on the President's recommendations. I hope that you will help remedy the situation before it is too late. The bill authorizing appropriations for DOD during FY '72, as reported out by the Senate Armed Services Committee, "cuts" \$2.2 million in the DOD Food Research and Development Program conducted at Natick Laboratories for the Air Force, Navy, Marine Corps and the Army.

This action by the full committee came as the result of recommendations of its R&D Subcommittee of which Senator McIntyre was Chairman.

A capsulated review of the actions follows:

[In thousands of dollars]

Program element/project	President's budget ¹	H.R. 8687	Senate Armed Services Committee action
6.27.13A/1J062713A033: Radiation preservation of food.....	\$1,389	\$1,389	-----
6.27.13A/1J062713A034: Food technology.....	2,893	2,893	-----
6.27.13A/1J062713A145: Systems studies in military feeding.....	980	980	-----
6.27.13A/1J062713D552: Packaging engineering.....	950	950	-----
Subtotal food.....	6,212	6,212	\$4,012
6.27.13A/1J062713D140: Clothing and equipment technology.....	4,988	4,988	4,988
Total.....	11,200	11,200	9,000

¹ P. 2295, hearings before the Committee on Armed Services, U.S. Senate, 92d Cong., 1st. sess. on S. 939, pt. 3 of 5 parts, research and development, copy attached for ready reference.

² P. 110; Rept. No. 92-359, authorizing appropriations for fiscal year 1972 for military procurement, R. & D., construction of facilities for Safeguard ABM, Reserve component strength and other purposes, dated Sept. 7, 1971, Senate Armed Services Committee to accompany H.R. 8687, copy attached for ready reference.

I believe the reason for the reduction was that the FY '71 Food R&D program of \$3.6 million supported only the Army requirements whereas the FY '72 program, as recommended by the President's budget, was to meet requirements of the Air Force, Navy, Marine Corps, as well as the Army. This apparent increase was probably not understood by Senator McIntyre's Subcommittee—otherwise it is unlikely that they would have reduced it.

The impact of this loss will be very critical and specifically will stop efforts directed at:

(1) Continuing Operations Research studies in garrison feeding systems for the Air Force, Navy and Marine Corps designed to give: increased consumer attendance (now 52% of Servicemen entitled to eat without paying in the dining facilities elect to buy their meals elsewhere); better general management at the local level; 30 to 40% reduction in manpower requirements for food service; and responsiveness to changing food expectations.

(2) Exploiting new cooking and baking techniques to produce high quality food products with increased yield resulting in substantive savings conservatively expected to exceed \$1 million annually.

(3) Creating standards for prepared frozen foods to insure high quality and increased acceptability. Centralized efficient food preparation with satellited dining halls yielding high quality meals at lower costs depend on the establishment of these standards.

(4) The procurement of Cobalt 60 for the National Food Radiation Program. Inability to procure this essential radiation source in FY '72 will result in a significantly increased price of the Cobalt 60 from \$350,000 to \$1,435,000. In addition, a delay in this procurement will result in increased labor costs to conduct on-going research in the wholesomeness aspect of this National program because of the low activity of the current Cobalt source resulting from its normal decay of 1% monthly. We are devoting our major effort to prove wholesomeness of irradiated beef, a subject of direct concern to Professor R. Burt Maxcy of the University of Nebraska. It is estimated that the delay would result in additional labor costs of about \$160,000 in FY '73 and progressively more thereafter.

Because of your years of serving on the Joint Committee on Atomic Energy and your visit to the Natick Laboratories in May 1963, I am sure you are very familiar with the great potential this program has for America and also for contributing to the solution of the nutritional problems in about 75 developing countries.

I am sure you are familiar with the substantial contributions which the Army Natick Laboratories have made toward feeding astronauts in the Apollo program. Our ability to continue this support to the Space Program will depend upon having sufficient funds to maintain the cadre of highly qualified and dedicated scientists.

In view of the above, it is my hope that when the bill comes on the floor of the Senate for debate you will offer an Amendment to restore the \$2.2 million which the Senate Armed Services Committee has cut in the DOD Food RDT&E Program. This restoration will permit us at the Natick Laboratories to conduct the research and development on methods to process and preserve foods which have potential, not only for all the Armed Services, but also for the economy and nutritional well being of the Nation as a whole.

Sincerely yours,

EDWARD S. JOSEPHSON,
Associate Director for Food Radiation
Food Laboratory.

The PRESIDING OFFICER (Mr. ROTH). The time of the Senator from Nebraska has expired.

Mr. CURTIS. Mr. President, I yield 4 minutes to the distinguished Senator from Massachusetts (Mr. BROOKE).

The PRESIDING OFFICER. The Senator has only 2 minutes time remaining.

Mr. CURTIS. I yielded myself 7 minutes, Mr. President, when I was told I had 15.

The PRESIDING OFFICER. Two minutes were used at the beginning before the Senator was yielded time.

Mr. CURTIS. My recollection is, Mr. President, when I asked for time, that the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS), asked that I be yielded time on his time. I do not intend to use this time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator be yielded time on the time of the Senator from Mississippi.

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

Mr. CURTIS. I thank the Senator from Montana because I do not want to deny the distinguished Senator from Massachusetts the opportunity to speak.

Mr. BROOKE. I thank the Senator from Nebraska.

Mr. President, I rise in support of the amendment offered by my distinguished colleague, the junior Senator from Nebraska.

For many years, the Natick Laboratories in my home State of Massachusetts have pioneered in the development of food preservation technology. They have developed new techniques for freezing, dehydrating, and freeze-drying innumerable meat and vegetable products. They have discovered ways to preserve fresh vegetables for long periods of time so that our military men on shipboard might enjoy the benefits of fresh, healthful foods. They have learned how to process foods for extended travel in space, how to feed men nutritious and attractive meals whether undersea, in

the air, or in the field. Today, the Natick Laboratories are the world leaders in this area.

Because of their commendable efforts and their extraordinary successes, the Natick Laboratories have recently been given responsibility for food and fiber research for all of our Armed Forces, where previously they had served just the Army's needs. The transfer was first signaled in a 1968 reorganization plan. Last year, for the first time, their operating budget reflected their increased responsibilities, as it rose from a programmed \$3.6 million to an actual operating budget of \$4.8 million. The additional \$1.2 million which was not planned for in the fiscal year 1971 budget came out of other operating funds of the U.S. Army.

This year, the Department of Defense submitted a budget request of \$6.2 million for the Natick Labs. The increased cost was a result of the need to undertake new programs designed to meet the specific requirements of the Air Force and the Navy. Included in the budget was the planned purchase of new equipment in order to meet these expanded requirements, and the purchase of \$350,000 worth of cobalt-60, a product used in food irradiation and preservation.

Just in order to maintain their present level of activity, the laboratories will require an appropriation at least equal to their actual expenditures for last year; that is, \$4.8 million. If, in addition, they are to purchase the cobalt-60 and expand their operations to meet projected requirements of the other services, then the full \$6.2 million requested by the Department of Defense must be approved.

It was therefore a source of grave concern to the laboratory personnel, the Department of Defense, and to me, when the Armed Services Committee approved an authorization of only \$4 million for this fiscal year. The Laboratories cannot operate even at their present capacity on such a sum.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, I ask for an additional—

Mr. CURTIS. Mr. President, I yield 1 minute to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 additional minute.

Mr. BROOKE. Mr. President, Mr. Dale Sieling, director of the Natick Laboratories, has discussed this problem in extensive conversations with my office. He believes that it is vitally important for the full appropriation to be approved, particularly in the first year of the laboratory's service to all branches of our Armed Forces. If the amount is not approved, Dr. Sieling has projected that the laboratories would first have to forgo the purchase of cobalt-60—a development which would require them to work double shifts, paying overtime and probably reducing their staff in other areas in order to provide adequate exposure to radiation for foods being processed with the plant's present weakened cobalt-60 bars. As a second step, the laboratory

would be unable to take on any new projects for the Navy and Air Force, and would probably have to cut back both in operations and personnel on existing projects as well. As a result, Dr. Sieling points out, the Air Force and the Navy would be forced to turn elsewhere—most probably to private contractors—for the experimentation in food processing which they require. This would result in long delays, because no other laboratory comes close to the state of technology and experimentation which presently prevails at Natick, and it would also lead to higher long-term costs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, would it be in order to ask unanimous consent for 3 additional minutes out the time under the bill?

Mr. MANSFIELD. Mr. President, I must object. I would give the Senator time, but I sort of usurped the time of the Senator from Mississippi in making the arrangement.

Mr. CURTIS. My time has expired. Mr. President, I yield 3 minutes from the time on the bill to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 additional minutes.

Mr. BROOKE. Mr. President, this body recently approved legislation extending the draft for 2 more years. At the same time, we incorporated in that legislation wage increases and benefits totaling \$2.4 billion in an effort to make military service more attractive to volunteers and hopefully to facilitate the transition to an all-volunteer force.

Food is one of the most critical elements in sustaining high morale. On board a ship or submarine, in the field in wartime, or in the air on extended space flights, nothing can provide quite as much of a lift and sense of satisfaction as a well-prepared and well-served meal. The Natick Laboratories have the capability of insuring that such meals can be provided to all of our military services under virtually all conditions. Are we now to say to those who serve in our military forces, "No. You can have your \$2.4 billion for salary increases and better housing, you can have as much as you need for more advanced weapons, but you cannot have a niggling \$2.2 million for better food"? When our armed services are presently spending several billions of dollars a year to feed their members, where is the economy in denying them \$2.2 million for research into better ways of preserving that food and preparing it for human consumption?

Mr. President, Natick Laboratories cannot serve its purpose, or ours, on a budget of \$4 million for fiscal year 1972. I therefore strongly urge that the pending amendment, increasing the authorization from \$4 million to the budget request of \$6.2 million, be approved forthwith.

Mr. KENNEDY. Mr. President, I strongly support the amendment to restore \$2.2 million to the Department of Defense food research and development program. The program, which is carried on at the U.S. Army Natick Laboratories

in Massachusetts, is important to the civilian community as well as the military services. Their research and development, which serves the needs of all branches of the service, has significant application in the civilian sector in the areas of environmental control and the delivery, storage, and preservation of food.

For a long period we have paid too little attention to the nutrition content and radiation preservation of food. The main body of Government research in this field is undertaken at the Natick Laboratories. At this point in our history, when so much of our technological and engineering skill is wasted, the Natick Laboratories are making effective use of this important reservoir of talent.

A budget cut at this time will severely affect the procurement of cobalt for the food radiation program. This could have disastrous results for our own country and the developing nations we seek to assist. If cobalt-60 is not purchased within the next fiscal year, the price will increase from \$350,000 to \$1,435,000. The total increase in cost will also include increased labor costs for double shifts due to the low activity of the current cobalt source. A delay in purchase of cobalt-60 could result in additional labor costs of \$160,000 in 1973. The national food radiation program which the Army is carrying out will have effects far beyond the military services. Unfortunately, we will be able to measure in the future the dimensions of our failures to adequately fund this research, and contaminated food will be the price we pay.

Other important aspects of the food research and development program will also be affected by a \$2.2 million budget reduction. Studies in garrison feeding for the Air Force, Navy, and Marine Corps are designed to increase servicemen attendance. Approximately 52 percent servicemen entitled to eat in military dining facilities buy their meals at restaurants. These studies also aim at improving management techniques and automating of food service.

The Army is currently studying new cooking and baking techniques to produce high-nutrient food products with increase yield which could save as much as \$1 million a year. The concentration of efforts on frozen food product research likewise has significant application in the civilian sector. Current research aims at increasing the food appeal along with insuring high quality.

The Army is not conducting research in these areas to accrue benefit to the Army alone. The Army is researching specialized projects to serve scientific needs at the requests of the other branches of the service. More importantly, the results of all of this research are important to civilian life as well. In the field of food research and development, Government has taken the lead and the Army is carrying out the responsibility.

Rather than consideration of a cutback in research which develops techniques for food distribution, we should be finding ways of expanding the program to other Government agencies and departments. Surplus commodity distribution

within the United States and emergency food delivery around the world are two areas that will benefit from this type of research. As chairman of the subcommittee to investigate problems connected with refugees and escapees, I have seen time and time again what fast and efficient food delivery in an emergency situation means. It can mean the difference in terms of growth, in terms of health, and very often in terms of survival. Government research in the field of food technology is the responsibility of the Army. No cutback in the budget request for this program should be considered. Mr. President, I urge the Senate to restore the \$2.2 million to the appropriation for the food research and development program.

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 6 minutes.

Mr. MCINTYRE. Mr. President, I speak in opposition to the proposed amendment No. 454 which would restore \$2.2 million to the army research, development, test and evaluation program for the food technology project under the program entitled "Technical Support of the Military Man."

The request submitted for this program for fiscal year 1972 amounts to \$6.2 million which is an increase of \$2.6 million above the program for fiscal year 1971. The Research and Development Subcommittee held special hearings on this program and determined that the proposed increase was not justified. The subcommittee, therefore, recommended a reduction of \$2.2 million which provided \$4 million for this program in fiscal year 1972. The \$4 million represents a 10-percent increase to provide in part for anticipated inflation, and also to provide a modest level of increase in this exploratory development program. A meeting was held on October 4, 1971, at the request of the subcommittee staff, which was attended by representatives of the Army Natick Laboratories, the Army Office of the Chief of Research and Development, the Army Materiel Command, and the Office of the Director of Research and Engineering.

Despite a previous specific request by the subcommittee staff for participation of a representative of the Army comptroller organization, who could address specific questions concerning the financing of this program, the Army elected not to include such a person in the meeting. As a result, none of the participants were able to answer specific questions regarding the financial status of the fiscal year 1971 and 1972 programs in any detail which would be essential to any discussion to determine the necessity for restoring the program to the \$6.2 million level.

As a result of this meeting and the facts as reported by the staff, I consider that the Army has ample flexibility among the 100 odd individual task and work units involved to support the most important work to be done in fiscal year 1972 including the requirement to pro-

cure a quantity of cobalt at a cost of \$350,000 to support the food irradiation work. I am also convinced that the program can be supported in fiscal year 1972 at the \$4 million level without necessitating the firing of any civilian employees at the laboratory and without prejudice to the essential work that the laboratory conducts.

I would like to emphasize the fact, Mr. President, that the principle argument made to add the \$2.2 million is the requirement for \$350,000 for the cobalt in food irradiation. That is only 15 percent of that increase. I submit, Mr. President, that the \$350,000 item can be accommodated within the \$4 million program recommended by the committee at the expense of other lower priority work.

Mr. President, it should be clearly understood that the exploratory development program in which this program falls is not governed by a specific time schedule which is tied to an operational military requirement. It is the nature of exploratory development that the work performed is maintained at a relatively constant level of effort which normally varies little from year to year. The absence of an overriding military operational need makes it clear that the \$4 million level recommended for this program will be adequate. In view of these facts, Mr. President, I would ask my colleagues to join with me in voting against the proposed amendment.

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

Mr. MCINTYRE. I am happy to yield to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I thank my distinguished friend, the Senator from New Hampshire.

I would like to ask the Senator if he is aware that a leadtime of 15 months must be provided the Atomic Energy Commission in order to order this \$350,000 total.

Mr. MCINTYRE. I would not deny that. In my work on the R. & D. Subcommittee, I have learned to know what R. & D. is and what it means. One of the things I want to make clear is that the subcommittee looks at these programs.

This Army group came in, and they did not make out their case for the money. As a consequence, we took a hard look at this and reduced it \$2.2 million.

Mr. CURTIS. Mr. President, the distinguished Senator from New Hampshire referred to staff conferences on this matter. Could he elaborate on that?

Mr. MCINTYRE. Mr. President, I received correspondence from the distinguished Senator from Massachusetts (Mr. BROOKE) bringing to my attention the fact that this cut was of great interest to him and his constituents. As a result, I ask Mr. Fine of the Armed Services Committee staff to sit down and go through the matter again and see if there was any chance of restoring all or any part of the cut. That was at the meeting on October 4.

Mr. CURTIS. Mr. President, I am sure that the Senator has a very good staff. However, my research indicates that the figure they had before them as to how much money was spent last year was inaccurate and that it was a sizable amount

more than that because of the transfer of funds and that the figure used was based upon a statement made by the Department of Defense last February.

Mr. MCINTYRE. Mr. President, it is my information that this reprogramming that brought this level up from \$3.6 million to \$4.8 million was only brought to our attention at the reading on October 4.

I might say to the Senator from Nebraska that in the Defense Department statement in support of the Senator's amendment, on page 2 they readily admit the following:

Candor requires admission that in the original explanation of the DOD Food Program we did not clearly enough emphasize the reorientation to a Joint Service effort, the important link between this program and an all-volunteer force, nor the technical thrust which requires development and testing of more expensive (but more economical) food service equipment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCINTYRE. Mr. President, I yield myself an additional 2 minutes.

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

Mr. MCINTYRE. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I have the great pleasure of serving on the subcommittee chaired by the Senator from New Hampshire. Is it the Senator's position, that simply because the group failed to have the proper personnel before the subcommittee, therefore the need did not exist and the committee should not authorize the necessary funds?

I think the chairman has already admitted that the amount of money spent in the fiscal year 1971 was only for the Army.

It has now been expanded to the Navy and Air Force. It seems to me that in order to do the job effectively certainly additional funds would have to be authorized for the expansion to meet the needs of the Air Force and the Navy.

Mr. MCINTYRE. I agree with the Senator that if they made a poor presentation or did not adequately explain the reasons for their request, this should be given reconsideration. We went into that on October 4.

In talking with staff member, Mr. Fine, he asked them to bring someone who knew the financial picture. They did not bring that man. Mr. Fine's advice to me is that they did not sustain their case on October 4.

Mr. BROOKE. I think the Senator read a statement from the Department of Defense in which they admitted they did not make their case in their first presentation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, will the Senator yield to me for 1 minute?

Mr. MCINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. MCINTYRE. I yield 1 additional minute to the Senator from Massachusetts.

Mr. BROOKE. In that statement the

Department of Defense still stood firm in its advocacy of the authorization to \$6.2 million.

Mr. McINTYRE. The Senator is correct.

Mr. BROOKE. So the Department of Defense still feels it needs \$6.2 million in order to expand to include the Navy and the Air Force, in addition to the Army. Is that correct?

Mr. McINTYRE. The Senator is correct. I hope the Senator from Massachusetts, who served on this subcommittee with me, realizes that unless we get the answers to our questions we intend to be hardheaded and tough nosed about this. I am sure my good friend from Massachusetts agrees.

Mr. BROOKE. We should be hard-nosed, but we should not therefore arrive at the conclusion that the need is not there or that the merits of the case do not warrant the additional \$2 million.

Mr. CURTIS. Mr. President, will the Senator from Maine yield to me for 3 minutes on the bill?

Mrs. SMITH. I yield.

Mr. CURTIS. Mr. President, it is very evident that at least some of the facts were presented to the subcommittee at a late date—only October 4. I think it is also very evident that there is some disagreement on how much money the Natick Laboratories had last year as well as other facts in the case.

I have confidence in this subcommittee and the full committee, and I believe that we can best serve the Natick Laboratories by giving them a little more time, between now and the time we go to conference with the House.

I am about to withdraw my amendment for that reason. But there is another very persuasive reason why I am considering withdrawing the amendment and that is this.

We have been debating this bill since September 10. Today is October 6. I believe that any amendment that might be agreed to at this late date, and overriding the position of the committee, would have to have very wide national support and it would have to have an opportunity to have the support of more Senators than are present at this time. I do think it is important that the committee take another look at this matter. I do not ask that they accept my figures as to how much was available last year, but they should have an opportunity to look at the entire matter; and also I believe we should keep in mind that this does have the full support of the Department of Defense and that it is urgently recommended by the Atomic Energy Commission. Also, this would be a change in the course of our national program, the food research program, without taking into account the desires of Joint Committee on Atomic Energy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Mr. President, if the distinguished Senator from New Hampshire would be willing to further discuss this matter with the conferees, I would withdraw my amendment.

Mr. BROOKE. Mr. President, will the distinguished Senator from Mississippi yield to me 1 minute on the bill?

Mr. STENNIS. I yield.

Mr. BROOKE. I would like to say to the distinguished chairman of the subcommittee that the House now has approved \$6.2 million. The Senate subcommittee has authorized \$4 million, a difference of some \$2.2 million.

If the distinguished Senator from Nebraska withdraws this amendment, the distinguished Senator, in conference, would take up this variation between the House and the Senate and take expressly into consideration the \$350,000 for cobalt-60 that was asked for by the Department of Defense for the Natick Laboratories. Is that correct? That is a very important item that must be included in the agreement on the matter.

Mr. McINTYRE. Mr. President, responding to the Senator from Nebraska and the junior Senator from Massachusetts, in view of the information they have provided on the floor today, along with the interest exhibited by the distinguished Senator from Rhode Island and the distinguished Senator from Massachusetts, I can assure the Senator from Nebraska that in consideration of withdrawing the amendment we will try to take a relook at the situation and try to be as fair and reasonable in conference as we can, hopefully to bring it back from a conference more in line with the Senators' wishes.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, this matter has been discussed with me by the distinguished Senator from Nebraska. I have discussed it in turn with the Senator from New Hampshire, and I discussed it in part with the Senator from Maine, and also with each of the Senators from Massachusetts.

I am entirely in sympathy with the statements made by the Senator from New Hampshire. I know his work is excellent on matters he has before him. I agree with him that this should be looked at in conference in light of what we have learned here and I think we will be able to work out something.

As the Senator said, he does not expect his figures to be accepted but he does want them considered.

Mr. CURTIS. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PROXMIER. Mr. President, will the Senator from Mississippi yield to me for 10 minutes.

Mr. STENNIS. I am glad to yield to the Senator from Wisconsin such time as he may desire.

Mr. PROXMIER. Mr. President, earlier in the debate on this bill I introduced a "test-before-you-buy" amendment. Its purpose is to implement the operational test and evaluation recommendations made last year by the Fitzhugh Commission, recommendations which were approved unanimously by the Commission's members but which have not been implemented by the Department of Defense.

When I introduced this amendment over a week ago, I explained its three main provisions:

First, it requires that operational test

and evaluation be performed on all new weapon systems prior to the expenditure of procurement funds on those systems in an amount greater than 10 percent of total research and development expenditures which have been incurred. This first provision, in other words, is designed to institute a "fly-before-you-buy" policy, with allowance for long lead-time production funding, into all new weapon system procurement on a prospective basis. It does not apply to systems already under contracts of a different kind.

Second, it establishes an independent office to supervise and monitor all operational test and evaluation programs of the Department of Defense. At present, responsibility for test and evaluation is lodged in the same office charged with responsibility for developing all weapon systems. The Fitzhugh Commission was clear about the need for an independent office. The present arrangement, it noted, made objective test and evaluation impossible. It is like sending a fox to guard the chicken coop or a bull weevil to watch over the cotton fields.

And finally, my amendment established reporting requirements designed to aid the Congress in its monitoring of test and evaluation programs in the Department of Defense.

When I introduced this amendment, I noted that I had made its text available to the Armed Services Committee a week before and that its terms were subject to negotiation. I expressed the hope that the committee might find it possible to accept the amendment at least with several modifications.

I have now learned that negotiations to this end have broken down. The reason, I understand, is not an opposition to the basic "test before you buy" principle of the bill. That would be sacrilege, since ostensibly this is our official policy. The reason, instead, is uncertainty over the wisdom of specific provisions and phrases in the amendment and a desire not to legislate without more information and without more careful study.

I can understand these feelings. If I remember correctly, however, precisely the same sentiments were expressed when I offered a more comprehensive "fly before you buy" amendment last year, designed only to establish reporting requirements which would indicate Department of Defense compliance with the Fitzhugh Commission recommendations. It was said then that the Commission's report was only 1 month old, that the Defense Department had not yet studied it, and that the Armed Services Committees had not yet had time to hold hearings on the matter.

Such hearings were promised in debate over my amendment last year. They were promised several times by the distinguished Senator from Mississippi (Mr. STENNIS). For example, I quote from the CONGRESSIONAL RECORD of August 17 of last year:

Mr. STENNIS. If we have a session following the November elections I would hope to get some hearings started during this calendar year. . . . I am sure the House of Representatives would follow the pattern I have outlined.

And these comments were echoed then by other members of the committee. I quote again from the CONGRESSIONAL RECORD of the same date:

Mr. GOLDWATER. The Chairman of the Armed Services Committee of the Senate and the chairman of the similar committee in the other body have both assured us that there will be long hearings on this matter. . . .

Mr. MCINTYRE. Once our conclusions [on the Fitzhugh Commission Report] are reached, we want to compare them with the conclusions reached by the Defense Department, and then to hold formal hearings designed to elicit a well-constructed bill.

Mr. President, another year has come and gone and those hearings have not been held. And in the interim, the major recommendations of the Fitzhugh Commission have been scuttled by the Department of Defense.

There may be good reasons why hearings have not been held. Few committees have worked harder this year than the Armed Services Committee, which has struggled with the draft bill in addition to its other annual duties.

But we cannot continue indefinitely with a "business as usual" approach in our weapons procurement policies. Every year, it seems, there is a new horror story in the continuing saga of cost overruns. First it was the C-5A. Now it is the F-14.

And there will be others next year. The new milestones policy announced by this administration is more of a public relations gimmick than a true "fly-before-you-buy" policy which will prevent successors to the C-5A and the F-14. It is fashionable now in the Department of Defense to blame the C-5A and the F-14 on prior administrations. But keep an eye on the S-3A and the F-15, two new programs which will soon be going through the roof.

We simply must do something to get a handle on these major programs earlier in the game, before they go into production and billions of dollars are sunk in them. Last year we appropriated funds to buy 26 F-14's before the plane had flown even once. With the F-15, a similar commitment will be made as soon as the plane takes off and circles the field for the first time, for a few minutes and at a fraction of its normal speed.

And we need a "fly-before-you-buy" policy not only to control costs, but to insure that our troops in combat are supplied with systems which will work. I detailed our experience in Vietnam with unreliable weapons in introducing my amendment last week. From the M-16 to our air-to-air missile family, the list of deficiencies was a long one.

This combination of cost overruns and unreliable weapons is leading us to a crisis in this country. The nature of this crisis was spelled out well by the Armed Services Committee in the basic considerations section of its report on this bill. It is a crisis of gold-plated unilateral disarmament. Because of cost overruns, the defense budget goes up and our force structure goes down. And the increasingly fewer systems we have are so complex and so unreliable that only half of them are available at a given time.

The only way we are going to deal with these basic considerations is by coming to grips with the basic problems in our weapons acquisition policies which are responsible for them. And unless we do so soon, we are going to find ourselves both militarily weak and financially bankrupt.

It is on these basic problems that the time of the Department of Defense and the Congress must be spent if meaningful improvements are to be realized. If time is not spent on these basic problems, efforts elsewhere will be negated. Let me cite just one example. The Armed Services Committee deleted about \$1.2 billion from this procurement bill in an attempt to improve the efficiency of Department of Defense operations. Yet cost growth on just two major weapon systems has been so great in the past year as to offset fully half of this reduction. I refer to the more than \$400 million for the C-5A, most of which is a simple payment of Lockheed's cost overrun, and the almost \$200 million which was reprogrammed to cover overruns on the F-111 program. This kind of progress we do not need.

Mr. President, I am not terribly concerned about the fate of my amendment here today. I agree that better legislation might be forthcoming if hearings were held in advance.

But I am greatly concerned by the continuing crises in the weapons procurement area. Now that the draft bill is out of the way, I would like to ask the Senator from Mississippi if it will be possible in the next year for the Armed Services Committee to hold hearings on this test-before-you-buy or fly-before-you-buy principle, which the Fitzhugh Commission unanimously recommended and which the committee endorsed in principle, but which has not been implemented, as we know, by the Department of Defense.

Mr. STENNIS. Mr. President, first I regret that the committee has not been able to get into this problem—and it is a problem—in a broader way and a deeper way this calendar year. I think most of the membership, however, are familiar with the immediate demands on this committee for legislation this year, illustrated first by the extension of the Selective Service Act, on which hearings started in January, and it traveled through the legislative branch until the week before last, and was signed by the President last week.

It bears on the bill on the floor that we are about to complete today as far as the Senate is concerned, and it will then be ready to go to conference. Other matters came before the committee. But there is nothing I am more concerned about and few things that are more important than the matters the Senator has mentioned.

I am appalled at the increased cost of weaponry. I think if it goes unchecked, it will be the load that will require us to reduce our forces beyond the safety point. We have an increased cost in manpower. We have poured additional billions of dollars into that this year, and I think we are going to have to reduce manpower somewhat to carry that load.

But I tell you, Mr. President, I just do not like to come here and try to meet situations and explain enormous overruns in expensive weapons. We find the money that was originally estimated to be needed has doubled, or we get half or less than half the number of weapons, such as planes. Furthermore, I think about the most difficult thing—

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

It is about the most difficult thing on the books to deal with, but we have been dealing with Mr. Packard and he has been trying hard. We will have a statement in a few minutes about a prototype plane that we are going to back. I will have an amendment that has to do with filing of reports. We may consult with the Senator's staff about that. It may overlap somewhat the Senator's amendment, but it is a very small start on the real problem.

Mr. PROXMIRE. Will the Senator be able to schedule hearings on the fly-before-you-buy proposition?

Mr. STENNIS. That is my intention, and I believe that we will be able to do it. We expected to do it this year, and I found that I can overspeak myself very easily.

Mr. PROXMIRE. Well, this year the draft required enormous energy. The Armed Services Committee is probably the hardest working committee, and the Senator from Mississippi as chairman may be the hardest working Senator.

Mr. STENNIS. No, not at all, though I thank the Senator. But this problem must be gone into, and I think we have a special responsibility. I want to consult with the Senator further about it. The hearings might not prove to be as extensive as the Senator from Wisconsin would think should be had; but I am going to work, in part, with Mr. Packard, frankly. I shall not stop with him; I intend to go further. But I am going to pay a lot of attention to his advice.

We have got to get something written into law, though. Secretaries come and go, deputies come and go, and secretaries of the services come and go; they are fine men, and we have two exceptional ones now, I think, but they are temporary.

Mr. PROXMIRE. I agree wholeheartedly. I think the Senator will agree that if this kind of legislation could be enacted, it would help Secretary Packard in his very difficult work. I believe that this kind of legislation—fly before you buy or test before you use, if this is enacted it would greatly help.

Mr. STENNIS. I agree with the Senator. We have got to get something in the law that is permanent, but there is still a lot in the man operating under the law.

That is in accordance with my wishes. That is the way we are headed. It is a very difficult problem, and all Senators do not see the situation alike. But we are going to make some progress, and hearings will be a part of it.

Mr. BROCK. Mr. President, I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. Brock) for himself, Mr. Roth, Mr. DOMINICK, and Mr. TAFT, proposes an amendment as follows:

On page 16, lines 11, 12, and 13, strike out "On or after the effective date of this sentence" and insert in lieu thereof: "On or after January 1, 1972".

The PRESIDING OFFICER. Under the previous unanimous consent agreement, 15 minutes is allotted to each side. Who yields time?

Mr. BROCK. Mr. President, I yield myself such time as I may require.

I have discussed this amendment with the Senator from Mississippi, the Senator from Virginia, who is the author of section 503, and the Senator from Maine. Its purpose is to delay the application of section 503 until January 1, 1972.

I raise this point because a number of Senators had expressed concern that the passage of legislation incorporating section 503 would have the effect of creating a grave and difficult situation for the British and the Rhodesians, who are in the process of very serious negotiations right now in an effort to resolve this problem; and the simple thrust of my amendment is to ask for a delay in the implementation of this particular section so as to give those negotiators time to work out their own problems.

I think we all feel that in any difficult situation of this kind it is better for the two parties contesting to resolve their own difficulties than for a third party to involve itself in what is essentially an internal matter.

I am supported in this effort by the Senator from Delaware (Mr. Roth), the Senator from Ohio (Mr. Taft), and the Senator from Colorado (Mr. DOMINICK), all of whom had expressed serious concern as to the effect of the immediate passage of section 503 without any clarifying or qualifying language.

Mr. President, I have no desire to belabor the point. I think it is clear, but if the Senator from Mississippi wants to make any comment on this particular matter, I should be delighted.

Mr. STENNIS. Mr. President, this matter has been examined by the Senator from Tennessee with the Senator from Virginia, who is the author of the amendment, and a member of our committee. The matter has been carefully examined.

It seems to me that the request of the Senator from Tennessee is very reasonable. It simply accelerates the application of this amendment forward a little more than 60 days for an adjustment period. Should it become law, it would allow that much time to make the necessary adjustments. I think it is very reasonable.

Did the Senator from Maine have something to say on this point?

Mrs. SMITH. I have no objection and if the distinguished Senator from Virginia does not object, I ask the able chairman to accept the amendment offered by our distinguished colleague, Senator Brock, take it to conference, and try to achieve its acceptance.

Mr. STENNIS. We support the amendment, Mr. President, at least to take it to conference.

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

Mr. BROCK. I yield.

Mr. TAFT. I thank the Senator for yielding, and I commend him for his amendment with regard to the language presently in the bill.

There are pending in the United Nations very delicate negotiations regarding a number of things. The question of the admission of Red China is one of those. There are also underway, I understand on very good authority, very delicate negotiations with Rhodesia on the part of the United Kingdom, and to give some time for these negotiations to be worked out seems to me to be extremely desirable. Indeed, I might say that even though I supported the Fulbright amendment which failed on the floor today, had that amendment passed, it would have required affirmative action on the part of the President to negate the effect of the language presently in the bill in section 503, and I would have offered an amendment identical to this amendment to delay the effect of that provision as well, for the same reason.

It seems to me that any action that we take to change the status quo as it presently exists with regard to this issue might have the effect of upsetting the very delicate situations that I have mentioned. I certainly give strong support to the amendment, and I am glad to be a cosponsor of it.

Mr. BROCK. I thank the Senator for his contribution.

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

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. MANSFIELD. Mr. President, in behalf of the Senator from Mississippi, I yield back the remainder of the time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

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

"Sec. 505. None of the funds authorized to be appropriated by this or any other Act may be used for the purpose of carrying out aircraft flying operations at the United States Naval Air Station, Los Alamitos, California, until 30 days after the Secretary of Defense has submitted to the Congress a written report which discusses and determines the best use to which the naval air station might be feasibly devoted."

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, 30 minutes are allotted for consideration of the amendment, 15 minutes on each side. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TUNNEY. 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. TUNNEY. Mr. President, I have discussed this amendment with the Senator from Mississippi (Mr. STENNIS) and the Senator from Maine (Mrs. SMITH). It is designed to have the Secretary of Defense himself, make a decision as to whether or not there should be a Reserve Army helicopter unit stationed at the Los Alamitos Naval Air Station in California.

I am offering this amendment because certain conditions prevail in the Los Alamitos area which I think require that the Secretary of Defense make a decision personally regarding the establishment of a helicopter unit on that naval air station.

The Los Alamitos Naval Air Station originally was established in 1942. At that time, the area was agricultural and undeveloped. Today, Orange County and the surrounding area is developing very rapidly, and we have around the Los Alamitos Naval Air Station a population of more than 500,000.

The Department of the Navy, on March 6, 1970, announced the phaseout of the air related activities and the closure of naval flight operations by July 1, 1971. However, I am dismayed to learn that the Defense Department is planning to locate an 87-man Army military Reserve helicopter squadron at this facility, where they have just phased out air activities.

It seems to me that many of the same reasons why naval air operations were suspended apply to this Reserve helicopter unit.

First, the area is highly urbanized, and air-related activity would be dangerous not to mention the severe noise problems that are created.

Second, the Navy plans to develop family housing on the base, and these plans are underway. This development is incompatible with the relocation of aircraft at the base, since the California State Department of Education will not approve the construction of any school facility within 2 miles of an operating helicopter base.

Therefore, if the Navy's housing plans were implemented at the same time that the helicopter squadron is based on the facility, thousands of school children housed there would be left without access to nearby school facilities.

Navy plans for family and other fleet support needs at Los Alamitos were in part based on the cessation of air operations. Yet, the Department of Defense apparently has decided to go ahead blindly with the decision to relocate other equally incompatible air-related units on the base.

I feel very strongly that the question of the effect of air-related activities on an urban environment has not yet been studied thoroughly by the Department of Defense, and it seems that the left hand does not know what the right hand is doing in that department.

Although representatives of the various communities of western Orange County have visited the Department of Defense several times, they have been

unable to secure information as to the reasons for the seemingly incongruous decision to locate helicopters on the base.

I feel very strongly that the decision should be made by the Secretary of Defense and the people in the Secretary's office, because of this very important, in my opinion, base-community relationship.

By offering this amendment, I am not trying to stop any movement of a Reserve unit onto the base if, after consideration is given to all sides of the argument, it appears that it is absolutely essential that the Reserve unit be located at Los Alamitos. But my opinion is that a study by the Secretary of Defense is going to prove that it is not necessary to locate that helicopter reserve unit at the Los Alamitos base.

There are other bases in the area where such a Reserve unit could be located. For example, we have in the neighborhood El Toro Marine Corps Air Station, which is located 12 miles easterly, and this should be studied. We have the Santa Ana Marine Corps Air Station, which is located 10 miles easterly. The southerly portion of the U.S. Naval Weapons Station is located 2 miles southerly, and portions of the U.S. Marine Corps facility at Camp Pendleton, located 30 miles southerly, would be another possible location for such a helicopter Reserve unit.

I feel very strongly that we should have a place in the Los Angeles area where these Reserve units can have the opportunity to train with helicopters. But why not put it at an airbase where it is acceptable to the people in the community and where we would not have the problems of grave dislocation of many school children as a result of the California law not allowing any schools to be built or operated within 2 miles of a helicopter air base?

The PRESIDING OFFICER. Who yields time?

Mr. MCINTYRE. I yield myself 2 minutes to respond to the distinguished Senator from California.

Mr. President, the chairman of the committee is necessarily absent from the floor, but he has informed me that he is understanding of the amendment offered by the distinguished Senator from California. It is my understanding that the Senator from California desires to obtain a decision relative to these helicopters from the Secretary of Defense or the Secretary of the Navy.

Mr. TUNNEY. From the Secretary of Defense. The way the amendment reads, the Secretary of Defense would have to submit to Congress a written report which discusses and determines the best use to which the naval air station at Los Alamitos may be feasibly devoted and that they cannot locate the helicopter unit at the base until 30 days after the report is submitted. So it certainly would not block the location of such a unit at the facility if, in the opinion of the Secretary of Defense, it is necessary to do so.

The one thing that I feel is important is that we have decision being made by the Secretary of Defense, himself, taking into consideration the problems of the

Department of the Navy as well as the problems of the Department of the Army; because the Department of the Navy had determined that they were going to cease air operations on this base for a variety of reasons, not least of which was the problem of having schools in the neighborhood for the children of naval personnel who were stationed on that base.

Mr. MCINTYRE. Mr. President, on behalf of the chairman of the Armed Services Committee, this amendment will be accepted and taken to conference, and we will do everything we can. It seems to be an entirely reasonable request.

Mr. THURMOND. Mr. President, will the Senator yield me 10 minutes?

Mr. MCINTYRE. I yield.

Mr. THURMOND. Mr. President, I commend the distinguished Senator from California for his deep interest in this matter and for looking out for his constituents on this point. I should like to make some observations, however, in this connection, because this is a very important matter upon which the Secretary of Defense will have to pass.

First, I will make the statement that the Los Alamitos Air Station has been in existence for many years, so the people who have built houses since the station was constructed knew the station was there.

Next, prior to the Navy decision to colocate Reserve units with Regular units, there were no significant citizen complaints. A member of the staff of the Armed Services Committee went to California and talked with the commander there, and the latter said that he had received only a few letters in the several years he has been there.

Next, regarding the pressure to stop flying at Los Alamitos, we are informed, is stimulated to a large extent by real estate interests which would like to build on adjoining property in order to possibly make millions of dollars from housing projects in that area.

Next, planes leaving the air station do not fly over public property, as the Government owns the land all the way to the ocean. So there is safety as a result of this corridor over which the planes can fly.

Next, compared to some of the other airports in the United States, Los Alamitos is one of the safest, for there is congestion around the big airports such as Los Angeles and San Diego which would be very much more of a hazard than at this particular location.

Next, I believe that the main reason the Navy left was not due to the congestion. My information was that the Navy moved Reserves to colocate and, hopefully, save money. Unfortunately, the units moved away are seriously below strength, because there is not sufficient population at the new sites which are in less populated areas. Reserve units need to be near people. They cannot be located in isolated places like regular units. Reservists cannot be transferred around like regulars.

Next, the Los Alamitos situation has been studied and restudied for over a year. As I stated, a member of the preparedness investigating staff went out there for the subcommittee. He found it

is an excellent facility. It is particularly needed by the Army and Air Force Reserves and the Guard units which are now operating from civilian fields. Some of these situations are dangerous, because of the lack of security at these civilian airports.

The next point is that if this installation were closed, the Government would have to spend tens of millions of dollars to buy new land, construct new runways and hangars, support buildings, air control towers, and other facilities to accommodate the Reserve units. This would seem unnecessary and inadvisable since we have such a good facility there now and it is presently available. So, we have a chance here to save some money.

Next, I would like to say that when one Reserve force or the Reserve force of one service leaves a station, Congress requires by law that the other service be offered the facility. The Navy has moved out and the Army and Air Force Reserve and guard need this facility. They have asked to use it. It has not been declared surplus. It is still in the hands of the Navy.

I would also say that the State of California is one of the States which benefit most from defense spending, and I feel certain that the people of that State, and I feel certain that the distinguished Senator who offered the amendment would feel the same way, and that is to accept responsibility to provide for these Reserve units.

The Navy already has a total of 10 non-flying Navy and Marine Reserve units at Los Alamitos and intends to retain them. The Army Reserves in California and the National Guard want to relocate five helicopter units at Los Alamitos, if allowed to do so.

In view of this, it appears logical to construct a new center there, which has already been authorized, and thus concentrate Reserve operations for the metropolitan area at a single location in a major population center, able to provide a ready source of Reserves.

I would also call attention to the fact that as a result of these interests and newly developed Reserve requirements, the DOD assigned an interservice group to study the situation. DOD now has the recommendations of this group and the recommendations in substance amount to, first, retain Los Alamitos as a joint service Reserve and National Guard base, including Reserve helicopters and fixed-wing flying, but no jets; second, locate a new Reserve center planned for Fort McArthur at Los Alamitos instead and, third, construct Navy housing at Fort McArthur and other locations in Navy-owned areas rather than at Los Alamitos.

Mr. President, as the distinguished Senator from California said, this is a decision which should be made and will be made by the Secretary of Defense and involves directly our national security.

I did want to bring out these facts and give some of the background and history of this station, because I think it is important.

Many Members of Congress have already expressed their views on this prob-

lem. Secretary Laird has the benefit of those views in making a final decision.

Now, as I interpret the amendment, it is advisory to the Congress and does not depend upon any congressional approval.

On that basis, as I understand the distinguished Senator from California, he wants to be sure that Secretary Laird has time to study prior to his decision and wants the Secretary to act and then they will cooperate with the Secretary of Defense.

On that basis, I do not object to the amendment.

Mr. TUNNEY. Mr. President, I want to thank the very distinguished Senator from South Carolina for his remarks, particularly his interpretation of the amendment, which coincides with mine; namely, that the Secretary of Defense will make the decision and that a report will be made to Congress so that everyone will know why the decision was made.

Certainly national security is an important consideration.

I would like to make one additional point and that is, it certainly is not my intention to eliminate the Reserve units at the Los Alamitos Naval Reserve Station. It is the helicopter reserve units which we are deeply concerned about because they would have, as I indicated, an adverse impact upon the community and the education of the children of Navy personnel stationed on the base.

It appears that many Navy personnel cannot afford to pay the \$55 necessary to have their children bused as far as 8 miles away to the school. It is my understanding that the Navy Department very much wants to have a school built on the base or close by the base, and that was one of the reasons they were happy to suspend Navy aircraft activities at the base.

If the Reserve unit comes in, it will mean that the children will have to be bused, which could mean that thousands of children will be affected. I point out that there are only 87 men in the Reserve unit. There are other bases in the area—four others—where we could look at to have the helicopter Reserve unit located. I believe strongly that we need to have a helicopter unit in the Los Angeles area where the helicopter pilots can maintain their skills, but it would be my hope that the Secretary of Defense would realize the other bases might be more compatible with this activity than at the Los Alamitos Base, which has such a highly dense population center surrounding the base.

I want to thank the chairman of the committee very much for his cooperation and for his consideration of this amendment.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

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

Mr. STENNIS. Mr. President, under all the circumstances, I am glad to support the amendment for the purpose of taking it to conference. Many matters like this are gone into by the staff of the committee, sometimes with good re-

sults. This will require attention at a high level in the DOD.

My suggestion to the Senator from California is that if the amendment is agreed to, the Senator, rather than waiting for the period of time it will be in conference, can start now calling on the Pentagon, calling their attention to the fact that the amendment has passed the Senate.

The Senator should request that these things be done, because time will be running. Whatever persuasion there is to it, it will have a little weight perhaps by virtue of the fact that the Senate has agreed to it.

Mr. TUNNEY. I thank the Senator from Mississippi very much.

Mr. STENNIS. The Senator can move forward on that.

We have looked into this and we can support it. I hope that on a voice vote the Senate will agree to the amendment.

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

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. STENNIS. Mr. President, except for an amendment that I have, these are all the amendments that I know about. I will yield, after the amendment is disposed of, to the Senator from Wisconsin (Mr. NELSON).

Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk proceeded to read the amendment.

Mr. STENNIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment reads as follows:

At the end of Title V add a new section as follows:

"SEC. 506. (a) Beginning with the calendar year 1972, the Secretary of Defense shall submit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives each calendar year, at the same time the President submits the budget to the Congress pursuant to section 201 of the Budget and Accounting Act, 1921, a written report regarding development and procurement schedules for each weapon system for which any funds for procurement are requested in such budget. Beginning with the calendar year 1973, there shall be included in the report data on operational testing and evaluation for each such weapon system for which funds for procurement are requested (other than funds requested only for the procurement of units for operational testing and evaluation and/or long leadtime items). A weapon system shall also be included in the annual report required under this subsection in each year thereafter until procurement of such system has been completed or terminated, or until the Secretary of Defense certifies in writing that such inclusion would not serve any useful purpose and gives his reasons therefor.

"(b) A supplemental report shall be submitted to the committees named in subsection (a) by the Secretary of Defense not less than thirty nor more than sixty days

before the awarding of any contract or the exercising of any option in a contract for the procurement of any such weapon system (other than procurement of units for operational testing and evaluation and/or long leadtime items).

"(c) Any report required to be submitted under subsection (a) or (b) of this section, as the case may be, shall include detailed and summarized information with respect to each weapon system covered by such report, and shall specifically include, but shall not be limited to—

"(1) the development schedule, including estimated annual costs until development is completed;

"(2) the planned procurement schedule, including the best estimate of the Secretary of Defense of the annual costs and units to be procured until procurement is completed;

"(3) the results of all operational testing and evaluation up to the time of the submission of the report, or, if operational testing and evaluation has not been conducted, a statement of the reasons therefor and the results of such other testing and evaluation as has been conducted.

"(d) Whenever funds are requested by the President for the procurement of any weapon system in any fiscal year after the Budget for such fiscal year has been submitted to the Congress, the same reporting requirements shall be applicable to such system in the same manner and to the same extent as if funds had been requested for such system in such budget, except that the initial report shall be submitted to the committees named in subsection (a) at the time the request for funds for such system is made to the Congress."

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, this is a relatively simple amendment. It relates to requiring periodic reports that the two committees—one of the House and one of the Senate—on the procurement schedule, including estimated annual costs, until the development is completed of each weapons system; the planned procurement schedule, including the best estimate of the Secretary of Defense of the annual costs and units to be procured until procurement is completed; and the results of all operational testing and evaluation up to the time of the submission of the report, or, if operational testing and evaluation has not been conducted, a statement of the reasons therefor and the results of such of the testing and evaluation as has been conducted.

This amendment is partly a follow-on to a plan for prototypes that has been developed largely by Deputy Secretary of Defense Packard who took the lead in the program.

I have a few remarks here that I will make on that program and will then come back to the amendment. And I will be brief.

I want to comment on one important matter which has not been extensively discussed in the debate on this procurement bill. This is an important new program which involves the use of experimental prototyping, rather than paper studies for the development of new weapons.

The Deputy Secretary of Defense,

David Packard, has taken the lead on this program. I think Mr. Packard is to be congratulated on this as on other initiatives in the troublesome field of weapons procurement.

The prototyping in this program is not designed to produce complete weapon systems. It does not necessarily involve competition between manufacturers, as in the prototyping of the AX aircraft. Involved here are experimental prototypes, to produce new technology, which would be funded research and development activities.

I stress that no commitment to production is involved in the development of these prototypes. For example, the Air Force wants to explore the technology which might, at some point in the future, lead to development of a lightweight less expensive fighter plane. This program would not produce such a plane ready for production. It would produce experimental prototypes for testing the new technology.

Engineering experts would have a chance to work with hardware and not just with paper studies. When and if the time for prototyping does arrive, proven systems would be ready on the shelf. It will not be necessary to perform research and development concurrently with production.

Many critics of military procurement believe these two factors—excessive reliance on paper studies and concurrency—generate many of the production problems which result in cost overruns and other procurement difficulties.

The various services have identified research and development programs costing \$67 million which could go forward in this fashion. The research and development funds which would finance the prototyping will be a matter for the Senate-House conference on this bill, and no action is required now.

However, I want Senators to know of this program and of the high hopes held for it. Prototyping is surely not a panacea, but it may help us to acquire better weapons at a somewhat lower cost.

Mr. President, I believe, and I think the other committee members agree, that this prototype program may be a major step forward. If successful, it can help put a checkrein on the escalating weapons costs.

These are not mere words. This has been developed through work by Mr. Packard, one of the most able men in the Nation, I think, in the field of manufacturing, as I use the term, industrial production. He has brought together the services, and they are moving together on this.

Mr. President, with respect to the vast sums that are now in the bill for the respective services—and they differ between the House and Senate figures—the committee feels that the conferees might agree on these. This matter that I am discussing can be absorbed by adjustments there and by settlements and comprise in the conference bill.

I have talked about this with the chairman of the House committee who is fully familiar with the program. It has also been presented to him. He is in sympathy

with selling it moneywise in this fashion.

I read out a list of the items included for the Army. There is the unmanned surveillance vehicle, the remote attack vehicle, and so forth.

The complete list is as follows:

[In millions]		Fiscal year 1972
Adv med stol transport.....	\$5	
Very low RCS test vehicle.....	5	
Lightweight fighter aircraft.....	10	
Quiet aircraft.....	4	
Totals	24	

Army prototypes selected
[In millions]

		Fiscal year 1972
Unmanned aerial vehicle.....	\$8.0	
Remotely controlled attack missile.....	3.0	
Air defense effectiveness demonstration	6.0	
Clean air engine.....	3.5	
Multi-mission missile—M3	3.0	
Total	\$23.5	

Navy program summary and estimated
funding level
[In millions]

		Fiscal year 1972
ASW sensors.....	5	
Weaponizing of ships.....	4	
VSTOL for sea control ship.....	11	
Annual estimated funding level.....	20	

For the Navy, there is the most effective sonar buoy and so forth, the fixed wing V/STOL aircraft, the advanced Harrier, the Air Force version of the short takeoff and landing, STOL, transport.

This is not a new question of authorization for any new weapons systems or planes. This is merely recognizing the research and development of new planes. It is not planned to go any further than this prototype. And out of that may evolve the selection of some of these to be put in inventory.

I have checked this out. We had all of this matter before the full committee. It was fully discussed. Mr. Packard made a special appearance. There was a uniform agreement that it was worthy and that we would recommend it.

I am not asking for any addition in the bill on the prototypes. All I am talking about is merely with reference to reporting.

I hope that the amendment will be agreed to.

I want to insert in the RECORD a portion of page 18, the committee report regarding operational testing.

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

LACK OF OPERATIONAL TEST AND EVALUATION

In testimony before the committee, representatives of the Army and Air Force testified that new emphasis is being placed on operational testing and evaluation before production. DOD Directive 5000.1 also emphasizes this policy. The Navy representative, however, supported the proposition that the current Navy practice of "suitability testing" after production is sufficient. And the Secretary of Defense testified that he had decided not to accept the President's Blue

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

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. STENNIS. Mr. President, I yield the floor. The Senator from Wisconsin has been very considerate in waiting to be recognized. I yield the Senator 10 minutes on the bill.

Mr. NELSON. Mr. President, this is a military authorization bill totaling in excess of \$20 billion. It authorizes expenditures for a range of purposes, including procurement of a wide variety of weapons, deployment of weapons systems and support of combat operations. A substantial amount of the appropriations contained in this measure I would support if they were presented on an item by item basis. That, however, is not our choice. Therefore, I am casting my vote against this measure. It contains a number of appropriations which I cannot support.

In particular, it authorizes the continuance of American support involvement in a war in Laos contrary to the specific intent of the Congress.

During the last session of Congress, a bill was passed and signed into law prohibiting U.S. support for Vietnamese or other free world forces to engage "in actions designed to provide military support and assistance to the governments of Cambodia or Laos."

It was a clear legislative decision to stop the expanding involvement of the American military forces in war-torn Southeast Asia and to stop the U.S. financing of Thai forces to fight in Laos.

But in total disregard of the law, and in the Executive secrecy we have come to expect, there are thousands of Thai troops fighting in Laos financed by the United States. The executive department now is acknowledging the presence of these forces but claims they are all volunteers serving under the Lao military command.

Few, if any Members, of Congress were made aware of the rapidly mounting cost of our military program in Laos because the actual total program was never presented to Congress, not even to the Armed Services Committees.

Each year, the Senate was told that certain amounts would be needed for

military assistance in Laos, but in the end the actual figures totaled much more.

In 1970 the Defense Department told the Armed Services Committee it needed \$74.2 million for military assistance, but the recently declassified figure for the actual cost was \$146.4 million. For 1971, \$117.3 million was sought, but actual costs were \$162.2.

This year the Defense Department talked of a new authorization of \$125.8 million, but it was learned that the estimate for fiscal 1972 actually was \$252.1 million, just twice the amount described to the Senate Armed Services Committee.

It was further revealed that expenditures in Laos will actually total \$490.2 million this fiscal year, including \$143.4 million for U.S. air support. This \$490.2 million does not include the additional \$350 million for Air Force operations in the Ho Chi Minh trail areas.

Congress, especially the two committees of the Senate most directly involved, the Armed Services and Foreign Relations, have been given only partial and misleading reports of what has been going on in Laos.

In the context of the knowledge of the official blundering that mired us so deeply in the war in Vietnam, one would have assumed that this would not have happened again.

But here we are in another illegal, undeclared war. In a war hidden by Executive secrecy. It is a growing, dangerous commitment that denies all the assurances we have been given that we are extricating ourselves from Southeast Asia—we are lessening our involvement in Vietnam, but are expanding it in Laos.

And now we stand ready to pass the military procurement authorization bill, with the executive branch now asking Congress to authorize additional funds to continue the fighting and to pay the additional Thais fighting there.

It is time Congress called a halt to the Executive secrecy, to wars that nobody knows about and to the purposely misleading requests for money used to perpetuate and expand the fighting.

The reason no one knows much about these vast expenditures and clandestine military operations is that they are run by the CIA which does not report to the Congress.

How long are we going to continue to permit American Presidents to conduct private wars through the secret instrumentality of the CIA?

The risks of acting without knowledge are too grave to be ignored, especially in expanding wars that may involve other nations.

We have a constitutional obligation to review this Nation's military involvements and must share the responsibility for those decisions for whatever will follow in the future.

We have not adequately fulfilled that obligation therefore I cannot support this bill.

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

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, as far as I know that completes the consideration

of all matters pertaining to the bill. As far as I know there are no amendments pending. Unless someone wishes to speak further we might have third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The committee amendment, as amended, was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 8687) was read the third time.

NATIONAL ACADEMY OF SCIENCES STUDY ON EFFECTS OF HERBICIDES IN VIETNAM

Mr. MCINTYRE. Mr. President, section 506(c), Public Law 91-441, the fiscal 1971 Military Procurement Authorization Act, provided that the Secretary of Defense would make arrangements with the National Academy of Sciences for that organization to conduct a study on the effects of herbicides in Vietnam.

It also required the Secretary of Defense to request the Academy to submit a final report of the results of the study not later than January 31, 1972, for transmittal to the Congress by March 1, 1972.

The Department of Defense has acted in full accord with the letter and intent of section 506(c), and the committee has been diligent in its close monitorship of the various actions which have been taken.

The promptness with which the various actions have been taken pursuant to section 506(c) is best illustrated by a chronology of events which have occurred following enactment of the fiscal 1971 Military Procurement Authorization bill on October 7, 1970. Mr. President, I ask unanimous consent that this chronology be printed at this point in the RECORD.

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

CHRONOLOGY OF NATIONAL ACADEMY OF SCIENCES CONTRACT

1. Public Law 91-441 signed 7 October 1970.
2. 15 October 1970: Initial contact by Dr. John S. Foster, Jr., Director of Defense Research and Engineering, with Dr. Philip Handler, President of the National Academy of Sciences (NAS).
3. 26 October 1970: Response to Dr. Foster by Dr. Handler, concurring in study and discussing classification problems.
4. 14 November 1970: Response to Dr. Handler from Dr. Foster; concurs in need for declassification of data but suggests withhold until committee report is published.
5. 29 November 1970: Initial meeting between NAS and DOD representatives for preliminary contract discussions.
6. 7 December 1970: Letter to Dr. Foster from Dr. Handler; presents NAS proposal of a two-phase contract—Phase I (exploratory study)—Phase II (conduct of full-scale study).
7. 8 December 1970: Letter of intent issued by Defense Supply Service—Washington (DSSW) to NAS allowing work to begin.
8. 16 December 1970: Request for Contract with detailed scope of work and cost estimate forwarded to DSSW by Office of Director of Defense Research and Engineering.
9. 19 February 1971: Amended scope of work to include recommendations for repair of any damages detected.

10. 5 March 1971: Coordinated news release issued by DOD announcing contract initiation.

11. 9 March 1971: Contract No. DAHC15 71 C 0211 signed by both NAS and DSSW.

12. 17 June 1971: Contract amended to extend delivery of Phase I report from 15 June 1971 to 15 August 1971 at no additional cost.

13. 27 July 1971: Request from NAS to DOD to extend contract to 31 August 1971 (work completion) and delivery of Phase I report to 15 September 1971 at an additional cost of \$25,000.

14. 16 August 1971: Amendment to basic contract drafted by DOD providing for initiation of Phase II and initial funding of \$200,000 for first four months.

15. 7 September 1971: Letter from NAS to DOD transmitting formal proposal for Phase II with completion date of 31 August 1973.

16. 15 September 1971: Letter from NAS informing Dr. Foster of new completion date and reasons therefor.

17. 24 September 1971: Secretary of Defense letter to Chairmen of House and Senate Armed Services Committees advising that the final reporting date required by P.L. 91-441 cannot be met and advising of revised dates as estimated by NAS. This letter transmitted a copy of the NAS letter dated September 15, 1971 (No. 16 above).

Mr. MCINTYRE. Mr. President, I will briefly discuss some of the major actions which have been taken.

Following a series of meetings between the Department of Defense and the National Academy of Sciences, a letter was written by the National Academy of Sciences dated December 7, 1970, to the Director of Defense Research and Engineering which proposed the program and funds required to conduct the study requested by the Department of Defense. Mr. President, I ask unanimous consent that a copy of this letter be printed at this point in the RECORD.

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

NATIONAL ACADEMY OF SCIENCES, December 7, 1970.

Dr. JOHN S. FOSTER, JR.
Director of Defense Research and Engineering,
Department of Defense, Washington,
D.C.

DEAR DR. FOSTER: I was pleased to have your letter dated 14 November and its proposal for an approach to the Vietnam herbicide study. The proposal seems quite acceptable to me in its present form, and was accepted in principle by our Council at its meeting on December 5.

On November 24 several members of our staff met with Messrs. Hayward and Dashiell of your office with respect to the proposed study. As a result of these preliminary discussions, and with the understanding that it is the wish of the Department of Defense, the National Academy of Sciences proposes to undertake at the earliest possible date an exploratory study (Phase I) of this problem leading to the preparation of a specific proposal for the conduct of a subsequent full-scale study (Phase II).

The Phase I study would include the compilation and preliminary analysis of existing information, data and reports from U.S. and possibly non-U.S. sources, the convening of one or more meetings of experts to review the status of earlier investigations relating to these effects and to assist in the formulation of a plan for a detailed study responsive to the needs of the Department and of the Congress.

Although it is not possible at this time to describe in detail the preliminary study in terms of content, time required or cost,

we propose that by letter of intent and subsequent contract, the Academy be authorized to incur costs not to exceed fifty thousand dollars (\$50,000) over a period of six months commencing December 1, 1970, or as soon thereafter as possible to prepare and submit a full proposal for the conduct of a Study of the Effects of the Military Uses of Defoliants in Vietnam. It is understood that the proposed study would examine not only the natural ecology of the Vietnam and neighboring regions, but also those effects relating to agriculture and to the physical and economic health of affected populations. It is further understood that the Department is prepared to make available on a privileged but otherwise non-classified basis all information and data in its possession directly related to the matters under consideration as well as full access to various civilian and military personnel whose particularized experience and information may be considered necessary in the development of the study program.

If the foregoing is acceptable to you and to Secretary Laird, I can assure you that the Academy will exercise its best efforts to carry out this difficult and highly complex task. Until other arrangements can be made, I have asked Mr. Coleman, Executive Officer of the Academy, to stand ready to assist in completing these arrangements.

Sincerely yours,

PHILIP HANDLER, President.

Mr. McINTYRE. Mr. President, the Department of Defense issued a letter of intent on December 8, 1970, which authorized the National Academy of Sciences to initiate the study.

A news release was issued by the Department of Defense on March 5, 1971, announcing contract initiation. I ask unanimous consent, Mr. President, that this news release be printed at this point in the RECORD.

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

DOD INITIATES HERBICIDE STUDY

The Department of Defense has initiated a contract with the National Academy of Sciences to plan a comprehensive study on the ecological and physiological effects of the use of herbicides, as required by the 91st Congress in Public Law 91-441. Special emphasis will be placed on the defoliation program conducted in the Republic of Vietnam. In addition to a report on the effects of the use of herbicides in South Vietnam, the National Academy of Sciences will recommend appropriate actions necessary to ameliorate any damage from herbicides which may be found in Vietnam. The approval and cooperation of the Government of Vietnam will be sought in connection with the study.

The planning phase of the study will include a review of available information and consultation with the informed members of the scientific community to establish a suitable background data base and to develop detailed plans for the actual study. The conduct of the study will involve on-site visits and surveys of areas of interest including South Vietnam. The actual study is expected to include the following components:

Such ecological matters as successional trends in forest vegetation following defoliation, any effects of defoliation on soils and watersheds, any effects on animal and bird populations, and any effects on the forest, fishing and agricultural industries.

Medical evaluation to include any changes in the incidence of disease and any effects on human and animal reproduction.

Recommendation of remedial measures designed to ameliorate any harmful effects or to control any ongoing deleterious processes which might be discovered during the course

of the study. Such recommendations for remedial action, if found to be necessary, would be made so that appropriate action could be taken.

The effects of crop destruction operations in South Vietnam on the local population and ecology.

The general composition of the detailed study will be determined at the conclusion of the planning phase.

Dr. Anton Lang of Michigan State University has been selected by the President of the National Academy as chairman of the study. Additional persons will be appointed to represent the desired scientific diversity and experience needed. South Vietnamese scientists will be invited to participate as appropriate in the study.

The Department of Defense will cooperate as required to support the study, which has been assigned to the NRC Division of Biology and Agriculture of the National Academy of Sciences.

Mr. McINTYRE. A letter of intent was converted to a formal contract on March 9, 1971. Under the terms of the contract, \$50,000 was provided to conduct phase I of the study. A final report on the phase I study was required to be delivered by June 15, 1971. I might briefly describe the work required to be performed by the National Academy of Sciences under phase I of the study.

This phase includes compilation and preliminary analysis of existing information, data and reports from U.S. and non-U.S. sources, the convening of one or more meetings of the advisory committee to review the status of previous investigations relating to the ecological and physiological effects of herbicides in Vietnam and regions with similar climate, and to formulate a plan for the comprehensive study, phase II.

The first quarterly progress report required under the contract covers the period from the beginning of the contract on December 8, 1970 through April 30, 1971. I request unanimous consent that a copy of this report, together with a copy of a memorandum for the record dated May 24, 1971, written by the Department of Defense Assistant Director for Environmental and Life Sciences, be printed at this point in the RECORD.

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

OFFICE OF THE DIRECTOR
OF DEFENSE RESEARCH AND ENGINEERING,
Washington, D.C., May 24, 1971.
Subject: Status of the National Academy of Sciences Herbicide Study Contract.

The first Quarterly Progress Report was received on 20 May 1971.

A copy is enclosed for information.

A current critical problem is the lack of formation of the NAS Committee which will develop the detailed plan for Phase II, the comprehensive study. This is partly precipitated by Dr. Lang's having a full academic load until 17 June 1971. The consequence is that the contract expiration dates for termination of the planning phase by 1 June, and submission of the report to DoD by 15 June, cannot be met.

Telephone conversations with Dr. Philip Ross, NAS Staff Officer, on 19 May disclosed that the Academy desired a no-cost contract extension through 31 July 1971, and a cost extension amounting to \$28,000, through September 1971. Further discussions on 20 May developed the impracticality of such an arrangement, both from the standpoint of conduct of the actual study in Vietnam due

to the diminishing resources to adequately support the study team and to meet the requirements of PL 91-441 which require a report to the Secretary of Defense by 31 January 1972. Dr. Ross, as a result of internal discussions at the NAS, subsequently informed DDR&E on 21 May that Dr. Handler will become involved in the work in an effort to provide more responsive dates. He will request a task force approach to Phase I, i.e., a committee to meet probably in late June at a designated location, Woods Hole for example, with the Phase I report to be then presented to DoD by 31 July. The Academy, therefore, will request a no-cost extension of the contract through 31 July 1971.

This time schedule will allow the review of the report by DoD, the development of detailed cost and time estimates, and negotiation of the Phase II contract to be completed by the end of August. The first scientific team from the NAS could then visit CINCPAC and MACV in early September. This coincides well with a proposed visit by DoD personnel to the test field plots in Thailand, last surveyed in 1966, for a re-evaluation of the effects of herbicides under very closely controlled conditions.

A no-cost extension through 31 July 1971 is therefore being requested of the Contracting Officer.

A. E. HAYWARD,

Assistant Director (Environmental and Life Sciences)
Attachment.

QUARTERLY PROGRESS REPORT, DECEMBER 8, 1970-APRIL 30, 1971

Contract No., DAHC15 71 C 0211.

Contract Expiration Date, June 1, 1971.

Short Title of Contract Work, Effects of Military Uses of Defoliants in Vietnam.

Name of Contractor, National Academy of Sciences.

Contractor's Project Director, Dr. Philip Ross.

Phone Number, (202) 961-1761.

I. BACKGROUND INFORMATION

The Defense Authorization Act (Public Law 91-441) passed on October 7, 1970, stated in part that the Secretary of Defense shall request the National Academy of Sciences to conduct a comprehensive study to determine "(A) the ecological and physiological dangers inherent in the use of herbicides and (B) the ecological and physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam."

A plan for the preliminary work was approved in principle by the Council of the NAS on December 5, 1970, and reaffirmed by the Executive Committee of the NAS Council on January 16, 1971. A detailed proposal for the study itself is now being developed for final consideration by the NAS Council.

The contract between the Department of Defense and the National Academy of Sciences has an effective date of December 8, 1970. Dr. Philip Ross, Staff Officer, Division of Biology and Agriculture, NAS/NRC, has been assigned to the project, and Dr. Anton Lang, Professor, Michigan State University, has accepted appointment as Chairman, Committee on the Effects of Herbicides in Vietnam.

II. OBJECTIVES

Phase I of the study includes the compilation and preliminary analysis of existing information, data and reports from U.S. and non-U.S. sources, the convening of one or more meetings of the Committee to review the status of previous investigations relating to the ecological and physiological effects of herbicides in Vietnam and regions with similar climate, and to formulate a plan for the comprehensive study.

III. MAJOR ACCOMPLISHMENTS

Considerable effort has gone into identifying eminent scientists with skills and back-

ground experience as possible members of the Committee. The Chairman has traveled in the U.S. and to England to further identify scientists who have appropriate expertise.

There have been discussions with Senator McIntyre and Hyman Fine, professional staff member of the Senate Committee on Armed Services.

During the past quarter, source persons have been identified and discussions held on the ecology and physiology of herbicides and their use by the military (see Appendix A). Over 350 reference and background documents have been collected, assessed for relevance to the project, and filed in the office of the Project Director (See Appendix B).

IV. FUTURE PLANS

As soon as prospective Committee members have been identified, the list of nominees will be submitted to the President of the NAS through the Chairman of the Division of Biology and Agriculture. A meeting of the Committee will be arranged as soon as the prospective members have accepted the President's invitation. Future plans will be formulated at this meeting, including the duration of the study, the NAS staffing necessary to support it, and cost estimates.

Meetings with congressional personnel

1. Drs. Lang, Farner, & Ross met with Senator McIntyre and Ross Hamachek on March 3, 1971.

2. Dr. Ross and Messrs. Hayward and Dashedell met with Hyman Fine, professional staff member of the Senate Committee on Armed Services, on April 8, 1971.

Libraries researched

National Agriculture Library (USDA).
Vietnam Reference Library (AID).
Pan American Health Organization.
Michigan State University Library.

Source persons contacted

Dr. Fred Tschirley, USDA.
Mr. Barry Flamm, U.S. Forest Service.
Dr. I. C. Gunsalus, Univ. of Illinois.
Dr. Charles Minarik, Fort Detrick.
Dr. Robert Darrow, Fort Detrick.
Dr. Matthew S. Meselson, Harvard University.

Mr. Peter Hendry, FAO Information Officer.
Dr. Guy Camus, Director General, Office de la Recherche Scientifique et Technique Outre-Mer, Paris.

Messrs. Thomson, O'Neil & Ottinger, Engineering Agency for Resources Inventory.

Dr. David Pimentel, Cornell University.
Dr. Harold Coolidge, former Exec. Director, Pacific Science Board.

Dr. Raymond Johnson, EPA.
Dr. Richard Miller, Yale University.
Dr. Jack T. Spencer, Org. for Tropical Studies, Inc.

Dr. George Sprugel, Illinois Natural History Survey.

Dr. Henry Setzer, Smithsonian Institution.
Dr. Sterling B. Hendricks, USDA (ret.)

Dr. Walter H. Hodge, National Science Foundation.

Dr. Malcolm E. Phelps, Director, Health Administration, Vietnam, AID.

Mr. Lawrence Doran, Agriculture, Vietnam, AID.

Mr. Charles P. Fossum, Assoc. Asst. Adm. for National Development, Vietnam, AID.

Mr. William A. Platt, Chief, Public Affairs Staff, Vietnam, AID.

Dr. Robert T. Cutting (M.D.) Walter Reed Army Medical Center.

Dr. Joseph M. Ballo (M.D.) Walter Reed Army Medical Center.

Messrs. H. Pollack & J. Blowers, OST, Department of State.

Dr. W. B. Drew, Michigan State University.

Dr. F. T. Adicott, Univ. of California, Davis.

Dr. H. G. Baker, Univ. of California, Berkeley.

Dr. Allen Smith, Academic Vice President, Washington State University, Pullman.

Dr. L. J. Audus, University of London.
Dr. D. J. Osborne, Cambridge University.

Dr. J. D. Fryer, Weed Research Organization, Oxford.

Dr. E. K. Woodford, Grasslands Res. Inst., Maldenhead.

Dr. G. E. Blackman, Emeritus, Oxford University.

REFERENCE CLASSIFICATION

Agriculture, tropical.
AAAE herb. assessment comm.

Cacodylic acid.
CBW, general military evaluation.

Congressional hearings.
Demography.

Ecology and physiology, general nutrient cycling.

Herbicides, general ecological effects. Physiological effects. Soils. Toxicity.

Laos.
Maps.

Pesticides, general, mammalian systems, public health, toxicity, wildlife.

Photo-interpretation.
Picloram.

Public Health, general nutrition.
Soils, tropical.

Southeast Asia, agriculture, anthropology, climate, forestry.

2,4-D.
2,4,5-T.

Vegetation, tropical bamboo, mangrove, teak.

Vietnam, general, agriculture, climate, ecology, fishery, forestry, future development, public health, soils, statistics, wildlife.

Weed control.

Mr. MCINTYRE. Mr. President, on May 24, 1971, the National Academy of Sciences advised the Department of Defense by letter that additional time was needed beyond the current expiration date of June 1, 1971, to complete the phase I work contemplated under the contract. It requested that the contract be extended without additional funds until July 31, 1971. I request unanimous consent that a copy of this letter be printed at this point in the RECORD.

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

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C. May 24, 1971.

Re Contract DAHC15-C-0211.
Mr. ALBERT E. HAYWARD,

Acting Deputy Director, Research and Technology, Office of the Secretary of Defense, Washington, D.C.

DEAR Mr. HAYWARD: The referenced contract has a current expiration date of June 1, 1971. We have reviewed the work under this contract and as a result have determined that additional time is needed to complete the work contemplated.

The balance unexpended in the contract as of April 30, 1971 was \$32,121, and appears sufficient to cover all anticipated expenditures through the period of the requested extension.

Therefore we request that the contract be extended without additional funds until July 31, 1971.

If this request meets with your approval, we would appreciate having an appropriate amendment sent to us for execution at your convenience.

Sincerely,

B. L. KROPP,
Deputy Business Manager.

Mr. MCINTYRE. The contract was amended on June 17, 1971, to provide that the actual research work shall be

completed not later than July 31, 1971, and that the contractor's final report shall be delivered not later than August 15, 1971. I ask unanimous consent that a copy of this contract amendment be printed at this point in the RECORD.

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

Whereas, the Contractor and the Government entered into Contract No. DAHC15 71 C 0211 under date of 8 December 1970, which is hereinafter referred to as "the contract", and

Whereas, the Government and the Contractor have mutually agreed to extend the term of the contract at no cost to the Government in order to allow the Contractor to produce a final report of higher quality than would otherwise be possible,

Now, therefore, in consideration of the mutual covenants and agreement herein contained, and for other good and valuable consideration, the parties hereto do mutually agree to amend said contract as follows:

First: Article I. Scope of work, is hereby amended by deleting reference to 1 June 1971, and substituting 31 July 1971 in lieu thereof.

Second: Article V. Delivery Schedule, is hereby amended by deleting the delivery date of 15 June 1971 for the Final Report, and substituting 15 August 1971 in lieu thereof.

Third: Article IX. Term of Contract, is hereby deleted in its entirety and the following substituted therefor:

"ARTICLE IX. TERM OF CONTRACT

"The term of this contract begins on 8 December 1970 and ends on 15 August 1971. The actual research work shall commence on 8 December 1970, and shall be completed not later than 31 July 1971. Contractor's final report shall be delivered not later than 15 August 1971."

This supplemental agreement No. P00001 neither increases or decreases the allowable cost.

Mr. MCINTYRE. The National Academy of Sciences, by letter dated July 27, 1971, requested the Department of Defense to extend the contract for phase I to August 31, 1971, with the report on phase I to be delivered by September 15, 1971. It also requested that the contract be increased by \$25,000, to a new total of \$75,000 to cover this additional period of time. I request unanimous consent that a copy of this letter be printed in the RECORD.

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

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C. July 27, 1971.

Re contract DAHC15-71-C-0211.
Mr. ALBERT E. HAYWARD,

Acting Deputy Director, Research and Technology, Office of the Secretary of Defense, Washington, D.C.

DEAR Mr. HAYWARD: In accordance with discussions between representatives of the Academy and your office this is a request that the referenced contract be extended to August 31, 1971, with the report due September 15, 1971 and with additional funds in the amount of \$25,000. There is enclosed an estimate of costs for the requested \$25,000.

In early August the Advisory Committee will meet to formulate plans for conducting the study contemplated in the contract. As soon as possible after mid August we will submit a proposal including a cost estimate for the second and larger phase of the study.

Will you please authorize the Defense Supply Service to amend the contract by

adding \$25,000 and extending the date of performance to September 15, 1971.

Sincerely,

B. L. KROPP,
Deputy Business Manager.

Estimate of costs

Personal services.....	\$5,500
Fringe benefits.....	600
Travel Expenses:	
Domestic:	
Committee	3,000
Staff	600
Total	3,600
International:	
Committee	4,000
Staff	2,100
Total	6,100
Communications and shipping.....	200
Materials and services.....	2,700
Indirect costs.....	6,300
Grand total.....	25,000

Mr. McINTYRE. Informal discussions between NAS and DOD resulted in the preparation by DOD of an amendment dated August 16, 1971, to provide for initiation of phase II of the study covering the first 4-month period with an initial increment of \$200,000. The proposal for phase II involves two stages—a reconnaissance survey designed to pinpoint problems and localities, followed by a longer range study which will be based upon the results of the reconnaissance study. The \$200,000 initial increment would pay for the reconnaissance stage of phase II.

Under the current NAS proposal which has been accepted by DOD, phase II is estimated to cost \$1,202,935 for a 2-year period commencing September 1, 1971, through August 31, 1973. The details of this formal proposal were transmitted by letter from NAS to DOD dated September 7, 1971. Mr. President, I consider the importance of this effort to be of such significance that I request unanimous consent to insert a copy of the transmittal letter and proposal at this point in the RECORD. I am advised informally that NAS is expected to sign the proposed amendment momentarily.

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

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., September 7, 1971.

Mr. A. E. HAYWARD,
Assistant Director, Environmental and Life
Sciences, ODDR&E, The Pentagon, Wash-
ington, D.C.

DEAR MR. HAYWARD: The attached proposal has been prepared in our Division of Biology and Agriculture and requests support in the amount of \$1,202,935 in support of Phase II of the work of the Committee on the Effects of Herbicides in Vietnam for the period September 1, 1971 through August 31, 1973. It is our understanding that this will be negotiated as an amendment to Contract No. DAHC15 71 C. 0211, which terminated August 31, 1971 and which supported Phase I of the Committee study.

Our immediately responsible staff officer is Dr. Philip Ross, with whom you have had frequent contact over the past several months. He will be in a position to furnish additional details if they prove necessary.

CXVII—2219—Part 27

We shall appreciate your consideration of this matter.

Sincerely,

JOHN S. COLEMAN,
Executive Officer.

COMMITTEE ON THE EFFECTS OF HERBICIDES IN VIETNAM: PROPOSAL FOR PHASE II OF CONTRACT NO. DAHC15 71 C 0211, SEPTEMBER 1, 1971, TO AUGUST 31, 1973

INTRODUCTION

I. Origin and time schedules

The assignment with which this Committee has been entrusted has its origin in a provision which the U.S. Congress has written into the Defense Authorization Act for Fiscal Year 1970 (Public Law 91-441, Section 506(c)). This provision directs, in paragraph (1), the Secretary of Defense to "undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation to determine (A) the ecological and physiological dangers inherent in the use of herbicides, and (B) the ecological and physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam." Paragraph (2) provides that "of the funds authorized by this Act for research, development, testing, and evaluation of chemical warfare agents and for defense against biological warfare agents, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection."

The Council of the Academy gave its approval to proceed with the planning work on December 5, 1970, and a contract was signed between the Academy and the Department of Defense under date of December 8, with a delivery date for the report of June 15, 1971, later amended to August 31. This contract covered what is referred to as Phase I or planning phase of the study; the actual work will form the Phase II or working phase.

The objectives for Phase I included—apart from the selection and appointment of the Committee—compilation and preliminary analysis of existing pertinent information on herbicide effects, mainly under tropical conditions, and on the ecology, demography and other features of Vietnam and of comparable countries or regions; consultations with source personnel capable of providing information in these and other disciplines and on a number of scientific and practical problems potentially important for the study; and conferences with personnel from Congress, the Department of Defense, and other agencies to establish contacts and prepare logistics. The cooperation encountered in all discussions and consultations has been very encouraging and is greatly appreciated.

The present report completes Phase I, except that plans particularly in one certain area are still tentative for reasons to be explained. The report is both a summary of the Committee's views upon the study, and a blueprint for Phase II, the working phase. As will be explained in more detail below, Phase II will be carried out in two stages, a brief reconnaissance stage followed by the main, long-range work.

The original date for submission of the final report for the study to the Secretary of Defense was January 31, 1972; the Secretary was to transmit it to Congress by March 1. This deadline was clearly unrealistic, and in a meeting with Senator McIntyre—who had been instrumental in writing Section 506(c) into the Defense Authorization Act—it was agreed that an interim report would be submitted by the original deadline, while the final report would be prepared upon completion of the entire study.

The time needed to carry out Phase II, we now estimate as two (2) years.

II. Selection of objectives

It was necessary to select objectives which could be studied in the time and with the support available and would yield the highest return in terms of understanding herbicide effects and their repair. The areas of study chosen are:

- (1) Herbicide, agriculture and animal husbandry studies, with some related toxicological studies, mainly on dioxin.
- (2) Soil studies.
- (3) Studies of natural biological systems:
 - i—Mangrove.
 - ii—Upland forests: disturbed and undisturbed semi-deciduous.
- (4) Studies in human ecology:
 - i—Medical.
 - ii—Epidemiological-ecological.
 - iii—Socio-economic and psychological effects.

The Committee is of the opinion that these study areas cover the most important problems raised by the military use of herbicides in Vietnam, that is, problems which concern the major ecosystems, including humans, affected by herbicides, which may have the longest-range consequences, and which have aroused greatest public concern in the United States and elsewhere. The localities which will be covered under this plan of study should include those likely to have been maximally affected and to have suffered long-term if not permanent damage; they should be liable to be typical of wide-spread situations and also representative of situations, irrespective of their ecological or environmental character, where people, crops and livestock may have been heavily exposed; they would include crop lands, plantations, gardens and other small cultivated plots where it may still be possible to assess direct herbicide effects and where persistence of the agent may be a particularly critical problem, as well as areas where defoliation may have had maximum, although unintentional beneficial effects (clearing of land for crop production).

III. Work plan

The Committee plans to carry out the work in two stages, a reconnaissance survey designed to pin-point problems and localities; and a longer-range study the details of which will be determined using the results of the reconnaissance study.

(a) Reconnaissance stage: site selection.

The main objectives of the reconnaissance stage will be twofold: firstly, to select the most suitable localities (sites) or materials for the longer-range work; secondly, to obtain an idea of the range of variables that may be encountered.

The first source for site selection are the records of herbicide use which have been maintained by the Department of Defense for all airborne missions (fixed-wing aircraft and helicopter). This information, in combination with vegetation maps, should permit us to select herbicide treated areas in different ecosystems, according to a time scale, to the extent of treatment (single or repeated sprays, dump sites), and other criteria that may be of interest. The selected areas will then be inspected from the air and analyzed with the aid of aerial photography, and finally examined on the ground. By this three-stage process it should be possible to find the sites and conditions necessary for the comprehensive study.

The second source for site and sample selection will be records and other information from local sources. This will include hospital records, records of midwives, records of herbicide damage claims submitted and approved, information from American and Vietnamese source persons (agricultural advisers, medical personnel, officials) and any other information that can be obtained at

the country, province, district and village levels.

(b) *Reconnaissance stage: other activities.*

Along with the site selection, some sampling, particularly of soil for residue and preliminary fertility analyses, and some observational as well as experimental studies will be carried out, focussing attention on extreme situations. For studies on ecological effects in natural systems, sites will be selected representing heavy treatment and no treatment. Observations will be made on the extent of destruction, presence or absence of regeneration from seeds and by vegetative means, invasion by "foreign" species, and on signs of erosion. Experimental studies will consist of belt transects designed to determine species diversity and condition of the plants (trees), and sampling and subsequent analysis of soil, water, organic matter, aquatic microorganisms (plankton) and possibly fish. The objective is to bracket the range of situations that will have to be taken into account in the main or longer-range studies. In addition, some replanting experiments may also be initiated, as start of the long-range work on this crucial problem.

(c) *Long-range studies.*

The results of the reconnaissance studies will permit, it is hoped, a much more precise and specific planning for the main part of the work, the longer-range studies, than it is possible at present. In principle, while the reconnaissance studies are designed to identify the extremes of the spectrum of possible effects and while the information will be of a semi-quantitative nature, the main or longer-range studies will use as much as possible quantitative approaches, both with regard to the "timing" of the effects (that is, analysis of sites sprayed in a sequence of years) and to the parameters investigated, and will place special emphasis on repair and rehabilitation aspects.

(d) *Cooperation with Vietnamese.*

Since the study will center on effects of herbicides in Vietnam, it is almost axiomatic that staffing and administration must include Vietnamese. Contacts with Vietnamese scientists will be established directly and their cooperation sought. Some Vietnamese personnel may have to be given special training for work in the human-oriented parts of the study. For this, they may have to be brought for two to four weeks to a laboratory in the U.S. This will be decided during the reconnaissance stage of the study.

WORK PLAN OUTLINE

NB. The preliminary nature of parts of these plans, especially those concerning the long-range studies, should be kept in mind. The present lists represent mostly maximum programs, in which all eventualities have been included; final plans will be drawn up after the results of the reconnaissance studies are available.

1. *Herbicide, agriculture and animal husbandry studies*

A. Objectives

1. *Residue analysis:*
 - a. Soils.
 - b. Plant materials, especially edible portions (fruits, seeds, tubers, etc.) of persistent plants.
 - c. Plant products (oil concentrates).
 - d. Animals, especially domestic and species near end of food chains.
 - e. Man (liver, fat tissue).
2. *Toxicological studies:* a. Dioxin.
3. *Damage to crops:*
 - a. Direct kill or kill back.
 - b. New crops (e.g. rice) grown on sprayed areas.
4. *Damage to domestic animals.*

B. Work Plan for Reconnaissance Study

1. *Site selection:*

- a. Recent dump or other heavy-spray areas.
- b. Single-spray areas of different "age"; multiple-spray areas.
- c. Mangrove undisturbed and disturbed semi-deciduous forests, crop and horticultural lands.
- d. Helicopter inspection—aerial photography.
- e. Ground inspection.
- f. Damage claim records, other local sources of information.
2. *Sampling and analyses:*
 - a. Sections from soil cores at three depths (0-50-100 cm).
 - b. Preliminary tests to determine behavior of soils in residue tests.
 - c. Chemical and biological residue determinations.
 - d. Microbiological tests.
 - e. Priority order: picloram—2,4,5-T—2,4-D—cacodylic acid.
3. *Dioxin Studies:*
 - a. Animal tests in mice and rats.
 - b. Fish, shellfish, birds.
4. *Scientific team:*
 - a. Three Committee members, field assistant, consultant.
 - b. One Vietnamese, technician.
 - c. 4 weeks in field, 2 weeks in lab.

C. Work plan for long-range studies

1. *Review of literature data:*
 - a. Uses of herbicides under tropical conditions, including effects on animals.
 - b. Breakdown of herbicides under tropical conditions.
2. *Sampling and analyses:*
 - a. Soil—according to B2a,c,d, sampling and analyses extent depending on results of Reconnaissance Study.
 - b. Other materials listed in Alb-e.
3. *Observations:*
 - a. Crop damage.
 - b. Damage to animals.
4. *Plantings of selected crop species in sprayed areas:*
 - a. Forest, mangrove, abandoned crop lands.
 - b. Species selected according to nutritional and economic value, and value for diversification of agri- or horticulture.
5. *Scientific team:*
 - a. Three Committee members, field assistant, consultant.
 - b. One Vietnamese, technician.
 - c. 6 months in field and lab.

II. Soil studies

A. Objectives

1. *Estimation of standing balance of fertility elements:*
 - a. Soils and vegetation in sprayed and unsprayed (control) areas.
 - b. Analysis of fertility elements in soils and vegetation.
2. *Analyze soil types in treated areas in relation to:*
 - a. Forest types.
 - b. Single sprayed and multiple sprayed.
 - c. Time since last sprayed.
 - d. Cultural use, shifting cultivation, high grading.
3. *Vegetation analysis by remote sensing techniques:*
 - a. Determination of location, extent and time of spray operation.
 - b. Sequential effects.
- B. Work Plan for Reconnaissance Survey
 1. *Site selection:*
 - a. Mangrove, undisturbed and disturbed semi-deciduous forest.
 - b. Sprayed and control area.
 2. *Sampling schemes:* (Not printed in the RECORD.)
 3. *Soil samples analyzed for fertility elements:*
 - a. Carbon.
 - b. Nitrogen.
 - c. Phosphorus.

- d. Calcium.
- e. Magnesium.
- f. Potassium.
- g. Manganese.
- h. pH.
- i. Total exchange capacity.
- j. Organic matter.

C. Work Plan for Long Range Studies

1. *Intensive sampling in defoliated areas:*
 - a. Forest types.
 - b. Soil types.
 - c. Single and multiple spray.
 - d. Intensive land spray.
 - e. Cultural land use, shifts, cultivation, logging.
- D. Estimation of standing storage and fertility elements in soil and vegetation in sprayed and control areas

III. Studies of natural biological systems
Mangrove

A. Objectives

1. *Susceptibility of mangroves to herbicides:*
 - a. Single versus multiple spray.
 - b. Differential effect on species:
 1. by age and size.
 2. by location in swamps.
 - c. Kinds of damage:
 1. death of trees.
 2. partial defoliation.
2. *Normal pattern of general and species in mangrove:*
 - a. Normal successional pattern.
 - b. Successional pattern after clear cutting.
3. *Recovery:*
 - a. Normal reproduction pattern, seed sources.
 - b. Regeneration or coppicing.
4. *Implications of destruction of mangroves:*
 - a. Ecologic:
 1. Erosion of coast line and accretion.
 2. Nutrient and organic materials for marine organisms.
 3. Effect on animals—crabs, monkeys.
 - b. Economic Uses: a. Fish nurseries, charcoal, tanbark, fuel, construction timbers.
5. *Rehabilitation:*
 - a. Vegetative versus seed planting of mangrove.
 - b. Agriculture.
 - c. Other alternative land uses.

B. Work Plan for Reconnaissance Survey

1. *Site selection:*
 - a. Single spray areas and control.
 - b. Three coastal areas plus a canal area in Rung Sat.
 - c. Aerial photos—helicopter inspection.
 - d. Ground inspection.
2. *Observational Studies:*
 - a. Extent of destruction.
 - b. Reproduction of survivors, seed and coppicing.
 - c. Invasion of other species—fern.
 - d. Animal life—birds, crabs, others.
 - e. Erosion of coast line.
3. *Experimental Studies:*
 - a. Belt transects—coastal areas back to non-spray areas—2 for each site.
 - b. 2 water samples, BOD—1 liter sample of out-flow for dissolved organics.
 - c. Plankton net for organic particles—10 liters of water.
 - d. Seining for fish.
 - e. Algae samples from mud.
 - f. Begin embryo planting studies for long range work plan.
4. *Literature search for unpublished mangrove data:* a. Committee member to visit Philippines, Malaya, Thailand forest service.
5. *Scientific team:*
 - a. One Committee member, field assistant.
 - b. Two Vietnamese—botanist, field biologist—animal.
 - c. Two western scientists, marine intertidal biochemist, biologist.
 - d. 4 weeks in field, 2 weeks in laboratory.

- C. Work Plan for Long Range Studies
1. Review of literature and vegetation data relevant to problem area.
 2. Experimental Studies:
 - a. Plant embryos of mangrove species for survival potential—protected, shaded.
 - b. Plant other vegetative parts for regeneration.
 - c. Establish 10 permanent belt transects to monitor regeneration.
 - d. Study input and output of water from mangrove sites.
 3. Scientific team:
 - a. One Committee member, field assistant.
 - b. 2 Vietnamese scientists—botanist, field biologist.
 - c. 3 trips for 3 weeks each.
- Upland forests: Disturbed and undisturbed semideciduous forests
- NB. The same plan will be carried out in each of the two forests.
- A. Objectives
1. Extent and degree of destruction of trees, shrub, vines:
 - a. Single spray versus multiple sprays.
 - b. Differential effects—species, life forms.
 - c. Animal disturbance in sprayed versus unsprayed area—endangered species—butterflies, insects.
 2. Normal pattern of genus and species in control areas:
 - a. Normal successional patterns.
 - b. Successional pattern under shifting cultivation.
 - c. Effect of windthrow, shifting cultivation, fire, cutting.
 3. Recovery:
 - a. Condition of canopy, understory, ground vegetation—leaf area index of important species.
 - b. Growth characteristics—injury.
 - c. Seedlings (diversity), seed source and dispersal, saplings, seed viability.
 4. Implications of destruction in defoliation forests:
 - a. Ecologic:
 - i. Erosion.
 - ii. Role of bamboo and grass in the forest.
 - iii. Condition of dead trees—salvageability, durability, windthrow.
 - iv. Nutrient cycles—litter fall.
 - v. Medical ecology.
 - b. Economic Uses: a. Bamboo, grass, dead trees.
 5. Rehabilitation:
 - a. Natural growth.
 - b. Clear cutting and planting.
 - c. Selective cutting.
- B. Work Plan for Reconnaissance Survey
1. Site selection:
 - a. Control, one recent spray area, and one triple spray area.
 - b. Aerial photographs, helicopter inspection.
 - c. Ground inspection.
 2. Observation studies:
 - a. Extent of destruction—dead, kill-back.
 - b. Extent of invasion of bamboo, grass, vines.
 - c. Extent of seedling growth.
 3. Experimental studies:
 - a. Line transect at each site—500 trees.
 - b. Light penetration.
 - c. Percent foliage remaining on affected trees.
 - d. Dead trees.
 - e. Diversity of species.
 - f. Diameters at breast height.
 - g. Ground litter.
 - h. Tree cores.
 4. Scientific team:
 - a. 2 Committee members, field assistant.
 - b. 2 Vietnamese—botanist or forester.
 - c. 1 Western Tropical botanist.
 - d. 4 weeks in field.
- C. Work Plan for Long-Range Studies
1. Review of literature and vegetation relevant to problem area.

2. Experimental studies:
 - a. In ten areas, establish permanent line transects in areas sprayed once, twice, three times and control.
 - b. Establish ground and air photo stations to gather time-history sequence.
 - c. Establish demonstration plots for rehabilitation, Rome plow, bamboo, etc. plant dipterocarp species.
3. Study economic uses of forest species.
4. Scientific team:
 - a. 1 Committee member, field assistant.
 - b. 2 Vietnamese botanists and foresters.
 - c. 3 Three week visits.

IV. Studies in human ecology

A. Objectives

1. The medical effects of the herbicide on humans:
 - a. Direct effect of exposure to herbicide.
 - b. Reproductive, teratogenic, mutagenic effects.
2. The epidemiological-ecological effects of herbicides in relation to human disease vectors.
3. The socio-cultural and psychological effects on the population of the use of herbicides.

B. Methods of Study

1. Medical Effects:
 - a. Data from midwives' records.
 - b. Follow-up of children with spina bifida and cleft palate referred to the Saigon Children's Hospital.
 - c. Reproductive histories of women associated with sprayed areas.
 - d. Direct observation of humans in sprayed areas:
 - i. Karyotyping.
 - ii. Skin blisters, gastrointestinal.
 - iii. Search for somatic mutations: (1) HGPRT deficiency, G6PD mutants.
2. Epidemiological-Ecological Effects:
 - a. Field investigation of rat and other rodent populations in defoliated versus non-defoliated areas: (1) Plague.
 - b. Trapping and biting collection of mosquitoes:
 - i. Malaria, dengue, hemorrhagic fever, Japanese B encephalitis, etc.
 - ii. Blood tests of humans for presence and absence of plasmodium and antibodies.
3. Socio-Cultural and Psychological Effects Derived from Questionnaires:
 - a. Economic effects and loss of production resources:
 - i. Charcoal, fuel and tanbark production in Mangroves.
 - ii. Lumber industry.
 - iii. Crop and domestic animal destruction.
 - b. Population dynamics.
 - c. Ethnobotanical studies.
 - d. Slash and burn agriculture.
 - e. Psychological effects:
 - i. Perception of effects of defoliation.
 - ii. Faith in traditional solutions to natural disasters.
 - (3) Acceptance of technological solutions.

C. Scientific team

1. Three Committee members, Human Geneticist, Medical Ecologist, and an Anthropologist.
 2. Vietnamese personnel, midwives, technicians, interviewers.
- IV. The proposed amendment to Contract DAHC15 71 C 0211 will include the following:
- A. To be provided by DoD:
- (1) Logistic support in Vietnam.
 - (2) Computer time for analysis of herbicide tapes in U.S. and Vietnam.
 - (3) Supplies and office space in Vietnam.
 - (4) Military mess, PX, commissary, and check-cashing privileges in Vietnam.
- B. It is agreed by DoD and by the National Academy of Sciences that the following items will be strictly adhered to:
- (1) Planning direction and execution of the study are the exclusive responsibility of the National Academy of Sciences through the Committee on the Effect of Herbicides in

Vietnam including the selection and appointment of scientific and technical personnel needed to carry out the work.

(2) During the course of its work, the Committee will continue to have, through the Chairman and the Staff Officer, access to any information within the Department of Defense that in the opinion of the Committee may be pertinent for its work. Classified information needed for inclusion in or as backup material for the final report will be declassified by the DoD.

(3) Results obtained under the Contract may be made available to the public by the Academy through normal and accepted channels without restriction. The Academy may authorize others to publish after completion of and with credit to the study but otherwise subject to no limitations except as outlined below.

(4) Statements of individuals are legally privileged communications and are not to be disclosed to anyone without prior consent of the respondent.

(5) Data from surveys shall not be attributed to any individual without his written permission.

(6) It is explicitly understood that studies on repair and rehabilitation will be included.

(7) Every effort should be made to safeguard the privacy and welfare of all respondents in the study, regardless of their political positions or their responsibilities regarding defoliation.

(8) All publicity should be agreed upon in advance and coordinated between the Department of Defense and the Academy.

Estimate of Costs: September 1, 1971
to August 31, 1973

Personal services:	
Professional	\$214,500
Secretarial-clerical	32,000
Total	246,500
Fringe benefits	18,000
Travel expenses:	
Domestic:	
Committee	50,000
Staff	10,000
Special conferences	20,000
Total	80,000
Foreign:	
Committee	90,000
Staff	25,000
Total	115,000
Total domestic and foreign	195,000
Communications and shipping	10,000
Materials and services:	
Printing and duplicating	2,000
Equipment	50,000
Books and periodicals	600
Final report	20,000
Supplies and services	3,000
Total	75,600
Subcontracts:	
Herbicides, agriculture and animal husbandry	75,000
Soils	140,000
Natural Biological Systems	80,000
Human Ecology	155,000
Total	450,000
Indirect costs (34% on items 1-5; 5% on item 6)	207,835
Grand total	1,202,935

Mr. MCINTYRE, NAS, by letter dated September 15, 1971, advised the Director

of Defense Research and Engineering of its conclusion that, because of the long-range nature and the complexity of the study required by Public Law 91-441, the final report date specified in the law, January 31, 1972, is unrealistic and cannot be realized if the work required is to be completed. NAS stated that it will provide an interim report to be transmitted to the Secretary of Defense by January 31, 1972, with a final report by August 31, 1973. A copy of this letter was formally transmitted to the chairman of the House and Senate Armed Services Committees by letter dated September 24, 1971.

The Secretary of Defense states that the NAS interim report can be submitted to the Congress by March 1, 1972, and the final report by September 30, 1973. He concluded by stating that, in view of the arguments set forth by the National Academy of Sciences, he plans to accept their time schedule for the reports. I ask unanimous consent that a copy of the September 24, 1971, letter from the Secretary of Defense, which enclosed a copy of the letter from NAS dated September 15, 1971, be inserted at this point in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., Sept. 24, 1971.

HON. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The FY 71 Authorization Act, Section 506(c), Public Law 91-441, provided that the Secretary of Defense make arrangements with the National Academy of Sciences to conduct a study on the effects of herbicides in Vietnam and that the Secretary of Defense request the National Academy of Sciences to submit a final report containing the results of the study not later than 31 January 1972 for transmittal to the Congress not later than 1 March 1972.

The Department has entered into a contract with the Academy to undertake the study. After consideration of the factors involved, the Academy has informed us by letter, copy of which is enclosed, that the final reporting date as set forth in Public Law 91-441 cannot be met if a satisfactory study is to be done. The National Academy of Sciences committee performing the study believes an overall period of at least 2 years is needed to provide the kind of data necessary for a genuine assessment of the ecological and physiological effects of herbicides in Vietnam. The Academy will provide an interim report which can be submitted to the Congress by 1 March 1972 and a final report to the Secretary of Defense by 31 August 1973 which would be transmitted to the Congress within 30 days thereafter. In view of the arguments set forth by the National Academy of Sciences I plan to accept their time schedule for the reports.

Sincerely,

MELVIN R. LAIRD.

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., September 15, 1971.

DR. JOHN S. FOSTER, JR.,
Director of Defense Research and Engineering,
Department of Defense, Washington,
D.C.

DEAR DR. FOSTER: The Committee on the Effects of Herbicides in Vietnam under the Chairmanship of Dr. Anton Lang has met and considered the charge given to it under Public Law 91-441. The Committee arrived at the unanimous conclusion that because of the long-range nature and the complexity of the study, the final report date (January 31,

1972) set forth in PL 91-441 is unrealistic and cannot be realized if the charge is to be met. I enclose a copy of a memorandum from the Committee listing the considerations which led to this conclusion.

The Committee will provide an interim report to be transmitted from the National Academy of Sciences to the Secretary of Defense by January 31, 1972, and will submit a final report by August 31, 1973. The scope of the study and the work plan for the proposed two-year study was transmitted to your office on September 7, 1971.

Sincerely yours,

JOHN S. COLEMAN,
Executive Officer.

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., Sept. 10, 1971.

Subject: Time period required to complete Vietnam-Herbicide Study

To: Mr. John S. Coleman,
From: Dr. Philip Ross

1. The study has been planned in two stages (1) the reconnaissance stage during which selection will be made of the most suitable localities or materials for more detailed study in the long-range or second stage and analysis of the range of variables that might be encountered; and (2) the long-range stage during which a study in detail of the sites and conditions that developed from the reconnaissance stage will be made.

2. At least one year is needed for planning, formation, and training of work teams for the study of the effects of herbicides on the human population, and for the training of Vietnamese scientists for follow-up studies in the experimental ecological studies.

3. At least twelve months will be necessary for observation of the vegetation, for natural leaf fall, flowering, seed viability and dispersal, and seedling growth.

4. Collection of soil samples and analysis for herbicide residues and plant nutrients will take at least 18 months.

5. At least twelve months will be necessary to follow experimental studies on planting selected species of trees as well as agricultural crops in defoliated areas under a wide range of variables. Only such experimental studies will provide data for assessing methods for rehabilitation of damaged areas.

6. At least eighteen months will be necessary to analyze the complexities of herbicide treatment, type, number of treatments, and time of treatment; type of vegetation, land use and differential plant susceptibility to herbicides; and the interaction of herbicide treatment with other weapons such as high explosives, fragmentation bombs, artillery, and Rome plows.

7. The Committee recognizes the necessity of inspecting sites other than Vietnam where herbicides have been applied on a relatively large scale under tropical conditions.

8. The Committee does not feel that a study of a short period of less than two years will provide the kind of precise data that is necessary for a genuine assessment of ecological and physiological effects of herbicides in Vietnam.

Mr. MCINTYRE. In summary, Mr. President, I have addressed this subject in great detail because it is of interest to many of the Members of the Senate, as well as to the people of the United States. In my view, the requirements of Section 506(c), Public Law 91-441, with the exception of the need to extend the time for reporting the results of the study, are being implemented by the Secretary of Defense with the cooperation of the National Academy of Sciences in a highly exemplary manner. These agencies should be recognized for the completely satisfactory manner in which they are proceeding with this

work. As further progress is reported, I will make it a point to keep the Members of the Senate advised of all of the significant details.

Mr. STENNIS. Mr. President, as we approach a final vote on this procurement bill, I want to commend all who have participated in this extensive debate. I believe the Senate has shown, in recent weeks, that it can deal rather quickly with rather complex subject matter when it has a mind to do so.

Of course, I especially want to thank the Senator from Maine (Mrs. SMITH), who has made her usual perceptive and valuable contributions. I want to thank Senator MCINTYRE, chairman of our Research and Development Subcommittee, and Senator CANNON, chairman of the Tactical Air Power Subcommittee.

I also want to thank the Senator from Virginia (Mr. BYRD), and the Senator from Texas (Mr. BENTSEN), members of the committee who functioned as assistant floor managers. Finally, I want to thank the Senate leadership for helping to expedite us on amendments of unanimous-consent agreements. The Senator from Montana and the Senator from West Virginia have rendered highly valuable service to all Senators in arranging unanimous-consent agreements regarding time for debates and rollcall votes.

There have been relatively few changes in this very comprehensive bill on the Senate floor. The total for the procurement and research and development programs of the Department of Defense is still some \$21 billion, about 5.3 percent less than the budget request recommended to the committee. To that total is added, by a floor amendment, \$381 million in military pay provisions. An extensive outline, project by project, of the contents of the bill begins at page S14087 in the printed CONGRESSIONAL RECORD for September 10. As I said at the outset of the debate, I believe this is the only authorization bill, for certain specified Government activities, which is below budget requests in the present congressional session.

I believe the bill carries a prudent minimum in procurement and research and development authorization for the current fiscal year. I am pleased that the Senate has rejected attempts to make major cuts.

Under the bill, I think the armed services will be able to go forward with reasonable weapons development and procurement. I want to stress that strategic programs will not be curtailed. Neither will they be accelerated, with the strategic arms talks now in progress.

As I have said, the bill will provide a second installment of pay incentives for the Armed Services. These supplement pay provisions of the Draft Act together, they provide incentives which are designed to give the concept of an all-volunteer military force a full and fair test.

As Senators know, a new version of the Mansfield end-the-war amendment has been added to this bill. Finally, in another noteworthy action, the Senate has approved a new reporting system requiring annual reporting of certain de-

velopment and procurement data by the Department of Defense.

This may be a good time to say that the job of providing an adequate national defense at a cost the taxpayers can bear, becomes annually more difficult.

The Senate Armed Services Committee is concerned, as all Senators are, with the escalating costs of weapons and manpower which threaten to give us less defense for more money.

We are pressed for time, but I want to assure the Senate that the Armed Services Committee will continue to explore every avenue which may lead to economy in the procurement of weapons and military manpower, recognizing, of course, that national security is the keystone which supports all the freedoms which we cherish.

Mr. President, the fine work of the committee staff was essential for this bill. I want to commend them for the excellent work and the long hours they have spent on all phases of this legislation. Those of the committee staff who have assisted directly are:

T. Edward Braswell, Jr., chief counsel and staff director; R. James Woolsey, general counsel.

Professional staff: Charles J. Conneely, Charles H. Cromwell, Hyman Fine, George Foster, Jr., LaBre Garcia, John Goldsmith, Don Lynch, Ben Gilleas, Edward B. Kenney.

Staff aide: Mrs. Fran Funk.

Mr. President, I do not know of any other matter to come before the Senate. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. THURMOND. Mr. President, will the Senator yield to me for 1 minute?

Mr. STENNIS. I yield to the Senator such time as he may require.

Mr. THURMOND. Mr. President, the pending bill, H.R. 8687, to authorize appropriations during fiscal year 1972 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons is now ready for final passage.

This bill would also provide for the necessary research, development, test, and evaluation for the Armed Forces and prescribe the authorized personnel strength of the Selected Reserve of each of the Reserve components of the Armed Forces, and for other purposes.

The total requests which the Senate Armed Services Committee considered in this bill amounted to \$22,188,337,000. The committee recommended an authorization of \$21,018,482,000, or a decrease of \$1,169,855,000. This represents a reduction of 5.3 percent from the sum requested by the Defense Department.

Mr. President, this bill contains many important items to insure the defense of our Nation. It provides funds for vital strategic systems such as the intercontinental ballistic missiles, the submarine-launched ballistic missiles, and development of a new manned bomber. Further, it meets critical needs in weaponry for our conventional forces, such as development of a new battle tank.

The chairman of our committee, the distinguished Senator from Mississippi

(Mr. STENNIS) has handled this bill in an exemplary manner. He has fully considered each amendment and given the Senate the benefit of his views on each. His handling of the bill has enlightened the Senate and the Nation reference the need for the vital authorization contained in H.R. 8687. The discussion of this bill has occupied the Senate since early September.

The distinguished Senator from Maine (Mrs. SMITH) has also spoken on the many amendments offered to this bill. As have other members of the committee, she has provided valuable counsel to the Senate in the lengthy consideration of this legislation.

If our Nation is to insure that the American people will not have to live under the fear of an enemy attack, we must provide a defense which is superior to that of any would-be aggressor. This point was made in the opening pages of the committee report in which it was stated:

As the Nation debates its many serious domestic needs in an atmosphere of weariness with the war in Vietnam, it is important to remember that a superior defense capability is and must remain our No. 1 national priority.

Mr. President, there are those of us on the committee and in the Senate who feel this bill does not go far enough to meet our defense needs and the challenge being made by the Soviet Union. It is my hope that future procurement bills will more realistically address the threat which faces us. I urge the Senate to approve H.R. 8687.

Mr. STENNIS. Mr. President, I wish to say one word about the Senator from Montana and the Senator from West Virginia and the long days of excellent service they have rendered here in arranging unanimous-consent requests in reference to the debate and rollcall votes on these many amendments. These arrangements have saved untold time to each individual Senator and days and days of time to the Senate. I believe their work has probably cut in half the time it would have taken to dispose of the bill.

I especially want to thank them and have it placed in the permanent RECORD. Of course, we were assisted by the minority leaders, but the real majority of it was carried by the majority leaders.

I wish to pay tribute to the Senator from Maine (Mrs. SMITH) who over the long months of this year never failed to be on duty and ready to be consulted and make suggestions on the floor of the Senate, and usually with a fine attitude and in a constructive way.

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

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I intend to say something a little later, but first I want to thank the distinguished chairman of the committee, the Senator from Mississippi, for the gracious remarks he has just made. The Senator gives too much credit to the majority leader, but I do think credit should go to the distinguished assistant majority leader, the Senator from West Virginia (Mr. BYRD), and the distinguished minority leader, the Senator from Pennsyl-

vania (Mr. SCOTT), and the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN).

I will have more to say but I thank the distinguished Senator.

Mrs. SMITH. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SMITH. Mr. President, I want to express my deep appreciation to the distinguished chairman of the committee for his kind words in regard to me. I also join him in commending the leadership on both sides of the aisle for their assistance in getting this bill through in such time as it has taken. Less than 1 month ago when we first took up this bill it was expected that it would be 6 or 8 weeks before it was passed. Much of this is to be credited to the distinguished and able chairman of the committee, the Senator from Mississippi (Mr. STENNIS). He is a dedicated man, especially when it comes to military and national security matters. He has complete knowledge, extreme patience, and understanding. How he stands on his feet day after day for such long periods is beyond the conception of most of us. His expert leadership and dedication has brought this measure to completion today. I express my appreciation and the appreciation of the minority side for his dedication and perseverance.

While expressing to our distinguished chairman, I would be remiss if I did not add my sincere thanks to the staff for their conscientious and dedicated attendance and effort throughout the long months of hearings, the markup and the floor debate.

This important legislation could not have been accomplished without the efficient contributions of the committee staff who have labored long hours without ever complaining. This has all been accomplished under the able direction of Mr. T. Edward Braswell our chief counsel and staff director who has performed a magnificent job.

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

Mrs. SMITH. I yield back my time.

The PRESIDING OFFICER. The bill having been read the third time the question is, Shall it pass? 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. HATFIELD (after having voted in the negative). Mr. President, on this vote I have a live pair with the distinguished Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "yea." I have already voted "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. STEVENSON) and the Senator from

Washington (Mr. JACKSON) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

On this vote, the Senator from Illinois (Mr. STEVENSON) is paired with the Senator from South Dakota (Mr. McGOVERN).

If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas, 82, nays 4, as follows:

[No. 257 Leg.]
YEAS—82

Alken	Ellender	Montoya
Allen	Ervin	Moss
Allott	Fannin	Packwood
Anderson	Fong	Pastore
Beall	Gambrell	Pearson
Bellmon	Griffin	Pell
Bennett	Gurney	Percy
Bentsen	Hansen	Proxmire
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brock	Hollings	Saxbe
Brooke	Hruska	Schweiker
Buckley	Hughes	Scott
Burdick	Humphrey	Smith
Byrd, Va.	Inouye	Spong
Byrd, W. Va.	Javits	Stafford
Case	Jordan, N.C.	Stennis
Chiles	Jordan, Idaho	Symington
Church	Kennedy	Taft
Cook	Long	Talmadge
Cooper	Magnuson	Thurmond
Cotton	Mathias	Tower
Cranston	McClellan	Tunney
Curtis	McGee	Weicker
Dole	McIntyre	Williams
Dominick	Metcalf	Young
Eagleton	Miller	
Eastland	Mondale	

NAYS—4

Fulbright	Mansfield	Nelson
Gravel		

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hatfield, against

NOT VOTING—13

Baker	Jackson	Sparkman
Bayh	McGovern	Stevens
Cannon	Mundt	Stevenson
Goldwater	Muskie	
Harris	Randolph	

So the bill (H.R. 8687) was passed.

The title was amended, so as to read: "An act 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 authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes."

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

ORDER TO REPRINT H.R. 8687 AS PASSED

Mr. STENNIS. Mr. President, I ask unanimous consent that the bill be reprinted with all amendments as passed by the Senate, and that the Secretary be authorized to make purely technical corrections, such as renumbering sections.

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

Mr. MANSFIELD. Mr. President, for nearly a month the distinguished Senator from Mississippi (Mr. STENNIS) has been leading the Senate in the consideration of this most important and highly complicated measure. As chairman of the Senate Armed Services Committee he defended and advocated the military procurement bill. He did so with great stamina, with forthrightness, and all of the many outstanding qualities which JOHN STENNIS has exhibited throughout his long and successful career. The Senate appreciates his devotion deeply.

Even before this measure was made pending he handled the Selective Service Act and together these proposals meant that Senator STENNIS was called upon time and time again to clarify, to expedite, and generally to help the Senate get through its business; and there was none more important.

In recent years I must say, there has been an increased awareness of the importance of the military procurement bill. It is the authorization that outlines the future defense posture of the United States. Senator STENNIS, as chairman of the Armed Services Committee, has helped institute significant and helpful changes in procedure to allow the Senate the type of rational deliberation that is necessary to prepare this Nation for the future. I note with particular appreciation his committee report pertaining to the need for less extensive, more effective weapons systems. It is because of these types of acknowledgments that the Senator from Mississippi has been so adept at managing his committee's legislative proposals. The Senate owes a great vote of thanks for the tremendous service the Senator from Mississippi (Mr. STENNIS) has rendered this body.

The ranking minority member of the Senate Armed Services Committee, Mrs. SMITH, is equally to be commended. Through her thoroughness and dedication to service she assisted with the outstanding expertise and cooperation that has marked her years of public service. The gracious lady of the Senate in a quiet and dignified manner contributed greatly to the expeditious handling of the bill. Her judicious remarks contributed to the overall high caliber of debate. The Senate owes Senator SMITH a deep note of thanks.

The Senator from Nevada (Mr. CANNON) and the Senator from New Hampshire (Mr. MCINTYRE) each played very important roles as chairman of Subcommittees of the Armed Services Committee. They were called on frequently to give in depth analyses about proposed amendments and their willingness to participate in floor discussions was most instructive. The Senate owes each of them a note of appreciation as well.

As has been the case in recent years,

there were a number of significant and well-thought-out amendments to the procurement bill. Some were accepted, some were defeated, but they all contributed to the deliberations and our enlightenment. On the important matter of national defense, the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. BUCKLEY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. GRAVEL) each offered specific amendments that were debated in the best tradition. The exchange of information that occurred with each of these amendments were of great importance and the Senate is most appreciative.

The Senate is indebted as well for the amendments offered by Senator HARTKE of Indiana, Senator SYMINGTON of Missouri, Senator MATHIAS of Maryland, Senator MCGOVERN of South Dakota, Senator BYRD of Virginia, and Senator MCGEE of Wyoming. Their contributions are always noted and appreciated in this Chamber.

The able and distinguished Senator from Wisconsin (Mr. PROXMIRE) was particularly active in discussing and offering amendments to this authorization bill. His thorough knowledge of the different proposals in this legislation was demonstrated innumerable times. The constructive colloquies he participated in were most helpful. Senator PROXMIRE has gained a reputation for his thoroughness and dedication—two qualities the Senate appreciates very much.

The distinguished Senator from California (Mr. CRANSTON) and the Senator from Minnesota (Mr. HUMPHREY) were also actively engaged in the floor discussion on this bill. Their insight and comments were most helpful and their willingness to cooperate with all Members was of significant importance.

Senator EAGLETON and Senator NELSON through their diligent efforts were most helpful in raising important questions of policy that I am sure the Senate conferees will take note of in their deliberations with the House. Their effort is much appreciated.

The chairman of the Senate Foreign Relations Committee, Mr. FULBRIGHT played an important role in helping to clarify issues. It is only through this type of accommodating-style that the Senate is able to do its legislative work. His efforts are noted with an appreciative thanks.

The Senate as a whole has displayed once again its ability to deliberate, debate, amend, and finally enact important legislation within a reasonable time period. Through the efforts of the distinguished chairman of the Armed Services Committee, Mr. STENNIS, and all the members of the Armed Services Committee the Senate can take pride in its legislative accomplishments. If the present schedule is maintained, which I am reasonably sure it will be, we will have an adjournment before too long. Each Senator is to be thanked for his individual cooperative efforts.

Mr. CRANSTON. Mr. President, the Senate has disposed of this bill this year with considerable dispatch—perhaps, in the case of some amendments, with less time for deliberation than some Sena-

tors might have liked. Nevertheless, the debate did provide some opportunities to go to the root of what is troubling many Senators in connection with military procurement: The fact that all too often we tend to confine ourselves to an examination of the details of controversial programs without taking time to reexamine the underlying reasons why those programs exist in the first place. For example, in yesterday's debate over the amendments of the Senator from New York (Mr. BUCKLEY) we had the privilege of hearing from the chairman of the Armed Services Committee, a lucid and much needed reminder of the basic consideration underlying the size and composition of our strategic forces: deterrence, not counterforce. I was pleased to stand beside the Senator from Mississippi yesterday to applaud his driving home that lesson.

In another vitally important area, however, we still seem to be navigating in a heavy fog. We are still groping for the real intentions of the administration with respect to total withdrawal from Vietnam.

On September 30, in an extended colloquy with the distinguished minority leader, I stressed the fact that in approving title IV of the draft extension bill, Congress by overwhelming votes expressed its view that there should be total American military withdrawal from Vietnam contingent only on the release of our prisoners of war.

The Senate reaffirmed that position that very day by again passing the Mansfield amendment.

I pointed out that the essential differences between the Congress and the President were:

First. The Congress wants us to get all our men out; the President implies leaving a residual force.

Second. The Congress sets only one condition for withdrawal; the President sets many, including giving the people of South Vietnam a chance to develop a democratic system.

In the course of the colloquy, I asked the distinguished Senator from Pennsylvania when the President ever promised total withdrawal provided there was a total release of prisoners and an accounting for those missing in action.

The minority leader replied that he had a letter to that effect.

He then introduced into the RECORD a letter sent to him by Clark McGregor, counsel to the President.

The pertinent paragraphs of that letter quoted President Nixon as stating:

Our goal of ending the American involvement, of preventing a Communist take-over, of obtaining the return of our POWs, can be attained, in my opinion, and will be attained, and the complete American withdrawal consistent with that goal will occur.

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.

I submit, Mr. President, that my original question remains unanswered: When did the President ever promise total withdrawal provided there is a total release of POW's and an accounting for missing men?

The answer is: Never.

I submit, too, Mr. President, that my original contention holds true: The Congress sets only one condition for total American military withdrawal—the release of our POW's. The President sets many conditions.

The fog surrounding the administration's intentions in Vietnam has not lifted.

That is why we must insist, this time, that the stronger Mansfield amendment in the present military procurement bill not be watered down. We must stay with it.

ORDER FOR RECOGNITION OF SENATOR PROXMIER TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. PROXMIER) be recognized for not to exceed 15 minutes on Thursday morning, following the remarks to be made by the distinguished Senator from Florida (Mr. CHILES).

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

- S. 30. An act to establish the Arches National Park in the State of Utah; and
- S. 1116. An act to require the protection, management, and control of wild free-roaming horses and burros on public lands.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H.R. 1867. An act for the relief of Bernadette Han Brundage;
- H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;
- H.R. 1997. An act for the relief of Joseph F. Sullivan;
- H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez;
- H.R. 3082. An act for the relief of Ronnie B. (Mallit) Morris and Henry B. (Mallit) Morris;
- H.R. 3383. An act for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido;
- H.R. 3425. An act for the relief of Helen Tziminadis;
- H.R. 6503. An act for the relief of Captain Claire E. Bron;
- H.R. 6670. An act for the relief of John Vincent Amiralet;
- H.R. 8083. An act to amend title 5, United States Code, to provide a career program for, and greater flexibility in management

of, air traffic controllers, and for other purposes; and

H.R. 10422. An act to amend title 10, United States Code, to limit the separation of members of the armed forces under conditions other than honorable, and for other purposes.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 415) providing for adjournment of the House from Thursday, October 7, 1971, to Tuesday, October 12, 1971, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

- S. 47. An act for the relief of Flore Lekanof;
- S. 617. An act for the relief of Sin-Kel-Fong;
- S. 1489. An act for the relief of Park Jung Ok;
- S. 1759. An act for the relief of Leonarda Buenaventura and her daughter Lucila B. Ocariza.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

- H.R. 1867. An act for the relief of Bernadette Han Brundage;
- H.R. 1970. An act for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes;
- H.R. 1997. An act for the relief of Joseph F. Sullivan;
- H.R. 2108. An act for the relief of Nemesio Gomez-Sanchez;
- H.R. 3082. An act for the relief of Ronnie B. (Mallit) Morris and Henry B. (Mallit) Morris;
- H.R. 3383. An act for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido;
- H.R. 3425. An act for the relief of Helen Tziminadis;
- H.R. 6503. An act for the relief of Captain Claire E. Bron;
- H.R. 6670. An act for the relief of John Vincent Amiralet; to the Committee on the Judiciary.
- H.R. 8083. An act to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes; to the Committee on Post Office and Civil Service.
- H.R. 10422. An act to amend title 10, United States Code, to limit the separation of members of the Armed Forces under conditions other than honorable, and for other purposes; to the Committee on Armed Services.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 6, 1971, he presented to the President of the United States the following enrolled bills:

- S. 47. An act for the relief of Flore Lekanof.
- S. 617. An act for the relief of Sin-Kel-Fong.
- S. 1489. An act for the relief of Park Jung Ok.
- S. 1759. An act for the relief of Leonarda Buenaventura Ocariza and her daughter Lucila B. Ocariza.

CREATION OF A COPYRIGHT IN CERTAIN RECORDINGS

Mr. McCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 646.

The PRESIDING OFFICER (Mr. ROTH) laid before the Senate the amendments of the House of Representatives to the bill (S. 646) to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes, which were on page 2, line 17, strike out "P" and insert: "(P)"; and on page 5, line 9, strike out all after "enactment," down through and including "date," in line 16, and insert: "The provisions of title 17, United States Code, as amended by section 1 of this Act, shall apply only to sound recordings fixed, published, and copyrighted on and after the effective date of this Act and before January 1, 1975, and nothing in title 17, United States Code, as amended by section 1 of this Act, shall be applied retroactively or be construed as affecting in any way any rights with respect to sound recordings fixed before the effective date of this Act."

Mr. McCLELLAN. Mr. President, S. 646 seeks to eliminate the pirating of phonograph records and tapes by extending copyright protection to records and tapes. This legislation was passed by the House of Representatives on October 4 with two amendments, one of which is of a technical nature. The other amendment provides that the granting of copyright protection shall expire on December 31, 1974. The purpose of the amendment is to permit the Congress to again consider this subject when it acts on the long delayed omnibus copyright revision bill. The amendment is agreeable to the proponents of this legislation, and the minority concurs in my recommendation that the Senate accept the House amendments.

I may say that at a meeting of the subcommittee this afternoon, I was directed as the chairman of the subcommittee to take the action I have now requested of the Senate.

Mr. SCOTT. I have no objection.

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the amendments of the House to S. 646.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

REVISION IN COTTON GINNING REPORT DATES

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 932.

The PRESIDING OFFICER (Mr. ROTH) laid before the Senate the amendment of the House of Representatives to the bill (S. 932) to amend title 13, United States Code, to provide for a revision in the cotton ginning report dates which was, on page 1, line 5, strike out "report" and insert "reports".

Mr. TALMADGE. Mr. President, the House yesterday passed S. 932 with a technical amendment, merely substituting the plural "reports" for the singular "report" in the section heading. This is a purely technical amendment. It has been cleared with the ranking minority member of the Committee on Agriculture.

I move that the Senate concur in the amendment of the House to S. 932.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader if he will tell us the schedule for the remainder of the week.

Mr. MANSFIELD. Yes, indeed.

In response, may I say to the distinguished Senator, the minority leader, that the Senate will come in at 10 o'clock tomorrow morning. The Senator from Florida (Mr. CHILES) and the Senator from Wisconsin (Mr. PROXMIER) will be recognized, and there will be a morning hour not to exceed 30 minutes, with statements therein limited to 3 minutes.

When that is completed, the pay resolution will be brought up immediately, and, if perchance it is not, we hope to take up the continuing resolution on appropriations and supplemental appropriations instead, both of which will take little or no time at all.

Mr. ELLENDER. Both have been passed by the House and will be sent to the Senate tomorrow.

Mr. MANSFIELD. Excuse me. They will be coming up Friday.

Mr. ELLENDER. They will be considered by the Senate Appropriations Committee and reported to the Senate as soon as possible.

Mr. MANSFIELD. That is right.

Tomorrow there will be a rollcall vote on the pay resolution.

On Friday, the Senate will come in at 10 a.m. After the recognition of any Senators who have special orders, the business will be the two appropriation measures—the continuing resolution and the urgent supplemental having to do with unemployment compensation for Vietnam veterans.

In addition, the Senate will consider S. 2482, authorizing financial support for improvements in Indian education. According to those who will be managing the bill, there will be a rollcall vote on S. 2482.

If this is out of the way, the Senate will then adjourn from Friday until Tuesday, because the calendar will be virtually clear.

On Tuesday, the Senate will convene at 12 o'clock noon. Following the usual procedures during the morning hour, the Senate will turn to the consideration of S. 1437, a bill to amend the Airport and Airways Development Revenue Acts of 1970.

When that bill is disposed of, the Senate will take up the D.C. home rule bill, which will be under the managership of the distinguished Senator from Missouri.

Mr. SCOTT. I thank the distinguished majority leader.

I take due note of the fact that the Senate will not be in session on Monday next for the purpose of celebrating the victory of the Pittsburgh Pirates in the National League and their forthcoming victory over Baltimore in the World Series.

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

Mr. MANSFIELD. May I say that the Presiding Officer and the majority leader who both happen to be from Montana, even though representing different States, anticipate that Dave McNally will put a different ending to that game when it comes off on Monday next.

Mr. EAGLETON. Mr. President, I have the floor, but I feel constrained to yield to the Senator from Maryland—either Senator from Maryland—for at least 30 seconds.

Mr. MATHIAS. We just want to say that the Senator from Pennsylvania may well enjoy his moment of pleasure and pride, because we think it will be short-lived.

Mr. BEALL. We are happy to be allied with the majority leader in this case.

Mr. MANSFIELD. Mr. President, I yield at this time to the distinguished Senator from Ohio, for the purpose of calling up a nomination.

EXECUTIVE SESSION

Mr. SAXBE. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination reported earlier today.

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

Mr. SAXBE. Mr. President, I ask unanimous consent that the requirement that the nomination lie over for one day be waived, and that it be brought up for immediate consideration.

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

Mr. EAGLETON. A point of order, Mr. President. To what nomination are we addressing ourselves?

Mr. SAXBE. This is a nomination to the Court of Military Appeals.

The PRESIDING OFFICER. The nomination will be stated.

U.S. COURT OF MILITARY APPEALS

The legislative clerk read the nomination of Robert M. Duncan, of Ohio, to be judge of the U.S. Court of Military Appeals.

Mr. SAXBE. Mr. President, this relatively young man has demonstrated over the years a capacity for hard work, good sense, and the ability to be a judge under our Constitution. I think that because of his wide experience, both military and judicial, he will be a credit to this important court.

Mr. THURMOND. Mr. President, I had the pleasure of meeting and talking with Judge Duncan, and I went into his legal experience and his qualifications.

He has been a judge in Ohio. He served 2 years in the Army. He appears well qualified to be on the Military Court of Appeals, and it is my judgment that he will be a credit to that court.

Mr. TAFT. Mr. President, let me take this moment to comment on the confirmation of the appointment of Robert M. Duncan, of Ohio, to be a judge on the U.S. Court of Military Appeals.

I have known Judge Duncan for a number of years. He enjoys a very high reputation in the legal profession and in his service on the bench. I believe that his will be an outstanding appointment. We are, I believe, fortunate to have a man of this caliber undertaking such a difficult position at this time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. SAXBE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

LEGISLATIVE SESSION

Mr. SAXBE. 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.

AMENDMENT OF DISTRICT OF COLUMBIA ELECTION ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2495.

The PRESIDING OFFICER (Mr. ROTH) laid before the Senate the amendment of the House of Representatives to the bill (S. 2495) to amend the District of Columbia Election Act, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the District of Columbia Election Act (Act of August 12, 1955 (69 Stat. 699) as amended, D.C. Code, sec. 1-1100 et seq.) is amended as follows:

(1) Subsection (2) of section 2 is amended as follows:

(A) Clause (A) is amended by striking out "one-year period" and inserting in lieu thereof "six-month period" and by inserting at the end thereof immediately before the semicolon, except in the case of an election of electors of President and Vice President of the United States the period shall be thirty days".

(B) Clause (B) is amended by striking out "twenty-one" and inserting in lieu thereof "eighteen".

(2) Paragraph (7) (A) of subsection (a) of section 10 is amended by striking out "on the twenty-first day following such election" and by inserting instead "on the twenty-eighth day following such election".

(3) Subsection (a) of section 8 is amended by adding at the end thereof the following new sentence: "In the case of a petition nominating a candidate for the office referred to in clause (2) of the first section of this Act, if the rules of the political party of the candidate for whom such petition is being circulated require a statement on such petition indicating which prospective presidential candidate such candidate supports, or a statement indicating that he supports no prospective candidate, the Board shall affix such statement to such petition."

(4) Subsection (c) of section 8 is amended by adding at the end thereof the follow-

ing new sentence: "With respect to the ballot for any election for the office referred to in clause (2) of the first section of this Act, if the rules of a political party require the voters of such party to be informed on the ballot as to which prospective presidential candidate each candidate of such political party for such office supports, the Board shall indicate such commitment, or lack thereof, for each candidate on the ballot for such political party."

Mr. EAGLETON. Mr. President, I move that the Senate concur in the House amendment with an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

That subsection (2) of section 2 of the District of Columbia Election Act (Act of August 12, 1955 (69 Stat. 699) as amended, D.C. Code, sec. 1-1100 et seq.) is amended as follows:

(1) Clause (a) is amended by striking out "one-year period" and inserting in lieu thereof "ninety-day period" and by inserting at the end thereof immediately before the semicolon, except in the case of an election of electors of President and Vice President of the United States the period shall be thirty days".

(2) Clause (b) is amended by striking out "twenty-one" and inserting in lieu thereof "eighteen".

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

SOUTH ASIAN RELIEF

Mr. DOLE. Mr. President, much has been said about the tragedy in East Pakistan and its consequences. All of us have been deeply moved by the suffering of uncounted millions of human beings who have been affected by events there this year.

But, Mr. President, the time has come to restore balance to the public and congressional discussion of this issue. I fully understand why a great deal of emotion has crept into and warped the discussion.

This is a time for all of us to talk reasonably about the best way to help these people. No one can afford the luxury of exploiting this emotion for partisan political purposes here. The job is difficult enough and costly enough as it is.

Let me first lay to rest the myth that the administration has not responded to this crisis with compassion for the suffering of others and has stood idly by. The public record shows that U.S. assistance—now valued at \$222.8 million—is about 50-percent more than that of all the other nations combined. Let me review for just a moment the outlines of our present assistance program for East Pakistan and for the Pakistani refugees in India:

For the over 8 million refugees in India, the United States has so far contributed \$77.8 million under U.N. coordination. This has gone for emergency food, clothes, vitally needed medical care, shelters, and sanitation facilities for those who crossed the borders in

flight. And an important and sometimes unnoticed factor in providing such assistance is the U.S. capability for having the appropriate transport facilities to get these items in quickly or, for example, to move refugee populations closer to relief distribution centers. In short, for the refugees in India the United States responded immediately and generously with both the funds and the machinery to expedite our relief assistance.

For some 70 million people in East Pakistan, the United States has committed \$145 million in humanitarian relief, through the U.N. relief operation. This includes shipment of over 1 million tons of food and assistance of all kinds—transport, technical advice, housing, medical supplies, and help in the distribution of relief items. Everything possible is being done to help avert the famine which has been a very real prospect. The United States almost singlehandedly is keeping the food supply pipeline full and is also providing the means to get the food from the overburdened ports to the people. The United States is also meeting much of the cost of the U.N. relief operation.

Much more, of course, needs to be done, and this also is recognized by the administration. This week the President submitted a request to Congress for an additional \$250 million. In doing so, he has endorsed the \$100 million inserted into the foreign assistance appropriation by the House of Representatives and, reflecting the administration's close review of the situation, he has recommended an additional \$150 million. This money will go for nonfood assistance and will be supplemented with more food shipments and nondollar aid as they are required. As to the future, the administration is continuing to review the situation at a high-level. It is being assisted in this job by a distinguished panel—the Advisory Panel for South Asian Relief—of prominent and concerned Americans appointed by the President.

I would like at this point to emphasize an important premise that underlies the President's program. It is unfortunately a premise that has not been adequately recognized in much of the discussion on this floor.

All of this assistance is based on the view that one cannot approach this problem by dealing only with the refugees in India. Legislation has been proposed in this Chamber to provide \$400 million in assistance for refugees in India. That is welcome, and there will be serious discussion of how best to help those people. But that proposal makes no provision at all for dealing with the root of the problem in East Pakistan.

Everyone agrees that we must help the refugees in India. That is not an issue. Anyone who tries to make an issue of it reveals a narrow, one-dimensional approach to the problem.

The problem of the refugees is only one part of a larger problem. It is woefully shortsighted to talk only about them. If we were to concentrate only on their relief, we would almost certainly assure that they would become permanent refugees, and we would probably assure that their number would increase.

I, for one, could not be party to a policy which in effect doomed millions of people to a permanent life as refugees and made no realistic provision for at least trying to create conditions which might permit them to return home, and allay conditions which would create still more of them.

Of course, we want to help the refugees, and the President has requested substantial funds for that purpose. But it is the situation in East Pakistan that will determine whether there is an additional flood of refugees or whether conditions will develop which will encourage some of the present refugees to return to their homes. If there is famine in East Pakistan, certainly none of the present refugees will return and, worse yet, millions more people may flee their homes.

That is why the President's program provides not only for the refugees in India but also seeks the means to alleviate suffering and avert famine in East Pakistan. This is a broad and balanced humanitarian approach to the whole problem—not an ideologically inspired half solution.

Second, let me address the general posture of our Government toward the situation in South Asia. I must again say that all of us are deeply moved by the great human misery that has resulted from events this year in South Asia. There is compassion and moral indignation in all of us over these events. But the issue for foreign governments is what they can actually do in the real world to keep the situation from getting worse and even hopefully to help set it on the road toward improvement.

Some have suggested that we can best help by simply giving outraged voice to our indignation. Some individual Americans—certain Members of this body in particular—have tried that and have been denied access to East Pakistan. Yet East Pakistan is where the solution or the exacerbation of this problem will be found. It is, therefore, of the greatest importance that in the name of morality we not cut ourselves off from the only people—the Government of Pakistan—that have the capacity to change the immediate situation.

I do not say this harshly, but with regret. How much better would the Senate, the Government, and the people of the United States have been served if Members of this body recently in the area had been able to bring back to us insights and proposals for a total solution to this problem. As it is, we are given only a proposal for meeting the needs of those who are already committed as refugees. We are given no proposal for meeting the needs of people in the area where there is hope—hope that people already in their homes may remain there and hope that people who are now refugees may return to their homes.

What if the U.S. Government had similarly been denied access to that area of potential famine? Would it serve the interests of the men, women, and children in East Pakistan and the interests of the men, women, and children in the Indian refugee camps, or for that matter the Government of India, for the

United States to be standing by as a spectator unable effectively to bring to bear its great resources to avert famine? Giving vent to our emotions satisfies moral impulse, but it is not always the best way to achieve results, and when this is the case—as it is in East Pakistan—is it not a very questionable morality?

The answer is clearly that there are some situations in which it is more effective to swallow one's emotions and to get on with the job in the best way that circumstances permit. There is a strong argument in this case for quietly doing what is necessary to restrict the flow of military and economic assistance—as the administration has done—and doing what is necessary to meet the needs of the situation but without antagonizing those who control the area which is the source of the problem.

Otherwise, we would only be satisfying ourselves and destroying any opportunity we might have to do anything of real significance to help those who are suffering. This is not acting without reference to traditional American humanitarian values and principles as some have implied. It is, I submit, a basic humanitarian response to act first in the interests of others who are suffering rather than to satisfy oneself.

It has been recognized by the administration that there can be no normal economic development assistance in a situation as disrupted as this one. The United States has not made any new commitments of such development assistance this year. All assistance committed to Pakistan this year has been directed at the relief effort and surely no one can find fault with helping innocent people.

A great deal has been made about what is described as the continued flow of military assistance. What are the facts? Some \$3½ million in spare parts have left the United States in the last 6 months. At the same time, no new commitments have been made and no new licenses for export have been issued. At most, another \$2½ million might be shipped, if present practice were continued. Is it conceivable by any objective standards that this kind of equipment could have changed the military balance in East Pakistan? The answer is obviously that it could not. Nor can the Government of Pakistan have any illusions that it is being supported militarily by the United States when many millions of dollars' worth of equipment orders have not been filled.

Mr. President, this is a plea to my colleagues to restore balance and perspective to the discussion of this issue. We are all subject to the great emotional pressures generated by human misery on this scale. But let us, at least in our discussion of what we can do, try to put those emotions in perspective and try to leave politics aside. The President has proposed a major program which addresses the totality of this problem—not just one part of it—and this deserves serious, unemotional, nonpartisan discussion. Members of the Senate and the House of Representatives have made proposals of their own, and they should be seriously discussed.

In the true American humanitarian tradition, let us think first of the people suffering as a result of developments in East Pakistan and construct our policies to meet their longer run needs and not just what we might perceive to be our own shortrun gains or satisfactions. This is the foundation of the administration's policy toward South Asia and it deserves our full support.

So, Mr. President, I would close by saying that this is a plea to all my colleagues to restore balance and perspective in the discussion of this issue.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement of President Nixon concerning East Pakistan and the problems there.

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

PRESIDENTIAL STATEMENT

I am today requesting the Congress to appropriate additional funds to meet human needs in South Asia. The United States has been deeply concerned over the situation in South Asia both on humanitarian grounds and because of the implications for peace.

Recent events in East Pakistan, compounding the destruction from natural disasters, have led to widespread human suffering. Unchecked this situation could drift toward greater disaster in the form of famine or even war. It is a primary objective of the Administration to relieve suffering and help avert such a situation.

Acting on its mandate as the conscience of the world community, the United Nations, under the leadership of the Secretary General, has focused concern on the plight of those who are caught in this situation. Through its special missions in Dacca and New Delhi, the United Nations has also provided the operational framework for channeling relief supplies to the millions who need them both in India and in East Pakistan.

Many countries and private donors are responding to this enormous challenge. The United States has already provided substantial amounts of food and foreign exchange to support the programs of the United Nations in aid of the millions of refugees in India and the millions who could face starvation in East Pakistan.

But more needs to be done—by the United States and by other donors. The costs of dealing with this problem through this fiscal year are expected to be over a billion dollars, far beyond the means of India and Pakistan. The House of Representatives early recognized the need for unusual humanitarian relief for South Asia and on August 3, 1971, authorized \$100 million in additional funds under the Foreign Assistance Act. Since that time, however, the magnitude of the need has grown. It is also important that we be able to play our proper role promptly if contingencies in the relief operation arise.

I therefore urge that, in addition to completing action on the House initiative, the Congress authorize and appropriate an additional sum of \$150 million for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan under the Foreign Assistance Act. Together with food supplied under Public Law 480, these funds will enable us to do our share in mitigating the effects of this human crisis, and thus help avert the deeper tragedies that all too easily could follow.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 10 o'clock tomorrow morning, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. Af-

ter the two leaders have been recognized under the standing order, the following Senators will be recognized for not to exceed 15 minutes each and in the order stated: the junior Senator from Florida (Mr. CHILES) and the senior Senator from Wisconsin (Mr. PROXMIER).

Following the recognition of the two Senators under the orders previously entered, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The pay resolution will be called up during the day, and in all likelihood immediately following the period for the transaction of routine morning business.

Under the law, the time for debate on that resolution will be limited to 2 hours and no amendments may be offered thereto. The resolution is not subject to any motion to recommit, nor is a motion to reconsider the vote thereon in order. There will be a rollcall vote on the adoption of the resolution.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that

the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 7, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate October 6, 1971:

U.S. NAVY

Rear Adm. Kent L. Lee, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 6, 1971:

DIPLOMATIC AND FOREIGN SERVICE

Malcolm Toon, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Federal Republic of Yugoslavia.

U.S. COURT OF MILITARY APPEALS

Robert M. Duncan, of Ohio, to be judge, U.S. Court of Military Appeals, for the term of 15 years expiring May 1, 1986.

HOUSE OF REPRESENTATIVES—Wednesday, October 6, 1971

The House met at 12 o'clock noon.
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God has not given us the spirit of fear: but of power, and of love and of a sound mind—II Timothy 1: 7.

Almighty God, our Father, in whose hands are all the nations of the earth, grant to them Thy guidance and Thy wisdom that they may prosper in promoting the welfare of their citizens and the well-being of mankind. Grant that all people and all races may feel their kinship with each other since all men are Thy children.

We pray especially for our own beloved Nation, set amid the perplexities of a changing order and face to face with new and challenging tasks. Deliver us from hatred, jealousy and ill will. Stimulate within us the spirit of justice, tolerance, and friendliness. Unite us as a people that we may work together for our own good and for the good of all mankind. May wars soon cease and the day come when there will be in reality peace on earth and good will among men.

All this we ask in the spirit of the Prince of Peace. 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.

STEED-LENT ANTIBUSING DISCHARGE PETITION

(Mr. DOWNING asked and was given permission to address the House for 1

minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DOWNING. Mr. Speaker, I take this time to advise my colleagues that the Steed-Lent antibusing discharge petition is now at the Clerk's desk and available for signature. I know this is a long rocky road to a distant goal, but it is the only route available to us.

I say to the Members, if forced busing has not reached your district yet, that is no reason not to sign this petition, because the forced busing will reach your district, and when it does you are in trouble. So I hope as many of my friends as possible will sign this Steed-Lent discharge petition.

PERSONAL EXPLANATION

(Mr. JAMES V. STANTON asked and was given permission to address the House for 1 minute.)

Mr. JAMES V. STANTON. Mr. Speaker, the business of the Cuyahoga County Board of Mental Retardation, of which I am chairman, required that I return unexpectedly to Cleveland on Monday, October 4. Thus I was unable to vote on House Resolution 596, disapproving the President's action in postponing the Federal employees' scheduled pay increases. Had I been present, I would have voted "yea," for the resolution.

THE 1970 HANDGUN MURDERS IN TOKYO: THREE

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, in 1970 538 people were murdered with handguns in New York City.

In 1970 in Tokyo, a city almost half again as large as New York, how many people do you suppose were murdered with handguns? Exactly three.

This startling contrast was reported last Sunday in the New York Times. The article will appear in today's Extensions of Remarks.

Also in 1970 there were 74,102 robberies in New York City. In Tokyo—474.

According to Japanese police officials, the absence of handguns in the hands of the public is a key factor in keeping the murder and robbery rate down.

In Japan only the armed forces, the police, ballistic researchers, and sporting marksmen may have pistols, and their use is carefully regulated.

Mr. Speaker, when are we going to come to our senses and start moving in the same direction as the police commissioner of New York City is pleading with us to do?

TEXTILE QUOTAS

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, American jobs are at stake in the present textile negotiations with Japan. The future of our textile industry and the jobs of 2.3 million Americans are hanging in the balance. The good faith of the administration is on the line, in view of its repeated pronouncements that the textile industry is in a different category and is in need of special assistance.

The textile negotiations with Japan have reached a critical stage. The Japanese have manifested unprecedented hostility toward any meaningful agreement. I urge the President to stand firm and in-