who answered their country's call, fought, returned, and now are in fact finding it hard to find opportunities and responsibilities for building a better nation. We need jobs, training and a compassionate country to handle that problem.

Later, when we have done what we should do for those who did what they should do, then perhaps we can levy on our pool of compassion for some consideration of the lot of those who ran off to Canada.

But not this Christmas. This Christmas, we want to reserve as much of our compassion and priorities as we can for those with first call on it, and those who ran to Canada evaded any claim to priority on that matter just as certainly as they evaded the summons their country sent to them and the war in Vietnam.

We didn't like the war, but we're not prepared yet to welcome home voluntary exiles who ran away from it while others went in their stead. Let them wait a while longer so we can all think about it a little more.

SENATE—*Wednesday, October 27, 1971*

The Senate met at 11 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:

O God in whom reposes all might and power and wisdom, look upon Thy servants here to whom the people have committed the welfare of this Nation. Into their hearts send Thy light and Thy truth. Teach them the lesson that it is not in the possession of power but in the uses to which it is put that all men are under divine judgment. So, amid the collision of world forces, when the channel of history seems turned from its course, when little men shrivel and perish, keep Thy servants here calm, confident, wise, and just, anchored to the faith of the Founding Fathers. And may they and we behold, in the swift changing scene, the opening of a new challenge, radiant with promise and vibrant with hope in which we shall play our full part as faithful servants of the King of Kings and Lord of Lords.

For Thine is the kingdom and the power and glory forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 26, 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.

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 Oklahoma (Mr. HARRIS) is now recognized for 15 minutes.

AMERICA'S RURAL HEALTH CRISIS, 1971

Mr. HARRIS. Mr. President, in testimony before the Senate Labor and Public Welfare Subcommittee on Health on March 31, 1971, Dr. Robert L. Nolan, the chairman of the division of public health and preventive medicine of the West Virginia University School of Medicine, has eloquently brought to attention the actual crisis dimensions of our health care system in rural America.

Dr. Nolan's testimony points out that for many rural communities there are no practicing health personnel available at all. For a country with the best medical expertise in the world, this situation is a national disgrace. The lack of medical services in rural America has reached the shameful point wherein a person's right to a healthy life is a function of his or her place of residence. It is time we realize that the right to health in this country is exactly that: a right for all Americans, not a privilege for a few.

This is simply not the case in rural America. Statistics bear out this fact. One-half of the 1,343 maternal deaths in the United States per year occur in rural areas and small towns, although in our country 70 percent of the people live in urban areas. The infant mortality rate in rural America is one-third higher than the rest of the Nation, and there exists a 30- to 40-percent higher rate of disability and death from accidents in these areas of our country than elsewhere.

Mr. President, the reasons for the shocking lack of health care in rural America transcend the issue of health itself.

Rural Americans, for the most part, simply do not share in the good things of our society. Poverty is the central fact of life for 14 million, or one out of every four, rural Americans. Unemployment, inadequate housing, lack of transportation, poor schools, and the lack of strong public or private institutions are the hallmark of the general deterioration of rural America. We cannot isolate the health care problem from this larger problem.

Dr. Nolan's testimony before the Subcommittee on Health recognizes the health care problem of rural America as part of a larger phenomenon. With uncharacteristic vision in this age of the specialist, where problems and their solutions are categorized into neat little pigeonholes, Dr. Nolan brings to the scene a refreshing change in outlook. He knows that another hospital here, and two more doctors there, are not really going to change things. Fundamental change is necessary.

Mr. President, Dr. Nolan describes the problems of rural America with the sense of urgency they deserve. And he also proposes the urgent solutions these problems demand. I would hope that each of my colleagues will give this valuable testimony careful consideration. I ask unanimous consent that it be printed in the RECORD.

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

THE RURAL HEALTH CRISIS, 1971

Gentlemen, I appreciate your invitation to participate in this Hearing today to present some observations and recommendations concerning health matters in rural areas.

For a variety of reasons studied by countless commissions and committees, rural people do not share in the same opportunities as the rest of their fellow Americans.

Rural health conditions in this country today are the heritage of decades of continuing neglect and indifference, which has left our deprived rural regions far behind the rest of the Nation. Whatever elements we attribute to the "health crisis" in the country today, these are severely aggravated in our rural areas, where conditions similar to underdeveloped countries often prevail.

Poverty in rural America dominates the lives of an estimated 14 million people, or one out of four living in rural areas, compared to one out of eight in urban areas.

In the urban ghetto, help can be summoned from the surrounding affluent regions; people and agencies are available who can give their skills to provide assistance. In an emergency, hospitals do exist within the city, an ambulance may be found, and so may a doctor.

In the isolated rural areas there may be no ambulance, no hospital, no doctor, just no help available. The resources that we take for granted in the cities simply do not exist in many of our rural areas. These shortages in rural areas also affect those with financial resources, who must travel long distances for needed health care and also have no access to adequate emergency care.

Rural areas share the other liabilities of the ghetto: unemployment, inadequate housing, crowded dwellings, and discrimination. In addition, the rural areas are plagued by an absence of transportation (which is almost complete, and which the new Railpax will not resolve), isolation created by geography, weather, and poor roads, lack of strong public or private institutions, dispersal of population impairing political effectiveness and community organization.

In many rural areas, even water, waste disposal, electricity, and modern heating—basic needs associated with a modern civilization—are all lacking.

RURAL HEALTH ISSUES—WEST VIRGINIA ILLUSTRATION

The situation in West Virginia is illustrative of problems in other rural areas. Almost 60% of West Virginia's population is dispersed in rural areas, many living in relatively isolated "hollows," without access to

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health and medical services. There is a severe shortage of physicians, dentists, and nurses in these rural areas; in some counties there are no practicing health personnel available at all.

The State's own Health Task Force Report in 1967 noted:

(1) There were only 96 M.D.'s per 100,000 population, compared with a national average of 142 M.D.'s per 100,000. Furthermore, an undetermined number of these physicians (average age 53 years) were not in fulltime practice. In the last 10 years over 60 communities with populations of less than 10,000 have been left without physicians as rural practitioners retired and were not replaced. In 13 counties there was only one physician for four times the patient population recommended by the American Medical Association (1/700), and in six counties the population load for physicians was six times the recommended ratio.

(2) Although it was estimated that the State needed 720 public health nurses, as a minimum, there were only 136 so identified, or one-sixth the need. In addition, less than two dozen of these nurses were actually trained in public health.

(3) Of all West Virginia families, 32.6% had total incomes of less than $3,000 per year. This represented 150,637 families. Only 44,193 families in this group were receiving welfare assistance. (That is, assistance payments based on 52% of need determined in the early 1960's.) The rest had to fend for themselves and had no organized support for medical care.

(4) Local county health departments in the remote areas typically do not have a full-time health officer and have to rely upon an already overworked local physician for a few hours of part-time service per week. Programs and services in such departments are very limited and rarely are able to make a significant impact upon unmet individual health needs.

(5) Water and sewage services essential for health were found to be inadequate in 120,000 homes in West Virginia.

(6) Of the 521,142 homes in the state, 375,000 disposed of solid waste in such a manner as to create a nuisance and public health hazard.

(7) There was no adequate public transportation in rural areas for either ordinary or emergency medical care.

The data submitted with regard to a typical West Virginia rural county illustrates the exceedingly low per capita and family income, limited education, and diminishing physician ratio. Furthermore, you will note that the expenditures in the District of Columbia with comparable health, welfare, and mental health activities were $111.25 per capita in comparison with $24.12 per capita in West Virginia, or a ratio of about 4½ to 1. Thus, the District of Columbia had available twice the money for one-half the population.

In surveys conducted locally by physicians of our Division, there has been well-documented inadequate housing, absence of water, lack of preventive medical services, and a variety of untreated medical conditions ranging from parasitism to heart disease.

Turning to the national picture, over 130 rural counties have been identified without any private doctors at all. A study of Minnesota, North Dakota, South Dakota, and Montana revealed that as of 1965 two-thirds of the total of 1,600 towns were without physicians.

All these circumstances have their expression in:

(a) higher maternal death rates (one-half of the 1,343 maternal deaths in the U.S. per year occurred in rural areas and small towns);

(b) higher rates of disability and death from accidents (30–40% higher);

(c) higher infant mortality rates in rural areas (one-third higher);

(d) longer periods of disability and hospitalization for specific illnesses.

TABLE I.—POPULATION DISTRIBUTION AND PERCENT CHANGE, 1950–70 [1]

[A typical West Virginia rural county—Land area in square miles, 645; urban places in square miles, 1.6; persons per square mile, 1950—49.0; 1960—42.0; 1970—39.5; percent population,[2] urban—10.1; rural/farm—14.4; rural/nonfarm—75.5]

Age group	Typical rural county				State of West Virginia			
	1950	1970	Number change	Percent change	1950	1970	Number change	Percent change
Under 5	3,929	2,206	−1,723	−43.9	240,107	139,021	−101,086	−42.1
5 to 19	9,284	7,585	−1,699	−18.3	562,809	508,309	−54,500	−9.7
20 to 44	10,336	6,917	−3,419	−33.1	720,383	511,954	−208,429	−28.9
45 to 64	5,232	5,552	+320	+4.4	343,727	390,833	+47,106	+13.7
65 and over	2,618	3,195	+577	+22.0	138,526	194,120	+55,594	+40.1
Total	31,399	25,455	−5,944	−18.9	2,005,552	1,744,237	−261,315	−13.0

[1] Source: OEO Community Profile Project. Computer printout, OEO, Charleston, W. Va. [2] Source: U.S. Census.

TABLE II.—POOR FAMILIES, 1960 AND 1966

	Number of families		Poor families [1]				Percent U.S. counties having lower percent of poor families [1]		Percent county families of State 1960	Percent poor families in county of State total, 1966
			Number		Percent					
	1960	1966	1960	1966	1960	1966	1960	1966		
State of West Virginia	462,100	482,900	139,400	105,900	30.1	21.9			100.0	100.0
Typical rural county	6,549	6,079	2,894	2,140	44.2	31.2	80	[2] 84	1.4	2.0

[1] In the typical county in the United States in 1966 there were 1,221 families ranked as poor. This represented 15.1 percent of total families in that "typical" county.
[2] 84 percent means that only 16 percent of all U.S. counties had a great proportion of poor families than this typical rural county of West Virginia.

Source: OEO Community Profile Project. Computer printout, OEO, Charleston, W. Va.

Health characteristics

Five year average infant mortality rate 1961–1965,[1] 27.9.

Physician to population ratio 1/4,242
Dentist to population ratio 1/8,485

Health officed part-time contributes approximately ½ day per week to public health duties.

Public health nurse to population ratio 1/25,455
Public health sanitarian to population ratio 1/25,455
General hospitals 1
Beds 54

County health department budget—1970 [2]:

	Total	Federal percent	State percent	Local percent	Per capita exp.
Typical rural county	33,580	4.8	39.4	55.8	1.32
Monongalia County	702,167	63.7	3.3	33.0	11.02

Approximate per capita governmental expenditures for health contrasting rural West Virginia with urban Washington, D.C.

West Virginia—Combined expenditures of W. Va. Departments of Health, Welfare, and Mental Health. 1970 Fiscal Year:

State Department of Health $7,823,000
State Department of Welfare (Medicaid) 15,500,000
State Department of Mental Health 17,400,409
Total 40,723,409

41,000,000 ÷ 1,700,000 = $24.12 per capita.

District of Columbia—Total expenditures of the D.C. Department of Public Health, 1969–1970: [b]

89,000,000 ÷ 800,000 = $111.25 per capita.

Sources:

[1] West Virginia Department of Health. *The Past Twenty Years of Maternal and Infant Health in West Virginia.* Compared with the U.S. 1946–65, June 1968.

FOOTNOTES

[a] Comparison with Monongalia County, where the resources of West Virginia University are located, shows relative inability of rural counties in lacking sophistication in grantsmanship and health manpower to compete for and capture Federal funds for health.

[b] District of Columbia figures include equivalent appropriation categories for mental health and welfare cited as separate items in West Virginia.

Other Socio-Economic Characteristics:

Income: [1]

Total Personal Income (1965) $33,773,000
Total wages and salaries 21,917,000
Total transfer payments 5,277,000
Per capita personal income (1965) 1,271
Median family income (1960) 3,214
Percent families—$3,000 (1960) 46.4
Percent families—$10,000 (1960) 3.6

Public Assistance:

Average Monthly Public Assistance Cases, July 1968–June 1969: [2]

OAA	128
AB	9
AD	85
AFDC	138
Total	360

Education: [3]

Median school years completed	8.6
Percent completed—5 years	10.6
Percent completed high school or more	25.7

Housing: [4]

All occupied housing units	7,681
All housing units with plumbing facilities	5,869
All housing units lacking plumbing facilities	2,656

Sources:

[1] Leyden, Dennis R. and Rader, Robert D., County Personal Income West Virginia, 1962–1965, Bureau of Business Research, W.V.U., December, 1968.

[2] W. Va. Department of Welfare: Annual Report, July, 1968 to June, 1969, Charleston, West Virginia.

[3] 1960 Census.

[4] 1970 Census.

MIGRANT HEALTH PROBLEMS

In March and April of last year I had the privilege of participating in a Field Foundation study of migrant health conditions, which included my own visits to Southwest Texas and South Florida.

Our team of physicians, which had intended to examine only 50 families in great depth at McAllen, Texas, found over 1,400 patients waiting for medical help. Most of these families were in seasonal agricultural work and unable to obtain needed medical treatment. Word had spread rapidly of our presence and over 900 people waited on the first day of the team visit, lining the streets around the small clinic made available to us in McAllen, Tex.

On Chart A is a list of the untreated conditions that were observed during that survey. Infectious disease, metabolic disorders, malnutrition, and congenital defects, all of which had gone untreated, were quite common.

I think it is significant that the residents of this area who lack medical care flock to obtain health services when an opportunity is available. No public or private program was available to those who had flocked to the survey team for assistance. Once more we had evidence that the migrants had been passed by, despite the ostensible existence of programs that were supposed to help them.

It was in this same area that a widespread epidemic of poliomyelitis occurred last year, which tragically proved the absence of adequate immunization there.

Typical of the migrant situation was the following individual case history:

In Hidalgo County, Texas, in a small crowded hut, we met a sick gentleman of 63 years of age. He looked much older than his age, quite weak and emaciated. He had worked in various parts of this country continuously as an agricultural laborer since nine years of age when he left school to help support the family. He was willing and anxious to work, but too weak to do so. He had experienced weight loss, easy fatigue, polydypsia and polyuria. Although a physician in a rural town had apparently diagnosed diabetes mellitus and prescribed insulin, his condition had not improved. The man did not understand the use of the insulin, and no one was available to explain to him or administer it. He had no electricity or refrigeration, which is necessary to preserve the insulin, and the insulin lay useless on a crossboard along the wall.

Although disabled, he was not eligible for social security disability or retirement and had no unemployment coverage. Local resources had paid for the physician's visit and the prescription, but there were no programs or persons with any kind of follow up care or responsibility. After a lifetime of hard work helping to produce our food, we had excluded him from the benefits we make available to virtually everyone else.

CHART A

List of medical conditions observed in Hidalgo-Star County health survey, conducted by Field Foundation March 3–8, 1970

1. chronic sinusitis.
2. chronic bronchitis.
3. otitis media with perforation.
4. unexplained adenopathy.
5. failure to thrive.
6. positive serology.
7. T.B.
8. T.B. on I.N.H.
9. costochronditis.
10. osteoarthritis.
11. scoliosis.
12. fractured rib, untreated.
13. hypertensive cardiovascular disease.
14. obesity.
15. peptic ulcer.
16. tapeworm.
17. ascariasis.
18. pin worms.
19. hypertension, untreated.
20. fungus infection of skin.
21. varicose veins with thrombophlebitis.
22. dental caries.
23. epistaxis, recurrent.
24. tinea corporis.
25. I.V. septal defect.
26. diabetes mellitus.
27. splenomegaly.
28. ovarian cyst.
29. anemia.
30. enuresis (age 12).
31. hematuria.
32. bronchial asthma.
33. bursitis.
34. reactive depression.
35. cholecystitis/cholelithiasis.
36. cataracts, unoperated.
37. hernia, unoperated.
38. protein malnutrition.
39. hyperkeratosis.
40. conjunctivitis.
41. impetigo.
42. glaucoma.
43. sarcoidosis.
44. cardiomegaly.
45. goiter.
46. pyelonephritis.
47. hearing loss.
48. gastritis.
49. glomerulonephritis.
50. hemorrhoids, bleeding, untreated.
51. pellagra.
52. ariboflavinosis.
53. epilepsy.
54. seborrheic dermatitis.
55. alopecia areata.
56. cervicitis.
57. rickets.
58. hyperthyroidism.
59. visual loss, untreated.
60. infantile diarrhea.
61. cerebral palsy.
62. untreated fractured knee.
63. scabies.
64. chronic pancreatitis.
65. iodine deficiency goiter.
66. unbiopsied neck nodule, 3cm.
67. diverticulitis.
68. iron deficiency anemia.
69. endometritis.
70. feeble-mindedness.
71. cystitis.
72. urethritis.
73. esophagitis.
74. chronic alcoholism.
75. exposure to pesticides.
76. cleft palate, uncorrected, 6 years.
77. spinal cord lesion with $L_{2,3}$ deficit.
78. congestive heart failure.
79. maduromycosis.
80. tonsillitis.
81. psoriasis.
82. recto-vaginal fistula.
83. paraplegia, field injury.
84. mental retardation.
85. thrush.
86. amebiasis.
87. bilateral peterygium.
88. ruptured lumbar disc.
89. hiatus hernia.
90. pyorrhea alveolaris.
91. arteriosclerosis obliterans.
92. tendon injury, unrepaired.
93. unbilical hernia.
94. laryngotracheobronchitis.
95. bilateral scrotal hydrocele.
96. birth defect.
97. club foot.
98. G.I. bleeding.
99. congenital heart disease.
100. migraine.
101. strabisumus, uncorrected.
102. cellulitis.
103. craniostenosis.
104. cancer of prostrate.
105. heart block.
106. infantile hemiplegia.
107. cystocele.
108. emphysema.
109. vaginal bleeding.
110. broken hip.

Recurrent themes observed in various rural areas have included:

(a) refusal of local hospitals (even those built with Hill-Burton funds) to admit patients without a cash deposit;

(b) difficulties in applying for existing benefits under state or federal programs;

(c) discriminatory practices in school lunch programs in violation of statutes and regulations;

(d) inability to qualify for federal home improvement loans because of lack of financial resources;

(e) refusal of categorical federal health programs (e.g., family planning, maternal and child health, etc.) to provide needed medical care for a diagnosis discovered as a result of the project;

(f) inability to find a job;

(g) poor schools;

(h) impassable roads; and

(i) no transportation.

It is widely acknowledged that health cannot be effectively separated from needs for equal opportunity and access to housing, environmental preservation, education, jobs, medical care, welfare, and all other public services. Yet we have not addressed ourselves as a Nation to any kind of comprehensive attack upon these problems.

Furthermore, the proposals now awaiting consideration, illustrated by proposed Health Maintenance Assistance Act of 1971 (S. 1182), and the National Health Insurance Standards Act outlined in the President's 1971 Message on Health (House Document No. 92–49) are unlikely to result in effective delivery to needy rural areas and certainly not to those where seasonal agricultural workers live. The area to which I have referred does not have the economic resources nor the technical ability to attract such programs as these proposals envision, and, unless there are compelling incentives to serve these neglected groups, they can be expected to be left behind again.

The President's National Advisory Commission on Rural Poverty in 1967 aptly described rural poverty in the United States a national disgrace. This most powerful and

wealthy Nation certainly does have the capacity to deal with these problems.

RECOMMENDATIONS FOR ACTION

In my judgment we have had enough studies and documentation. I respectfully offer these recommendations for your consideration:

(1) For appropriate committees in Congress to give their combined consideration to the 1967 Reports by the President's National Advisory Commission on Rural Poverty: *The People Left Behind* and *Rural Poverty in The United States*. The recommendations of this Commission are well-developed, comprehensive, properly focused and should be implemented forthwith.

(2) For prompt development of the National Health Service Corps authorized by PL 91–623, enacted December 31, 1970, but not yet funded nor planned for implementation. When passed, as you know, that was called the Emergency Health Personnel Act of 1970.

(3) For establishment of a federally-financed rural network of community health services and health related programs to assure comprehensive health services for all residents in rural areas. The state and local communities have been and are unable to finance such programs.

(4) For economic incentives for health institutions (e.g., medical schools, hospitals, health departments) to involve themselves more directly in the solution of rural health problems, and conversely economic penalties for those which decline to become so involved.

(5) For establishment by federal statute of a new civil right to medical care for everyone in an emergency, with appropriate civil and criminal penalties for denial of this right.

(6) For establishment by federal statute of a new civil right to medical care for every sick child, with apropriate civil and criminal penalties for denial of this right.

(7) For statutory criminal and civil penalties applicable to any public official or employee obstructing, impeding, or delaying any public or private benefit to any person relating to health, education, welfare, or employment.

(8) For a federal rural multi-purpose ombudsman program rendering direct assistance in health, education, welfare, employment, and other services to rural families throughout the country, and visiting each family at least once a year to assure rural family assistance.

(9) For economic and other incentives for individuals with needed skills to settle and work in rural areas.

(10) For prompt federal action to halt all adverse land use practices such as strip mining, uncontrolled timbering, and pollution practices, which are destroying the natural beauty of our rural areas and threaten to make these regions uninhabitable.

(11) For establishment of a Rural Development Agency for human resources and needs within the Department of Health, Education, and Welfare, with responsibility for developing, coordinating, and delivering programs to people in rural areas.

(12) For allocation of 1% to 2% of all appropriations for health, welfare, education, and other personal service programs to assure the self-enforcement and delivery of benefits to prospective recipients. This could finance legal services for assuring availability to the beneficiaries.

(13) For allocation of at least 10% of appropriations for categorical health service programs to permit such programs to assume financial responsibility for diagnosis and treatment of health conditions discovered among their beneficiaries, which are not otherwise within the scope of their programs. The present statute and regulations ordinarily prevent this approach.

(14) For an amendment to the U.S. Constitution to guarantee to every adult responsible for his own support or the support of others an opportunity for gainful employment consistent with his skills. The federal government should be the employer of last resort. We must stop forcing people to subsidize our economic system through their own unemployment and resulting poverty. There is much productive work that can be done throughout the country, including work in the health professions.

(15) For an amendment to the U.S. Constitution to eliminate the present inequality of opportunity of all kinds for people in the various states by a new definition of "equal protection of the laws," requiring a uniform national standard and full equality nationally in the availability of all services and programs related to local, state, or federal government. Inequality of opportunity in which government actively participate cannot be eliminated until we adopt a uniform, constitutionally mandated national standard of equality.

I believe implementation of these proposals could permit a unified comprehensive approach to rural health needs and arrest the progressive deterioration of Rural America.

(The remarks of Mr. HARRIS when he introduced S. 2746 and 2747 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of 30 minutes for the transaction of routine morning business with the statement of each Senator therein being limited to 3 minutes.

Is there any morning business?

EXTENSION OF AUTHORITY CONFERRED BY THE EXPORT ADMINISTRATION ACT OF 1969—SENATE JOINT RESOLUTION 167

Mr. SPARKMAN. Mr. President, I submit a report from the Committee on Banking, Housing and Urban Affairs on Senate Joint Resolution 167 and ask unanimous consent for the immediate consideration of the joint resolution. I have cleared this request with the leadership on both sides of the aisle, and there is no objection to proceeding to immediate consideration of this measure.

The PRESIDENT pro tempore. The clerk will report the joint resolution.

The Legislative Clerk read as follows:

S.J. Res. 167, a joint resolution to extend the authority conferred by the Export Administration Act of 1969.

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

The Senate proceeded to the consideration of the joint resolution.

Mr. SPARKMAN. Mr. President, very briefly, this resolution extends the Export Administration Act from October 31, 1971, until May 1, 1972; that is, a simple 6-month extension of the Export Administration Act.

Under existing laws the Export Administration Act expires on this coming Sunday. In order to continue the act and in order to give the House of Representatives an opportunity to act on this matter, it is most important for us to consider Senate Joint Resolution 167 immediately.

Mr. President, I send to the desk an amendment to the joint resolution. This has been cleared with the ranking minority member of the committee and as far as I know there is no opposition to it.

The PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

After line 6, insert the following:

"Sec. 2. Sec. 404(g) of the National Housing Act is amended by striking out '1¾' and substituting in lieu thereof '1⅝' ".

Mr. SPARKMAN. Mr. President, the purpose of this amendment is to prevent an unintended call for prepaid premiums to the Federal Savings and Loan Insurance Corporation. Unless amended, the present law would require associations to divert up to $400 million of housing funds into payment of prepaid insurance premiums.

The background of the situation is this. The present law requires that if the ratio of FSLIC reserves to insured savings falls below 1.75 by December 31 of a given year, member associations are required to commence prepaid insurance premiums equal to 2 percent of their savings growth during the year. It was not anticipated that reserves would fall to 1.75 until 1973 or 1974—by which time the Congress would have worked out a more permanent and stable method of maintaining an adequate FSLIC financial structure. However, there has been an extraordinary increase in insured savings in 1971—which has been extremely helpful in stimulating home building—and the reserve ratio may drop to 1.75 or slightly below it by December 31, 1971. The reserve ratio decline is solely the function of the increase in savings and does not reflect a reduction of dollar reserves.

By amending the 1.75 to 1.60, the triggering of the prepaid premiums can be postponed for a year, giving Congress enough time to work out a permanent system. This would leave the FSLIC reserves at a very adequate level—substantially above the 1.25 existing for the Federal Deposit Insurance Corporation.

No objection has been expressed to this amendment, the effect of which is simply to prevent an unanticipated diversion of several hundred million dollars of housing funds from prepaid premiums which are not necessary.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 167) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 167

Joint resolution to extend the authority conferred by the Export Administration Act of 1969

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Export Administration Act of 1969, as amended (Public Law 92-37; 85 Stat. 89), is amended by striking out "October 31, 1971" and inserting "May 1, 1972".

SEC. 2. Section 404(g) of the National Housing Act is amended by striking out "1¾" and substituting in lieu thereof "1⅜".

ORDER OF BUSINESS

The PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. 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.

TEACHERS' SALARY INCREASES

Mr. SPONG. Mr. President, no aspect of the current wage and price freeze has created greater confusion than its application to teacher salary increases. With a few exceptions, those increases were effective weeks before the freeze was ordered. Funds were appropriated for the purpose, contracts were signed and many school personnel worked and drew salaries at the higher rates.

In its initial ruling, the Cost of Living Council seemed to say that any increase which was effective prior to August 15 would be allowed to stand. Spokesmen for the Office of Emergency Preparedness publicly estimated that about 80 percent of the Nation's teachers would qualify for raises under that guideline.

Not long afterward, however, the ruling underwent a series of complicated refinements which had the effect of reducing the OEP's estimate of benefiting teachers to less than 20 percent. It reduced general understanding of the guidelines even more. School administrators, attorneys general, and teacher association representatives, all of whom had a responsibility for applying the law, were at a loss to fit the overlapping rulings made by the Cost of Living Council to the specific circumstances of their situation.

In an effort to clarify the policy with regard to Virginia teachers, my office wrote to the OEP on October 8, requesting specific guidance on whether the Richmond, Va., School Board would be able to pay scheduled salary increases this year. With that letter were sent copies of actual contracts signed by Richmond teachers and a letter from the school board detailing the specific circumstances of the contract situation.

On October 12, my office received a reply from the OEP's general counsel. That reply completely evaded the specific question I posed and, instead, reiterated the latest version of the Cost of Living Council's general guidelines. As I informed the OEP in a followup telegram on October 15, its letter was of no help in answering the inquiries made by my office. I again requested a specific ruling at the earliest time.

During this same period, the Attorney General of Virginia—Andrew P. Miller—was making similar inquiries of OEP, with special reference to the OEP's favorable ruling in the case of North Carolina teachers. Because he had found "the probative facts relating to salary increases for Virginia teachers identical to North Carolina's," Attorney General Miller phrased his request for guidance in the same language as that of the North Carolina Governor.

The reply received by Mr. Miller from OEP on October 14 was identical to that received a few days earlier in my office. It contained no reference to the specific inquiry made but was merely a restatement of the guidelines which were being questioned in the first place. In contrast, the guidance that went out to North Carolina Gov. Robert W. Scott in a telegram signed by General Lincoln was detailed and categorical, and I quote from that part of the message dealing with salary increases:

This is in reply to your letter of September 9, 1971 and your Attorney General's letter of August 20 on the subject of teachers salaries in the state of North Carolina. Clarification contained herein is based on supplemental guidance on teachers salaries contained in my cable to you last night, September 14. Specific answers to the questions posed in your letter are as follows:

1. Yes, the nine and one quarter month teachers can receive the salary increase provided by the new salary schedules even though these teachers did not perform service prior to August 15, 1971. This conclusion is based on your letter which indicates that the contract was in effect prior to August 15 and that the nine and one quarter month teachers were under a contract giving them the option to accrue pay prior to August 15.

2. By our definition, a system-wide contract is a contractual agreement which covers all teachers in the system, includes uniform criteria for pay eligibility and allows all to draw pay on a 12-month basis if they chose. If in fact such a contract makes all teachers eligible to accrue pay prior to August 15, it is irrelevant whether any one teacher performs work or accrue pay prior to August 15.

On the authority of that telegram, and with the concurrence of the attorney general of North Carolina, the State is now making increased salary payments to its public school teachers.

Mr. President, I want to make it clear that I support the President's wage and price freeze. If anything, I believe it should have been declared sooner than it was. But, I applaud the moves that have been taken and I believe the great majority of Americans support them, notwithstanding the sacrifices they entail.

It is essential, however, that these policies be administered fairly. Nothing will more quickly erode public confidence in the program than to have one group treated differently from another in the same situation. I am afraid that is what is happening to teachers in this country and they are deeply disturbed by it.

I call upon the Cost of Living Council to rectify this inequity and to adopt the North Carolina guidelines as the standard for teachers everywhere. Nothing short of that, in my judgment, would serve the interests of even-handed justice.

Mr. President, today I have expressed my deep concern about the handling of this situation in telegrams to President Nixon, Secretary of the Treasury John Connally, and Mr. Arnold Weber, Director of the Cost of Living Council. I ask unanimous consent that the correspondence between my office and OEP and between the office of Attorney General Miller and OEP be printed in the RECORD.

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

OCTOBER 15, 1971.

Re your letter of October 10, in response to October 8, inquiry by Mr. Lewis of my staff.

Mr. ELMER BENNETT,
General Counsel,
Office of Emergency Preparedness,
Washington, D.C.:

While I am pleased to have the restatement of OEP's general policy, what was requested was a specific ruling on a specific situation concerning the Richmond, Virginia School System. Your letter is not helpful in answering the inquiry made of this office. I would appreciate having specific ruling at the earliest possible time.

WILLIAM B. SPONG, Jr.,
U.S. Senator.

OCTOBER 8, 1971.

Mr. RAY WARNER,
Office of Emergency Preparedness,
Executive Office Bldg. Annex,
Washington, D.C.

DEAR RAY: Enclosed is the material from the Richmond School Board concerning teacher salary increases. The letter from Mrs. Crockford speaks of an exemption but it is understood that they would prefer to be granted the increase under the rules as interpreted by OEP.

The letter also does not specifically state that teachers in the system have the option of a ten or twelve month pay schedule but, again, this is understood to be the case. Examples of a twelve and ten month contract are appended to the letter.

We would apprecaite the earliest possible consideration of this.

Best wishes,

Sincerely,

JACK W. LEWIS,
Legislative Assistant to Senator William B. Spong, Jr.

OFFICE OF EMERGENCY PREPAREDNESS,
Washington, D.C., October 12, 1971.

Mr. JACK W. LEWIS,
Legislative Assistant to Senator William B. Spong, Jr., Committee on Commerce, Washington, D.C.

DEAR MR. LEWIS: This is in reply to your letter of October 8, 1971 with respect to the

effect of the wage-price freeze on teachers' salaries.

The Cost of Living Council has recently issued a concise explanatory statement which summarizes the Council's rulings to date. This guidance is contained in paragraph 502(1) of OEP Economic Stabilization Circular No. 18, and provides as follows:

"Because of the number of requests received for information on teacher salaries, the following additional comments are submitted, summarizing the previous rulings of the Cost of Living Council on this issue. The permissibility of salary increases for teachers during the wage-price freeze is determined by the criteria applicable to other wage and salary earners. Whether a teacher can receive a salary increase depends upon the facts and circumstances of the particular case. A teacher may receive pay at a new increased rate under the terms of the freeze only if the teacher was receiving or, in the special circumstances set forth below, could have received pay at the new rate prior to August 15. The date when a new pay rate went into effect or when a teacher signed a contract are not relevant in determining whether the higher salary level is applicable to the teacher. The determining factor is the point in time when the particular teacher could acually receive pay at the higher rate.

"An individual teacher is entitled to a pay increase contracted for prior to August 15 if, but only if,

"(a) He performed work for the increased pay rate prior to August 15, or

"(b) He was entitled to receive immediate payment prior to August 15 at the increased rate, or

"(c) In his contract signed prior to August 15, he had an option to receive pay on a 10-month basis rather than a 12-month basis and he elected the 10-month basis and had he elected the 12-month basis he would have actually received pay at the increased rate prior to August 15.

If the teacher performed work at the increased pay rate prior to August 15, he is entitled to the increased rate even though his first pay check was received after August 15.

"(d) If the teacher is eligible under the contract for a pay increase upon completion of additional educational courses, or upon receipt of a degree, this is considered to be a bona fide promotion and is not affected by the wage freeze.

"(e) A teacher employed in the school system for the first time must qualify under the criteria set forth above in order to be paid at a new increased rate."

Notwithstanding all prior references to accrual of pay, you will note that the underlying principle applied to teachers is: If the employment arrangement requires that a teacher begin work to be eligible for pay, then the date of beginning work is the date the teacher is eligible to accrue pay.

I hope the above information satisfactorily responds to your inquiry.

Sincerely,

ELMER F. BENNETT,
General Counsel.

COMMONWEALTH OF VIRGINIA,
Richmond, Va., October 22, 1971.

Mr. ARNOLD WEBER,
Director,
Cost of Living Council,
U.S. Treasury Department,
Washington, D.C.

DEAR MR. WEBER: I am in receipt of a letter dated October 14, 1971, from Mr. Elmer F. Bennett, General Counsel of the Office of Emergency Preparedness, which purports to be a reply to my letter to you dated September 28, 1971. Copies of both letters are attached hereto. I must stress that I consider Mr. Bennett's reply to be unresponsive to my query and totally unsatisfactory.

As you know, in response to a request from the Governor of North Carolina, the Director of the Office of Emergency Preparedness provided Governor Scott with a direct answer to the same question as that which I posed on September 28th. This answer in turn enabled the Governor to direct payment of increased wages for North Carolina teachers based on General Lincoln's reply. For this reason, and for the reason that the probative facts relating to salary increases for Virginia teachers are identical to North Carolina's, I phrased my question in the same language as that of Governor Scott.

It was my hope that a direct answer would be forthcoming from the Cost of Living Council so that Virginia's teachers could be told with authority whether their salary increases would be permitted under the terms of the freeze; consequently, I am extremely dismayed that your office has failed to treat this situation procedurally with an even hand, particularly in view of the great number of persons who are affected.

May I request, therefore, a responsive reply, on the substantive issue raised in my letter of September 28th, at your earliest convenience from someone with the authority to make a ruling which can be relied on. I am confident that your office intends to treat each state on a nondiscriminatory basis and that this matter will be resolved without any further delay.

With kindest regards, I am

Sincerely yours,

ANDREW P. MILLER,
Attorney General.

OFFICE OF EMERGENCY PREPAREDNESS,
Washington, D.C., October 14, 1971.

HON. ANDREW P. MILLER,
The Attorney General,
Commonwealth of Virginia,
Richmond, Va.

DEAR MR. MILLER: This is in reply to your letter of September 28, 1971 with respect to the effect of the wage-price freeze on teachers' salaries.

The Cost of Living Council has recently issued a concise explanatory statement which summarizes the Council's rulings to date. This guidance is contained in paragraph 502(1) of OEP Economic Stabilization Circular No. 18, and provides as follows:

"Because of the number of requests received for information on teacher salaries, the following additional comments are submitted, summarizing the previous rulings of the Cost of Living Council on this issue. The permissibility of salary increases for teachers during the wage-price freeze is determined by the criteria applicable to other wage and salary earners. Whether a teacher can receive a salary increase depends upon the facts and circumstances of the particular case. A teacher may receive pay at a new increased rate under the terms of the freeze only if the teacher was receiving or, in the special circumstances set forth below, could have received pay at the new rate prior to August 15. The date when a new pay rate went into effect or when a teacher signed a contract are not relevant in determining whether the higher salary level is applicable to the teacher. The determining factor is the point in time when the particular teacher could actually receive pay at the higher rate

"An individual teacher is entitled to a pay increase contracted for prior to August 15 if, but only if,

"(a) He performed work for the increased pay rate prior to August 15, or

"(b) He was entitled to receive immediate payment prior to August 15 at the increased rate, or

"(c) In his contract signed prior to August 15, he had an option to receive pay on a 10-month basis rather than a 12-month basis and he elected the 10-month basis and had he elected the 12-month basis he would have actually received pay at the increased rate prior to August 15.

If the teacher performed work at the increased pay rate prior to August 15, he is entitled to the increased rate even though his first pay check was received after August 15.

"(d) If the teacher is eligible under the contract for a pay increase upon completion of additional educational courses, or upon receipt of a degree, this is considered to be a bona fide promotion and is not affected by the wage freeze.

"(e) A teacher employed in the school system for the first time must qualify under the criteria set forth above in order to be paid at a new increased rate."

Notwithstanding all prior references to accrual of pay, you will note that the underlying principle applied to teachers is: If the employment arrangement requires that a teacher begin work to be eligible for pay, then the date of beginning work is the date the teacher is eligible to accrue pay.

I hope the above information satisfactorily responds to your inquiry.

Sincerely,

ELMER F. BENNETT,
General Council.

SEPTEMBER 28, 1971.

Mr. ARNOLD R. WEBER,
Director,
Cost of Living Council,
U.S. Treasury Department,
Washington, D.C.

DEAR MR. WEBER: This office has been requested on several occasions to clarify the operation of the wage freeze order as it relates to teachers' salaries, and while I have attempted to interpret in a consistent manner the various guidelines which have been disseminated, it appears that there is no one answer which applies to every State and to every school division within a State. For this reason, it has become necessary to ask you for a concrete ruling based on the following facts:

1. On May 28, 1970, the State Board of Educaton, subject to the approval of the Governor, adopted a revised schedule of basic minimum salary levels for the fiscal years beginning July 1, 1970, and July 1, 1971. This schedule incorporated salary increase funds appropriated by the General Assembly in Item 510, Chapter 461 of the 1970 Acts of Assembly, which appropriated to the State Board of Education $220,337,425 for apportionment to the public schools for teachers' salaries by the State Board for the year beginning July 1, 1971. These sums represented an increase of $29,028,160 over the appropriation for the 1970–71 fiscal year, and receipt thereof by each locality is conditioned on its use of the minimum salary schedule set by the State Board of Education.

2. Virginia provides a statewide basic minimum level of financial support for the salaries of teachers in all of the State's 144 school divisions, with the number of "State aid teaching positions" in each division being determined by allotment formulas based upon average daily student attendance. In addition to the statewide minimum, each school division supplements teachers' salaries in differing amounts depending on local budgets. Thus a salary schedule for each division is arrived at.

3. By statute (§ 22–217.2 of the Code of Virginia), contracts for services between local school boards and professional personnel must be executed on a standard form prepared and provided by the State Board of Education for all of the State's school divisions (see attached). This contract, when executed, is entered into between the teacher and the local school board, and binds the school board to pay a fixed amount for the school session in equal monthly installments for services rendered. There is no mention in the standard contract of a specific state-

wide basic minimum salary to be paid to the individual teacher. These contracts are signed by the individual teacher in the spring of each year following approval of school budgets by the local governing body, and govern employment conditions and salary terms for the ensuing school year.

4. All 12-month teachers and all other 12-month school personnel are paid in 12 monthly checks. Teachers whose terms of employment are for 10 months receive their first pay check during the month of September of each school year. However, each 10-month teacher has the option to be paid in 12 equal monthly installments, which option is exercised simply by filling in the number "12" in the third blank in Paragraph 9 of the attached contract.

Based on these facts, may I request an official answer to the following:

Can the 10-month teacher receive the salary increase provided by the new salary schedules if this teacher did not perform services prior to August 15, 1971, but was under a binding contract prior to August 15, 1971? Please note that this is the same question posed by the Governor of North Carolina in his letter to you dated September 9, 1971, and is based on what I believe to be substantially the same factual situation. If your answer to my question, therefore, differs from that given to the Governor of North Carolina, I would appreciate your making the distinction clear, as it appears that in reliance on your telegram of September 15th the State of North Carolina is paying its school teachers the salary increases called for in their 1971–72 contracts.

With kindest regards, I remain

Sincerely yours,

ANDREW P. MILLER,
Attorney General.

ANNUAL CONTRACT WITH PROFESSIONAL PERSONNEL

This Article of Agreement, between the School Board of_____
county, city or town
State of Virginia, of the first part, and _____party of the second part:

Witnesseth, that the said party of the first part agrees to employ and the party of the second part agrees to accept such employment in the position of_____
_____
(administrator, supervisor, principal, teacher, librarian or other instructional staff)

subject to the authority of the party of the first part, under the supervision and direction of the division superintendent of schools, and agrees to the following conditions, to wit:

1. That the party of the second part:

(a) holds a Virginia certificate or license in full force ☐

(b) has completed the requirements for a Virginia certificate or license and has filed application for same ☐

(c) will qualify for a Virginia certificate or license prior to the effective date of employment ☐

2. The said party of the second part shall perform such duties during the period of this contract as are deemed necessary by the school board and superintendent for the efficient and successful operation of the school system.

3. The said party of the second part shall comply with all school laws, State Board of Education regulations, and all rules and regulations made by the party of the first part in accordance with law and State Board of Education regulations, and shall make promptly and accurately all reports required by the division superintendent of schools.

4. The said party of the second part hereby swears or affirms allegiance and loyalty to the Constitution of Virginia and the Constitution of the United States.

5. The division superintendent shall have authority to assign to their respective positions in the school wherein they have been placed by the school board all teachers, including principals, and may, with the approval of the school board, reassign any teacher or principal to any school within such division; provided no change or reassignment shall adversely affect the salary of such teachers and, provided, further, that the division superintendent shall make appropriate reports and explanations upon the request of the school board.

6. The said school board, party of the first part, upon recommendation of the division superintendent, reserves the right to dismiss said party of the second part as provided by law, after having given two weeks notice in writing and opportunity to be heard, paying for services rendered in accordance with this agreement to date of dismissal. In case schools are closed temporarily on account of an epidemic or for other necessary cause, the said board may require such loss of time to be made up within the school term or may extend the school term.

7. This contract shall not operate to prevent discontinuance of a position as provided by law.

8. The said party of the second part reserves the right to resign for just cause, giving said school board, party of the first part, two weeks notice in writing and setting forth therein the reason considered just cause for resignation. In the event the board declines to grant the request for release, and the party of the second part breaches the contract, the certificate of the party of the second part may be revoked under rules and regulations prescribed by the State Board of Education.

9. The said board, party of the first part, agrees to pay said party of the second part $_____ for the school session _____, payable:

(1) in _____ installments for services rendered, payable by the first day of each calendar month or as soon thereafter as possible.

or

(2) in accordance with schedule under "Special Covenants."

This contract covers the period _____ within which there shall be a minimum of 180 actual teaching days, plus _____ additional working days for teaching, in-service training, conferences, planning, evaluation, related services, and _____ days subject to assignment in the discretion of the party of the first part. In the event this contract is terminated by mutual consent prior to the end of the contract period, payment will be made for services rendered on a daily rate basis to be determined by dividing the annual salary stipulated in this contract by the number of days officially covered under the provisions of this contract.

10. The said school board, party of the first part, shall deduct monthly from the salary due the said party of the second part the computed amount due under the Virginia Supplemental Retirement Act (including State-supported group insurance), the Federal Social Security, and Withholding Tax Acts.

11. Special covenants:

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

The petition of the Association for Grand Jury Action, Inc., of Rochester, N.Y., praying for the Senate to reassert its prerogative in the filling of Supreme Court vacancies; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S.J. Res. 167. Joint resolution to extend the authority conferred by the Export Administration Act of 1969 (Rept. No. 92–406).

By Mr. GRAVEL, from the Committee on Public Works, without amendment:

S. 861. A bill to designate the Federal office building and U.S. courthouse to be constructed in Atlanta, Ga., as the "Richard B. Russell Federal Building" (Rept. No. 92–407) and

S. 2687. A bill to authorize the acquisition of certain real property in square 724 in the District of Columbia, and for other purposes (Rept. No. 92–408).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2339. A bill to provide for the disposition of judgment funds on deposit to the credit of the pueblo of Laguna in Indian Claims Commission, docket numbered 227, and for other purposes (Rept. No. 92–409).

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

S. 1273. A bill to amend Public Law 89–701, as amended to extend until June 30, 1973 the expiration date of the Act and the authorization of appropriations therefor, and for other purposes (Rept. No. 92–410).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

William A. Goffe, of Oklahoma, to be a judge of the U.S. Tax Court.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 2746. A bill to declare that the United States holds certain lands in trust for the Absentee Shawnee Tribe of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARRIS (for himself, Mr. METCALF, Mr. GRAVEL, Mr. HART, and Mr. BAYH):

S. 2747. A bill to authorize a family assistance plan providing basic benefits to low-income people, to provide incentives for employment and training to improve the capacity for employment of members of poor families, to achieve greater uniformity of treatment of recipients than under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes. Referred to the Committee on Finance.

By Mr. BOGGS (for himself, Mr. DOLE, Mr. HOLLINGS, Mr. METCALF, Mr. Moss, and Mr. ROTH):

S. 2748. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide benefits to survivors of police officers, prison guards and firemen killed in the line of duty. Referred to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. MAGNUSON, Mr. HUMPHREY, and Mr. Moss):

S. 2749. A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products, except under certain circumstances, and for other purposes. Referred to the Committee on Commerce.

By Mr. BEALL:

S. 2750. A bill for the relief of the estate of Albert W. Small. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2751. A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of National Service Life Insurance policies to insurance on a modified life plan with reduction at age 70. Referred to the Committee on Veterans' Affairs.

By Mr. HATFIELD:

S. 2752. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for contributions to a neighborhood corporation and to provide other financial assistance to such corporations organized under State law to furnish their own neighborhood services. Referred to the Committee on Finance.

By Mr. RIBICOFF:

S. 2753. A bill for the relief of John C. Mayoros. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. INOUYE):

S. 2754. A bill to authorize the Secretary of Commerce to engage in certain export expansion activities, and for related purposes. Referred to the Committee on Commerce.

By Mr. TOWER:

S. 2755. A bill to amend the Internal Revenue Code of 1954, to include the sintering and burning of clay, shale, and slate used as lightweight aggregates as a treatment process considered as mining. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 2756. A bill relating to the recomputation of retired pay in the case of employees of the Federal Government and members of the Armed Forces who retire during the period that scheduled pay increases for such employees and members are postponed. Referred to the Committee on Post Office and Civil Service.

By Mr. MILLER:

S. 2757. A bill for the relief of Marie Tjernagel and others. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2758. A bill to provide insurance for the member accounts of certain Federal credit unions, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENNETT:

S. 2759. A bill to designate the fourth Friday in September of every year as American Indian Day. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2760. A bill to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment and for other purposes. Referred to the Committee on Commerce.

By Mr. BENNETT:

S. 2761. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interest therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 2762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 2746. A bill to declare that the United States holds certain lands in trust for the Absentee Shawnee Tribe of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

Mr. HARRIS. Mr. President, for myself and my colleague, Mr. BELLMON, I send to the desk a bill for appropriate reference and ask unanimous consent that certain letters and documents from the Absentee Shawnee Tribe of Oklahoma in support of the bill be printed in the RECORD.

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

ABSENTEE SHAWNEE TRIBE OF OKLAHOMA,
Shawnee, Okla., October 5, 1971.

Hon. FRED HARRIS,
U.S. Senate,
Washington, D.C.

DEAR MR. HARRIS: Enclosed is Resolution AS–72–6, adopted by the Absentee Shawnee Business Committee on September 24, 1971, which authorizes me as Chairman of the Tribe to seek legislation to have certain tribal lands, originally conveyed to the tribe without restrictions, redesignated Trust lands and be so maintained by the U.S. Government.

Also enclosed is a proposed Bill that I, as authorized by the aforementioned resolution, would like for you and Senator Bellmon to co-sponsor in the U.S. Senate. Senator Bellmon is receiving an identical Bill and being informed that we would appreciate his sponsorship. Please feel free to seek additional sponsors if, in your opinion, it would be beneficial to our cause.

Congressman Steed has been asked to introduce an identical Bill in the U.S. House of Representatives and other Oklahoma House members have been asked to join him as co-sponsors.

Thank you for your assistance.

Sincerely yours,

ARTHUR ROLETTE,
Chairman, Absentee Tribe of Oklahoma.

RESOLUTION OF ABSENTEE SHAWNEE TRIBE OF OKLAHOMA, FEDERAL BUILDING, SHAWNEE, OKLA., BUSINESS COMMITTEE MEETING, SEPTEMBER 24, 1971

A resolution requesting that lands originally conveyed to the absentee Shawnee Tribe in fee status pursuant to an act of August 11, 1964 (78 Stat. 392), without restrictions because of Indian ownership be redesignated trust lands and be so held by the United States Government.

Whereas, the Absentee Shawnee Business Committee met on September 24, 1971, and voted that an attempt be made to get the aforementioned lands redesignated Trust lands, and

Whereas, the Business Committee authorized the Tribal Chairman to prepare the necessary Bill and contact the Oklahoma Congressional Delegation in order to get legislation introduced.

Now, therefore be it resolved that the Absentee Shawnee Tribal Chairman submit an appropriate Bill to the Oklahoma Congressional Delegation.

CERTIFICATION

We, Arthur Rolette, Chairman, and Rudy Rolette, Secretary-Treasurer, of the Absentee Shawnee Tribe of Oklahoma to hereby certify that the above Resolution is a true and exact copy as approved at a meeting of the Tribal Business Committee held on September 24, 1971, there being a quorum present and by a vote of five (5) in favor and none opposed.

In witness whereof, we have hereunto set our hand this 24th day of September, 1971.

S. 2746

A bill to declare that the United States hold certain land in trust for the Absentee Shawnee Tribe of Indians of Oklahoma

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the Absentee Shawnee Tribe of Indians of Oklahoma in and to the following described lands, and all improvements thereon, are hereby declared to be held by the United States in trust for the Absentee Shawnee Tribe of Indians of Oklahoma, subject to all valid existing rights:

All that part of the northeast quarter southwest quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at a point 1,320 feet south and 726 feet west of the northeast corner of said northeast quarter southwest quarter; thence north 220.44 feet; thence west 594 feet to the point of intersection with the west line of said northeast quarter southwest quarter; thence north along the west line a distance of 439.56 feet to the midpoint of the west line of said northeast quarter southwest quarter; thence east a distance of 17 feet to the intersection with the west right-of-way of Oklahoma State Highway Numbered 18; thence northeasterly along said west right-of-way line a distance of 493 feet; thence east 1,485 feet to the west right-of-way line of the Atchison, Topeka, and Santa Fe Railroad right-of-way; thence southwesterly along said west railroad right-of-way line a distance of 1,223 feet to a point in the south line of said northeast quarter southwest quarter, said point being 129 feet west of the southeast corner of said northeast quarter southwest quarter; thence west along the south line of said northeast quarter southwest quarter a distance of 597 feet to the point of beginning; containing 33.23 acres, more or less.

By Mr. HARRIS (for himself, Mr. METCALF, Mr. GRAVEL, Mr. HART, and Mr. BAYH):

S. 2747. A bill to authorize a family assistance plan providing basic benefits to low-income people, to provide incentives for employment and training to improve the capacity for employment of members of poor families, to achieve greater uniformity of treatment of recipients than under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes. Referred to the Committee on Finance.

Mr. HARRIS. Mr. President, on behalf of myself and Senators METCALF, GRAVEL, HART, BAYH, I introduce, for appropriate

reference, a bill entitled, "The Family Income and Work Incentive Act of 1971." Mr. President, the purpose of this bill is to eliminate the inequities and inadequacies of the present welfare system. We are a great country, blessed with prosperous land and energetic people, yet we have allowed a scourge of poverty to entrap great numbers of our people.

H.R. 1, the welfare bill pending in the Finance Committee, of which I am a member, is fatally defective. I believe that no bill would be better than that one. It is fatally defective in three main particulars; one, it provides no jobs for people out of work who want to work; second, it would depress wages; and third, is would require mothers to give up their preschool children to day-care centers against their will.

I hope, Mr. President, that we are not ready to go into a 1984-like society of that kind. Certainly, H.R. 1 would reduce the assistance now received by people already in dire financial straits.

The bill I introduce today is intended to put new reality behind the traditional rhetoric of our growing concern about poverty.

In 1944, President Franklin D. Roosevelt called for the country to accept a "second bill of rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed."

President John F. Kennedy in his inaugural address of 1961 asked the country to "bear this burden of a long twilight struggle" which would be a struggle against "the common enemies of man: Tryanny, poverty, disease, and war itself."

President Lyndon B. Johnson in his State of the Union message of January 8, 1964, declared an "unconditional war on poverty in America."

In May of 1971, the Democratic Policy Council reaffirmed a commitment to end poverty, saying:

> Poverty is a national problem which calls for a national solution, federally financed and administered, with equity for all recipients regardless of their residence. State and local governments, more sensitive to the needs of the poor, should not continue to bear a disproportionate share of what is clearly a national problem. . . . We believe that 1) the federal government must make a commitment to provide a minimum level of income to all individuals, and 2) the present mosaic of welfare programs is both excessively complex and unduly costly. We believe that it would be desirable to introduce a single plan that would meet the commitment of government as simply and as economically as possible by the federal government's assumption of full financial responsibility for all welfare programs.

Mr. President, I have long been a part of the effort to improve the living standards of poor people in America. In 1967, as Senators know, the late Senator Robert F. Kennedy and I led a fight on the floor of the Senate in opposition to the regressive and punitive amendments which had been incorporated in welfare legislation in the fall of 1967. As a member of the Kerner Commission on Civil Disorders, I was one of those who advocated very strongly the institution in this country of a Federal income maintenance system, a proposal recommended by the Commission. In 1969 and 1970, I and others introduced legislation to accomplish that goal. The bill I introduce today is a further refinement in that continuing effort.

It is clear that the administration's proposal, the family assistance plan, as set forth in H.R. 1, is inadequate in several respects. It would establish a new program providing benefits at the rate of $2,400 a year for a family of four, less than two-thirds of the present Government definition of dire poverty. Because recipients would lose their present eligibility for food stamps and States would not be required to supplement the basic Federal grants, over 85 percent of AFDC recipients could suffer a reduction in their present, often already inadequate, level of benefits. In addition, title IV would require mothers whose children are over age 3 to go into work or training or suffer a substantial reduction in family benefits. Jobs in the private sector to which recipients would be referred could be paid as low as $1.20 an hour, only three-fourths of the minimum wage. Nor would administrators have to consider the suitability of employment in referring recipients to jobs, a term involving such factors as safety, distance from home or the recipient's skill or training. The bill would also eliminate many of the hard won procedural rights now available to recipients.

Mr. President, H.R. 1 is predicated on a myth. It is widely admitted that the present system is geographically inequitable, encourages desertion, discourages self-help, fails to reach more than 10 million of those with incomes below the poverty level, provides in most cases less than a subsistence level of benefits, and is administratively chaotic. Yet political rhetoric would have the public believe that the major shortcomings of welfare lie not with the system but with the recipients. A myth has been foisted on the people of this land that poor people are mostly responsible for their own poverty.

The American people are led to believe that poor people are poor only because they refuse to go to work, that they choose instead to wallow in a life of indolence. The American people are led to believe that far from failing to reach many of those in need, the present welfare system benefits many who have no right to its benefits; that the welfare roles are rife with fraud.

These myths ignore the fact that of the 14.3 million recipients of public welfare—May 1971—over half are children, 2 million are elderly, 1 million blind or permanently disabled, and most of the remainder are mothers with children to care for. Indeed, fewer than 100,000 are able-bodied men.

These myths ignore the fact that in Mississippi a poor family of four gets a munificent $53.15 a month on which to live the "good life," and that in few States can a recipient family receive an amount sufficient to lift them above the official Government poverty line.

These myths ignore the fact that in most States if a recipient gets a job he either loses all public assistance or has most of his earnings confiscated, and they ignore the fact that jobs do not now exist for over 6 percent of the Nation's labor force and that in the ghettos of the cities the unemployment rate sometimes rises to more than 20 percent.

They also ignore the evidence from studies by HEW estimating less than 1-percent fraud nationally in the present welfare system.

The bill I introduce today proceeds from different premises. It affirms that there is no difference in kind between poor people and the rest of us, that poor people are human, with the same faults and the same virtues as the rest of us. It affirms that society has an inescapable responsibility to help those who, most often due to circumstances beyond their control, are in need. It affirms that poor people have a right to be dealt with with dignity and fairness. It affirms, finally, that this society has the means to assure a decent level of income for all its people.

Most important, this bill recognizes that to act otherwise than on these affirmations is to continue a system which has proved not to be in the self-interest of most of us.

The bill would provide a minimum income for all persons in need. Eligibility would include single individuals, childless couples, and the working poor, as well as all adults and families presently eligible under current law. All eligible people would be enrolled in a single program, eliminating the present mishmash of categories and variations among States and Federal agencies. Administration of the program, including administration of State supplementation and payment of all benefits, will be in the Department of Health, Education, and Welfare. The Department of Labor would administer only those parts of the work program which it administers under current law.

In this bill, a family of four would be assured of an initial payment level of $4,000, the so-called poverty level. Payment levels would increase each year until 1976, at which time no recipient would receive less than an adequate income as defined by the Bureau of Labor Statistics low living standard, adjusted annually for changes in the median family income and local cost of living differences. The bill assures that no beneficiary would receive less than he or she received on January 1, 1971, plus the value of food stamps. Additionally, the bill provides for grants to cover basic needs of a unique, emergency or nonrecurring nature, such as winter clothing, moving expenses, appliances, and so forth.

State supplementation provisions in the bill assure that States whose welfare payment level on January 1, 1971, plus food stamp benefits, exceed the income levels set by this bill would be required to make supplemental payments. State supplement payments would be available to all persons covered by the new program, including persons not covered by the present programs. States would be held harmless against all costs resulting from the supplemental payments which exceed their fiscal year 1971 expenditures. Under this bill, the welfare program would be fully federalized within

2 or 3 years depending upon the rate of increase in the cost of living.

This bill contains strong incentives to work and strong disincentives against idleness, but it contains important safeguards. In the first place, mothers or other caretakers of preschool and school age children, persons over 65, disabled persons, and children under 18 or in school would be exempt from any requirement to work.

The important word there, Mr. President, is "requirement." We know from our experience in former programs that we have adopted that people should not be required to work. But should they choose to do so—and experience shows that a great many would—they would be able to retain a significant portion of their earnings.

Work incentive provisions in the bill are definitely needed, for there are good reasons for encouraging beneficiaries who can work, to work—by recognizing their need for a progressive improvement in their income as a result of their own effort. We must not in this process, however, sacrifice basic income standards for those who cannot work. We have, therefore, provided a plan of earned income exemptions above the basic poverty level. The bill assures that no one will lose money by working. Recipients would be permitted to retain two-fifths of all their available income without loss of benefits. In addition, all work related expenses and child care costs would be disregarded as well as medical costs, alimony or support payments, irregular income, scholarship money, and total earned income of children under 14 or in school.

No beneficiary, under this bill, would be required to accept employment in a job which does not meet suitability standards related to health and safety, nor would anyone have to accept employment at less than the Federal minimum wage. This is a basic consideration. H.R. 1 would require that people go to work at substandard wages.

This is not just a labor union issue. It goes directly to the heart of the bill. We know, from experience with the poor laws in England, that if we have a captive labor force required to work at substandard wages, we interfere with market pressures in the free enterprise system. The tendency in such a case is to depress wages and we would wind up with many more people entitled to welfare supplements because they are not able to make a decent living by their own efforts. We would defeat our own purpose if we passed a bill like H.R. 1 which would have a tendency to depress wages.

The bill also provides manpower services and training programs for recipients.

Beneficiaries would be assured of the right to receive a prompt determination of eligibility, based on a declaration of resources and family circumstances, not on demeaning and recurring investigations. Other important procedural protections of the rights of recipients include full due process hearings and judicial review before termination or change in grants, confidentiality of records, and equitable income reporting and treatment in filing applications.

The cost of this program is substantial. Yet, at the same time, anyone who has studied our present welfare system knows that by changing this section or that section or by adding $2 or $3 billion here and perhaps another billion some other place, few of the failures of the present system will be eliminated. There is no magic in calling an old wornout system by a new name and by dressing it up a bit. As one person has put it, "The welfare system is designed to save money instead of people and tragically ends up doing neither." Both welfare recipients and taxpayers rightly believe that the present welfare system is a failure and that it traps people in poverty; this is true, it should be replaced rather than repaired.

We often forget that poverty, by definition, means lack of money. Somehow we have managed to cling to the idea that, if we can just give enough advice and services to the poor, they will somehow quit being poor. For most of the poor people today, this myth is just not working. Further, we must at last realize, as other nations have, that doing nothing or doing not enough ultimately costs us more.

We learned long ago from the GI bill and other such programs that funds invested in human development were paid back into the Federal Treasury many times over in increased taxes received as a result of increased income made possible by the programs.

Indeed, great economic dividends always result from upgrading the standard of living of those in the lower economic levels. But, more importantly, this bill will result in a great moral dividend; it will allow us all to feel we are living more closely in line with the ideals we profess. We will more nearly be entitled to say that we believe in the dignity and value and worth of every human life.

I urge Senators to join in support of this major welfare reform bill. It is a standard by which the proposal we ultimately accept in this chamber should be measured. Surely we should work for the very best system of income maintenance and work incentive program.

May I say, Mr. President, that this is the third part of a three-part proposal. First, we need to get people back to work in private jobs through stimulation of the economy by tax cuts, not for big corporations, as President Nixon recommends, but for the average taxpayer, making less than $13,000 a year.

Most people would rather work. Most people would rather work in a private job, because it does not depend upon an annual approriation by Congress.

Second, we ought to pass a massive public service jobs program to give subsidies to local and State governments and others in order to provide jobs that are really needed, such as health aides, teacher aides, and welfare aides. There are plenty of jobs that need to be done in this country. No person should be out of work.

Third, for those persons who cannot work or who cannot find work, we must have decent income maintenance assistance, such as this bill embodies. This is not out of the goodness of our hearts, but because it is in our own self-interest. We know that a child from a family living in poverty is often the victim of malnutrition and bad health. We know that such a child will cost us more in the long run in the cycle of the continued welfare system, often in narcotics and crime, in remedial education and training. It is in our own self-interest as well as our desire to be more humane to see that every child in America grows up in a home with a decent level of income. That is what my bill would mean.

Mr. President, I ask unanimous consent that a detailed section-by-section summary of the bill as well as a short summary of the bill be printed in the RECORD and that the bill be received and appropriately referred.

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

SECTION-BY-SECTION SUMMARY

Section 101: Amends the Social Security Act of 1935 to add a new title XX, having the following sections:

Section 2001: States the purpose of the Act to provide a basic level of financial assistance to needy individuals and families in a manner which will strengthen family life, encourage work training and self-support, and enhance personal dignity.

Section 2002: Establishes a basic federal assistance grant of $1700 for a single individual and $4000 for a family of four with no other income, with mandatory supplementary payments to insure that no individual or family receiving assistance under the program will receive less than they would have received under current law on January 1, 1971, plus the bonus value of food stamps on January 1, 1971, and provides that the supplementary payments shall apply to all persons receiving assistance under the Act; requires that the federal grant level be increased in steps to the adjusted BLS lower living standard by July 1, 1976, and requires further adjustment to reflect regional variations in the cost of living; provides grants to meet financial emergencies and other special needs of a unique or non-recurring nature. Eligibility for and the amount of assistance are based on the Secretary of Health, Education and Welfare's estimate of the claimant's current need.

Section 2003: Defines a person's available income to be his adjusted gross income, as defined by section 62 of the Internal Revenue Code of 1954, plus certain additional items such as annuity, pension or retirement benefits; the proceeds of any life insurance policy in excess of $1000; gifts; support and alimony payments; dividends; unemployment compensation; and social security, Veterans Administration and railroad retirement benefits. Deductions from income are allowed for medical expenses not compensated by insurance in excess of $120 per year for each individual in the family unit; alimony, separate maintenance and support payments paid by any member of the unit; gifts made by a member of the unit to a person in another family unit receiving payments under the Act; all expenses reasonably attributable to the earning of income; the full cost of day care and other family care to allow a member of the unit to be gainfully employed; the earned income of each child in the family unit who is under the age of 14 or who is regularly attending a school, college or university; irregular or infrequent income; and the full amount of any scholarship or fellowship received by a member of the family unit. Three-fifths or 60% of all available income not otherwise excluded by the above exemptions is countable in determining the amount of assistance received by the family unit.

Section 2004: A family unit having total resources in excess of $2,000 per person is not eligible for assistance regardless of their current income; exempts from consideration in determining such resource limitations the home, household goods, personal affects, one automobile for each family unit, and other property which is determined by regulations of the Secretary to be so essential to the family's means of self-support as to warrant its exclusion. Where a family's resources exceed the allowable limit, they must dispose of such excess property before they will become eligible for assistance.

Section 2005: Provides that any person who is at least 18 years old, or married, or is at least 16 years old and a parent whose child or legal ward resides in the same dwelling unit may be a claimant for assistance so long as he presently resides in the United States or its territories. Such claimant for assistance must include in the family unit for purposes of calculating available income and resources and for determining the amount of assistance, his spouse, unless they are separated, and any other person who is living with him and for whom he has a legal obligation of support. The claimant may also elect to include in the family unit any other person who is under the age of 18 and who lives with him, providing that for such persons who are not the child of the claimant or his legal ward, the person must have lived with the claimant for ninety consecutive days before he or she may be included in the family unit.

No person who is not included in the family unit for purposes of calculating the amount of assistance, who has no obligation of support under state law, and who certifies that he refuses to support any member of the family unit shall have his income or resources attributable to the family unit. In any case, income and resources shall be attributable only to the members of the family unit for whom an obligation of support exists or for whom such income and resources are actually available for current use on a regular basis. No person may be a member of more than one family unit. In determining whether an individual is related to another individual by blood, marriage or adoption and whether an individual is legally obligated to support another, state law will be applied.

Section 2006: Eligibility determination and the payment of benefits including supplementary payments to all recipients will be made by the Secretary of Health, Education and Welfare. Payments will be made no less frequently than monthly, except that they may be made quarterly where the amount of benefits does not exceed $30 in a quarter. Payments may be made to third parties not members of the family unit only where the Secretary finds after notice and a hearing that the members of the family unit have such inability to manage funds that making payments to them would be contrary to the welfare of any dependent in the unit. In such case, payments may be made to another person who is interested in or concerned with the welfare of the family unit.

The Secretary is authorized to make proper adjustments in future payments to the family unit or to recover from or make payments to any person who was or is in that unit for any amount not properly paid in the past, unless such adjustment or recovery would defeat the purposes of the program, would be against equity or good conscience, or would impede efficient or effective administration of the program, or unless the family no longer has income or resources currently available in the amount by which the Secretary proposes to reduce the future payment. In no event may an overpayment be recovered in an amount that would reduce assistance benefits, plus income, to a level more than 10% below the basic allowance level.

Provides a full hearing under the Administrative Procedure Act for the promulgation of all rules and regulations under the program; requires the Secretary to make available all proposed rules and regulations at the time they are published in the Federal Register to all organizations which certify that they have a membership of more than fifty claimants receiving benefits under the Act, which organizations shall also have standing to participate in the hearing or any judicial proceeding concerning such rule or regulation; requires the Secretary to publicize in simple and understandable language the provisions of the Act, and to inform all applicants and recipients, in writing, of their rights under the Act; requires the Secretary to afford an opportunity for a fair hearing with respect to any action denying, withholding or modifying a person's benefits or any part thereof. Such hearing shall, if requested within 30 days after notice of such action is received, occur prior to the effective date of any denial, withholding, or modification. Aggrieved individuals may be represented by counsel or by other persons of their choice at such hearings, and they may present evidence in their own behalf, know the evidence against them, and challenge the reasonableness of any rule, regulation or practice which is applied in their case. Decisions of the hearing examiner may be appealed within 30 days by an aggrieved individual to a Board of Appeals, whose decision may be reviewed at the request of an aggrieved party by a civil action commenced in federal court. In any case in which the Secretary fails to commence a hearing within 15 days, the aggrieved individual shall be deemed entitled immediately to the benefits which he claims. Claimants are entitled to receive reasonable expenses incurred in any administrative or judicial hearing, including child care, loss of earned income, transportation, and fees for their attorneys or other representatives; however, a district court may disallow such expenses if a claimant or his attorney acted frivolously or in bad faith. Finally, the Act establishes a Complaint Review Board to review any complaint that an employee is not performing his functions properly or is not following properly issued regulations, with the power to discipline such employee, including discharge or suspension from his employment as authorized by the Civil Service laws.

Allowances due or to become due shall not be assignable and shall not be subject to taxation. Allowances are also exempted from the claims of creditors and from any process of attachment or levy, or from seizure by or under any legal or equitable process before receipt by the beneficiary.

Claimants shall be deemed eligible for benefits on the basis of a simplified declaration which is sufficient to allow the determination of eligibility and the amount of assistance. Payments shall begin not later than the next regular monthly payment date after receipt of a properly filed claim or within ten days of such receipt, whichever is later, and payments are to be made on the basis of the information supplied by the claimant. The Secretary may conduct audits and investigations on the basis of random selection or where there is cause to believe that the claimant is not entitled to receive the assistance for which he has applied or which he has received. The Secretary may request the claimant to supply additional information when a claim is not properly filed, but the Secretary may not seek information from sources other than the claimant without the claimant's consent in writing. Claimants are under a continuing duty to report immediately all changes in their circumstances which are material to their continued eligibility, and he may prescribe by regulations the cases in which failure to report such information or delay in so reporting will result in treatment of the claimant's previous benefits as overpayments.

Section 2007: Every member of a family unit who is found after notice and opportunity for a hearing to be qualified for manpower services, training, and employment by the Secretary of Health, Education and Welfare, shall be required to report to the Secretary of Labor for referral to such manpower services, training and employment. Exempted from this requirement are (1) individuals who are unable to engage in work or training by reason of illness, incapacity or advanced age (including but not limited to any person aged 65 or over); (2) mothers or other caretakers of any child under the age of 18; (3) children who are under the age of 18 or who are students; (4) individuals whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household; (5) parents or other caretakers, where the other parent or another adult member of the family unit is in the home and is not excluded by any other exemption from the requirement to register for manpower services, training and employment and has so registered. Provision is made for voluntary referral to the State Vocational Rehabilitation Agency of those individuals who are not deemed appropriate for manpower services, training and employment because of illness, incapacity or advanced age.

Section 2008: All persons who are deemed appropriate for manpower services, training and employment by the Secretary of HEW under Section 2007 will not be included in the family unit if they are found, after notice and a hearing, to have refused to participate in suitable manpower services, training or employment or to have refused to accept without good cause suitable employment in which they are able to engage. The determination of whether a claimant has refused without good cause to accept suitable employment shall be made by the Secretary of Labor, who shall report his findings to the Secretary of HEW. In determining whether any employment is suitable, the Secretary of Labor will consider the degree of risk to the claimant's health and safety, his physical fitness for the work, his prior training and experience, his prior earnings, the length of unemployment, his realistic prospects for obtaining work based on his potential and the availability of training opportunities, and the distance of the available work from his residence. In no case will employment be considered suitable: (1) if the job is vacant due directly to a strike, lockout or other labor dispute; (2) the wages, hours, or other terms or conditions of the work offered are contrary to or less than the highest of (a) the minimum wage which is applicable to the employment under the FLSA or would be applicable to such employment if section 6(a)(1) of that act applied to the individual or if he were not exempt under Section 13 thereof; (b) the state or local minimum wage if applicable; or (c) the prevailing wage in the same labor market area for persons employed in similar work in the locality; (3) if the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; (4) if the work is not covered by workmen's compensation; (5) if the distance of the job from his home, the lack of adequate day care facilities, or other conditions of the job are such as to cause the individual undue hardship; and (6) the individual has the demonstrated capacity of securing work available to him that would better enable him to achieve self-sufficiency, or the offered work does not suit the individual's demonstrated interests and proficiencies.

Section 2009: Provides for the furnishing of health, vocation rehabilitation, counseling, social and other supportive services, including medical services, by the Secretary of La-

bor to permit individuals to engage in manpower, training or employment and appropriates $100 million for FY 1973 for that purpose.

Section 2010: Directs the Secretary of Labor to develop for each individual registered pursuant to Section 2007 an employability plan describing the manpower services, training or employment which the individual needs to enable him to become self-supporting; further directs the Secretary of Labor to establish manpower services, training and employment programs, including on-the-job training, work experience, relocation assistance and public service employment programs for such persons and authorizes him to pay an incentive allowance of $30 per month plus an allowance for transportation and other costs to each person participating in such programs; appropriates $1 billion for FY 1973 to support these programs.

Section 2011: As a condition to receipt of federal funds under titles IV, V, XVI, or XIX of the Social Security Act, the states must agree to reimburse the federal government for the cost of supplementary payments paid by the Secretary to families or individuals residing in that state.

Section 2012: Limits the amount reimbursable by the states pursuant to Section 2011 to the state's share of expenditures as aid or assistance for quarters in the fiscal year 1971 under the plans approved under titles I, X, XIV, and XVI, and part A of title IV of the Social Security Act.

Section 2021: The Secretary of Health, Education, and Welfare may agree with any state to determine eligibility for medical assistance under the state's plan under title XIX (Medicaid), if the state agrees to pay half the cost of such administration and if, in the case of states obligated under Section 2011, they have met their obligations under that Section. The Secretary may also agree to administer any other cash assistance program operated by the state, if such administration is feasible and will not result in undue burden on the federal agency. The state must reimburse the Secretary for all costs resulting from the administration of the cash assistance program. Provides protections for state employees affected by any agreement entered pursuant to this Section.

Section 2022: Provides that the provisions of Section 208 of the Social Security Act, other than paragraph (a), relating to fraud will be applicable to benefits under this Act.

Section 2023: Directs the Secretary to make an annual report to the President and the Congress on the operation of the program and authorizes him to conduct evaluations directly or by grants or contracts; further authorizes the Secretary to conduct research or demonstrations of ways of better providing financial assistance to needy persons and in so doing to waive any requirements in the Act, provided that no person may receive less assistance or otherwise be worse off because of such waiver or demonstration project.

Section 2024: Provides that any individual who has deserted his spouse or children, who as a consequence of such desertion receive benefits under this program, should be obligated to the United States in an amount not to exceed the amount specified in a court order for the support of the spouse or children or the amount which would have been specified had such an action for support been brought, less any amounts actually paid by such individual; and allows the Secretary to bring suit to collect any amount so obligated within two years after the obligation is incurred.

Section 2025: Provides that individuals receiving assistance should not be eligible to participate in the food stamp program or in any program for the distribution of surplus agricultural commodities.

Section 102: Conforming amendments relating to services for needy families with children.

Section 103: Change in the heading of title IV of the Social Security Act.

Section 104: Conforming amendments relating to services to the aged, blind and disabled, creating a new title XVI for such purposes.

Section 105: Repeals titles I, X, and XIV of the Social Security Act.

Section 106: Transitional provision relating to overpayments and underpayments under titles I, X, XIV, and XVI of the Social Security Act as in effect prior to the enactment of title XVI as amended by this Act.

Section 107: Transitional provision relating to the definitions of blindness and disability under title XVI as amended by this Act.

Sections 201–204: Miscellaneous conforming amendments to titles II, XI, XVIII, and XIX of the Social Security Act.

Section 301: Provides that the effective date of this Act shall be July 1, 1972, but allows the Secretary of Health, Education and Welfare to enter into agreements with the states to administer all or part of the program during the first fiscal year of its operation.

Section 302: For purposes of the Act, the term Secretary means the Secretary of Health, Education and Welfare unless otherwise stated.

SUMMARY OF THE WELFARE BILL TO BE INTRODUCED BY SENATOR HARRIS

PAYMENT LEVELS

a. Initial payment level of $4000 for a family of four, the so-called poverty-line.

b. No beneficiary would receive less than he or she is now receiving on January 1, 1971, plus the bonus value of foodstamps.

c. Each year payment levels would increase until by 1976 no recipient would receive less than an adequate income defined by the BLS low living standard adjusted annually for changes in the median family income and local cost of living differences.

d. Grants to cover basic needs of a unique, emergency or non-recurring nature would be provided.

STATE SUPPLEMENTATION AND FISCAL RELIEF

a. States whose welfare payment level on January 1, 1971 plus foodstamp benefits exceed the income levels set by this bill would be required to make supplemental payments. These supplement payments would be available to all persons covered by the new program including persons not covered by the present programs.

b. States would be held harmless against all costs resulting from the supplemental payments which exceed their fiscal year 1971 expendtures. The welfare program would be fully federalized within two or three years depending upon the rate of increase in the cost of living.

WORK INCENTIVES

a. Recipients would be permitted to retain 2/3 of all their available income without loss of benefits. In addition, all work related expenses and child care costs would be disregarded as well as medical costs, alimony or support payments, irregular income, scholarship money and total earned income of children under 14 or in school as under current law.

b. Caretaker relatives (without distinction based on sex) of children under 18 would be exempt from registration for work, as would incapacitated or aged person, children under 18 or in school, those who must care for others in the home, and adults if at least one other adult in the home is registered.

c. All job referrals would have to be at the prevailing wage rate but in no case less than the federal minimum wage.

d. No one would have to work at a job unless it satisfies specific suitability standards related to health and safety and employees rights.

e. Manpower services and training programs provided for recipients.

ELIGIBILITY AND ADMINISTRATION

a. Eligibility would include single individuals, childless couples and the working poor, as well as all adults presently eligible under present law, in a single program.

b. Eligibility based on current need and payments made monthly.

c. $3,000 per person as well as the home and personal effects would be excluded from consideration as a resource.

d. Elimination of state and federal residency requirements.

e. Administration of the program including administration of state supplementation and payment of all benefits will be in the Department of Health, Education and Welfare. Department of Labor would administer only those parts of the work program which it administers under current law.

PROCEDURAL PROTECTIONS

a. Eligibility determined by a simple declaration form.

b. Public Hearing required before adoption of regulations.

c. Full Due Process hearing and judicial review before termination or change in grant would be required.

d. Confidentiality of records guaranteed.

e. Equitable income reporting and treatment in filing applications guaranteed.

By Mr. BOGGS (for himself, Mr. DOLE, Mr. HOLLINGS, Mr. METCALF, Mr. MOSS, and Mr. ROTH):

S. 2748. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide benefits to survivors of police officers, prison guards, and firemen killed in the line of duty. Referred to the Committee on the Judiciary.

Mr. BOGGS. Mr. President, I am introducing today legislation to provide a $50,000 survivors' benefit to the families of police officers, prison guards, and firemen killed in the line of duty. I am pleased to announce that I am joined in sponsoring this legislation by the distinguished Senator from Delaware (Mr. ROTH), the distinguished Senator from Kansas (Mr. DOLE), the distinguished Senator from Montana (Mr. METCALF), the distinguished Senator from Utah (Mr. MOSS), and the distinguished Senator from South Carolina (Mr. HOLLINGS).

I am introducing this legislation in cooperation with my good friend and colleague, Congressman PIERRE S. DU PONT IV, of Delaware. On October 14 Congressman DU PONT introduced a bill in the House of Representatives (H.R. 11262) which is identical to the bill I am introducing today in the Senate.

Mr. President, these men and women live daily with unusual danger to their well-being in order to protect our lives and property. Their families, too, must live with the anguish of not knowing if their loved ones are safe and the anxiety for their future should the breadwinner be killed. We cannot, unfortunately, remove the countless hazards which these public servants face every day. But we can offer them the peace of mind that comes with knowing that their families will be provided for if they should perish while perfoming their duties.

I do not think we can expect to recruit

and retain responsible, family men into these increasingly hazardous jobs without offering this type of compensation. This is especially true in view of the rising number of fatalities in these occupations.

There are already special death and injury benefits in the form of annuities for the survivors of Federal officers killed or injured in the line of duty, and Congress has enacted a $50,000 payment to the survivors of police and other public safety officers killed in the line of duty here in the District of Columbia. Thus we have recognized the need for compensation on the Federal level. But the risks and dangers which have created that need are just as great and just as real at the State and local levels.

State and local benefits are uneven throughout the country. In fact, Deputy Attorney General Richard G. Kleindienst has pointed out that as of October 1970, 18 States provided no financial assistance to the survivors of law enforcement officers. It is discriminatory against police officers, prison guards, and firemen who happen to serve under a non-Federal jurisdiction that we say to them that their service is of lesser importance than that of Federal employees, that they are less deserving of these benefits.

This legislation, Mr. President, would remove this discrimination by placing a Federal floor of $50,000 under the benefits that the survivors of policemen, prison guards, or firemen would be entitled to receive. This would be in addition to any State and local benefits to which the survivors would also be entitled.

The legal basis for this legislation would be the same as that under which the Law Enforcement Assistance Administration now operates other programs designed to benefit individual police officers. Deputy Attorney General Kleindienst, in his recent testimony before the Senate Subcommittee on Criminal Law and Procedures, pointed to the law enforcement education program as a prime example. Under this program, law enforcement officers are given an opportunity for career advancement by formal education.

I note with pleasure that the distinguished Senator from Indiana (Mr. BAYH) has introduced legislation to extend death and injury benefits enjoyed by Federal law enfocement officers and non-Federal officers killed or injured while apprehending a Federal criminal to all law enforcement officers and firemen. I believe this would be a step in the right direction.

The distinguished Senator from Arkansas (Mr. MCCLELLAN) has introduced a bill to provide a $50,000 gratuity to the survivors of policemen killed in the line of duty, and the distinguished Senator from South Carolina (Mr. THURMOND) has introduced an amendment to that bill to include all law enforcement personnel including sheriffs, deputy sheriffs, highway patrolmen, and investigatory and correctional personnel. I support this legislation but recommend that it be broadened still further to include firemen.

It is all too easy to take the services of our policemen, prison guards and firemen for granted and to salute them with a few words of praise. I believe, Mr. President, that we can and should do much more. We can express our appreciation in more practical terms by enacting the legislation that I am introducing today.

Mr. President, I ask that this bill be printed in the RECORD at the conclusion of my remarks.

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

S. 2748

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide benefits to survivors of police officers, prison guards, and firemen killed in the line of duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as "Law Enforcement Officers Benefits Act of 1971."

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new part:

"PART J.—LAW ENFORCEMENT OFFICERS DEATH BENEFITS

"SEC. 701. (a) Under regulations issued by the administration under part F of this title, upon certification to the administration by the Governor of any State that a police officer or prison guard employed on a full-time basis by that State or a unit of general local government within the State, or a fireman serving in that State or unit of general local government within the State has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half of the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the police officer, prison guard or fireman, as the case may be, at the time of his death, including a stepchild, an adopted child or a posthumous child, and who is—

"(1) under 18 years of age; or

"(2) over 18 years of age and incapable of self-support because of physical or mental disability; or

"(3) over 18 years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for the support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"SEC. 702. The gratuity payable to any person under this part is in addition to any benefits to which he may be entitled under any other law."

SEC. 3. Section 520 of the Omnibus Crime Control Act of 1968, as amended, is amended by adding at the end of the section the following sentence: "In addition there are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J."

SEC. 4. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding: "except that for the purposes of part J the term does not include the District of Columbia".

By Mr. HART (for himself, Mr. MAGNUSON, Mr. HUMPHREY, and Mr. MOSS):

S. 2749. A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products, except under certain circumstances, and for other purposes. Referred to the Committee on Commerce

Mr. HART. Mr. President, several weeks ago, I received a very distressing letter from a Pennsylvania pharmacist. In some detail he told of having to turn down a man who had asked for a refill of two prescriptions which the man's doctor had supplied.

The doctor was on vacation for 2 weeks—his office closed—and the man was down to the last pill in each prescription which he took to keep a heart problem under control.

The pharmacist explained that first, it was illegal for him to sell medication without a prescription and second that—at any rate—he could not identify the off-brand medication. In an effort to help the pharmacist suggested the man see another doctor who could prescribe for him.

The man returned the next day pleading with the pharmacist to fill the prescriptions because he could not get an appointment with any of five doctors he called.

As the pharmacist wrote:

I told the gentleman and his crying wife that I would really like to help them out. However, my hands were tied as I would be gambling for my license and his life if I were to give him what I thought were in the two small boxes that he had purchased from the doctor a month ago for $5.

I suggested his next step would be to go to a hospital and explain the problem to someone at the hospital. Two days later his little boy came into my pharmacy and told me his father had died because "you didn't give him the pills."

Mr. President, of course I do not know if the little boy was correct and if, in fact, the lack of the medication did bring on the man's death.

But I do know that such a sequence of events is entirely possible.

And such a sequence of events points up dramatically the very worst situation that can develop when doctors involve themselves in the sale of products for a profit. If the doctor were not selling this merchandise, the pharmacy would have had the prescription on file—and since pharmacists are generally on call, the medication could have been supplied simply.

For 7 years now, the Senate Antitrust and Monopoly Subcommittee has been studying the problems created by doctor-merchants and attempting to eradicate them.

Our hearing records are filled with examples of overprescribing, overpricing, and dangerous handling of medications.

On the economic side, we have documented the number of independent busi-

nessmen who have been seriously harmed—many to the point of bankruptcy—by doctor-merchants.

The hearing volumes are available to anyone who would care to review the chapter and verse.

Three times in the past, I have introduced proposed legislation which would attempt to eradicate this problem.

Three times it has failed to move through the legislative mill.

However, today we begin down that road again.

Mr. President, I ask unanimous consent that at the conclusion of my remarks the complete text of the bill I offer—the "Regulation of Trade in Drugs Act of 1971"—be printed.

This bill prohibits a physician from merchandising products he prescribes—except under some circumstances. Doctor-dispensing of drugs and devices would be allowed when actually in the best interests of the patients. But, doctor-profiteering would be eliminated.

Basically, a doctor would dispense drugs and devices only—

First. In emergencies.

Second. In one-dose units.

Third. If there is no community pharmacy within 10 miles of the doctor's office.

Fourth. If it is occasional dispensing and not part of his usual course of doing business. This would let him supply drugs to patients who otherwise could not afford them. It would cover the giving of samples to patients to test their reaction to various medications.

The bill would outlaw doctor-ownership of pharmacies and drug companies. It would prohibit percentage leases for pharmacies.

Ownership of stock in a publicly-traded drug company would not be in violation of the bill.

Mr. President, while similar proposals have been before Congress the past 6 years, the number of doctor-owned repackaging companies—which are a violation in the AMA code of ethics—and doctor-dispensing of drugs and devices has increased. We also have learned of many new drugstores being opened by physicians.

With this increase, comes the greater risk that patients will be overcharged or overdrugged.

No doubt most of the doctors who are involved in the sale of products they prescribe are well intentioned. But there is a basic conflict of interest here that can—and has—in too many cases worked out to be in the worst interest of patients' health and pocketbooks.

It is time we stopped this.

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

S. 2749

A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products, except under certain circumstances, and for other purposes

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

FINDINGS OF FACT

SEC. 2. The Congress finds and declares that the dispensing of drugs and devices directly or indirectly, or the knowing receipt of rebates, refunds, discounts, or commission by medical practitioners in connection with the supplying of such products to patients, except under certain limited circumstances, is inconsistent with the best interest of the public health, denies consumers free access in an open market to such products moving or having moved in interstate commerce, and tends to induce unfair trade practices in connection with trade in such products.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "medical practitioner" means any person licensed by any State, or by any professional association or society under the law of any State, to engage in the practice of medicine, osteopathy, chiropody, or podiatry, and in such practice to administer or prescribe drugs or devices, but such term does not include any person engaged in practice exclusively as an ophthalmologist, optometrist, homeopathic physician, dentist, or veterinarian.

(b) The term "drug" means any article (1) recognized in the official United States Pharmacopeia, the official National Formulary, or in any supplement to such pharmacopeia or formulary, (2) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man, (3) intended to affect the structure or any function of the body of man, or (4) intended for use as a component of any article described in clause (1), (2), or (3) of this paragraph, but such term does not include any device, or any components of a device.

(c) The term "device" means any instrument, apparatus, or contrivance intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man, or (2) to affect the structure or any function of the body of man, but such term does not include glasses or lenses intended for the correction of vision.

(d) The term "pharmacy" means an office, pharmacy, drugstore, or other establishment which engages in the sale of drugs or devices at retail.

(e) The term "community pharmacy", when used in relation to a medical practitioner, means a pharmacy situated within 10 miles of any place at which such medical practitioner maintains an office for professional practice.

(f) The term "lessor's interest", when used in relation to a medical practitioner, means any pecuniary interest of such medical practitioner as a lessor of real property occupied by a lessee engaged in the operation of a community pharmacy under a lease which provides for the payment by the lessee of a rental which (1) is based in whole or in part upon the income of the lessee derived from the sale or furnishing of drugs, devices, or drugs and devices, or (2) exceeds in amount the rental customarily charged for comparable facilities in the vicinity of the place at which such real property is situated.

(g) The term "drug company" means any person engaged in the manufacturing, processing, packaging, or distribution of drugs, but such term does not include a pharmacy.

(h) The term "person" means any individual, and any partnership, firm, corporation, association, or other business entity.

(i) The term "State" means any State of the United States or any political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, and any territory of the United States.

PROHIBITION OF PECUNIARY INTERESTS IN DRUG COMPANIES

SEC. 4. It shall be unlawful—

(a) for a drug company to give or sell to a medical practitioner any legal or beneficial interest in the company or in the income thereof with the intent or for the purpose of inducing such medical practitioner to prescribe to his patients the drugs of the company. The giving or selling of such interest by the company to a medical practitioner without such interest first having been publicly offered to the general public shall be prima facie evidence of such intent or purpose;

(b) for a medical practitioner to acquire or own a legal or beneficial interest in any drug company, provided it shall not be unlawful for a medical practitioner to acquire or own such an interest solely for investment and the acquisition of an interest which is publicly offered to the general public shall be prima facie evidence of its acquisition solely for investment; and

(c) for a medical practitioner to solicit or to knowingly receive from a drug company, or for a drug company to pay or to promise to pay to a medical practitioner, any rebate, refund, discount, commission, or other valuable consideration for, on account of, or based upon the volume of wholesale or retail sales at any place of drugs manufactured, processed, packaged, or distributed by the company.

PROHIBITION OF DISPENSING OF DRUGS AND DEVICES BY MEDICAL PRACTITIONERS

SEC. 5. Except as otherwise provided by this section, it shall be unlawful for a medical practitioner to engage directly or indirectly in the dispensing of drugs or devices. Nothing in this subsection shall prohibit—

(1) a medical practitioner from furnishing a patient any drug or device in an emergency;

(2) the administration of a unit dose of a drug to a patient by or under the supervision of such medical practitioner;

(3) dispensing a drug or device to a patient by a medical practitioner where there is no community pharmacy available to the patient; or

(4) the dispensing occasionally, but not as a usual course of doing business by a medical practitioner.

PROHIBITION OF PECUNIARY INTERESTS IN PHARMACIES BY MEDICAL PRACTITIONERS

SEC. 6. (a) It shall be unlawful for a medical practitioner to own directly or indirectly, a legal, beneficial, or lessor's interest in a community pharmacy. Nothing in this subsection shall prohibit a medical practitioner from dispensing a drug or device which he is permitted to dispense under section 5.

(b) It shall be unlawful for a medical practitioner directly or indirectly to solicit or to knowingly receive from a community pharmacy, or for a community pharmacy knowingly to pay or to promise to pay to a medical practitioner any rebate, refund, discount, commission, or other valuable consideration for, on account of, or based upon income received or resulting from the sale or furnishing by such community pharmacy of drugs or devices to patients of any medical practitioner.

FEDERAL FINANCIAL PARTICIPATION IN DRUG EXPENDITURES

SEC. 7. Federal financial participation shall not be available in expenditures for drugs or devices dispensed in connection with the administering of any public assistance and medical assistance program by any Federal or State agency by a medical practitioner, pharmacy, or drug company under conditions prohibited by this Act.

ENFORCEMENT

SEC. 8. The several district courts of the United States shall have jurisdiction to prevent and restrain violations of this Act. It shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney General, to institute appropriate pro-

ceedings to prevent and restrain such violations. Upon the filing of a complaint under this section and the service thereof upon the defendants named therein, the court shall proceed as soon as may be possible to the hearing and determination of the action.

ACTIONS FOR DAMAGES

SEC. 9. (a) Any person who shall be injured in his business or property by reason of any violation of this Act may sue therefor in any district court of the United States for the judicial district in which any defendant resides or is found, without respect to the amount of controversy, and shall recover threefold the damages sustained by him, and the cost of suit, including a reasonable attorney's fee.

(b) Any action instituted under this section shall be forever barred unless commenced within three years after the date on which the cause of action arose.

EFFECTIVE DATE

SEC. 10. This Act shall take effect one year after the date of enactment.

By Mr. THURMOND:

S. 2751. A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70. Referred to the Committee on Veterans' Affairs.

Mr. THURMOND. Mr. President, I am today introducing legislation to permit the conversion of exchange of national service life insurance policies to insurance on a modified life plan.

Present regulations provide that the holder of national service life insurance has his policy face value reduced by 50 percent at age 65. This face value reduction is without any decrease in premium rates.

Mr. President, this bill would amend section 704 of title 35 of the United States Code to extend the age limitation to 70.

Insurance of this type was made available to encourage veterans to convert their term policies to a permanent life insurance policy with premium rates remaining the same.

Thus, this legislation would merely allow the policyholder to maintain the full face amount of his insurance policy for an additional 5 years.

Under present law, when a veteran obtains age 65, he is faced with the unhappy choice of either dropping his insurance or continuing to pay a very high premium. Thus, he may lose coverage by having his policy value reduced or may not be able to pay the high cost of permanent life insurance premiums. After paying premiums on term insurance for many years it is unconscionable to allow this veteran to be forced out of complete coverage at a time when the death rate of veterans is increasing.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

S. 2751

A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age seventy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 704 of title 38, United States code, is amended effective the first day of the first calendar month which begins more than six months after the date of enactment of this Act by the addition of the following new subsection thereto:

"(e) On and after the effective date of this subsection and under such regulations as the Administrator may promulgate insurance may be converted to or exchanged for insurance on a modified life plan under the same terms and conditions as are set forth in subsections (b) and (c) of this section except that at the end of the day preceding the seventieth birthday of the insured the face value of the modified life insurance policy or the amount of extended insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any insured whose modified life insurance policy issued under this subsection is in force by payment or waiver of premiums on the day before his seventieth birthday may be granted insurance on the ordinary life plan upon the same terms and conditions as are set forth in subsection (d) of this section except that in applying such provisions the seventieth birthday is to be substituted for the sixty-fifth birthday. Notwithstanding any other provisions of law or regulations the Administrator under such terms and conditions as he determines to be reasonable and practicable and upon written application and payment of the required premiums, reserves, or other necessary amounts made within one year from the effective date of this subsection by an insured having in force a modified life plan issued under subsections (b) or (c) of this section, including any replacement insurance issued under subsection (d) of this section or other provision of this title, can exchange such insurance without proof of good health for an amount of insurance issued under this subsection equal to the insurance then in force or which was in force on the day before such insured's sixty-fifth birthday, whichever is the greater."

By Mr. HATFIELD:

S. 2752. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for contributions to a neighborhood corporation and to provide other financial assistance to such corporations organized under State law to furnish their own neighborhood services. Referred to the Committee on Finance.

NEIGHBORHOOD GOVERNMENT

Mr. HATFIELD. Mr. President, I sent to the desk a bill which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

Mr. President, it has been often stated that our past illuminates our present, and I think it appropriate that we should reflect on the ideals and actions during past segments of our history which have made this country great. The periods of greatness in our history, the sources of our natural creativity and strength, have been when the individual has been depended upon—when we have counted on ourselves.

Local and State governments were at one time the primary source of initiative and new ideas. Local experiments such as the income tax, workmen's compensation, and social security were all destined to become Federal programs and virtual institutions within our society. Local units of government lost their preeminence to big government and with it people came to depend primarily on the Federal Government, reversing the hierarchy of priorities. An indication of this is the fact that since 1940, Federal taxes have increased more than twice the total State and local tax levies. While State and local taxes have varied between 7 and 11 percent of the total national income over the past 30 years, Federal taxes have increased 14 percent to take nearly one-quarter of the total national income.

Big government was thought to be able to handle big problems, but that has not been verified by the evidence. More importantly, however, sight was lost of the individual. Concern has been shown for the extremes in our society but this attention was at the cost of the middle American. It was also done at the cost of a system of government that had a better track record than any other in history.

Dr. Michael Young, a sociologist in Britain, has most poignantly commented on this matter as it related to his country. In a speech delivered in Britain, he said that for a long time we have believed that bigness brings efficiency in business and government. To gain economics of scale, he continued, we have accepted remoteness and impersonality of large organizations. Said Dr. Young:

> Whenever anything goes wrong, growth is the stock answer. It is fine for computers and other machines. They thrive on size. But, for a large complex of people the whole has become less than the sum of its parts . . . There is hardly a large organization in the country which has not gone downhill over the last quarter of a century . . . Almost all large bodies.

He continued:

> Have become afflicted by a new wasting disease, giantism.

And this giantism and this growth has brought inefficiency. To paraphrase Dr. Young, the cause of this problem is rather simple: The idea of individual freedom and integrity has grown stronger and people are not as willing to accept offers from the top without question as they used to be. And unquestioning acceptance of orders is the only way a large organization can function efficiently. Business in Britain became aware of the problem, says Dr. Young, but so much time was spent "passing information up and down and sideways that nothing much else is done beside just communicating."

Dr. Young's commentary on Britain is perhaps even more relevant to the United States. Our undying faith in giantism, big government, big business, and constant growth as the panacea for all of our problems is what I call New Deal liberalism. We have learned a great deal from it over the past three decades, but it is doomed to failure. The present administration is reaping the whirlwind of defeats that are rooted in the past 30 years of paternalism. And there is a great deal to be done to reorder our priorities and help change people's attitudes toward themselves and government. They will require a massive national effort involving each of us in his own way and within his own spheres of influence. The key to any change is power and the priorities of power as they are at present must be reversed.

For instance, most of us are generally aware of the deteriorating prospects of our Nation's cities. But this is contrary

to what one would expect by the following figures. During the past 15 years, the total annual expenditures, by city governments, have increased over 300 percent from $28.3 to $92.5 billion. This, in part, reflects a rise in population: Between 1956 and 1970, the population of our central cities has increased from roughly 55 million to approximately 63.8 million. When comparing these figures, furthermore, the per capita expenditure increased as well: 51 cents per capita in 1956 as compared to $1.46 per capita in 1970. This would seem to indicate, consequently, that our cities would be improving when increasing per capita expenditures continue over an extended period of time. Yet in Chicago, during the month of March, there were three times more calls to the mayor's office complaining about building code violations as there were about police services. In Milwaukee, they received more complaints about inefficient snow removal from the streets than anything else. In almost every city, garbage, its costs and cutbacks in collection, is complained about. Cleveland laid off 1,500 of its 13,000 city employees between January and June of this year. Cities such as Cincinnati, Los Angeles, Kansas City, Indianapolis, and Detroit are laying off teachers, implementing hiring freezes—before the President's announcement, August 15—and cutting back in the school day and kindergartens.

This trend is further indicated at the Federal level as well as with local tax receipts. Between 1961 and 1971, Federal outlays increased by $16 billion—a 250-percent increase in 10 years. State and local taxes increased by an estimated $48 billion during the same 10 years. On the local level, total tax receipts increased by $33 billion, a 10-year increase of 576 percent. And there is every reason to believe they will continue to rise. In New York City, for example, it is anticipated that middle-income, homeowning families might expect an added tax bite of $750 next year.

The implications of this are clear. Government has reached the point where in many cases, it has become overextended. It has become too large to cope with the needs of its citizens. Even local government has become counterproductive in many areas. In terms of real dollars, any government, local, State, or Federal, is going to take in more money in taxes than it can pay back in visible services, because it must pay for its own costs. However, the predominant philosophy has been to distribute these services to those who need them most, the government acting as the middleman for the rich to help the poor, the haves to help the have-nots. Yet this approach has not worked.

There is an increasing fiscal imbalance in the federal system with respect to the central cities and the suburbs. Central city residents pay taxes at a higher rate than suburban dwellers, and in absolute terms they pay a larger per capita tax bill. This is in spite of the fact that central city residents are poorer than suburban residents. Furthermore, local government spending is less in central city than it is in the suburb. The Advisory Commission on Intergovernmental Relations found in its study published in 1967 that over a 9-year period, the gap between the central city and the suburbs in per capita expenditures had grown by $52, and the gap in per capita tax had worsened by $11. In other words, the tax burden of the inner city was generally half again as much as in the suburbs, but the benefits of most value to families—education—is only two-thirds of that in the suburbs. And the disparity has been growing worse.

It might be argued that Federal aid to the cities would help alleviate this burden, but according to the Advisory Commission study, Federal expenditures benefited the inner cities by $8 per capita, still leaving a $44 gap between the inner city and the suburb.

An interesting study of the Shaw-Cardozo neighborhood in Washington, D.C., was published in 1969. The Shaw-Cardozo neighborhood is perhaps the most poverty-stricken area in Washington and has been the focal point of many anti-poverty programs of the Federal and city governments. Yet the residents of the neighborhod paid out at least $5 million more in taxes than it received in visible services from all government sources. It is ironic, to say the least, that during an era of concern for the elimination of poverty, the Shaw neighborhood would be better off if its residents were allowed to keep their money and the aid programs discontinued. This and a soon to be published study indicate that the trend is continuing.

Another more general hypothesis has been presented by Prof. Jay W. Forrester of the Massachusetts Institute of Technology. Professor Forrester has applied systems analysis to urban problems in an attempt to clarify and better understand the dynamics of urban life. In his Urban Dynamics, he examines various techniques possible for alleviating many of the negative pressures within our cities concluding that the usual approaches are not only not productive but they are counterproductive. Among these approaches he includes public service and other artificially created job programs, outside induced job training programs, financial aid from outside sources, and low-cost housing. What should be stressed, claims Professor Forrester, is the equilibrium between new-enterprise construction, declining-industry demolition, slum-housing demolition, discouragement of housing construction, and encouragement of industry. There is a critical balance between these that must be maintained if a city is to flourish. The key is a proper balance between housing and business enterprise.

If these studies are correct, the policy implications are profound. In the overall perspective of Professor Forrester, it is essentially up to the cities to solve their own problems—outside stimulus is counterproductive in many cases. He suggests that at the local level, tax and zoning laws should be altered to attract more business, stressing the importance of reaching a point of self-sustenance and independence. This cannot be focused only at one area of a city, but in all, if a correct equilibrium is to be maintained. At the State and Federal levels, efforts to artificially stimulate various sectors of our cities should be eliminated, the responsibility being refocused on the cities themselves.

The Shaw-Cardozo study also implies policies closely related to those coming from Professor Forrester. If even the poorest neighborhoods would be better off financially if allowed to keep their tax revenues, so would higher income neighborhoods. Taxes should be drastically reduced, particularly in the poorer neighborhoods, so that they might provide for themselves better than various governments have to date. What is needed are neighborhood governments within our cities, neighborhoods controlling their own revenues and their own programs. There is not, however, under present law any provision which would allow neighborhoods to incorporate to provide their own services, nor are the specific economic incentives as clearly drawn as they might be to accomplish this end. The two proposals I am introducing today would eliminate these problems to the extent that the Federal Government is responsible.

The bill I am introducing today would, if passed, entail the following: Division of cities into neighborhoods, defined by their annexation boundaries; allowing tax credits up to 80 percent of the respective Federal tax liabilities for individuals within these neighborhoods; returning to the neighborhood corporations 80 percent of the non-Federal taxes paid out by individuals within the respective neighborhoods; allowing a tax credit to individuals who wish to give money to a neighborhood corporation; and requiring that a large majority of the eligible voters within the prospective neighborhood corporation favored incorporation before they are allowed a refund. The intent of the proposal is to allow our citizens to have a broader choice as to how their lives are to be directed and controlled. The legislation would not require the formation of a neighborhood if the members of that neighborhood did not want to incorporate. It would allow for the takeover of many governmental function—Federal, State, and local.

Obviously, a great deal must be done at the State and local levels before corporations of this sort could be formed. Federal legislation alone could not accomplish the end I envision. The proposals I am introducing today would be a first step.

The concept I have outlined is not new. It has been used successfully over hundreds of years. Most recently, a low-income neighborhood of Columbus, Ohio, incorporated itself as a nonprofit organization called ECCO and has for over 6 years carried on governmental functions in a highly laudatory manner. And there are other examples.

If the studies I have noted here are correct, the only way to solve a great number of the problems facing our Nation and our cities is to make the neighborhoods within them much more self-sustaining and independent than they are at present. Large Federal and State programs may only frustrate and create further problems, particularly for the poorer areas.

There are many problems that need to be considered and overcome, even if the proposition of neighborhood govern-

ment is accepted as a desirable goal by the various sectors of our society and among the numerous levels of government. One of the first considerations that must be given is organization. The neighborhoods under my proposal would be allowed to form whatever governmental structure its members desired. Yet, the initial organizing is critical if the neighborhood corporations are to be successful on a long-term basis.

A second area which must be given further study is promoting economic self-sufficiency within the neighborhood corporations. It is obvious that if these corporations cannot maintain an effective tax base they will not be able to function well—this is particularly true in the lower-income areas. Professor Forrester, whom I mentioned earlier, has some suggestions in this matter, and they should be fully explored and tested. His proposals require a great deal of initiative and have some questionable aspects. However, his counterintuitive method and general conclusions are generally consistent and supply answers to questions which have long plagued us. They deserve a thorough trial and analysis. Whether his or other approaches are successful remains to be seen, but basic diversification of neighborhood corporations with the consequent need for creativity and innovation, cooperation and self-awareness, will supply the necessary solutions. This has been the basis of our strength in the past.

A third possible problem area to which attention should be focused is the question of boundary defiintion for the neighborhood corporations. As I presently envisage it, the boundaries should be determined by the annexation and consolidation lines within our cities. Virtually every city that my staff has been able to study has developed by one of these two processes. Yet, there may be cities which have not developed in this manner. If this is the case, greater flexibility will be needed to make provision for these exceptions. Most importantly, however, is that the process of boundary determination be as geographic in nature as possible, for two reasons; First, the influence of politics would be significantly diminshed; second, differing economic, cultural and ethnic groups would be thrown together and work toward common goals within their neighborhood.

From the philosophical side of the question, we must return to a greater individualism and a greater sense of family and community. These are values which have made our country great, but they are values which have been diminishing for more than 30 years. It is my firm conviction that every member of our society should have greater control over his or her future, and that means greater control over their money.

For years, we have heard of man's alienation from his technology and his growing estrangement from his society. Now many of most important institutions—government, family, and business—are becoming most distant, separate, and abstract. If democracy and our republican form of government do not flourish, the hope of mankind to control his own future will die. A reordering of the power alinements and individual relationships within our country are needed if we are to succeed. Neighborhood government is a step in that direction.

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

S. 2752

A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for contributions to a neighborhood corporation and to provide other financial assistance to such corporations organized under State law to furnish their own neighborhood services

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

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to encourage communities and neighborhoods to incorporate for the purpose of providing their own neighborhood services, to provide additional operating funds for such corporations, to increase the sense of neighborhood participation by individuals in such neighborhoods by providing a tax credit for contributions thereto, and to provide additional Federal revenue to such corporations.

TAX CREDIT FOR CONTRIBUTIONS

SEC. 2. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. CONTRIBUTIONS TO NEIGHBORHOOD CORPORATIONS

"(a) General Rule.—There shall be allowed as a credit against the tax imposed by this chapter for any taxable year any amount contributed to a certified neighborhood corporation and paid during that year, subject to the limitations of subsection (b).

"(b) Limitations.—

"(1) Amount.—Except as provided in paragraph (2), the amount of the credit under subsection (a) shall not exceed—

"(A) 80 percent of the amount of the contribution if the contributor's taxable income for the taxable year is $10,000 or less;

"(B) 60 percent of such amount if his taxable income for the taxable year is more than $10,000 but not more than $15,000;

"(C) 40 percent of such amount if his taxable income for the taxable year is more than $15,000 but not more than $20,000;

"(D) 20 percent of such amount if his taxable income for the taxable year is more than $20,000 but not more than $25,000; and

"(E) 10 percent of such amount if his taxable income for the taxable year is more than $25,000.

"(2) Nonresidents.—In the case of an individual who does not reside in the neighborhood served by the neighborhood corporation to or for the use of which he makes a contribution, or a corporation which does not have an office or other establishment in the neighborhood served by the neighborhood corporation to or for the use of which it makes a contribution,

"(A) the amount of the credit under subsection (a) shall not exceed one-half of the amount of the credit under such subsection as determined under paragraph (1) of this subsection; and

"(B) credit shall be allowed during any taxable year for contributions to only one neighborhood corporation.

"(3) Application with other credits.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(c) CERTIFICATION OF NEIGHBORHOOD CORPORATIONS.—A corporation may be certified by the Secretary or his delegate for purposes of this section upon application by the corporation for certification if it—

"(1) is organized under the laws of the State in which it is located as a corporation not for profit and restricts its operations to the single neighborhood it was designed to serve;

"(2) is organized for the purpose of supplying services to its members, and other persons residing within the neighborhood it is designed to serve, which were supplied by a municipal or other government prior to the establishment of the corporation, or similar services; and

"(3) demonstrates a capacity to supply such services and to perform the activities for which it was estabilshed in an adequate and satisfactory manner.

No corporation may be certified for purposes of this section which is formed for the purpose, or with the effect, of preventing the implementation, within the neighborhood it is designed to serve or within the larger neighborhood within which it is located, of any plan or program designed to carry out the laws of the United States, or for any purpose which is contrary to public policy, or which would have a substantial adverse effect upon adjacent neighborhoods. No corporation may be certified for purposes of this subsection unless it is so organized as to permit a high degree of participation by members of the neighborhood it is designed to serve in making major policy decisions.

"(d) NONDEDUCTIBILITY OF CONTRIBUTIONS.—No deduction shall be allowed under section 170 for any contribution to or for the use of a neighborhood corporation to the extent that a credit is allowed (after the application of subsection (b)) for such contribution under subsection (a).

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 40. Contributions to neighborhood corporations.

"SEC. 41. Overpayments of tax."

(c) The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act, but only with respect to contributions payment of which is made after such date.

COMPENSATION FOR STATE AND LOCAL TAXES

SEC. 3. (a) Upon application from a neighborhood corporation certified under section 40 of the Internal Revenue Code of 1954, the Secretary of the Treasury is authorized to pay to such corporation for general corporate use an amount equal to a part (determined under subsection (b)) of the amount of non-Federal taxes paid by members of that corporation to State and local governments. Such payments may be made annually or as otherwise determined by the Secretary.

(b) The amount of the payment which the Secretary may make under subsection (a) to a neighborhood corporation is an amount equal to a percentage of the total amount of non-Federal taxes paid by members of that corporation to State and local governments. That percentage shall be determined in accordance with the following table:

Per capita annual income of individuals residing in the neighborhood served by the corporation:	Percentage
$10,000 or less	80
$10,001 to $15,000	60
$15,001 to $20,000	40
$20,001 to $25,000	20
more than $25,000	10

(c) The amount payable under subsection (a) may be reduced by the Secretary whenever he determines that such reduction is necessary in consideration of the total amount of funds available to him for such payments and the total amount of payments for which application has been or may be expected to be made. Before making any payment under subsection (a), the Secretary shall require that any applicant provide for such fiscal control and fund accounting procedures as he deems necessary to assure proper accounting for Federal funds so paid. The Secretary may require such reasonable reports as to the use of funds paid under subsection (a) as he deems necessary, and he shall make an annual report to the Congress with respect to payments made and reports received under this section.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. MAGNUSON (for himself and Mr. INOUYE):

S. 2754. A bill to authorize the Secretary of Commerce to engage in certain export expansion activities, and for related purposes. Referred to the Committee on Commerce.

EXPORT EXPANSION ACT OF 1971

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, for myself and the Senator from Hawaii (Mr. INOUYE), a bill to authorize the Secretary of Commerce to engage in certain export expansion activities, and for related purposes. The bill I am introducing, entitled the Export Expansion Act of 1971, is broad legislation intended to make a start at filling an urgent need.

All Senators are familiar with the grave situation confronting our Nation in its foreign trade. Since 1964, when the United States enjoyed a trade surplus of some $7 billion, our position as a competitor in the world marketplace has rapidly deteriorated. This year, for the first time since 1893, it is probable that we shall face a deficit in our balance of trade. Those are alarming facts; both because of the magnitude and rapidity of the decline and because of the far-reaching implications for our balance of payments, our peoples' economic well-being and our Nation's role as a world leader.

But alarming as these trade balance figures are, they do not reflect the full gravity of the situation. For one thing, our official trade figures chronically overstate exports by including "sales" under charity programs such as Public Law 480, and understate imports by not including the cost of insurance and freight as do virtually all other nations. If one makes adjustments to reflect these distortions and arrive at a more realistic trade balance, it becomes clear that our Nation has for the last 5 years been experiencing severe trade deficits.

The United States is rapidly losing its export competitiveness. For example, in the crucial area of manufactured goods, the United States slipped from 25 percent of the world market in 1960 to 21 percent in 1970. In dollar terms that share loss meant $6 billion in lost exports. In human terms, it meant over 400,000 lost job opportunities that were and are desperately needed. Last year also saw the United States lose its position as the world's largest exporter of manufactured goods—a position that is now held by Germany.

Public attention on the decline in our trade has largely been focused on a few industries: Textiles, shoes, steel, automobiles, radios and the like, and on the loss of markets to imports. It is in these areas, of course, where the decline has been most dramatic. Also, for some reason, domestic sales lost to imports generally result in more public concern than the equally damaging loss of potential export sales However, the legislation I have introduced today is aimed at exports. It is intended to be a start on what I believe must be a major priority of our Nation in the decade ahead: The acceleration of export growth.

The reasons we must expand our exports are clear and compelling. It is necessary if we are to maintain our role of world leadership and to finance the payments drains that result from that role. It is necessary if we are to be free of balance-of-payments constraints in using fiscal and monetary policy to produce a dynamic and healthy domestic economy. It is necessary if we are to participate in and assist the growth of developing nations thereby creating a better and more stable world. It is necessary if we are to reap the benefits of free international trade and resist the pressures of import restrictions and protectionism It is necessary if we are to assure our people decent jobs and a reasonable standard of living.

History makes abundantly clear that a nation either trades or fades. At this point in time, it is also clear that the continuation of our Nation as a trading nation requires a great effort to become more competitive and to increase exports.

Granting the importance of increasing exports, there are those who say that all that is required is a readjustment of exchange rates and a slowing of the inflationary spiral in the United States. While those steps are certainly necessary, it is incorrect to believe that they are sufficient. No one would argue that repeated and steep devaluations of the dollar are the road toward economic well-being for the American people or toward economic strength for our country. Similarly, while the control of inflation is necessary, it cannot do the job of itself. This is evident since, even during the recent dramatic decline in our trade posture, the overall rate of inflation in the United States has been generally less than that of most of our trading partners. While inflation has been an obstacle to, and has even eliminated the exports of some American industries, there is little real evidence that U.S. exports as a whole have been significantly disadvantaged by inflation. Consequently, even an easing of inflation will not by itself correct our trade deficit.

The reasons for our decline in export competitiveness are undoubtedly many and complex. However, I believe that among the most important is the lack of emphasis and priority historically attached to exports both by our Government and business community. The immense size of the U.S. market has itself made us less export conscious than our trading partners and competitors. Until relatively recent years, only a few enterprises were large enough to find the size of the U.S. market an undue constraint. The market was ample to permit economies of scale in production and sales, and was geographically isolated from most other markets. Similarly, since we enjoyed consistent balance of trade surpluses, there was no compelling reason for a public policy emphasizing exports as a means of paying for needed imports.

Exports are approximately 4 percent of the U.S. gross national product. They are a substantially larger portion of GNP for all our major industrialized trading competitors. The average proportion of gross national product exported by all other nations is 15 percent and for some major nations it is over 30 percent. As might be expected, these nations have accorded a far greater priority to their export trade than has the United States. Unlike our country, they have taken cognizance of their export needs and objectives in formulating virtually all aspects of public policy. Their governmental efforts in direct export promotion are merely one example. The United States would have to triple its budget for export promotion to have one proportional to that of Japan, Italy, or the United Kingdom. Even more important, the laws and policies of these nations have been carefully tailored to favor exports and to provide a distinct and favorable export environment.

As I indicated at the outset, the legislation I have introduced today, although broad-ranging and touching upon many different aspects, is intended to be a beginning in increasing our Nation's emphasis on exports and creating an environment favorable to exporting. As important as any of the specific provisions in the bill, is the new mood and attitude which I hope it will engender.

The bill consists of a very brief statement of purpose and 13 titles.

Title I creates a new international commercial service in the Department of Commerce and is intended to lead to a substantial strengthening of our foreign commercial services. At present, the United States has less than half as many commercial officers as the United Kingdom or Japan, and these officers are required to service a far greater volume of exports. In proportion to exports, the United Kingdom and Japan have five times as many commercial officers as the United States. The title would also transfer this mission from the Department of State to the Department of Commerce and the Service would be staffed by personnel trained in commercial matters rather than Foreign Service officers who may have little interest or experience in this area.

Title II establishes a trade development corps in the Department of Commerce of not more than 500 people. The

corps could consist of recent MBA graduates, retired businessmen, and other professionals who would assist the international commercial service abroad. The corps would also result in an indirect benefit by stimulating interest in export at home when members return to private enterprise.

Title III creates a new program in the Department of Commerce to provide matching grants for approved export expansion projects of state and local governments. This program is intended to be small and selective and to enable local governments to establish innovative pilot projects on an experimental basis.

Title IV authorizes an export training program to be administered by the Department of Commerce in which new and potential exporters can be educated on basic technical export problems in a short course. Such matters as transportation and documentation problems, currency and credit restrictions, and nontariff barriers can confuse and hinder the efforts of new exporters. A short training program as envisioned in Title IV will help cut through the maze.

Title V establishes a regional American merchandise center program within the Department of Commerce. This program is designed to supplement existing trade development centers by authorizing the Secretary of Commerce to lease limited office and bonded warehouse space in key locations around the world to provide small exporters with ready access to markets with goods, spare parts, and so forth, and to provide them with a comprehensive range of services.

Title VI authorizes a joint export association program, in which, upon application, the Government can enter cost sharing contracts with respect to startup and market entry costs of products with high export potential.

Title VII deals with the problem of the uneven application of the antitrust laws to foreign and domestic firms and with the fact that these laws may hinder certain export activities while serving no real purpose with respect to the preservation of competition in domestic markets. The title modifies current antitrust restrictions by authorizing closely supervised chartered export associations to engage in certain activities solely in export trade. These associations will be chartered by the Secretary of Commerce if they meet certain conditions. The relaxation of restrictions will not apply to the domestic activities of the participating companies.

Title VIII establishes a rediscount facility for short-term export paper in the Export-Import Bank and is intended to provide flexible and competitive financing to U.S. exporters.

Title IX attacks the problem of tariff proliferation and rate disparities in ocean transportation which sometimes result in it being twice as expensive under conference rates to ship a commodity from a point in the United States to a foreign destination, as vice versa. The title would greatly simplify ocean freight rates and is also intended to assure that American exports are not disadvantaged by conference rate structures.

Title X increases the effectiveness and utility of foreign trade zones by expanding duty-free treatment of imported machinery, materials, and fuel used solely in export trade under certain conditions. This provision may make our exports competitive in a few instances where interpretation of existing law has precluded the most effective use of the trade zone concept.

Title XI creates a commission on foreign procurement practices consisting of seven individuals to be appointed by the President. The commission is authorized to study and compare Federal Government procurement policies with those of other nations and to make recommendations to assure that U.S. products are treated as fairly by foreign governments as foreign products are by our Government. The commission would have a 1-year life.

Title XII provides that the Secretaries of Commerce and Agriculture may make surplus agriculture commodities available at world market price for use in manufacturing for export upon finding that it would increase the exports of the United States and that it would not adversely affect the domestic market price for the commodity. This provision is intended to utilize some of the surplus commodities we have accumulated for the purpose of increasing exports while at the same time not disturbing our price support program.

Title XIII reorganizes the Department of Commerce to upgrade export promotion activities by creating an Assistant Secretary of Commerce for International Business to head a new international business administration and giving the Assistant Secretary of Commerce for International Business new authority to implement the provisions of this bill. It further requires that all appropriations for international business activities be authorized on a biennial basis to give the Congress a greater opportunity for programmatic review.

This is obviously a very brief summary of the bill.

The Subcommittee on Foreign Commerce and Tourism of the Committee on Commerce will begin hearings on this legislation and on U.S. export policy on Tuesday, November 9, 1971 at 10 a.m. The hearings will be in room 5110, New Senate Office Building, and will continue through the balance of that week. As chairman of the committee, I am hopeful that the legislation can serve as a working paper and the hearings as a formu for development of a new national policy geared to export.

By Mr. THURMOND:

S. 2756. A bill relating to the recomputation of retired pay in the case of employees of the Federal Government and members of the Armed Forces who retire during the period that scheduled pay increases for such employees and members are postponed. Referred to the Committee on Post Office and Civil Service.

Mr. THURMOND. Mr. President, today I am introducing a bill to alleviate an injustice to certain members of the uniformed services and those subject to the Federal statutory pay systems who are scheduled to retire after January 1, 1972.

These loyal citizens have given their country the most productive portion of their working lives and have won a hard-earned retirement. Certain members of our uniformed services and those subject to the Federal statutory pay systems are scheduled for retirement after the period beginning January 1, 1972. Normally their retirement pay would have been computed on the basis of their base pay as defined by the last cost-of-living pay increase, which would have become effective January 1, 1972.

The President has asked that this scheduled pay increase be delayed until July 1, 1972. He needs this delay to help in his fight against inflation. I support this action but at the same time would like to protect a small number of uniformed personnel and those subject to the Federal statutory pay systems who would lose an increase in retirement pay as a result of this Executive action.

Mr. President, this legislation would permit these retired persons to have their retired pay recomputed on the basis of the postponed increased pay rates as of the date such pay rates become effective.

To allow this problem to go uncorrected would be a great inequity to those who have served their Government and country long and well.

Mr. President, I submit this bill and ask unanimous consent that it be referred to the Committee on Post Office and Civil Service.

By Mr. MILLER:

S. 2757. A bill for the relief of Marie Tjernagel and others. Referred to the Committee on the Judiciary.

Mr. MILLER. Mr. President, I introduce a private bill for the relief of Marie Tjernagel and other members of the Tjernagel family. The bill would authorize and direct the Secretary of the Treasury to pay to the Tjernagels and other Iowans their just claims resulting from the crash of an Iowa Air National Guard aircraft on the Tjernagel farm in Hamilton County on December 9, 1968 while on a training mission. At that time, the jet aircraft destroyed the house, all other farm buildings, grain, equipment, and personal belongings of the entire Tjernagel family. Although the pilot and the one crewmember of the aircraft were killed, the Tjernagels escaped with cuts, burns, and bruises. All of the family, however, suffered some degree of shock.

I am informed by the attorney for the Tjernagels that U.S. Air Force personnel arrived at the crash scene very shortly after the crash and began their investigation of the mishap. Members of the Iowa attorney general's staff also visited the scene. After several conversations and consultations with Air Force personnel, the Air Force representatives orally stated that the Air Force would be responsible for the damages and instructions were given with regard to the procedures to be followed in recovering such damages.

Also an advance payment of $5,000 was made in the Tjernagels as an emergency payment by the Air Force. During the process of preparing and validating all of the claims arising out of this mishap, the attorney for the Tjernagels

made many telephone and personal contacts with Air Force personnel, and at no time did Air Force representatives indicate that the Air Force was not responsible. In fact they assured the attorney that the Air Force was responsible and would pay the Tjernagels for the damages suffered by them.

However, on May 14, 1971, Air Force headquarters notified both the Tjernagels and the State of Iowa that the Air Force would not accept responsibility for paying the claims arising out of this mishap. The Tjernagels were advised to file claims against the State of Iowa and proceed in that fashion. The State of Iowa, of course, takes the position that the Air Force is liable for the damages and that the State cannot make payment without a court decision. As a result the Tjernagel family is now faced with the possibility of protracted litigation after waiting almost 3 years to have their claims settled.

It is my strong feeling that this case has gone on long enough. The Tjernagels should not be made to wait any longer for the settlement of their claims and should not now have to become the pawns in a legal dispute between the U.S. Air Force and the State of Iowa. The bill I am introducing would authorize the payment by the Federal Government of the claims arising out of the crash, and I urge speedy and favorable action.

By Mr. PROXMIRE:

S. 2758. A bill to provide insurance for the member accounts of certain Federal credit unions, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

SHARE INSURANCE FOR CREDIT UNIONS

Mr. PROXMIRE. Mr. President, I am introducing today a bill to provide temporary share insurance for federally chartered credit unions whose applications for insurance have been rejected by the Administrator of the National Credit Union Administration. The amendment is necessary to prevent the premature liquidation of nearly 1,500 credit unions, many of whom are serving low-income consumers. I feel strongly that these credit unions should be given a reasonable chance to qualify for share insurance before they are put out of business by the Federal Government. Unless some legislative action is taken by the Congress, the 1,500 credit unions will be forced to liquidate beginning next February.

HISTORY OF SHARE INSURANCE BILL

In order to understand the need for legislative action, it is necessary to review the history of the bill we passed last year to provide Federal share insurance for people who have their savings in credit unions. The share insurance program is similar to the insurance of bank deposits by the FDIC. As in the case of bank deposit insurance, each account in a credit union is insured for up to $20,000 by the National Credit Union Administration—NCUA. The program operates entirely on credit union money. Losses, if any, and administrative expenses are paid from premiums collected from each insured credit union.

Share insurance was made mandatory for federally chartered credit unions but was optional for State chartered credit unions. A problem, therefore, arose on what to do about those federally chartered credit unions who could not qualify for share insurance. During the Senate committee's hearings, Mr. J. Deane Gannon, the Acting Administrator of NCUA, estimated that approximately 2 percent of existing credit unions would fail to qualify. There are about 13,000 federally chartered credit unions, hence a 2 percent rejection rate would deny insurance to about 260 Federal credit unions.

SENATE COMMITTEE ACTION

Under the original share insurance bill introduced by Senator BENNETT, no special provision was made for the estimated 260 Federal credit unions who could not immediately qualify for share insurance. Since share insurance was mandatory for all federally chartered credit unions, a failure to qualify for insurance presumably required an immediate revocation of a Federal credit union's charter.

The Senate Banking Committee felt this approach was too harsh and explored several alternatives for affecting a more equitable transition period. One approach was to provide temporary share insurance for those Federal credit unions who could not meet the insurance standards with a requirement that they liquidate at the end of the temporary period if they still failed to meet the standards. Some members objected to this approach on the grounds that it was not fair to penalize the more successfully managed credit unions by using their insurance premiums to pay for losses incurred by those credit unions who failed to qualify at the end of the probationary period.

Another approach ultimately adopted by the committee and enacted into law was to give nonqualifying Federal credit unions an additional year to qualify for insurance. If they still failed to qualify at the end of the year, they would have their Federal charter revoked. Any losses incurred upon liquidation would be borne by the members of the credit union rather than the insurance fund.

Personally, I favored the temporary insurance approach because I believe the credit union movement as a whole has an obligation to prevent any individual member from losing his savings in a credit union account. Nonetheless, I reluctantly went along with the committee approach in the interest of obtaining a workable compromise. Moreover, I felt any ultimate losses to credit union savers would be quite minimal. According to Mr. Gannon, there were only an estimated 260 Federal credit unions who would fail to qualify on their initial application and it was felt that most of these could subsequently qualify at the end of the 1-year waiting period. I assumed that any losses resulting from the few credit unions required to liquidate could probably be handled by the various stabilization funds established by State credit union leagues. Thus I did not expect that the enactment of the share insurance program would work a serious hardship on credit union savers.

REJECTION RATE VASTLY EXCEEDS PREDICTIONS

Unfortunately, all of these estimates have proved to be in error largely as a result of the actions taken by the new Administrator of NCUA, Gen. Herman Nickerson, Jr.

The rejection rate for Federal credit unions was not 2 percent, as estimated by Mr. Gannon during the committee's hearings. Under General Nickerson's administration, the rejection rate is 10.6 percent, or over five times the rate which was originally estimated. Moreover, the rejection rate could go as high as 11.6 percent, if pending applications are denied. As of October 15, 1971, 1,356 Federal credit unions have had their insurance applications rejected and an additional 141 applications are still pending.

THE NEW NICKERSON RESERVE FORMULA

Such a wide variance between the estimated and actual rejection rate is apparently due to the administrative changes brought about by General Nickerson since his appointment as the Administrator of NCUA. For example, General Nickerson has changed the formula for computing the amount of reserves which credit unions are required to maintain. As a result of the Nickerson formula, many credit unions suddenly found they no longer met the reserve requirements. Over 80 percent of those rejected for insurance failed to meet the more stringent Nickerson reserve formula.

Many credit unions may be unaware of the tougher reserve requirements, since the Nickerson formula was never published in the Federal Register. Nor was the old formula established under Mr. Gannon's administration ever formally repealed. I understand the legality of the Nickerson formula is already under attack by a State credit union league.

NICKERSON'S BACKGROUND QUESTIONED

Mr. President, when General Nickerson appeared before the Senate Banking Committee for his confirmation hearing, I questioned whether he had the background to be the Administrator of NCUA. There is no doubt that General Nickerson has had an outstanding military career, but I wondered whether his military training adequately prepared him to supervise thousands of diverse financial institutions, many of which are manned by volunteer help. Administrative procedures which work well under a military chain of command system cannot always be transplanted to a different institutional environment.

General Nickerson assured the committee that he believed in the goals and objectives of the credit union movement. I accepted his statement then and I accept it today. I am not charging General Nickerson with exceeding his legal authority. Nor am I prepared to say that his policies are too rigid or unyielding since I have not seen any evidence in support of or in opposition to the new reserve requirements. Perhaps General Nickerson can justify them when he next appears before the committee. But I do feel it is fair to say that General Nickerson differs greatly from Mr. Gannon in his approach to the share insurance pro-

gram. Had Congress known of Mr. Nickerson's administrative policies prior to the enactment of the share insurance program, I believe we would have looked at the transitional problem in a far different light.

THE BENNETT-SPARKMAN BILL

As a result of General Nickerson's policies, there are about 1,500 Federal credit unions in danger of losing their charter rather than the 260 estimated by Mr. Gannon. In response to this new situation, Senator BENNETT and Senator SPARKMAN have introduced a bill to extend for another 2 years the deadline for meeting the Federal share insurance requirements. Those Federal credit unions who still fail to qualify at the end of the 2-year period will have their charter revoked.

At least this bill has the merit of recognizing the seriousness of the problem. But in my opinion, it does not deal adequately with the fundamentally new situation created by General Nickerson.

BENNETT-SPARKMAN BILL INADEQUATE

First of all, the Bennett-Sparkman bill does nothing to protect the people who have savings in credit unions forced to liquidate. General Nickerson has estimated that even after another 2 years, there still will be approximately 365 Federal credit unions who cannot meet the insurance standards. These 365 credit unions have reserve deficiencies of $2 million. Assuming the reserve deficiency measures the ultimate loss, the savers in these credit unions will be forced to absorb a $2 million loss. Since many of the liquidating credit unions serve low-income groups, the losses will fall heavily on those least able to afford them.

Second, the Bennett-Sparkman bill encourages an unnecessarily high failure rate on the part of limited-income credit unions by denying provisional insurance to those who initially fail to meet the insurance requirements. Unlike other credit unions, those designated as limited-income credit unions can accept share deposits from nonmembers such as churches, corporations, banks, and others. Share deposits from nonmembers can substantially increase the earning power and financial strength of limited-income credit unions. However, these nonmember share deposits will not be forthcoming without share insurance. Thus by denying provisional share insurance, the Bennett-Sparkman bill denies limited-income credit unions the means to gain the financial strength needed to qualify for permanent insurance.

Third, the Bennett-Sparkman bill encourages other credit unions to fail by denying them provisional insurance until they can meet the higher reserve requirements. The stigma of being denied insurance is not conducive to attracting funds from new savers or keeping the savings of present members. Savers may be expected to shift their savings out of an uninsured Federal credit union as knowledge of its rejected status becomes more widely known. Indeed, the outflow of funds is likely to increase substantially as the end of the 2-year deadline approaches and the credit union is faced with having its charter revoked. The Bennett-Sparkman bill might even precipitate runs on marginal credit unions, thus causing losses far in excess of those which would be realized if the credit union were given provisional insurance.

Fourth, the Bennett-Sparkman bill denies the Administrator of NCUA the authority he needs to bring marginal credit unions up to insurance standards. If a marginal credit union were given provisional insurance, the Administrator could use his cease and desist authority to stop bad financial practices and remove unqualified managements. However, this authority is not available unless the credit union is insured.

THE PROXMIRE BILL

Mr. President, the bill I have introduced would provide a more adequate remedy to the problem. It provides provisional insurance for a 2-year period to those Federal credit unions who cannot meet the standards provided the credit union has met the statutory reserve requirements established under 116(a) of the Federal Credit Union Act. These reserve requirements specify that a Federal credit union must transfer 10 percent of its gross income into its reserve account until reserves total 7½ percent of risk assets and then 5 percent of gross income until reserves reach 10 percent of risk assets.

If at the end of the 2-year provisional period, the credit union still fails to meet the additional standards and higher reserves required by the NCUA Administrator, it would have its Federal charter revoked. Any losses which might be realized following the credit union's liquidation would be borne by the insurance fund rather than the individual savers.

SAVERS MUST BE PROTECTED

I feel the Federal Government and the credit union movement have an obligation to protect the credit union saver against any loss. Indeed, this was the very purpose for enacting the share insurance program. It is somewhat ironic that the program would inflict sizable losses on credit union savers by forcing the liquidation of marginal credit unions.

Even if the ultimate losses should approach $2 million, there will be more than enough money in the insurance fund to compensate credit union savers. NCUA projects a premium income of $20 million during the first 3 years of the program and expenses of $1.8 million, leaving a balance of over $18 million. Because of the sizable reserves built up by the insurance fund, there should be no need to increase share insurance premiums as a result of extending provisional insurance to nonqualifying Federal credit unions.

PROVISIONAL INSURANCE WILL STRENGTHEN MARGINAL CREDIT UNIONS

We sometimes hear the argument that it is wrong to insure a sick credit union. I believe this argument misses the whole point. A credit union in financial trouble will have a much harder time correcting its problems if it is denied provisional insurance. The lack of insurance makes it difficult to attract new savings or keep existing savings. Provisional insurance will give these credit unions a reasonable chance to improve their financial health.

WHY DISCRIMINATE AGAINST CREDIT UNIONS?

There is ample precedent for extending provisional insurance to all Federal credit unions. The Congress went much further when it gave blanket insurance coverage to all brokerage firms in the Securities Investor Protection Act of 1970. These brokerage firms were not chartered or supervised by the Federal Government, yet they automatically qualified for deposit insurance regardless of their financial condition. I find it wholly inconsistent for the Congress to apply a far stricter standard for credit unions which have never incurred the losses accounted for by brokerage firms.

EXPANDED GUARANTEE AUTHORITY

Mr. President, my bill also amends the Federal Credit Union Act by giving the Administrator of NCUA the authority to provide loans or loan guarantees to any person purchasing the assets of a liquidating insured credit union. Under existing law, the Administrator can only extend such loans or loan guarantees to insured credit unions. However, there may be others willing to purchase the assets of a liquidating credit union, thus averting a potential loss to the insurance fund. These other purchasors might include a State credit union league or an uninsured State chartered credit union. I believe the Administrator should have maximum flexibility in dealing with the problems of liquidating credit unions in order to protect the assets of the insurance fund. My bill provides this flexibility.

SIMILAR BILL APPROVED IN HOUSE COMMITTEE

Legislation similar to my bill cleared the House Banking Committee by a vote of 27 to 4 although there were some technical imperfections in the drafting of the legislation. I believe my bill removes these imperfections and accomplishes the intent of the House committee and would be readily accepted by the House. Unfortunately, the House bill has become embroiled in a parliamentary roadblock and could have difficulty clearing the Rules Committee by the end of the year. Some action by the Senate is thus essential to avoid the premature liquidation of over 1,500 credit unions.

CREDIT UNION SUPPORT

Mr. President, I believe there is widespread support within the credit union movement for the bill I have introduced. The Credit Union National Association—CUNA—which represents about 22,000 credit unions or over 92 percent of all credit unions, has conducted a poll of its members. Of those responding, 81 percent said they favored provisional insurance for nonqualifying credit unions as provided by my bill. A total of 1,479 credit unions responded to the poll.

The CUNA poll contrasts sharply with a poll conducted by the National Credit Union Administration—NCUA. This poll found that only 48 percent of responding credit unions favored provisional insurance. However, only 375 credit unions responded to the NCUA poll, which is one-fourth the size of the CUNA poll. Moreover, those responding were drawn from a list of credit unions who had agreed to provide NCUA with periodic statistical information. The NCUA list thus may not be representative of the entire credit union movement.

LARGE CREDIT UNIONS OPPOSED

Mr. President, I think it is fair to point out that the bill I am introducing is opposed by the National Association of Federal Credit Unions—NAFCU—which represents about 275 Federal credit unions. I understand this association prefers the Bennett-Sparkman bill instead.

The National Association of Federal Credit Unions primarily represents the larger credit unions. For example, one of its members, the Navy Federal Credit Union, has assets of well over $100 million. Many of these larger credit unions have apparently moved quite a distance from the cooperative, self-help philosphy which characterizes most credit unions. In fact some of the larger credit unions would seem to be much closer to commercial banks in their basic philosophy and style of operation.

I can understand why the managers of a large credit union might oppose provisional insurance for the smaller and less successful credit unions. From a purely selfish viewpoint, why should the insurance premiums of the larger credit unions be used to pay off individual savers in credit unions who were forced to liquidate because they could not meet the insurance standards? A large credit union of the size of Navy Federal does not have to worry about the public losing confidence in credit unions if 300 or 400 small credit unions fail at a loss to their savers. The financial strength of Navy Federal speaks for itself and it has nothing to gain from extending provisional insurance to smaller credit unions.

PROXMIRE BILL CONSISTENT WITH CREDIT UNION PHILOSOPHY

However logical the NAFCU position might be, I do not believe it is in accord with the spirit of the credit union movement which was founded on the principles of mutual cooperation and self-help. The credit union movement cannot remain callous or indifferent to the plight of the thousands of small savers who would lose money if the Bennett-Sparkman bill is enacted. Moreover, these losses, if not reimbursed by the insurance fund, could undermine public confidence in all credit unions save the largest and most successful. I am sure the vast majority of credit unions would prefer to use their own money, already collected and paid into the insurance fund, to help defray any losses which savers might suffer as a result of a credit union being forced to liquidate because it could not meet the insurance requirements established by the NCUA Administrator.

Mr. President, I ask unanimous consent to have printed in the RECORD after my remarks a table showing a State-by-State breakdown of those credit unions which have been rejected for insurance.

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

STATUS OF FEDERAL CREDIT UNIONS AS OF OCT. 15, 1971

	Active F.C.U.'s, Sept. 30, 1971	Rejected	In-house and awaiting application	Insured
BOSTON REGION				
Connecticut	301	23	3	275
Maine	162	15	None	147
Massachusetts	356	50	4	302
New Hampshire	33	None	None	33
New Jersey	547	52	5	490
New York	1,081	154	16	911
Puerto Rico	37	3	2	32
Rhode Island	29	3	None	26
Vermont	4	None	None	4
Virgin Islands	3	1	1	1
Total	2,553	301	31	2,221
HARRISBURG REGION				
Delaware	80	11	3	66
District of Columbia	162	25	5	132
Maryland	218	32	9	177
Pennsylvania	1,308	183	10	1,115
Virginia	255	30		225
West Virginia	162	24	2	136
Total	2,185	305	29	1,851
ATLANTA REGION				
Alabama	221	29	1	191
Canal Zone	7	None	None	7
Florida	336	41	2	293
Georgia	275	30	2	243
Kentucky	125	17	None	108
Mississippi	151	25	1	125
North Carolina	121	8	None	113
South Carolina	127	6	1	120
Tennessee	192	19	None	173
Total	1,555	175	7	1,373
CHICAGO REGION				
Illinois	429	26	1	402
Indiana	487	43	None	444
Michigan	366	29	2	335
Minnesota	62	5		57
Ohio	725	60	6	659
Wisconsin	6	None	None	6
Total	2,075	163	9	1,903
AUSTIN REGION				
Arkansas	95	14	None	81
Colorado	170	9	2	159
Iowa	10	1	None	9
Kansas	71	7	1	63
Louisiana	368	30	7	331
Missouri	44	5	None	39
Montana	120	11	1	108
Nebraska	86	10	None	76
New Mexico	69	1	3	65
North Dakota	29	None	None	29
Oklahoma	132	8	2	122
South Dakota	107	12	3	92
Texas	902	66	18	818
Utah	86	6	1	79
Wyoming	56	1	None	55
Total	2,345	181	38	2,126
SAN FRANCISCO REGION				
Alaska	37	6	None	31
Arizona	114	20	6	88
California	1,242	149	17	1,076
Guam	4	2	None	2
Hawaii	168	4	1	163
Idaho	66	4	1	61
Nevada	64	7	None	57
Oregon	220	23	2	195
Wake Island	0	None	None	None
Washington	193	16	None	177
Total	2,108	231	27	1,850
Grand total	12,821	1,356	141	11,324

Source: National Credit Union Administration.

By Mr. MAGNUSON (by request):

S. 2760. A bill to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corp., for the purpose of purchasing railroad equipment and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corp., for the purpose of purchasing railroad equipment and for other purposes and ask unanimous consent that the letter of transmittal, explaining the purpose and need be printed in the RECORD with the text of the bill.

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

S. 2760

A bill "To amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 601 of the Rail Passenger Service Act of 1970 (84 Stat. 1338) is amended to read as follows:

"SEC. 601. *Federal Grants.*

"There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 and in subsequent fiscal years a total of $170,000,000, these amounts to remain available until expended, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for—

"(1) the initial organization and operation of the Corporation;

"(2) the establishment of improved reservations systems and advertising;

"(3) servicing, maintenance, repair, and rehabilitation of railroad passenger equipment;

"(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

"(5) the development and demonstration of improved rolling stock;

"(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the Basic System over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads;

"(7) the purchase or lease by the Corporation of railroad rolling stock, and

"(8) other corporate purposes."

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., October 18, 1971.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill:

"To amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment and for other purposes."

The proposed bill is required in order to provide the National Railroad Passenger Corporation (AMTRAK) with the financial resources required to make the necessary investments in equipment and facilities and to maintain and improve service.

The Rail Passenger Service Act of 1970 (PL 91-518), hereafter the Act, was enacted on October 30, 1970. It required the Secretary of Transportation, after giving due consideration to the views of the Interstate Commerce Commission, State commissions, and the representatives of railroad management and labor, to designate a basic national rail passenger system (the Basic System). The Act established a for profit corporation, AMTRAK, to provide intercity rail passenger service. AMTRAK was required to initiate service by May 1, 1971.

AMTRAK was capitalized through a $40 million Federal grant authorized by Section 601 of the Act, and payment from the railroads of approximately $200 million over a 36 month period in consideration of AMTRAK relieving them from the responsibility of providing intercity passenger service. In addition, Section 602 of the Act authorized the Secretary to guarantee $100 million of the Corporation's debt.

The Act's enactment initiated a national experimental effort to determine the appropriate role and level of rail passenger transportation in the development of a balanced national transportation system. We believe if quality intercity rail passenger service is provided and the system is restructured to be competitive with other modes of intercity passenger transportation, revenues should be sufficient to support the costs of the service. While our analysis continues to demonstrate a vital need for intercity rail transportation in this country, the Act was designed to provide an actual nationwide test. There has not been, however, sufficient time since AMTRAK took over the system operation, May 1, 1971, to realize the benefits from the improved organization and service oriented management of the AMTRAK rail passenger system. Hence, an accurate evaluation of public response to improved service cannot be made at this time. Furthermore, pursuant to Section 404(b)(1) of the Act, AMTRAK is required to provide service on the Basic System until July 1, 1973. After that time, AMTRAK may discontinue service on the Basic System pursuant to Section 404(b)(3). Thus, while AMTRAK will have a major opportunity to reexamine its responsibilities and finances after that date, it has a statutory responsibility to maintain service on the Basic System in the interim.

AMTRAK has recently completed an analysis which indicates that it will have a deficit of approximately $150 million in FY 1972 and $125 million in FY 1973. These estimates are greater than initially anticipated because of (1) the time and effort required to realize the anticipated cost reduction benefits from the consolidation of 13 railroads into an integrated system and to increase revenues and ridership by promotion and innovation, and (2) the requirement for large, immediate capital investments especially in the purchasing and refurbishing of rolling stock.

With the anticipated losses, AMTRAK estimates that $170 million in additional funds will be needed if it is to meet its planned program during the next two years. This is in addition to the planned use of the $100 million in Fedral guaranteed loans available to the Corporation under Section 602 of the Act. It is the judgment of both the Board of Directors and its Financial Investment Advisory Panel established pursuant to Section 501 of the Act that the Corporation in its present state of development is not able to secure these funds on the private financial market and that the most feasible and desirable alternative is to secure an additional Federal grant. This would bring the initial Federal contribution more in line with the unique start-up costs being encountered by the Corporation. It would be inappropriate and self-defeating to fund such requirements through immediate fare increases. The Department agrees with the Board of Directors of AMTRAK that these funds are required if the Corporation is to undertake a fair national test of passenger response to improve rail passenger service, and that additional Federal assistance is warranted.

Amtrak's current cash flow analysis indicates that it cannot meet its planned level of obligations through the remainder of this fiscal year. Additional Federal assistance is needed urgently Amtrak is to preserve its momentum and if the capital program is to move forward to insure improved service.

The enclosed bill amends the Act by providing Amtrak the additional funds needed to continue operation of this system until July 1, 1973. Specifically, this proposal would provide in addition to the $40 million made available in fiscal year 1971, $170 million for subsequent fiscal years—such amounts to remain available until expended. The Act currently specifies six purposes for which Amtrak may use Federal grants. The enclosed bill would also authorize Amtrak to use such funds for the purpose of railroad rolling stock and any other corporate purposes. The Secretary of Transportation would be authorized to distribute to the Corporation amounts available under this section pursuant to such terms and conditions as he may prescribe.

Amtrak's Board of Directors by formal resolution authorized and directed its officers to take immediate steps to obtain additional Federal assistance. The enclosed bill has the full support of Amtrak and its management is prepared to provide the Congress with additional information in support of this proposal.

We urge the prompt introduction and early enactment of this legislation. We have been advised by the Office of Management and Budget that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

JOHN A. VOLPE.

By Mr. BENNETT:

S. 2761. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interest therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

Mr. BENNETT. Mr. President, it has come to my attention that critical watershed lands located in the drainage area of the Middle Fork of the Ogden River above the city of Ogden, Utah, are in imminent danger of pollution destruction.

The drainage area of the Middle Fork of the Ogden River is recognized as the principal source for the artesian wells which are the primary supply of culinary water for Utah's second largest city. Pineview Reservoir, which is also a source of culinary water for Ogden City and a large portion of the rest of Weber County, Utah, would also be adversely affected by the pollution of these drainage lands.

The problem in the drainage area stems from the planned subdivision and housing developments by private landowners. Development of this watershed area would result in severe pollution of the surface and subsurface waters draining from it which provide the main source of culinary water to the city of Ogden.

At this time less than 4,000 acres of the approximately 20,000 acres in the drainage area are owned by the U.S. Forest Service. The rest of the land is in private ownership. In order to preclude development of the area and the subsequent severe pollution of the water source for a city of 75,000 it will be necessary for the Forest Service to have the funding for purchase of these lands. I am offering legislation today which would accomplish this purpose. This legislation will authorize the Secretary of Agriculture to acquire these lands under provisions of the Multiple Use-Sustained Yield Act of June 12, 1960, at a price not to exceed fair market value. The legislation requests authorization for appropriations not to exceed $3,450,000 for this purpose.

By Mr. MOSS:

S. 2762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

Mr. MOSS. Mr. President, I am today introducing a bill to authorize the U.S. Forest Service to purchase approximately 23,000 acres of private land situated on the watershed of the Middle Fork of the Ogden River in Weber County, Utah, and to add these acres to the Cache National Forest. The bill authorizes the appropriation of a sum not to exceed $3,450,000 for the purchase.

The Forest Service currently owns 3,200 acres scattered through the privately owned lands on the Middle Fork watershed and the acquisition of the additional acreage will allow the service to take more effective measures to preserve the watershed, to control pollution, to control floods, and to conserve the scenic beauty and wildlife of the area.

The most urgent reason for authorizing the purchase of the privately owned lands in the area is to head off the threat of pollution to the water supply serving a densely populated section in Weber County, one of the most populous counties in Utah, and the location of Utah's second largest city, Ogden. The drainage of the Middle Fork is a principal charge source of artesian wells which serve the county. Any pollution at the drainage area would also endanger the quality of water flowing into Pine View Reservoir, which is the primary source of culinary water for a large number of Weber County residents.

A considerable expansion in subdivisions for summer homes and other developments in the Ogden River Valley is now underway. At the present time, I am informed, no homes have been constructed on any of the land which this bill would incorporate into the Cache National Forest, but several subdivisions are in the planning stage.

For example, I have been told that the B and B Land and Livestock Co., is planning subdivision of lands it owns, and several roads are presently being built into the right-hand branch of the Middle Fork of the Ogden River. I understand that 42 parcels of 40 acres each have been sold at $300 to $400 per acre and that the plans for subdivision have been submitted to the Weber County Planning Commission. The plans have not yet been approved, because all of the requirements for subdivision development have not been met.

There also is some grazing on the acres proposed for purchase. One of the larger landowners in the Middle Fork is presently grazing 2,000 head of sheep from May 15 through October 30, for a total of 11,000 sheep months. The B and B Land and Livestock Co., has given grazing rights to another sheep owner for approximately 200 head of cattle during the summer for approximately 4 months, which amounts to 800 cows.

Both random and uncontrolled subdivision development and extensive grazing are, of course, recognized threats to a water supply, as they can spoil and pollute surface and subsurface waters.

So it is with the idea of preventing pollution before it happens, rather than trying to rectify it after it happens, that I present this bill today. I do so at the request of the Board of County Commissioners of Weber County, the Ogden City Council, the Weber County Watershed Protection Corp., and the Greater Ogden Chamber of Commerce. I ask that resolutions passed by each of these organizations and outlining the urgent need for the bill be printed in the CONGRESSIONAL RECORD at the close of this statement. I ask also that the full text of the bill I am introducing be printed in full in the RECORD.

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

S. 2762

A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote in a timely and adequate manner the protection of the culinary and municipal water supply of Ogden City and other Weber County areas, the control of floods, the minimizing of soil erosion and stream pollution through the maintenance of adequate vegetative cover, and the conservation of the scenic beauty, wildlife habitat, and natural environment of certain nonfederally owned lands within the Cache National Forest in the State of Utah, and to provide for their management, protection, and public use and enjoyment as National Forest lands under the provisions of the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215), the Secretary of Agriculture is authorized and directed to acquire, at not to exceed the fair market value, as of the time of such acquisition, as determined by him after appraisal, such of the nonfederally owned land, not to exceed in the aggregate 23,000 acres, in the area described in section 2 of this Act as he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to lands within the boundary of the Cache National Forest in the watershed of the Middle Fork of the Ogden River, being portions of townships 6, 7, and 8 north, ranges 2 and 3 east, Salt Lake Base and Meridian.

SEC. 3. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $3,450,000, to remain available until expended.

A RESOLUTION RELATING TO CONSERVATION OF WATER, WILDLIFE AND OTHER NATURAL RESOURCES OF THE CACHE NATIONAL FOREST IN THE PROXIMITY OF PINE VIEW RESERVOIR AND ENVIRONS

Whereas, the Board of County Commissioners of Weber County are mindful of the critical importance of conserving and protecting the natural resources with which the County of Weber is so generously endowed; and

Whereas, the drainage area of the Middle Fork of the Ogden River, as shown on the map hereto attached, is recognized as a principal charge source for artesian wells in a densely populated section of Weber County and any pollution of such drainage area would pose an immediate and serious threat to the purity of such water supply and to the quality of water flowing into Pine View Reservoir, which serves as a source of culinary water for a large number of Weber County residents; and

Whereas, it is patently necessary to exercise special control over the aforesaid area of drainage, which measures about 20,000 acres, to guard against spoilation and pollution of surface and sub-surface waters which would inevitably result from random development; and

Whereas, it is also clearly desirable and in the general interest of all the people of the County, State and Nation to preserve the integrity of the environment of the area, to maintain it in a natural and undeveloped state, to protect the native wildlife which presently flourishes in healthful and beautiful surroundings, to prevent erosion and to minimize the threat of loss to forest and range fire in an area as vulnerable to such loss as it is rich in beauty and natural resources.

Now therefore, to forestall and avoid those dire consequences which may ensue should unbridled use and development of the Middle Fork drainage area take place and recognizing both the scope and urgency of the problem, the Board of Commissioners, on behalf of the people of Weber County, resolve and declare it appropriate to propose acquisition by the Government of the United States of that land in the area which is now privately owned, consisting of about 16,000 acres, the same thereupon to be placed under the jurisdiction of the United States Forest Service together with those remaining lands in the area already so held, and that action to that end be initiated with all due speed.

RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO ACQUIRE ALL OF THE LAND IN THE AREA OF THE MIDDLE FORK OF THE OGDEN RIVER

Whereas, the Ogden City Council is vitally concerned about the preservation and protection of its watershed; and

Whereas, the drainage area of the middle fork of the Ogden River is one of the principal recharge sources for the city's artesian wells located in Ogden Valley; and

Whereas, that drainage area is also one of of the principal sources for Pineview Reservoir from which Ogden city also draws a large percentage of its culinary water; and

Whereas, it is obvously necessary to exercise special control over that drainage area which measures approximately 20,000 acres, to guard against spoilation and pollution of the surface and subsurface waters and to prevent excess erosion and the resulting faster runoff all of which inevitably result from random and uncontrolled development; and

Whereas, it is also clearly desirable and in the general interest of all of the people of Ogden City to preserve the integrity of the environment of the area, to maintain it in a natural and undeveloped state, to protect the native wildlife which presently flourishes in healthful and beautiful surroundings, to prevent erosion and to minimize the threat of loss to forest and range fire in an area as vulnerable to such loss as it is rich in beauty and natural resources.

Now, therefore, to forestall and avoid those dire consequences which may ensue should unbridled use and development of the Middle Ford drainage area take place and recognizing both the scope and urgency of the problem, the City Council, on behalf of the people of Ogden City, resolve and declare it appropriate to propose acquisition by the Government of the United States of that land in the area which is now privately owned, consisting of about 16,000 acres, the same thereupon to be placed under the jurisdiction of the United States Forest Service together with those remaining lands in the area already so held, and that action to that end be initiated with all due speed.

WEBER COUNTY WATERSHED PROTECTIVE CORP.

A resolution relating to the preservation of the watershed, prevention of pollution which would endanger the culinary water of Ogden City, and the conservation of wildlife in the drainage area of the Middle Fork of the Ogden River in Weber County, Utah.

Whereas the drainage area of the Middle Fork of the Ogden River is recognized as the principal charge source for the artesian wells which are the primary supply of culinary water for the City of Ogden and any pollution of this area will pose a serious threat to the purity of this water supply and to Pineview Reservoir, which is also a source of culinary water for Ogden City and other Weber County areas, and

Whereas less than 4,000 acres of the approximately 20,000 acres in this drainage area are presently in the Cache National Forest and the remainder in private ownership, it is obviously necessary to exercise special control to guard against spoilation and the pollution of surface and subsurface waters which would inevitably result from random development, and

Whereas we understand that developments are being considered in this Middle Fork

drainage area which would ultimately result in severe pollution of the surface and subsurface waters draining from it.

Now, therefore, to forestall and prevent the serious consequences which may ensue should unrestricted use and development of the Middle Fork drainage take place the Board of Directors of the Weber County Watershed Protective Corporation hereby resolve that the approximately 16,000 acres in the area which is now privately owned be acquired by the Government of the United States and placed under the jurisdiction of the U.S. Forest Service with the intent that grazing be permitted under Forest Service control and that action to that end be taken promptly.

BOARD OF DIRECTORS OF THE GREATER OGDEN CHAMBER OF COMMERCE ON FRIDAY, SEPTEMBER 17, 1971

Resolution, the Greater Ogden Chamber of Commerce recognizes the need for immediate protection of the water shed complex of the Middle Fork of the Ogden River.

Therefore be it Resolved:

That the Greater Ogden Chamber of Commerce strongly urges and supports Legislation to provide federal funds to acquire and manage this vital water shed in an effort to control future pollution, water supply and flood control.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2332

At the request of Mr. TOWER, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 2332, to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area.

S. 2676

At the request of Mr. TUNNEY, the Senator from Tennessee (Mr. BROCK), the Senator from Georgia (Mr. GAMBRELL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wyoming (Mr. MCGEE), the Senator from Iowa (Mr. HUGHES), and the Senator from Kansas (Mr. PEARSON) were added as cosponsors of S. 2676, the National Sickle Cell Anemia Prevention Act.

S. 2677

At the request of Mr. TUNNEY, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 2677, to authorize programs in the District of Columbia to combat and control sickle cell anemia.

S. 2713

At the request of Mr. HRUSKA, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 2713, a bill to amend title 18 of the United States Code to authorize the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released.

SENATE JOINT RESOLUTION 15

Mr. NELSON. Mr. President, I ask unanimous consent that at the next printing of Senate Joint Resolution 15, the resolution declaring Earth Week for 1972, April 17–23, the names of the following Senators be added as cosponsors: The Senator from Colorado (Mr. ALLOTT); the Senator from Kentucky (Mr. COOK); the Senator from Kansas (Mr. DOLE); the Senator from North Carolina (Mr. ERVIN); the Senator from Wyoming (Mr. HANSEN); the Senator from South Carolina (Mr. HOLLINGS); the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Kansas (Mr. PEARSON); the Senator from Pennsylvania (Mr. SCOTT); and the Senator from Missouri (Mr. SYMINGTON).

This brings to 67 the number of Senators cosponsoring the Earth Week resolution. The broad bipartisan support in the Senate for Earth Week as an annual environmental observance is strong evidence of the continued growth of environmental awareness and concern in this country.

All Senators are welcome to cosponsor this measure. This year, the President proclaimed Earth Week, as did at least 40 Governors. For next year, we hope that in addition to a Presidential proclamation, all 50 Governors will proclaim Earth Week, and that Congress will pass this resolution adding its formal support for Earth Week as an annual time for a nationwide inventory of environmental progress and for schools at all levels to culminate the year's environmental education courses with special school projects.

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

SENATE JOINT RESOLUTION 145

At the request of Mr. TOWER, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 145, to designate a National Engineering Technicians Week.

SENATE JOINT RESOLUTION 169

At the request of Mr. HOLLINGS, the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of Senate Joint Resolution 169, to pay tribute to law-enforcement officers of this country on Law Day, May 1, 1972.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENTS

AMENDMENT NO. 532

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

Mr. SCHWEIKER. Mr. President, I submit an amendment to H.R. 1, a bill to amend the Social Security Act. This amendment, which is identical to S. 379, a bill I introduced on January 27, 1971, provides an exemption from the social security employment tax on wages for religious groups opposed to insurance. The provisions of this amendment are identical to those contained in H.R. 17550, the Social Security Amendments of 1970, as reported by the Senate Finance Committee during the 91st Congress. I ask unanimous consent that the remarks I made earlier this year in introducing S. 379 be printed at this point in the RECORD.

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

REMARKS BY SENATOR RICHARD S. SCHWEIKER

Mr. President, I am today introducing a bill to provide an exemption from the Social Security employment tax on wages for religious groups opposed to insurance.

I cite the Amish as an example of people who desire and should be afforded this Social Security exemption.

In 1965, the first form of relief was granted the Amish. The Internal Revenue Code was amended to provide an exemption from self-employment tax, if a person could show he is a member of a recognized religious sect which follows the practice of making provisions for its dependent members; I now ask that this exemption be extended from self-employment tax to those who work for others and oppose for religious reasons, payment of Social Security employment tax on wages.

As part of their religion, the Amish refuse any form of relief or what they call government hand-outs. They oppose all forms of social security, including old-age pensions. Regarding it not as a tax but rather as a policy premium in a National Insurance system, the Amish are opposed to participation, because of their conscientious objection to all forms of insurance. This belief is embodied in the Dordrecht Confessions, which pre-dates our Constitution. Its doctrine of the Church as the visible Communion of the Saints may be taken as the implicit ground for rejection of insurance in the sense that the congregation of God's People are expected to live by faith and trust in Providence. Otherwise it counsels obedience to the State, which is why the Amish have no objection to the payment of taxes.

Forcing people such as the Amish to pay a tax which is a form of insurance, directly opposed by the tenets of their faith, is an impingement on the religious rights of any group, no matter how small.

It is difficult for me to understand why we have not been ready to permit religious groups to conscientiously object to economic regulations when we rightfully recognize their right to object to the military service.

I feel strongly that this Government must not ride roughshod over the religious rights of a minority. Such is the case under present law. In 1961, the Federal Government seized three horses belonging to an Amish farmer in Pennsylvania and sold them at public auction to obtain money for social security payments which the man refused to make because of his religious convictions.

It was about this time that I began my effort to assist the Amish people to get relief from participating in the Social Security program to which they are opposed on religious grounds. In 1961 and again in 1963, I introduced a bill in the House which would have provided an exemption from participation in the Federal old age and survivors insurance program for those whose religious doctrines forbid participation in such a program.

In 1964, there was Social Security legislation in Congress. Since the House was operating under a closed rule, I was unable to introduce an amendment to the 1964 Social Security law. However, the Senate version of the bill contained such an amendment. The House-Senate Conference Committee then had to decide whether to use the House version of the bill, which had no provision for the Amish exemption, or the Senate version, which included the Senate amendment. I wrote letters to all Congressmen and personally talked to the House members of the Conference Committee, urging them to accept the Senate version for the Amish. Fortunately, the Treasury Department, as well as the Justice Department, rendered legal opinions saying that the Old Order Amish exemption met all constitutional requirements and was strictly a matter of legislative policy. Finally, the conferees agreed to accept the Senate Amish Amendment, for which I was very pleased.

Unfortunately, the bill died in the Conference Committee because of the dispute

over medicare. It did, however, lay the groundwork for the first relief granted to the Amish.

On July 30, 1965, Congress amended the Internal Revenue Code, allowing a person to apply for exemption from self-employment tax if he is a member of a recognized religious sect which follows the practice of making reasonable provision for its dependent members. We must now take this one step further, and provide an exemption from social security taxes on wages.

Specifically, my amendment provides that any member of a recognized religious sect in existence since at least 1950, who can show that he is an adherent of established teachings which cause him to be conscientiously opposed to acceptance of social security benefits, may file an application to be entitled to a credit or refund of the amount of the tax.

The applicant would submit evidence to substantiate his membership in the sect and his adherence to its teachings, and would be asked to show that it has been the practice of the sect to make provision for the care of its elderly or dependent members.

In addition, the employer would continue to pay into the Social Security fund, thus eliminating any chance that such an amendment would make one employee more desirable than another. The objective here obviously is not to make one group of people more desirable employees than another, but instead to assist those who object to social security coverage because it directly opposes the basic religious tenets of their faith. Since the employer would continue to pay into the Social Security fund, the exempted employee would offer no financial advantage over the non-exempted employee.

The provisions of this bill are identical to those contained in H.R. 17550, the Social Security Amendments of 1970, as reported by the Senate Finance Committee during the 91st Congress.

I ask unanimous consent that this bill be read into the *Record* and that additional material regarding the beliefs of the Amish people on Social Security and a letter I received in 1965 from the Treasury Department on the constitutionality of this exemption be inserted at this point in the *Record*.

S. 379

A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act so as to permit exclusion from soical Act so as to permit exclusion from social security tax to members of certain religious groups who are opposed to insurance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 6413 of the Internal Revenue Code of 1954 (relating to special rules applicable to certain employment taxes) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL REFUNDS OF SOCIAL SECURITY TAX TO MEMBERS OF CERTAIN RELIGIOUS FAITHS.—

"(1) IN GENERAL.—An employee who receives wages with respect to which the tax imposed by section 3101 is deducted during a calendar year for which an authorization granted under this subsection applies shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of the amount of tax so deducted.

"(2) AUTHORIZATION FOR CREDIT OR REFUND.—Any individual may file an application (in such form and manner, and with such official, as may be prescribed by regulations under this subsection) for an authorization for credit or refund of the tax imposed by section 3101 if he is a member of a recognized religious sect or division thereof described in section 1402(h)(1) and is an adherent of established tenets or teachings described in such section of such sect or division. Such authorization may be granted only if—

"(A) the application contains or is accompanied by evidence described in section 1402(h)(1)(A) and a waiver described in section 1402(h)(1)(B), and

"(B) the Secretary of Health, Education, and Welfare makes the findings described in section 1402(h)(1)(C) (D), and (E).

An authorization may not be granted to any individual if any benefit or other payment referred to in section 1402(h)(1)(B) became payable (or, but for section 203 or 222(b) of the Social Security Act, would have become payable) at or before the time of filing of such waiver.

"(3) EFFECTIVE PERIOD OF AUTHORIZATION.—An authorization granted to any individual under this subsection shall apply with respect to wages paid to such individual during the period—

"(A) commencing with the first day of the first calendar year after 1970 throughout which such individual meets the requirements specified in paragraph (2) and in which such individual files application for such authorization (except that if such application is filed on or before the date prescribed by law, including any extension thereof, for filing an income tax return for such individual's taxable year, such application may be treated as having been filed in the calendar year in which such taxable year begins), and

"(B) ending with the first day of the calendar year in which (i) such individual ceases to meet the requirements of the first sentence of paragraph (2), or (ii) the sect or division thereof which such individual is a member is found by the Secretary of Health, Education, and Welfare to have ceased to meet the requirements of subparagraph (B) of paragraph (2).

"(4) APPLICATION BY FIDUCIARIES OR SURVIVORS.—If an individual who has received wages with respect to which the tax imposed by section 3101 has been deducted during a calendar year dies without having filed an application under paragraph (2), an application may be filed with respect to such individual by a fiduciary acting for such individual's estate or by such individual's survivor (within the meaning of section 205(c)(1)(C) of the Social Security Act)."

(2) Section 31(b)(1) of such Code (relating to credit for special refunds of social security tax) is amended by striking out "section 6413(c)" and inserting in lieu thereof "section 6413 (c) or (e)".

(b)(1) Sections 201(g)(2) and 1817(f)(1) of the Social Security Act are each amended by striking out "section 6413(c)" and inserting in lieu thereof "sections 6413 (c) and (e)".

(2) Section 202(v) of the Social Security Act is amended—

(1) by inserting "(1)" after "(v)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provisions of this title, in the case of any individual who files a waiver pursuant to section 6413(e) of the Internal Revenue Code of 1954 and is granted an authorization for credit or refund thereunder, no benefits or other payments shall be payable under this title to him, no payments shall be made on his behalf under part A of title XVIII, and no benefits or other payments under this title shall be payable on the basis of his wages and self-employment income to any other person, after the filing of such waiver; except that, if thereafter such individual's authorization under such section 6413(e) ceases to be effective, such waiver shall cease to be applicable in the case of benefits and other payments under this title and part A of title XVIII to the extent based on his wages beginning with the first day of the calendar year for which such authorization ceases to apply and on his self-employment income for and after his taxable year which begins in or with the beginning of such calendar year."

REQUEST OF THE OLD ORDER AMISH FOR EXEMPTION FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX

BACKGROUND OF THE PROBLEM

The following background information indicates the basic nature of the social security program, the general character of religious objections to participation in social security, and the present situation of the Old Order Amish in relation to social security.

Compulsory nature of social security

The social security program is designed to provide old-age, survivors, and disability insurance protection for American families, regardless of family size, income, or other factors. Under this program workers (and their employers) and the self-employed contribute while working so that the contributor and his family may have a continuing income when earnings cease or are greatly reduced because of retirement in old-age, long-term disability, or death. About 9 out of 10 working people and their families are covered under the program.

Social security can carry out its purpose only under conditions of compulsory coverage. Compulsory coverage assures that there will be a given distribution of what might be called poor risks—those who will get considerably more than they pay in—and good risks. Under a voluntary program, there would be an unduly high proportion of poor risks. Many people could predict with reasonable certainty whether or not they would get a large return on their contributions and those choosing coverage would generally be the ones who could expect to receive benefit bargains. This would increase the cost of the program for all who participate. Those given a choice as to coverage would have an unfair advantage over those workers and employers whose coverage would continue to be on a compulsory basis and who would have to help bear the increased cost arising from the individual voluntary coverage. Moreover, under individual voluntary coverage, many who need social security protection most would not participate. Many low income workers would choose not to pay the contributions because of the press of day-to-day financial problems, although in the long run social security protection would be especially valuable to such workers and their families.

Individual voluntary coverage is now provided under social security only in respect to services performed in the exercise of the ministry (including the performance of the duties of a Christian Science practitioner). The exclusion from coverage of such services (where coverage is not elected) is not a personal exclusion but an occupational exclusion. Thus, a minister who engages in any employment or self-employment other than the exercise of the ministry—whether or not he elects coverage of his ministerial services—is covered on the same basis as all other persons. Once a minister elects coverage of his services in the ministry, the election is irrevocable and, once the time for election passes, a minister who has not elected coverage may no longer do so.

Religious objections to coverage under social security

Representatives of those divisions of the Amish Mennonites generally classed as Old Order Amish (with some 19,000 adult members) have objected to social security taxes on grounds that social security is a form of insurance, and that their participation in an insurance program would show mistrust in the providence and care of God to meet future needs. This basis for objection is shared by the Old Order Mennonites (about 5,000 members) by at least some of the followers

of Father Divine (some 300,000 members), and by an unknown number of small sects, such as the Hutterites (a Mennonite group with 2,300 members, who practice communal living) and the division of the Plymouth Brethren known as Exclusives.

Another religious basis for opposing participation in social security is adherence to a principle of separatism—the belief that one's sect or group should keep apart from all other persons. The Old Order Amish, for example, place great importance on the scriptural admonition: "Be ye not unequally yoked together with unbelievers; for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?" Separatism is also a cardinal principle of some groups which have not indicated their attitudes toward social security: for example, the Black Muslims, perhaps the prime exponents of separatism, and Jehovah's Witnesses, with 287,000 members in the United States, all of whom are held by the sect to be ministers. There would seem to be considerable doubt that participation in social security is compatible with the belief of Jehovah's Witnesses that the end of the world is close at hand—1984, at latest—and objections to social security have been received from individual members from time to time.

Each of the above-mentioned groups has come into conflict with Federal or State law on questions other than social security. All oppose compulsory military service, and there have been various other conflicts with State or local laws, such as the refusal of the Old Order Amish to permit their children to attend school beyond the 8th grade, and the refusal of Jehovah's Witnesses and the Black Muslims to salute the flag.

The Christian Science Church opposed provision of disability benefits under social security on religious grounds.

Old Order Amish

The 19,000 Old Order Amish Mennonites live in about 270 communities in 19 States. The communities are known as church districts; however, there are no meeting houses and worship is conducted in private homes. Each community is headed by a bishop. There is no hierarchy above the bishops and no formal organization among the various communities. Thus each bishop is able to interpret doctrine independently of views held in other communities.

Amish who do not belong to old order groups—e.g., a category known as Beachy Amish—have adopted relatively modern ways of living, and are apparently not opposed to social security. There continue to be cleavages in which Old Order Amish communities, or segments of communities, split off to adopt more modern ways of living. One-third or more of the offspring of Old Order Amish parents do not continue in the sect. As in virtually any group there are marginal members, some of whom eventually become separated from the sect. The Amish strive continually to maintain their communities against worldly temptations; an effective means of maintaining has been their stand against high school education and their doctrine of shunning,[1] with its grave economic implications for individuals who are so ill equipped to prosper outside the community.

The Old Order Amish relate practically every detail of their way of living to religious beliefs, which in turn are based on literal interpretation of scriptural texts. The Old Order Amish attempt to pursue a life similar in its course to that of the German peasants of perhaps the 17th or 18th century. The farm way of life is justified on religious grounds because being "in the country" separates the group from more worldly, less firm followers of Scripture. Consideration has been given to the use of nonmechanized farming methods as one way of differentiating (in proposed legislation) the Old Order Amish from other religious objectors to social security. But even among the Old Order Amish there have been various concessions to the changing times. For example, though a tractor may not be used in the field, it is permissible to use a tractor to furnish belt power. The Old Order Amish farmer is generally allowed to have one- or two-cylinder gasoline motors for his farm operations. The Old Order Amish make a significant distinction between owning and merely using modern conveniences. For example, in some communities it is permissible to have electric current and appliances in a mortgaged home but not after the mortgage is paid off. A significant distinction is also made between members of the sect and those who are members of the Amish community but not members of the sect—for example, Amish youngsters, who do not become members of the Old Order Amish until they are baptized (which usually occurs in their later teens). A case has been described in which a young man deferred baptism for a period of time so as to enable continued ownership of an automobile and a tractor, with which he not only provides transportation for his numerous family and neighbors but also works his father's large farm and many of his neighbors.[2]

History of the problem

The problem of the Old Order Amish with social security dates mainly from 1955 when coverage of self-employed farm operators began. (However, some members of the sect who take employment in town have been covered as far back as 1937.) Although the law does not require that social security benefits must be accepted, the Old Order Amish bishops assert that required payment of social security taxes obliges their members to participate in the social security program—an insurance program—and thus to act contrary to their religious beliefs. Though the social security tax provisions are not included with the benefit provisions in the Social Security Act, but are part of the Internal Revenue Code, the bishops seem to look upon the social security taxes as in the nature of a personal premium paid for insurance. The bishops believe that their members should pay other types of taxes, pursuant to the scriptural admonition to "render unto Caesar the things that are Caesar's." In general, the creed of the sect (also held by some other groups) dictates that members should obey civil laws except where they "militate against the law, will, and commandments of God."[3]

The religious objection to the insurance principle is not clear cut. For example, the Older Order Amish make systematic arrangements for protection against property loss from fire, storm, and other causes, under which, after a loss occurs, members contribute labor and make a monetary contribution related to their net worth. One such group arrangement, known as the Amish Mutual Fire Insurance Association of Atglen, Pa., was organized by the Old Order Amish of Lancaster County in 1875 and was licensed as an insurance company in Maryland and Pennsylvania. The Old Order Amish do not consider this type of arrangement to be insurance because there is no advance funding. Liability insurance is apparently not considered to be contrary to their religious beliefs—a conclusion based on the view that liability insurance provides indemnity not to the insured but to the party suffering damages. It seems clear, however, that the Old Order Amish are strongly opposed to life insurance even though the survivors, not the insured, are protected under it.[4]

There is no question, of course, as to the sincerity of the assertion of the Old Order Amish bishops that participation in social security is contrary to their religious beliefs, and a number of the Amish farmers carry out this objection to the point of open refusal to pay social security taxes and active resistance to the execution by the Government of liens on their bank account to satisfy unpaid taxes. During many discussions with representatives of the Social Security Administration, the bishops have consistently refused to consider any compromise solution short of exclusion from social security coverage. On the other hand, a number of individual members of the sect have claimed old-age insurance benefits under social security when they became eligible for such benefits. It appears that at least some of the Old Order Amish—particularly, younger members—are undergoing a change in attitude toward social security and are coming to regard it as a good thing. This is quite consistent with their increasing acceptance of various innovations of the 20th century.

As noted, the problem of those Old Order Amish who actively resist social security coverage is related mainly (though not entirely) to the social security self-employment tax.[5] The enforcement problem was thrust on the national scene when one Amishman, Valentine Y. Byler, of New Wilmington, Pa., who had no bank account, could not be persuaded to pay his tax for the years 1956–59. In the spring of 1961 the Government seized three of his six plow horses, sold them at public auction, and applied the proceeds against his outstanding liability. After consultation with an attorney who had become interested in civil liberties cases, Mr. Byler brought suit on the grounds of infringement of the freedom of religion guaranteed under the first amendment.

Given assurance that the constitutionality of the tax would be tested in court, and that the statute of limitations on collection of taxes would be waived by the Amish, the Commissioner of Internal Revenue agreed in October 1961, to suspend all forceful collection of tax until the issue was resolved in court. On January 21, 1963, the suit was dismissed with prejudice on motion of the plaintiffs, Mr. and Mrs. Byler. (This action was apparently based on religious objections to participating in litigation, and was taken without consultation with the plaintiff's attorney.) As an alternative course, Old Order

[1] "Amish Society," by John A. Hostetler, p. 144.

[2] "Our Amish Neighbors," by William I. Schreiber, p. 77.

[3] "The Dordrecht Confession (1632)." In reference to civil government, this confession also directs believers "faithfully to pay it custom, tax, and tribute." One article of the confession forbids defense by force.

[4] The first reference to insurance in basic documents related to Amish religious background appears in "Christian Fundamentals," adopted by the Mennonite General Conference in 1921, which states that "life insurance is inconsistent with filial trust in the providence and care of our heavenly Father." A more recent commentary, in "The Mennonite Encyclopedia," explains: "This refers to commercial life insurance only. The (Mennonite) brotherhood has a growing awareness of its obligation to make systematic provision for the economic needs of its members including financial assistance for the widows and orphans in event of serious incapacity or death."

[5] The self-employment tax rate is now 5.4 percent, and is applicable to the first $4,800 of annual net earnings from self-employment. Virtually all self-employment, except self-employment as a doctor of medicine, is compulsorily covered under social security for any year in which an individual has annual net earnings of at least $400 from self-employment. The current social security tax rate for employers and employees is 3⅝ percent each.

Amish bishops appealed to the Congress and bills were introduced during the 87th Congress to exempt them from the tax. The Treasury Department and the Department of Health, Education, and Welfare pointed out objections to these bills on administrative and precedent grounds. During consideration by the 87th Congress of H.R. 10606, the Public Welfare Amendments of 1962, one of these bills (S 2301) was adopted as a Senate amendment but was dropped in conference. Appended is a list of bills which have been introduced in the 88th Congress for the purpose of permitting exclusion from social security on grounds of religion or conscience, or to make coverage voluntary for self-employed farmers.

Although the suit to test the constitutionality of the self-employment tax as it applies to the Old Order Amish was never tried, the moratorium on the collection of tax has not been terminated by the Internal Revenue Service. According to the most recent report of the Service, there are some 1,500 delinquent Amish accounts, the delinquencies ranging for the most part for periods from 1 to 3 years and involving nearly $250,000 in tax liabilities.

The moratorium was intended as a temporary measure. Since tax liabilities are not satisfied but only postponed by this moratorium, it cannot be extended for too long a period of time. The 6-year period of limitation on collection of tax will expire this year in some cases. Some Old Order Amish have already indicated that they would not sign waivers to extend the collection period. The Government, therefore, in these cases soon will be forced to take action for the collection of taxes due from these individuals or else allow its collection rights to lapse.

TREASURY DEPARTMENT,
Washington, August 12, 1964.

Hon. RICHARD S. SCHWEIKER,
House of Representatives,
Washington, D.C.

DEAR MR. SCHWEIKER: I am enclosing herewith the opinion of Mr. Berlin, the General Counsel of the Treasury Department, relating to the constitutionality of optional exemption of members of a certain religious faith from the social security self-employment tax or optional recovery of the tax paid.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., August 6, 1964.

CONSTITUTIONALITY OF OPTIONAL EXEMPTION OF MEMBERS OF A CERTAIN RELIGIOUS FAITH FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX OR OPTIONAL RECOVERY OF THE TAX PAID

Legislation has been proposed in the present and the previous Congress to provide optional exemption with the social security self-employment tax for "a member or adherent of a recognized religious faith whose established tenets or teaching are such that he cannot in good conscience without violating his faith accept the benefits of insurance," upon a finding by the Secretary of Health, Education, and Welfare that his application for exemption was made in good faith and that the members of such religious faith make adequate provision for elderly members to prevent their becoming public wards.[1] Senators CLARK and SCOTT, among the chief proponents of this legislation, have explained that the faith in question is that of those Amish Mennonites who are known as the plain people or Old Order Amish who live in relative independence and isolation in rural communities and adhere strictly to many literal biblical injunctions, including reliance on divine providence for their care. The consistency and sincerity of the sect is attested to by the refusal of most of their members to accept social security benefits or pay the self-employment tax.

In the consideration of these bills in Congress the question, was raised as to whether the proposed exemption would be constitutional and the views of the Treasury Department were requested. This opinion is in response to that request. Since then, additional legislative proposals, including an alternative proposal of relief for the Amish in the form of tax recovery in place of tax exemption, have been discussed in a joint statement by the Treasury Department and the Department of Health, Education and Welfare, entitled "Request of the Old Order-Amish for Exemption from the Social Security Self-Employment Tax," which was transmitted to interested Members of Congress by a joint letter dated July 20, 1964. In connection with the earlier request, it is also appropriate to consder the constitutionality of these proposals as well as the constitutionality of the various limitations included, or suggested for inclusion in the definition of the faith whose members or adherents would be eligible for exemption. The joint statement refererd to above reviews the religious tenets and modes of life of these Amish and provides an extended analysis of the social security system and the possible effects of an exemption. I will not, therefore, in this opinion cover any of this factual material. A copy of this joint statement is attached hereto.

Conclusion on tax exemption and tax recovery

My conclusion, based upon a review of the principles of constitutional law, is that there is no valid constitutional objection to the proposed exemption and that the question of exemption is one of public policy for Congress to determine. After discussion of the grounds for this conclusion I will review in the latter part of this opinion the constitutionality of various proposed additional limitations upon the exemption.

This conclusion concerning tax exemption comprehends any provision by Congress for tax recovery, since tax exemption is the most complete relief that could be given. In the subsequent discussion, therefore, the constitutional conclusions with respect to the requirements of uniformity, of the first amendment, and of due process should be read as also extending to a provision for tax recovery.

Congress and the States have provided for the recovery of taxes in various situations where for reasons of public policy the legislature has determined this to be appropriate. I have found no constitutional challenge of these provisions. For example, 26 U.S.C. 6420 provides for refund of the gasoline taxes paid for gasoline used for farming purposes. A similar provision in the Virginia Code, secton 58–715 (Supp. 1964), includes refunds for gasoline used for public or nonsectarian school buses. Title 26 U.S.C. 6418 provides for refund of the Federal tax on sugar manufactured in the United States to those who use such sugar as livestock feed or in the distillation of alcohol.

If members of the designated religious faith were permitted to choose to recover in monthy installments the amount, and only the amount, of the social security taxes they have paid, they would be under a limitation which operated to their disadvantage as compared with other social security taxpayers to whom an indefinite amount of social security recovery would be available in the form of insurance. Consequently, it would seem that no other social security taxpayer would be in a position to claim that the tax recovery allowed to the Amish in any way discriminated against his or added to his tax burden.

1. The requirement of uniformity: The Constitution provides in article I, section 8, clause 1: "The Congress shall have power to lay and collect taxes, duties, imposts, and excise, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excise shall be uniform throughout the United States; * * *." This canon of uniformity has been long established to be a requirement of geographical uniformity only *Knowlton* v. *Moore,* 178 U.S. 41 (1900); *Brushaber* v. *Union P., Co.,* 240 U.S. 1 (1916); *Fernandez* v. *Wiener,* 326 U.S. 340 (1945). Insofar as uniformity may be required as an element of reasonableness under the due process clause, the problems are dealt with in my discussion of the application of that clause.

2. The first amendment: The proposed exemption, if allowed, would represent a determination by Congress that an accommodation of the self-employment tax law to prevent offense to religious scruples against insurance would not be contrary to public policy. The first amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *." The question is whether an exemption from the social security tax would be constitutional as an accommodation or mitigation of a general requirement in order to permit the free exercise of a religion or whether it would be an "aid" to the specified religion at the expense of other religions and therefore be an unconstitutional establishment of religion.

It is my conclusion that the proposed exemption would in all probability be held to be a valid accommodation of the general law to permit religious liberty under the free exercise clause. The subsidiary question whether the definition of the persons exempted may be a reasonable classification under the due process clause is discussed in a subsequent part of this opinion. I base my conclusion on the following decisions of Federal and State course, particularly the Supreme Court, which interpret the first amendment to permit accommodations to religious beliefs. This discussion will be followed by an analysis of those cases which hold that certain government action is a violation of the establishment clause, in order to make clear that this exemption would not be an establishment of religion.

The classic example of the application of the free exercise clause is the series of cases which have upheld congressional exemption of conscientious objectors from military service. The validity of this exemption was first established by the *Selective Draft Law Cases,* 245 U.S. 366 (1919) upholding the exemption in the draft law of members of religious sects "whose tenets prohibited the moral right to engage in war." The Solicitor General had argued (p. 374) that this exemption did not establish such religions but simply aided their free exercise. The court considered that the Congressional authority to provide such exemption was so obvious that it need not argue the point (p. 389–390).

The present Universal Military Training and Service Act enacted June 24, 1948, c. 625, 62 Stat. 604, as amended, in section 6(j), 50 U.S.C. App. 456(j), exempts from combatant training and service in the Armed Forces a person "who by reason of religious training and belief, is conscientiously opposed to participation in war in any form." This exemption continues to be recognized as constitutional under the free exercise clause. *Clark* v. *United States,* 236 F. 2d 13 (9th Cir. 1956), cert. denied, 352 U.S. 882 (1956); *United States* v. *Jakobson,* 325 F. 2d 409 (2d Cir. 1963), cert. granted 32 L.W. 3385, May 5, 1964. Certiorari was granted in the Jakobson case and in two other conscientious

[1] S. 294, 88th Cong., H.R. 10606, 87th Cong., among others.

objector cases,[2] apparently in order to reconcile the conflict between the second and ninth circuits as to whether the statutory definition of "religious training and belief" as being a "belief in a relation to a Supreme Being"' may constitutionally be applied to exclude a conscientious objector whose belief is based on humanistic principles. This conflict is one essentially concerned with reasonable classification of an exemption under the due process clause, discussed below. It does not concern the constitutional right of Congress to exempt conscientious objectors under the free exercise clause.

In the Jackobson case the second circuit faced the problem whether "making exemption from military service turn on religious training and belief as stated in section 6(j) aids religions, and more particularly religions based on a belief in the existence of God" (p. 414) and thereby conflicts with the holding in *Torcaso* v. *Watkins*, 367 U.S. 488 (1961). There it was determined that Maryland could not require an oath affirming a belief in God as a prerequisite to becoming a notary public. The Jakobson court concluded that "the important distinction seems to us to be that, in contrast to Maryland's notary public oath, Congress enacted this statute, in mitigation of what we assume to be the constitutionally permissible course of denying exemptions to all objectors, for the very purpose of protecting 'the free exercise' of religion by those whose religious beliefs were incompatible with military service which Congress had the right to require" (pp. 414–415).

An exempton identical with that in the 1948 military training act was specifically included in section 387(a) of the Immigration and Naturalization Act of June 27, 1952, c. 477, 66 Stat. 163, 258, 8 U.S.C. 1448(a). This statutory exemption followed the decision of the Supreme Court in *Girouard* v. *United States*, 328 U.S. 61 (1946) ruling that the naturalization law need not be, and should not be, interpreted to exclude an alien who would not promise to bear arms because of religious scruples. Justice Douglas, for the majority, reaffirming principles enunciated in earlier dissents by Justices Hughes and Holmes, said, "The struggle for religious liberty has through the centuries seen an effort to accommodate the demands of the state to the conscience of the individual" (p. 68).

The general exemption from taxation of religious groups, activities and property is another example of the exercise by legislatures of the constitutional authority to make exemptions to aid in the free exercise of religion, which continues to be upheld against contentions that the exemption operates to establish the religions this benefitted.[3] Under this exemption a unique religious doctrine may make an activity of one religious group exempt as having a religious purpose which would not be exempt when carried on by other groups not holding to the doctrine.[4] The exemption from taxation of religious activities and occupations is incorporated into the Social Security Act itself which provides optional exemptions for ministers, Christian Science practitioners, employees of religious organizations and members of religious orders (26 U.S.C. 1402 (c) and (e) and 3121(b)(8)).

A further illustration of the principle that a legislature may accommodate particular religious beliefs without violating the first amendment is the case of *Zorach* v. *Clauson* 343 U.S. 306 (1952). Here the Supreme Court held that the New York Legislature did not violate the establishment clause by authorizing public schools to release children 1 hour early every week for religious instruction off the school grounds. It said:

"When the State encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs" (pp. 313–314).

The distinction between *Zorach and McCollum* v. *Board of Education*, 333 U.S. 203 (1948) well illustrates the distinction between the two first amendment clauses for in McCollum the released time plan was held unconstitutional as an establishment of religion as classrooms and the force of the school were used in that plan.

The most important case, for our purposes, is the recent Supreme Court decision in *Sherbert* v. *Verner*, 374 U.S. 398 (1963). In this case the Court required South Carolina to accommodate the requirements of its unemployment compensation law to the religious scruples of an adherent of a particular sect, the Seventh-day Adventists. In three separate opinions the members of the Court balanced the demands of the free exercise clause against the prohibitions of the establishment clause. The opinion and the concurring opinion determined that the denial of unemployment benefits to a person unavailable for suitable work on Saturday because, being an Adventist she could not for religious beliefs work on Saturday, was a restriction on the free exercise of her religion and, therefore, unconstitutional. The dissenting opinion contended that the accommodation of Adventists was a question of policy for the legislature and that while the legislature could constitutionally exempt the Adventist from the requirements for eligibility placed upon all other persons the legislature was not required to do so. Consequently, the full Court apparently would agree that Congress could constitutionally make an exemption from the general requirements of taxation and compulsory insurance of persons who because of religious scruples are unwilling to accept social security insurance. It is solely the constitutional ability of Congress to make this exemption to which this opinion is addressed.

The reasoning in the Sherbert case needs to be examined as it bears upon the power of Congress in this area. The principle of accommodation of a general law to a particular religious scruple is the same in this situation as in Sherbert though the facts differ in that in the Sherbert case the accommodation was for the purpose of enabling the Adventist to receive welfare benefits and in the Amish situation the accommodation would be for the purpose of exempting the Amish from benefits as well as from taxation for these benefits.

First, the Court says that while "the consequences of such a disqualification to religious principles and practices may be only an indirect result of welfare legislation" and that no criminal sanctions compel work on Saturday, the indirect discrimination is nevertheless a burden on the free exercise of the Adventist's religion. It requires her to abandon her religious precept or forgo a welfare benefit generally available (pp. 403, 404). In the social security situation the employment tax is supported by civil and criminal sanctions of assessed penalties and fine, imprisonment and forfeiture, so that the justification for congressional relief is even clearer.

Second, the court points out that while the State may not discriminate invidiously between religions the accommodations required to be allowed to the Adventist would not be discriminatory but rather would remove a discrimination based upon her religion, since the law does not disqualify persons who do not work on Sundays (at 406). An exemption for those sects which cannot in good conscience accept the insurance for which they are taxed would not be an invidious discrimination against other religions which have no such scruple and whose members are therefore able to accept the insurance for which they are taxed.

Third, the court points out that the administrative problems concerned and the possibility of spurious claims do not justify a restriction on the free exercise of religion (at 407).

Then the court concludes (at 409) that its holding does not foster the "establishment" of the Seventh-day Adventist religion in South Carolina for the extension of unemployment benefits to Adventists is not like the involvement of religions with secular institutions which the establishment clause is designed to forestall as shown in its decision announced the same day, *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (June 17, 1963). In fact the Sherbert ruling reversed the State court ruling that allowance for the religious obligation of the Adventist would be an unconstitutional discrimination in her favor. See *Sherbert* v. *Verner*, 240 S.C. 286, 125 S.E. 2d 737, 746 (1962).

In the Schempp and its companion case, *Murray* v. *Curlett*, decided with the same opinion, the court found that the States were establishing religion in their public schools by requiring Bible reading and the recitation of prayers therein. These decisions are developments of the prior term's opinion in *Engel* v. *Vitale*, 370 U.S. 421 (1962) holding that the requirement of recitation in the public schools of a State-authored prayer was a violation of the establishment clause which prohibits Government from placing its "power, prestige, and financial support * * * behind a particular religious belief" (p. 431). In the Schempp case the court develops the idea that Government must remain "neutral," a term derived from the 5-to-4 decision in *Everson* v. *Board of Education*, 330 U.S. 1 (1947). In its context in the several Establishment cases this term means an inability of the State to use its powers to require religious observances or to use public funds for the support of religious institutions. None of the holdings applies the establishment clause to forbid the granting of an exemption from Government coercion of a secular action to accommodate religious scruples under the free exercise clause. The latter clause is predicated, says the Schempp court, on Government coercion which impinges on religious practice, 374 U.S. at 223. The distinction between these two historic lines of decisions has permitted the Schempp case to be decided consistently with the Sherbert case on the same day.

In sum, then, an exemption removes a handicap to the free exercise of a particular religion placed upon it by force of Government; it is not a requirement by the Government that the particular religion be prac-

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[2] *United States* v. *Seeger*, 326 F. 2d 846 (2d Cir. 1964), and the *Jakobson* case, compared with *Peter* v. *United States*, 324 F. 2d 173 (9th Cir. 1963). The *Peter* case followed *Etcheverry* v. *United States*, 320 F. 2d 873 (9th Cir. 1963) on which certiorari was denied, 375 U.S. 320 (1963). The influence of the 2d circuit against the definition is shown in *MacMurray* v. *United States*, 330, F. 2d 928 (9th Cir. 1964).

[3] *Swallow* v. *United States*, 325 F. 2d 97 (10th cir. 1963); *General Finance Corp.* v. *Archetto* (R.I. 1961) 176 A. 2d 73, appeal dismissed, 369 U.S. 423 (1962); *Fellowship of Humanity* v. *County of Alameda*, 315 P. 2d 394 (Cal. Dist. Ct. App. 1957); *Lundberg* v. *County of Alameda*, 298 P. 2d 1 (Cal. 1956), appeal dismissed, sub. nom., *Heisey* v. *County of Alameda*, 352 U.S. 921 (1956).

[4] "Golden Rule Church Association," 41 T.C. 719 (1964), (Nonacq. May 19, 1964).

ticed or observed or supported by nonadherents.

The meaning of the Sherbert case is made unmistakable in its application by the court in the recent case. *In re Jenison*, 375 U.S. 14 (1963). Here the court "in the light of *Sherbert* v. *Verner*" vacated the judgment of the Minnesota Supreme Court in *In re Jenison*, 265 Minn. 96, 120 N.W. 2d 515 (1963). The Minnesota court had held a person selected for jury duty in contempt to court for refusing to serve on the jury because of a religious belief based upon the biblical injunction against judging other persons. The Minnesota court had reasoned that jury duty, being a primary duty of all citizens, was superior to a religious belief deemed by the court contrary to public order, citing *Reynolds* v. *United States*, 98 U.S. 145 (1878) which held that Congress could prohibit polygamy as a violation of the social order.

Since the Supreme Court has now held that Government must accommodate even the highest duties of citizens to sincere religious scruples, it is probable that it would hold that Congress may accommodate the religious scruple against insurance by allowing for such a scruple an optional exemption, or a lesser form of relief, from social security taxation and benefits.

3. The due process clause: Under the due process clause of the fifth amendment tax statutes must provide reasonable classifications of the subjects taxed or regulated and reasonable exemptions, if exemptions are provided. But, as has been firmly established by the Supreme Court, particularly in cases upholding the various exemptions provided in the Social Security Act and State unemployment compensation acts (*Carmichael* v. *Southern Coal Co.*, 301 U.S. 495 (1937); *Stewart Machine Company* v. *Davis*, 301 U.S. 543 (1937); *Helvering* v. *Davis*, 301 U.S. 619 (1937)), the outer bounds of what is a reasonable tax or exemption classification allow a wider play of legislative judgment than many other areas of the law where the "reasonable" standard is applied. In these cases the court assured legislatures that they had the widest powers of selection and classification in taxing some at one rate, others at another and exempting others altogether, where distinctions were based upon "considerations of policy and practical convenience."

Claims of discriminatory treatment under social security continue to be rejected as not "patently arbitrary." *Flemming* v. *Nestor*, 363 U.S. 603, 611 (1960). Recently, *Smart* v. *United States*, 222 F. Supp. 65 (S.D.N.Y. 1963), upheld a higher tax on (American) employees of the United Nations, as the means employed bore a substantial and logical relation to the objective; and *Lesson* v. *Celebreze*, 225 F. Supp. 527 (E.D.N.Y. 1963), accepted differences in dependency determination for children of a deceased mother from that for children of a deceased father, based on family support experience. See also *Cape Shore Fish Co.* v. *United States*, 303 F.2d 961 (Ct. Cl. 1964), and *Abney* v. *Campbell*, 206 F. 2d 836 (5th Cir. 1953) on fishing vessel employment differences and on domestic service differences respectively.

The requirement that exemptions have a reasonable basis applies as well to exemptions based upon religious scruples provided by Congress in conformity with the first amendment. In a nontax area this requirement has been recently reviewed in the second circuit decisions, pending review in the Supreme Court, on the reasonableness of the selective service definition of religious training and belief as being confined to belief in a Supreme Being. *United States* v. *Jakobson*, 325 F. 2d 409 (2d Cir. 1963) and *United States* v. *Seeger*, 326 F. 2d 846 (2d Cir. 1964); certiorari granted in both cases, 32 L.W. 3385, May 5, 1964. In these cases the court determined that an exemption from bearing arms based on religious belief was a constitutional accommodation of religion, but that a restriction of the definition of religion to a Supreme Being was too narrow in view of its conclusion that a conscience sincerely compelled to refrain from bearing arms because of a "mystical force of 'Godness' " or a "compulsion to follow the paths of 'goodness' " might be religious in nature (Seeger, p. 853). In other words, at least in the second circuit, the exemption on the grounds of religious objection must reach all who have sincere objections which could be interpreted as religious in nature.

In the social security situation, however, a classification may be as limited as circumstances require, as indicated in the Smart and other cases, supra.

In fact the Social Security Act and its amendments have characteristically carved out exemptions which are as narrow as required by the sociological facts, including differences among vocations and religious attitudes. Thus, for example, lawyers are covered by the self-employment tax, ministers, including Christian Science practitioners, are optionally covered, but doctors and persons who have taken the vow of poverty as a member of a religious order are completely exempted (26 U.S.C. 1402 (c) and (e), and 42 U.S.C. 411(c) (4) and (5)). When the self-employment tax was passed in 1950 the act excluded the performance of service by a minister of a church or a member of a religious order or by a Christian Science practitioner in the exercise of their callings, in order to avoid impairment of religious liberty (Senate Finance Committee hearings on H.R. 6000, 81st Cong., Jan. 17, 1950, pt. 1, pp. 1 and 3). The exemption was made optional in the 1954 amendment of the act for these classes of persons except the mendicant orders. These exemptions have not been challenged.

The reason for the present proposal to exempt members of religious sects, as such, is solely that they have a religious objection to receiving insurance. Accordingly, a classification of such sects, for exemption purposes, with appropriate safeguards, would reach all those whom Congress would have a reasonable ground to exempt and would, therefore, not be arbitrary nor violative of due process.

This conclusion is the basis of the opinion of the staff of the Joint Committee on Internal Revenue Taxation and that of the American Law Division of the Library of Congress provided to Senator CLARK under dates of November 9, 1962, and September 19, 1962, respectively. These opinions conclude that the proposed exemption would be constitutional as it would apply to all those who fall within the classification and that the classification is reasonable, 109 CONGRESSIONAL RECORD, 463, 464 (1963). A copy of these opinions as reproduced in the CONGRESSIONAL RECORD is attached.

Since, therefore, Congress may exempt those members of a religious faith who have scruples against receiving insurance, the next question is what practical safeguards Congress may designate to assure that only those who come within the policy of the exemption obtain the exemption, without imposing arbitrary limitations.

Limitations on the exemption

The joint statement by the Treasury Department and the Department of Health, Education, and Welfare reviewing the problems created by the proposed exemption for the Amish contains in section 3 suggested additional limitations upon the exemption. These limitations are proposed as possible means to protect the social security system from an unintended extension of exemptions from compulsory insurance which would weaken and dilute it. The extensions of the exception might occur, according to this joint statement, either through the formation of additional faiths claiming opposition to acceptance of benefits as one of their tenets or through the redefinition by various existing separatist groups of their tenets to include such opposition.

I shall consider each of these proposed additional limitations, designated "a" through "e," to determine whether the limitation may be considered by the courts to be a reasonable classification and consistent with the due process clause. I shall also suggest a limitation, designated "f," which was not among those proposed but which may be found to limit the exemption reasonably and realistically to the groups which Congress intends to accommodate by this exemption.

(a) An explicit limitation of the exemption to the old order Amish: This limitation would probably be considered arbitrary since the designation of one sect to the exclusion of other sects having the same scruple would be inconsistent with the congressional policy of removing the Government coercion of belief which constitutes the denial of the free exercise of religion. It would also probably constitute an invalid preference of one particular faith over those which were similarly situated. The facts presented to Congress indicate that they may be certain other sects of the Amish and possibly other religious groups who have the same religious scruple which is now being coerced. Furthermore, the exemption of a single named group will be held to be arbitrary [5] unless the relation to the public good is clearly demonstrable [6]

(b) Limitation to members of a sect, excluding adherents who are not members; and (c) limitation to members of sects who "take care of their own": These limitations are being considered together since at least some of the bills before Congress provide that a necessary condition of exemption is a finding by the Secretary of Health, Education, and Welfare that the sect makes provision for its elderly "members." This condition would probably be considered a necessary and proper public policy consideration and, therefore, a reasonable condition upon which to base eligibility for exemption. The purpose of Congress in this legislation would be to assure the fulfillment of the welfare purpose of social security while relaxing that feature of social security which impinges on the free exercise of religion. Moreover, since individuals can seldom guarantee their own future against deprivation and need, it would be reasonable for Congress to provide that to qualify for an exemption a person must be a member of a sect which shares the religious commitment, both with respect to refusing State insurance and providing for that sect's welfare. Consequently, since the sect aspect is essential, it would seem reasonable to limit the qualification for exemption to persons who are members of a qualifying sect. As said by Justices Black and Douglas in *Board of Education* v. *Barnette*, 319 U.S. 624, 643 (1943): "No well-ordered society can leave to the individuals an absolute right to make final decisions, unassailable by the State, as to everything they will or will not do."

(d) Limitation to sects which require members to follow the occupation of farming as a matter of religious principle: This limitation, as phrased, would not be appropriate on the basis of the facts given in the joint statement. It is there stated that "most old-order Amish communities permit members to make their living as self-employed carpenters or masons" (p. 9). The

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[5] *Eyers Woolen Co.* v. *Gilsum*, 84 N.H. 1, 146 *Baltimore*, 289 U.S. 36 (1933).

[6] *William* v. *Mayor and City Council of* Atl. 511 (1929); *Baltimore* v. *Starr Methodist Protestant Church*, 106 Md. 281, 67 Atl. 261 (1907). Cf. *United States* v. *Department of Revenue of Illinois*, 191 F. Supp. 723 (N.D. Ill. 1961) invalidating a retail tax on sales to the Federal but not to the State government.

possibility of limiting the exemption to sects which are established in farming communities for religious reasons is suggested and discussed below.

(e) Limitation to religious groups which were established before 1935: Any limitation which designates a cutoff date would generally be less reasonable than one which on its face shows some relationship to the public purpose of the statute. For example, a requirement that the sect shall have demonstrated over a period of years its ability to take care of its own members would probably be more acceptable as a classification. The text of certain of the legislative proposals already contain this principle in that they refer to the sect to be exempted as one which is "established." I would see no reason why the extent or the test of establishment might not be specifically spelled out. There is some authority that a "classification which draws a line in favor of existing businesses as against those later entering the field will be upheld if any reasonable and substantial basis can be found to justify the classification." *Del Mar Canning Co.* v. *Payne*, 29 Cal. 2d 380, 175 P. 2d 231, 232 (1964). The circumstances justifying such a discrimination must provide substantial reasons. *Mayflower Farms* v. *Ten Eyck*, 297 U.S. 266 (1936). It is probable that the unusual situation of the Amish with respect to social security would be considered a substantial reason for a limitation of the classification to established sects.

(f) Limitation to sect established in farming communities for religious reasons: The faith, the members of which are to be exempted, might be described not only as one whose established tenets would be violated by the acceptance of insurance, and one which provides for elderly and dependent members, but as one which for religious reasons is established in farming communities. These limitations might be reasonable if Congress found after sufficient inquiry that they were necessary to assure that the exemption would be confined to sects which were religiously motivated and responsible, and to assure that the welfare purpose of social security would be fulfilled. Congress might reasonably find that the restriction of the exemption to those sects established in farming communities would be justified on the ground that such a sect could be more certainly relied upon to identify and provide for its dependent and elderly members than those in the mobile and transient urban environment. Conversely, the limitation would have the effect of excluding sects which subsequently organize for the purpose of exemption from social security, as it is unlikely that those would or could establish themselves in farming communities for religious or other reasons. The limitation would exclude other present separatist groups whose principles might, but do not specifically include refusal of social security benefits. Legislation which distinguishes farming situations from others because of sociological and economic differences has taken many forms and has been accepted by the courts. See, for example, *Tigner* v. *Texas*, 310 U.S. 141 (1940), rehearing denied, 310 U.S. 659 (1940).

G. D'ANDELOT BELIN,
General Counsel.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 533

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

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

FOREIGN ASSISTANCE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 534

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

Mr. GRAVEL submitted amendments, intended to be proposed by him, to the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. DOMINICK. Mr. President, I submit an amendment to H.R. 9910, the Foreign Assistance Act of 1971. The purpose of this amendment is to strengthen the so-called Hickenlooper amendment, which essentially requires the President to suspend aid to any country which expropriates property owned by American citizens unless appropriate steps are taken within 6 months to pay adequate compensation.

Although the Hickenlooper amendment was intended to be a strong deterrent against confiscation of American-owned properties, I do not think it has been effective, primarly because of the substantial loophole the appropriate steps language creates. Appropriate steps is broad enough to include almost any token action by the expropriating government whether or not it indicates a real intent to pay adequate compensation. For that reason, the sanctions in the Hickenlooper amendment have been rarely invoked. In fact, while there have been many instances of expropriation of American-owned properties since it was adopted in 1962, to my knowledge, the Hickenlooper amendment has been invoked only once—against Ceylon in 1963. I do not have the figures now as to how many of these takeovers were accomplished without full compensation, but I am confident there were several. The appropriate steps loophole permitted Peru to avoid a suspension of aid in 1968, when it expropriated a subsidiary of Standard Oil of New Jersey and deducted its $200 million value from excess profits it had earned there. Recent actions by Chile against U.S. copper properties are startlingly similar.

My amendment would tighten this loophole by requiring that, in order to avoid a suspension of aid, an expropriating country would have to enter an agreement within 6 months committing itself to pay full compensation for the property taken. It is my intent that a preliminary agreement setting out the country's commitment to pay compensation, and defining the procedure for reaching a final determination of the amount, would be sufficient. This would be followed, hopefully, by a formal settlement of the property owner's claims. Final resolution of issues of this nature take considerable time, but I do not think it is too much to require a country receiving American tax dollars to at least go on record within 6 months that it will pay for American property it has expropriated, as a condition to continuing to receive those dollars.

My amendment would further strengthen the Hickenlooper amendment by providing for the suspension of most-favored-nation treatment in trade with an expropriating country as an additional or alternative sanction. This would mean, in simple terms, that the United States would no longer be required to extend to a country which has confiscated American-owned property the same trade advantages extended to countries which treat American investors fairly.

This amendment is intended to do no more than provide for fair treatment, consistent with international law, of American investments abroad. In light of recent events in Chile, I think it merits our consideration as a possible deterrent to similar actions which may be on the horizon.

AMENDMENT NO. 535

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

AMENDMENT NO. 536

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

Mr. BUCKLEY submitted amendments, intended to be proposed by him, to House bill 9910, supra.

AMENDMENT NO. 537

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

Mr. BUCKLEY (for himself, Mr. ALLEN, Mr. ALLOTT, Mr. BROCK, Mr. DOMINICK, Mr. GOLDWATER, Mr. HANSEN, and Mr. THURMOND) submitted amendments, intended to be proposed by them, jointly to House bill 9910, supra.

AMENDMENT NO. 538

(Ordered to be printed.)

Mr. BROCK (for himself and Mr. BUCKLEY) proposed an amendment to House bill 9910, supra.

AMENDMENT NO. 539

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

Mr. HARTKE submitted an amendment, intended to be proposed by him, to House bill 9910, supra.

AMENDMENT NO. 540

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

Mr. CANNON submitted amendments, intended to be proposed by him, to House bill 9910, supra.

DUTY-FREE STATUS OF CERTAIN GIFTS BY MEMBERS OF THE ARMED FORCES—AMENDMENTS

AMENDMENT NO. 541

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

Mr. STEVENSON. Mr. President, I offer with Mr. PEARSON an amendment which, if adopted, would immediately reduce the Federal income tax payments of American consumers by nearly $1 billion more than is provided in the legislation reported out of the Finance Committee last week. This amendment is to H.R. 8312—"an act to continue for 2 additional years the duty-free status of certain gifts by members of the Armed Forces serving in combat zones"—which was reported out of the Senate Finance Committee with amendments on October 20. The amendments reported out by the committee include all the provisions of the House-passed tax bill (H.R. 10947) pertaining to the 1971 individual income tax. The House and the Senate Finance Committee bill would increase the personal exemption from its present level of $650 to $700 retroactive to July 1, 1971,

H.R. 10947 would also increase the exemption to $750 in 1972.

This amendment would make the exemption for 1971 retroactive to January 1, thus almost doubling the relief individual taxpayers could look forward to in 1971. The amendment would effectively raise the personal exemption from $675 to $700 for 1971. At the same time, it would immediately provide the economy with a needed stimulus. Figures recently released by the Commerce Department show the real gross national product—GNP—rose at an annual rate of only 2.9 percent during the third quarter of this year, compared to 4.8 percent in the previous quarter. Since economists generally agree that over the long term, real GNP must increase by 4 percent annually merely to avoid increases in unemployment, the third quarter figures are not encouraging. Indeed, they lend credence to the belief that GNP for the full year will be about $1,050 billion—$15 billion less than the President projected in his budget presented last January.

This amendment would complement the phase II program for fighting inflation by providing an added stimulus to get the economy moving and reduce unemployment below the unacceptable level of 6 percent around which it has hovered during the past several months.

Most economists and businessmen agree that the major problem inhibiting real rather than inflationary economic growth is insufficient consumer spending. In his testimony before the Joint Economic Committee on September 23, the Nobel Prize-winning economist Paul Samuelson warned that unless Congress gives consumers lower income tax rates than the President had proposed, the economy would not reach 4½ percent unemployment levels before 1973. A September 20 New York Times survey of businessmen disclosed their belief that the President's tax proposals for business would not lead to significant increases of spending for capital investment for at least a year and that "it was generally agreed by those surveyed that the consumer holds the key to prosperity."

During the past year consumers have been saving a higher portion of their disposable income—more than 8 percent—than at any time since 1946.

The President's tax package, including accelerated depreciation schedules, does not contain an adequate economic stimulus. Its overemphasis on tax cuts for business rather than the consumer will create larger budget deficits this year, but will not result in much additional business spending until 1972 and 1973.

This amendment would provide hard-pressed individual taxpayers with nearly an additional $1 billion in disposable income this year, on top of the $1.37 billion offered in the bill reported by the Finance Committee.

The amendment would, of course, also result in nearly $1 billion less Federal revenue this year. However, the revenue loss could be offset by cutting revenue losses the President has proposed in one or more of the following programs:

The President's accelerated depreciation schedules—ADR—would have resulted in an annual revenue loss of nearly $4 billion. The House passed bill prohibited the President from undertaking part of his proposal, but would still result in revenue losses of $2.5 billion yearly, including nearly $1.2 billion for the present fiscal year. Little of these savings to business would result in immediate business spending to stimulate the economy.

The reinstatement of the 7-percent investment credit would reduce Federal revenues by $2.2 billion in this fiscal year without providing an immediate stimulus. The long-term revenue loss would be $4 billion annually.

The repeal of the auto excise tax would reduce Federal revenues by $2.2 billion in this fiscal year and nearly $2 billion annually thereafter. The repeal of this tax, unlike the President's accelerated depreciation proposal and investment tax credit, would at least provide an immediate benefit to some consumers. However, it would be more appropriate to provide more consumers with additional income through tax relief and allow them to choose the purposes for which they wish to spend their income rather than make the production of more pollution-spreading automobiles for our congested streets a high national priority.

Secretary Connally has stated that the individual income tax provisions must be passed as quickly as possible in order to allow the Internal Revenue Service to print the 1971 Federal income tax forms 1040 and avoid "unprecedented inconvenience to the American public," which he predicts would result if the forms are not in the hands of taxpayers by January 3. I agree that the Senate should expeditiously consider this matter, but I do not believe the public would be inconvenienced if income tax forms were received January 10 or 17 rather than January 3. It is likely the public would be quite willing to wait an extra week or two if it meant lower tax payments, and besides any such inconvenience might be overcome by expeditious work in the Treasury Department.

ADDITIONAL COSPONSOR OF AN AMENDMENT

Mr. SAXBE. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor of the Saxbe-Church amendment in regard to Pakistan, which has already been incorporated in the pending bill, the Foreign Assistance Act, and has been reported.

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

NOTICE OF HEARINGS ON BRITISH RAILS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), I announce that the Surface Transportation Subcommittee has scheduled public hearings for October 28 and 29, 1971, concerning British Railways. Hearings will commence at 10 a.m. in room 5110 New Senate Office Building. Any person who wishes to testify should notify the committee staff, telephone 225–9351.

NOTICE OF HEARING ON SUPREME COURT NOMINATIONS

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, November 3, 1971, at 10:30 a.m., in room 1202, New Senate Office Building, on the following nominations:

Lewis F. Powell, Jr., of Virginia, to be an Associate Justice of the Supreme Court of the United States, vice Hugo L. Black.

William H. Rehnquist, of Arizona, to be an Associate Justice of the Supreme Court of the United States, vice John Marshall Harlan.

Any person wishing to testify either in support of or in opposition to these nominations shall, not later than 1 day prior to the commencement of these hearings, file with the committee a written request to be heard and a written statement of his proposed testimony.

NOTICE CONCERNING CERTAIN NOMINATIONS PENDING BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Scott P. Crampton, of Virginia, to be an Assistant Attorney General, vice Johnnie M. Walters, resigned.

James R. Thompson, Jr., of Illinois, to be U.S. Attorney for the Northern District of Illinois for the term of 4 years, vice William J. Bauer.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, November 3, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

EFFECTS OF LAND HOLDING, LAND OWNERSHIP, AND LAND USE PATTERNS ON FARMWORKERS AND SMALL FARMERS TO BE INVESTIGATED

Mr. STEVENSON. Mr. President, as chairman of the Subcommittee on Migratory Labor, I announce that the subcommittee will hold hearings on November 4 and 5, 1971, to continue its study of the effects of rural land holding, land ownership, and land use patterns on the social, economic, and political problems of both rural and urban America.

A thorough study of the needs of migrant labor and the rural poor entails getting the facts. What information exists today concerning the ownership of rural America is scattered and incomplete. A Federal Government which

spends millions of dollars on rural social and economic research of dubious value has done little on the basic question of who owns the land and the resources in rural America.

I believe that our inquiry is particularly important because it appears that Government is not meeting its responsibility to all the people and all the institutions of rural America. In fact, there is reason to believe that a void exists in Government policy, as evidenced for example, by Government support for agriculture mechanization without simultaneously assisting those displaced; by land-grant college programs serving only the interests of agribusiness; by the exclusion of many rural residents from basic and worker benefit programs; by land reclamation and irrigation projects that benefit only large land holders; and, by tax policies that give certain breaks to a limited few. These policies and more are apparently contributing to a pattern of increasingly concentrated land holdings in rural America.

These matters, which directly affect the lives of farmers and farmworkers alike—indeed, all who live in rural America, have received too little attention, and will be pursued during these and future subcommittee hearings.

The subcommittee has already heard from several witnesses who recognized that it would be a grave mistake if the subcommittee did not embark on a study of the concentration of ownership in rural America and its relationship to rural poverty. Mr. Jeffrey Faux, formerly director of the title 1–D economic development program effort of the Office of Economic Opportunity, and at present with the Community Development Corporation in Cambridge, Mass. testified that:

> It is not easy to conclude that an important part of the solution to rural poverty is in the redistribution of land. Such a solution seems to lie so far into the future, and each day that goes by is another wave of suffering for migrants and other rural poor people. But after seven years of trying to cure poverty with band-aids, we cannot continue to delude ourselves as to the real nature of the disease.
>
> Ironically, the United States has been preaching the virtues of land reform for less developed countries since the end of World War II. The forces that resist land reform in Latin America and Asia are similar to the forces that have prevented it from becoming the subject of serious discussion in this country. But for better or worse, land reform is as much a key to the elimination of rural poverty in America as it is anywhere else on the globe."

In this regard, a most interesting and stimulating series of articles was published in the New Republic magazine of June 5, 12, and 19, 1971. Written by Peter Barnes, the news magazine's west coast editor, these articles raise many issues that are worthy of public debate and discussion.

Mr. President, in view of the significance of the series of articles from the New Republic, I ask unanimous consent that they be printed in the RECORD.

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

[From the New Republic magazine, June 5, 1971]

LAND REFORM—I: THE GREAT AMERICAN LAND GRAB

(By Peter Barnes)

With three out of four Americans now jammed into cities, no one pays much attention to landholding patterns in the countryside. How things have changed. A hundred years ago, land for the landless was a battlecry. People sailed the oceans, traversed the continent and fought the Indians, all for a piece of territory they might call their own. America envisioned itself—not entirely accurately—as a nation of independent farmers, hardy, self-reliant, democratic. Others saw us this way too. Tocqueville noted the "great equality" that existed among the immigrants who settled New England, the absence of rich landed proprietors except in the South, and the emergence in the western settlements of "democracy arrived at its utmost limits."

Along with industrialization, however, came urbanization and the decline of the Arcadian dream. Immigrants forgot about land and thought about jobs instead; the sons and grandsons of the original pioneers began to leave the farms and join the immigrants in the cities. Radical agitation shifted from farm to factory. Frontiersmen's demands for free land and easy credit were supplanted by workers' demands for a fair wage, decent conditions and union recognition. In due course a kind of permanent prosperity was achieved, and America directed its energies outwards, not inwards. Consumers bought their food in neatly wrapped packages, at prices most of them could afford, and forgot about the land.

Why, then, in 1971, should we turn back to look at our landholding patterns? One reason is that the land is still the cradle of great poverty and injustice. Another is that the beauty of the land is fast disappearing. Canyons are being dammed, redwoods felled, hills strip-mined and plateaus smogged. Wilderness and croplands are giving way to suburban sprawl and second-home developments. And the balance of nature itself is threatened by excessive use of pesticides.

The deterioration of our cities should also cause us to look back at the land; population dispersal in some form is a necessity. At the same time, there is a growing recognition that nagging social problems—burgeoning welfare rolls, racial tensions, the alienation of workers from their work—have not responded to treatment. Many of these problems have their roots in the land, or more precisely, in the lack of access to productive land ownership by groups who today make up much of the urban poor. Mexican-Americans, Indians and even some blacks are beginning to raise the point that more of America's land ought to belong to them. Given the dead-end nature of most anti-poverty programs today, it is an argument worth listening to.

The schizoid character of American landholding patterns was first implanted during colonial days. In New England the land was divided fairly evenly among the many; in the South, mostly because of large royal grants, it was concentrated in the hands of the few. As a consequence, New England politics revolved around such institutions as the town meeting and the popular militia, while Southern society and politics were dominated in all aspects by the landed gentry. Jefferson warned that perpetuation of the large plantations would lead to the ensconcement of an "aristocracy of wealth" instead of an "aristocracy of virtue and talent," and even talked of freeing the slaves; but the plantation owners were hardly inclined to abdicate their privileged positions voluntarily.

With the winning of independence and the establishment of a national government, America had an opportunity to create a nation unfettered by the proclivities of European nobility. Men like Jefferson looked forward to a vigorous agrarian democracy, fostered by public education and a judicious distribution of the government's western domains. Then as now, however, politicians were less interested in promoting agrarian democracy than in making a quick buck. The history of the giveaway of America's public lands—hundreds of millions of acres over a century and a half—constitutes one of the longest ongoing scandals in the annals of modern man. Fraud, chicanery, corruption and theft were aplenty, but more scandalous was the lack of concern for the social consequences of uneven land distribution. Congress at times did enact such foresighted measures as the Homestead Act of 1862, but far more often it authorized the wholesale disposal of public lands to speculators rather than to settlers. And what Congress didn't surrender to the land hoarders, the state legislatures, the Land Office and the Interior Department usually did.

In the early nineteenth century, the typical speculator's gambit was to form a "company" which would bid for massive grants from Congress or the state legislatures, generally on the pretext of colonization. Once a grant was obtained—and it never hurt to be generous with bribes—the land would be divided and resold to settlers, or, more likely, to other speculators. The enormous Yazoo land frauds—in which 30 million acres, consisting of nearly the entirety of the present states of Alabama and Mississippi, were sold by the Georgia legislature for less than two cents an acre, and then resold in the form of scrip to thousands of gullible investors—was perhaps the most famous of these profit-making schemes. Huge fortunes were made in such swindles, often by some of the most respected names in government. The social consequences were not limited to the quick enrichment of a fortunate few. The issuance of vast tracts of land to speculators also had the effect of driving up land prices, thereby impeding settlement by poor Americans. And, since grants were not always completely broken up, they had the additional effect of implanting in the new territories of the South and West the pattern of large landholdings that persist to this day.

Texas landholding patterns, for example, date from this early period, though grants to the original American *empresarios* were made by Mexico rather than Washington. At first there was a rush to purchase and occupy Texas lands granted to Stephen M. Austin and others. After the initial "Texas fever" subsided, many immense and valuable estates remained intact, and could be acquired for a relative pittance. Today many of these enormous tracts are cotton plantations, cattle ranges or oil fields owned by wealthy individuals and corporations.

The concentration of land ownership in California, now the most productive agricultural region in the world, is perhaps most extraordinary of all. According to a 1970 study by the University of California Agricultural Extension Service, 3.7 million acres of California farmland are owned by 45 corporate farms. Thus, nearly half of the agricultural land in the state, and probably three-quarters of the prime irrigated land, is owned by a tiny fraction of the population. This monopolization didn't just happen; it was and still is abetted by federal and state policies.

Land in California originally acquired its monopoly character from the prodigious and vaguely defined grants issued by first the Spanish and then the Mexican governments. Upon California's accession to the union, the United States government could have incorporated these *latifundia*—still almost totally unpopulated—into the public domain, or ordered them divided into small farms for

settlers. It chose, probably without much thought, to swallow them whole and to allow them to remain private. Almost immediately they fell prey to wily speculators and defrauders, who either bought out the heirs of the grantees or forged phony title papers and bluffed their way through the courts. Several of the original Spanish grants are embodied in giant holdings today: the Irvine Ranch (68,000 acres in Orange County), the Tejon Ranch (268,000 acres in the hills and valleys northeast of Los Angeles, 40 percent owned by the Chandler family, which publishes the Los Angeles *Times*), Rancho California (97,000 acres to the northeast of San Diego, jointly owned by Kaiser and Aetna Life), and the Newhall Ranch (43,000 acres north of Los Angeles).

The struggle for acquisition of the Mexican land grants was only the beginning of the empire-building period in California. For some reason American history books are filled with tales about the robber barons of finance and industry—the Rockefellers, Morgans, Carnegies and Harrimans—but almost always neglect to mention the great cattle barons of the West. At the top of any listing of the latter must certainly be the names of Henry Miller, James Ben Ali Haggin and Lloyd Tevis.

Miller was a German immigrant who arrived in San Francisco in 1850 with six dollars in his pocket, and amassed an empire of 14 million acres—about three times the size of Belgium—before he died. Starting out as a butcher, he soon realized that the big money lay in owning cattle, not chopping them into pieces for a handful of customers. He also recognized, in advance of other Californians, that water was far more valuable in the arid West than gold.

Miller's strategy was to buy up land along the rivers of California's central valleys, thereby acquiring riparian rights to the water. Then he would irrigate the river banks with ditches, providing his cattle with natural grasses on which to graze. Homesteaders further back from the river would lose their water and be forced to sell to Miller at dirt-cheap prices.

Miller had other tricks as well. According to Carey McWilliams' *Factories in the Field*, a large portion of Miller's empire "was acquired through the purchase of land scrip which he bought from land speculators who, a few years previously, had obtained the scrip when they, while in the employ of the United States as government surveyors, had carved out vast estates for themselves." At one point in his career Miller set out to acquire some dry grasslands in the San Joaquin valley under the terms, ironically, of the Swamp Lands Act of 1850. This was a law under which the government offered alleged swamp lands to individuals free of charge if they would agree to drain them. The law provided that the land had to be underwater and traversable only by boat. Miller loaded a rowboat onto the back end of a wagon and had a team of horses pull him and his dingy across his desired grassland. Eventually the government received a map of the territory from Miller, together with a sworn statement that he had crossed in a boat. Thousands of acres thus became his.*

On a par with Miller in deviousness and ambition was the team of Haggin and Tevis, a pair of San Francisco tycoons who, among other things, had interests in the Southern Pacific Railroad and Senator George Hearst's far-flung mining ventures. By the 1870s, Haggin and Tevis had accumulated several hundred thousand acres in the San Joaquin valley from former Mexican grantees, homesteaders, the Southern Pacific Railroad and assorted "swamps." They fought bitterly for water rights to the valley's rivers, and, as Margaret Cooper has recounted in an unpublished University of California master's thesis, they were no strangers to fraud. Their empire-building was capped in 1877 by a masterfully engineered land-grab that must rank among the classics of the genre. Under the impetus of California's Senator Sargent, who was acting on behalf of Haggin and Tevis, Congress hurriedly approved the Desert Land Act, and the bill was signed by President Grant in the last days of his administration. The law had the effect of removing several hundred thousand acres from settlement under the Homestead Act. These lands, which were said to be worthless desert, were to be sold in 640 acre sections to any individual—whether or not he resided on the land—who would promise to provide irrigation. The price was to be 25 cents per acre down, with an additional $1 per acre to be paid after reclamation.

Needless to say, much of the land in question was far from worthless. The chunk of it eyed by Haggin and Tevis was located close to the Kern River, and was partially settled. A San Francisco *Chronicle* story of 1877 describes what happened next:

"The President's signature was not dry on the cunningly devised enactment before Boss Carr [Haggin and Tevis' agent in the valley] and his confederates were advised from Washington that the breach was open. It was Saturday, the 31st of March. The applications were in readiness, sworn and subscribed by proxies. . . . All that Saturday night and the following Sunday, the clerks in the Land Office were busy recording and filing the bundles of applications dumped upon them by Boss Carr, although it was not until several days after that the office was formally notified of the approval of the Desert Land Act."

Thus, by hiring scores of vagabonds to enter phony claims for 640 acres, and then by transferring those claims to themselves, Haggin and Tevis were able to acquire title to approximately 150 square miles of valley land before anybody else in California had even heard of the Desert Land Act. In the process, they dislodged settlers who had not yet perfected their titles under old laws and who were caught unawares by the new one. The *Chronicle* called the whole maneuver an "atrocious villainy" and demanded return of the stolen lands. A federal investigation followed, but Haggin and Tevis, as usual, emerged triumphant.

All this skulduggery would be of little contemporary interest were it not for the fact that the empires accumulated by the likes of Miller, Haggin and Tevis are still with us in only slightly different form; they have become the vast, highly mechanized corporate farms that monopolize California's best farmland and produce most of the fruit and vegetables and much of the sugar and cotton that America consumes. The fate of Haggin and Tevis' holdings is particularly interesting. In 1890, in order to perpetuate their empire beyond their deaths, the two entrepreneurs incorporated under the name of Kern County Land Company. Until the 1930s most of the company's vast acreage was still used for cattle grazing. In 1936 a copious deposit of oil was discovered beneath the company's lands, producing a colossal windfall for the heirs of Haggan and Tevis. Rather than pay taxes on the full amount of its oil earnings, the company began sinking them into irrigation pipes and sprinklers, thereby ungrading rangeland worth $25 an acre into prime cropland worth $1000 an acre, and later into orchards worth up to $4000 an acre. By 1965 a share of Kern County Land Company stock that sold for $33 in 1933 was worth (after splits totaling 40 for 1) $2680—and had paid $1883 in dividends. Finally, in 1967, Kern County Land Company was bought by Tenneco (of whom more in my next article).

Meanwhile, the Civil War had led to the abolition of slavery, but not to the end of the plantation system. Thaddeus Stevens, leader of the Radical Republicans, proposed dividing the large Southern estates and giving to freed Negroes and landless whites forty acres and some cash. "Homesteads to them [Negroes]," he argued, "are far more valuable than the immediate rights of suffrage, though both are their due." This was too venturesome a proposal, however, even for the Radicals, and it did not get far in Congress. As a result, Negroes and poor whites in the South remained landless, and a century later a large Southern grower would tell a CBS newsman making a documentary on farm workers, "We no longer own our slaves, we rent them."

In other parts of the country Congress continued to squander the national patrimony with abandon. The railroads were granted 134 million acres, plus another 49 million by the states. Often the railroads would allow settlers to stay and improve the land, then evict them later and sell the upgraded property at a considerable profit. Congress did nothing to remedy such abuses. It was busy enacting—in addition to the Swamp Lands Act and Desert Land Act—such giveaways as the General Mining Law of 1872 and the Timber and Stone Act of 1878. Under the latter, lumbermen and quarry operators acquired millions of acres at $2.50 an acre, largely by using the same "dummy entryman" technique that Haggin and Tevis had so advantageously employed. Under the former, landgrabbers were able to acquire large tracts of public land for purposes that had nothing to do with mining or even settlement.

Congress was not entirely blind to what was happening, and it did strike some blows for agrarian democracy, but these were to a considerable extent diluted or subverted by subsequent legislation and administrative betrayals. Under pressure from landless frontiersmen, Congress passed the Preemption Act of 1841, allowing families to settle on 160 acres of unsurveyed public land, with first right to purchase when the land was ultimately placed on sale. This was as far as Congress was willing to go at the time, since the South feared homesteading would undermine slavery. In 1862, however, with no Southerners sitting, Congress adopted the Homestead Act, partially as a reward for Union soldiers. The law stands as a milestone in the history of American land policy. For the first time, full title to public land was to be granted free of charge to actual settlers. A family could acquire up to 160 acres—one quarter of a square mile—if it occupied and improved the land for five years. It was a fine law in theory, but by the time it was enacted a substantial portion of the best land in America was already accounted for. Congress made things worse as historian Paul Wallace Gates has noted, by removing additional valuable acreage from homestead settlement—usually by giving it to the railroads, or, as under the Morrill Land Grant Act, to the states, who in turn sold it to speculators. Shoddy administration by the Land Office did not help matters either. Cattlemen and speculators, both large and small, made widespread use of the "dummy entryman" trick and other ruses to acquire holdings far in excess of 160 acres, and the Land Office lacked either the will or the ability to stop them.

By the turn of the century almost all the available land in America had been staked out by one interest or another, and many Populists and reformers were displeased with the result. The Great Plains states were, by and large, democratically settled, but the same could not be said for the

* Horace Greeley, who voted for the Swamp Lands Act, confessed later that he had been "completely duped. . . . The consequence was a reckless and fraudulent transfer of . . . millions of choice public lands, whole sections of which had not enough muck on their surface to accommodate a single fair-sized frog."

South and West. Henry George described California as "a country not of farms but . . . of plantations and estates," and thought a single tax on land was the remedy. The social effects of maldistributed land were most readily seen in the impoverishment of tenant farmers and sharecroppers in the South, and the exploitation of Chinese and Japanese laborers in the West.

Almost providentially, however, an opportunity to correct the mistakes of the past and to open up new lands for homesteading presented itself. Thanks to modern civil engineering, the arid expanses of the West, once useful only for grazing, could be irrigated and turned into cropland. Much of the land beyond the Rockies could thereby be transformed into a kind of New Midwest, characterized by family owned and operated farms. The instrument of this transformation would be a massive federal reclamation program; the Reclamation Act of 1902 was its charter.

F. H. Hewell, first director of the federal Reclamation Service, explained the purpose of the Reclamation Act as "not so much to irrigate the land, as it is to make homes. . . . It is not to irrigate the land which now belongs to large corporations, or even to small ones; it is not to make these men wealthy, but it is to bring about a condition whereby that land shall be put into the hands of the small owner, whereby the man with a family can get enough good land to support that family, to become a good citizen, and to have all the comforts and necessities which rightfully belong to an American citizen." Theodore Roosevelt was more succinct: "Every [reclamation] dollar is spent to build up the small man of the West and prevent the big man, East or West, coming in and monopolizing the water and land."

Federal reclamation would bring about this democratic renaissance by using both a carrot and a stick. The carrot would be subsidized water; the stick was lodged in two crucial provisions of the 1902 Act—the 160-acre limitation, and the so-called residency requirement. The first provided that no person could receive federal water for use on more than a homestead farm of 160 acres; the second provided that water would be delivered only to "an actual bona fide resident on such land, or occupant thereof residing in the neighborhood." By attaching these twin limitations to its delivery of subsidized water, federal reclamation would, in the words of one of its sponsors, "not only . . . prevent the monopoly of public land, but . . . break up existing monopolies throughout the arid region."

It sounded confiscatory—indeed, almost revolutionary—but the large Western landowners could hardly complain. They had, in the first place, acquired their empires at prices that were scandalously low and through stratagems that were at best unethical and at worst illegal. Moreover, it was not as if Congress was about to drive them into unwilling bankruptcy. The law did not require them to accept federal water; it merely provided that, if they chose to sip at the public trough, they would, in due course, have to sell their lands in excess of 160 acres. Subsequent regulations established that they could receive subsidized water for ten years before parting with their excess holdings—a time span which allowed for enough farming profit to satisfy all but the greediest.

Nevertheless, the intended transformation of the West did not occur. Great dams were built, rivaling the pyramids of Egypt in their wondrousness; reservoirs were formed, and aqueducts constructed. By 1970 the Bureau of Reclamation spent almost $10 billion and irrigated nearly seven million acres. Yet land monopoly is more firmly entrenched in the West than ever; federal water has flowed and continues to flow in great quantity to the huge, absentee-owned corporate estates that should, under the law, have been broken up and sold to small resident farmers. In the words of former Senator Wayne Morse, the wholesale, continuing violations of the 1902 Act constitute "a water steal reminiscent of the scandals" of Teapot Dome and the "great land frauds."

Nearly a century ago the San Francisco *Chronicle* warned: "The land . . . taken by two or three men is sufficient to afford homes and independence to hundreds of intelligent, industrious and honest settlers. It is this class that makes, as it is the other [land monopolists] that ruins a country. The confirmation of title to the monopolists means the transfer of ownership of the soil to a nonresident aristocracy, and its continued cultivation by a race of aliens and coolies. Let it be awarded to the settlers, and schools, roads, churches and general prosperity will ensue."

This and similar warnings went unheeded; the South and West developed as the *Chronicle* feared. Ownership of particular estates shifted hands over the course of several depressions, panics and booms, and in recent years the trend has been toward ownership by large corporations—often oil companies or conglomerates. But though the names have changed, the pattern of large landholdings has held steady throughout. A nonresident landed aristocracy—today composed of such diverse persons as Sen. Eastland and the directors of Tenneco—enjoy vast power.

Along with absentee ownership, racial exploitation became a way of life in the West, as it previously had in the South but as it never did in the Midwest. Chinese and Japanese field hands were succeeded by Hindus, Filipinos and Mexicans. The treatment of Japanese farmworkers is particularly instructive. For many years they were enthusiastically praised by California growers; they performed the most menial tasks with great skill and without asking favors (such as transportation and boarding) of their employers. Soon, however, the Japanese began leasing land for themselves—usually "useless" marsh or desert which they would reclaim and plant with rice or other crops. Through thrift and hard work, they even began achieving their ambition to own land. This was too much for the land monopolists, who succeeded in passing the Alien Land Act of 1913, designed to force the Japanese to sell their improved lands to them.

Other effects of concentrated land ownership were as the *Chronicle* foresaw. Schools, shops and civic institutions never blossomed in those parts of the South and West dominated by giant landholdings. Enormous disparity of wealth and power is rarely conducive to widespread involvement in public affairs, and is even less so when large portions of the population are migrants, or are barred by one means or another from voting. Why, after all, should an absentee landlord spend his taxes on good public schools, when his own children go to private school and an educated work force is the last thing he wants?

What was not foreseen was the impact that land monopoly would eventually have on American cities. If the Southern plantations and Mexican land grants had been broken up, if Western land had been distributed in limited-size parcels to actual settlers as generously as it was handed out in prodigious chunks to speculators, if the reclamation law had been vigorously enforced, it is doubtful that the cities would be as overcrowded and as beset as they are today. Blacks and landless whites would, in smaller numbers, have migrated to the cities, but they would not have been so ill-prepared had they descended from landowning farmers. They would have had dignity, schooling, some experience in public affairs, and perhaps savings enough to establish a foothold.

The question now is whether we are going to compound the errors and injustices of the past, or remedy them.

[From the New Republic magazine, June 12, 1971]

LAND REFORM—II: THE VANISHING SMALL FARMER

(By Peter Barnes)

Yghish Bulbulian's face is weathered, his pace somewhat slowed. But when he looks back at what he has left for his son Berge and his grandchildren, Yghish Bulbulian is a proud man.

Born in Armenia at the end of the last century, Bulbulian fled his homeland during World War I when more than a million Armenians were slaughtered by the Turks. He arrived, penniless, in California and settled near Fresno, where a large colony of Armenians had gathered. For several years he worked as a field hand in the San Joaquin and Imperial valleys, managing to save a few pennies each payday. By 1929 he was able to scrape together $500 for a down payment on 20 acres, part of a homestead that was up for sale. He, his wife and son worked ten hours a day, seven days a week in the fields, and when they weren't working their own land they were hiring themselves out to others.

In 1943 Bulbulian added 30 acres to his farm, and every decade or so thereafter he added more. Today, he and his son grow grapes and currants on 150 acres; though he's 78, he still helps plant, irrigate and box his crop. His income has not been high, but there were enough good years to permit some amenities. Father and son now live in comfortable, well-furnished houses, and drive late model cars.

It's no rags-to-riches story, and Bulbulian is no Horatio Alger figure, but he is an example of the many immigrant farm hands who, through frugality and hard work, rose to become farm owners. Unfortunately, he represents a dying breed.

In the 1920s, when Bulbulian got to California, it was natural for field laborers to aspire to become small farmers. Today it is almost unthinkable. For the same 20 acres that Bulbulian bought 40 years ago for $500 down, an aspiring farmer now would need $12,000 down. Moreover, it would be pointless for him to buy only 20 acres; he'd need at least four times that to have a fighting chance. And while Bulbulian could make do, when starting, with two mules and a plow, his contemporary counterpart would require thousands of dollars worth of tractors, chemicals and other equipment. Little wonder that few persons without an inheritance or outside income are entering farming, or that the number of farmers of Bulbulian's size is rapidly shrinking.

U.S. Department of Agriculture statistics tell the story: in 1950 there were 5.4 million farms in America: today the figure is around 2.9 million. As the number of farms declines, the average size of remaining farms increases: it's now over 380 acres, compared to 215 acres 20 years ago. And as agriculture steadily becomes more mechanized, it comes to be dominated by those who have capital—the most successful family farmers, and the giant corporations. Thus, in 1969, the largest 40,000 farms, representing less than two percent of the total number, accounted for more than one-third of America's farm sales.

These are the broad statistics. Behind them are the economic forces, abetted by government policies, which say to the small farmer: either get bigger or get out. The pattern is typically like this: a farm of 80 or 160 acres has belonged to a family for generations. It is squeezed by rising local taxes, the high cost of farm equipment, and corporate competition. The old man dies or retires. What will the children do? To survive as farmers they must expand and mechanize. The other option is to sell, perhaps to a suburban developer, perhaps to another farmer who is expanding. The latter course is easier, and increasingly it is the one that is chosen.

The trend towards corporate farming greatly intensifies the pressures on the independent small farmer. This trend is strongest in the South and West, particularly in Florida, California, Texas, Arizona and Hawaii, where large land units have long been the rule. Big canners like Minute Maid, a subsidiary of Coca-Cola, and Libby-McNeill & Libby, own an estimated 20 percent of Florida's citrus groves, compared with less than one percent in 1960. Corporate farms in California account for 90 percent of the melon crop, 40 percent of the cattle sold, 38 percent of the cotton produced and 30 percent of the citrus fruits. Two conglomerates, Purex and United Brands, now control one-third of the green leafy vegetable production in the United States, and the list of other blue chips lately plunging into agriculture, according to the Agribusiness Accountability Project, includes Tenneco, Gulf & Western, Penn Central, W. R. Grace, Del Monte, Getty Oil, Goodyear, Monsanto, Union Carbide, Kaiser Aluminum, Aetna Life, Boeing, Dow Chemical and American Cyanamid.

Why are major corporations suddenly fascinated with farming, a business where profit margins are generally small? The motives are chiefly three: land speculation, tax dodging, and the development of integrated "total food systems."

Suppose for example that a company invests $1 million a year of nonagricultural earnings in improving a large tract of farmland—by planting pear trees, say, or laying irrigation pipes. It pays no taxes on the $1 million, and can even deduct from its remaining taxes the cost of caring for the trees until they bear fruit, and the depreciable value of the irrigation pipes. Then suppose, as is usually the case, that each dollar thus invested creates a corresponding increase in the market value of the land. Suppose further that the company sells the land to another corporation at the end of ten years. Its profit on the land sale is then approximately equal to the earnings it has invested over the decade—in this case, $10 million. However, these earnings are now in the form of capital gains, and are taxed at 25 percent rather than 48 percent. Thus, the company has made a multimillion dollar profit at the taxpayers' expense. Any income the farm may have produced during this period is frosting on the cake.

Many corporations have their eyes on farming for another reason: they see vast profits accruing to vertically integrated conglomerates that control every stage of the food production and distribution process from raw nitrogen to precooked soufflé on the dinner table. They are aware of the fact—indeed, they are largely responsible for it—that profits in the food industry go increasingly to companies in the food *business* rather than to farmers: in 1969 only 33 cents out of every dollar spent on food went to farmers, down from 40 cents two decades ago.

No single company better exemplifies the corporate plunge into farming than Tenneco, formerly Tennessee Gas and Transmission. In addition to its oil, natural gas and shipbuilding interests, Tenneco controls over a million acres in California and Arizona, mostly as a result of its purchase in 1967 of Kern County Land Company. It also produces agricultural chemicals and owns J. I. Case, a manufacturer of farm machinery, Heggblade-Marguleas, a leading California farm management firm, and the Packaging Corporation of America.

Tenneco makes money out of its landholdings from all directions. First, of course, are the tax-privileged revenues from oil and gas that lie beneath the surface. Then there is land development, the ultimate stage in the speculative game. Tenneco has half a dozen major developments planned or underway in California. One is the Pine Mountain Club, a 3200-acre recreational community in Los Padres National Forest, about an hour's drive from Los Angeles. Another 6000-acre development on the outskirts of Bakersfield will include an industrial park, a shopping center, a golf course and a retirement community. One of the company's cleverest gambits was to donate 370 acres near Bakersfield for a new state college. (Lands for UCLA and the University of California at Irvine were similarly donated by large landholders.) According to Simon Askin, executive vice-president of Tenneco, the college "enhances the value of an additional 6500 acres of company land."

It is Tenneco's multi-faceted agribusiness operations, however, that cast the longest shadow over the small farmer's future. Tenneco's aim, says Askin, "is to accomplish integration from the seedling to the supermarket." The company is already far advanced along that road. It grows, on magnificently irrigated former Kern County Land Company farmlands, an enormous diversity of crops, including corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears and plums. For capital inputs it has its own agricultural chemicals and farm machinery. For processing and packaging it has a huge new plant near Bakersfield, more than six times as large as a football field. It is currently testing a brand name identification program which, it hopes, will make the Tenneco Sun Giant label a household word in foods.

Against this kind of competition, what chance does the small farmer have? He survives or fails on his crop income alone. He does not have the benefit of outside earnings, or the luxury of converting current income into future capital gains. He might wish to expand or to buy more equipment, but to do so he must use his own money, not the Treasury's. When local property taxes rise because of encroaching suburbia, the large corporation can absorb the increase as a hedge against future speculative profits. For the small farmer higher taxes simply mean a decrease in the income on which he must live. Nor can he recoup farming losses with profits from machinery, chemicals, processing, packaging or marketing. If he is not paid enough cash for his crop, he is wiped out, regardless of how profitable the other stages of food production might be.

Corporations have other advantages over small farmers, including access to credit. According to a Department of Agriculture study in 1966, corporate farmers are able to borrow nearly twice the proportion of their assets that family farmers are. Corporations also enjoy the government-sanctioned privilege of exploiting their employees to a degree unparalleled in any other industry. The federal minimum wage for farmworkers is $1.30 an hour—30 cents below the minimum paid to all other workers. And while it is a felony for ordinary individuals to harbor illegal aliens, it is not a crime for growers to employ them. Such laws as these not only abuse farmworkers; they also hurt the self-employed farmer, who, in order to compete with the giant growers, winds up having to exploit himself.

Farming corporations receive further government aid in the form of subsidies. Among these are payments for reduced crop production. Since farmers with large landholdings are able to "not-grow" more crops than are farmers with small holdings, their subsidies are more generous. Charles Schultze, former director of the Budget Bureau, estimates the total cost of farm subsidies at $9 to $10 billion annually, the lion's share of which goes not to poor farmers, who need it, but to the corporate giants. Last year, the J. G. Boswell Co. of Calif. received federal subsidies totalling $4.4 million; Tenneco got $1.5 million; the Florida-based US Sugar Company collected $1.1 million; the Delta and Pine Land Company of Mississippi bagged $814,000. A newly enacted $55,000 ceiling will reduce some of the largest handouts this year, but the limitation has too many loopholes (for example, the ceiling is computed on a per crop and per nominal owner or lessor basis) to be effective.

Subsidies also come in the form of water, delivered to many farmers' doorsteps by federally-funded reclamation projects. The price paid by water users is well below the actual cost of delivering the water. Most of the cost of building dams and aqueducts is charged to the general Treasury and to hydroelectric power consumers.

In theory, federally subsidized water is legally barred from delivery to farms of more than 160 acres, and to all absentee-owned farms. In practice the law is widely violated, to the detriment of the family farmers it was intended to help. Thus, small farmers in California are now being hurt by the delivery of new water to lands owned by Tenneco, Getty Oil, the Tejón Ranch, Standard Oil of California and the Southern Pacific Railroad, among others. Production of fruits and vegetables from these heretofore arid lands will soon flood the market, thereby driving down prices. Much of the same fate awaits small farmers in the Pacific Northwest, where vast lands controlled by Boeing, the Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii are about to receive federally-dammed water from the Columbia River.

Welfare is another indirect subsidy to large growers, though they're not inclined to admit it. It allows them to use laborers for a few months, then cast them aside, secure in the knowledge that they'll survive until the following year's work season, without having to be paid a living wage. On top of this are the millions spent by federal and state governments on agricultural research—a subsidy that no other industry enjoys. While some of this research helps the small farmer, the bulk of it is aimed at breeding crops and designing machines for large-scale farming.

What will be the future of American Agriculture? If present policies continue, the answer seems fairly obvious: the poor will be squeezed, the rich will be subsidized, and in the end only the biggest and best integrated operations will survive. The prospect pleases corporate moguls like Bank of America ex-president Rudolph A. Peterson, who has called for a program "to enable the small uneconomic farmer—the one who is unable or unwilling to bring his farm to the commercial level by expansion or merger—to take his land out of production with dignity." It terrifies small farmers, many of whom are no less different than their giant competitors, but simply less favored by government policies.

One version of what American agriculture may look like can be found in the February 1970 issue of *National Geographic*. Here are stunning photographs of an egg factory near Los Angeles where two million caged Leghorns gobble 250 tons of feed and lay one million eggs each day; a cattle metropolis in Colorado where 100,000 steers are fattened on formulas prescribed by computer; a $23,000 tomato harvesting machine, developed by the University of California, that snaps up specially bred tomatoes for farmworkers to sort while taped music purrs in the background.

These photographs of contemporary marvels are accompanied by an artist's depiction of an early 21st century farm (if that is the proper word) as foreseen by USDA specialists. All operations are monitored by one man from a bubble-top control tower. An enormous remote-control tiller rolls across a ten-mile-long wheat field on tracks that keep it from compacting the soil. Another gigantic machine automatically waters a ten-mile field of soybeans, while a jet-powered helicopter sprays insecticides. Alongside a monorail track stand a pair of skyscrapers for cattle. Behind them are several illuminated plastic domes containing controlled environments

for growing strawberries, tomatoes and celery. A USDA expert outlines some other possibilities: hills will be leveled with nuclear energy in order to flatten extra-long fields; sensors buried in the soil will find out when crops need water, and automated irrigation systems will bring it to them; airplanes, computers and closed-circuit TV will be as common-place as tractors today.

A somewhat different vision of the future—not endorsed by the USDA—can be found in a gently sloping field near Watsonville, California. It focuses on human beings rather than technology, on giving present-day Yghish Bulbulians a chance to advance themselves rather than be cast into ghettos and *barrios*. Here on the edge of the Pájaro valley is a bustling new enterprise called *Cooperativa Campesina*, a farming cooperative formed slightly over a year ago by four Mexican-American families, now expanded to twenty-five and still growing.

The economics of the cooperative are relatively simple. There are 140 acres under lease, with 80 planted in strawberries and 60 in zucchini squash. (Eventually all will be planted in strawberries.) To avoid hassles the land is divided among the members by lottery, with each family responsible for its own parcel. Strawberries were chosen as the principal crop because they provide a high return and are labor-intensive; there is no machine yet in sight that can pick them. Each acre of strawberries produces about 3000 trays per year, and each tray sells for about $3. Thus, one acre earns about $9000 a year. Expenses, not counting labor, come to about half that, so each family will earn about $12,000 the first year if all goes well, plus whatever additional income comes from the squash. The second year, when expenses are lower, they'll earn more. With four or five family members working steadily in the field, the earnings don't amount to much on an hourly basis—perhaps $1.20 per hour. But total family income will be two or three times what it was when they were hired laborers or sharecroppers. In addition they'll have equity in the co-op, and the satisfaction of being their own boss.

It wasn't easy to get the co-op started—the initial members had to scrape up $500 apiece, then look around for credit. The Farmers Home Administration, a federal lending agency, turned them down. Local banks, under pressure from a large local grower, were hesitant, but finally Wells Fargo came through with a $150,000 crop loan, to be repaid after the first strawberry harvest in 1972. An OEO-funded consulting firm, the Central Coast Counties Development Corporation, lent another $100,000, which will be repaid in three years. With $250,000 in hand, the co-op was able to purchase tractors, root stock and chemicals. Now it is in as good a position as the established growers, if not a better one; it's the only commercial strawberry producer in California that doesn't have to worry about labor troubles. By next year it will be marketing strawberries under its own *Cooperativa Campesina* label, and its members see no reason why within five or six years they can't become a dominant factor within the $60 million strawberry industry.

If the co-op prospers, its members don't plan to hoard the wealth. They intend to open up membership to as many poor families as the enterprise will support. "We have a saying in Spanish," says Refugio Pinedo, one of the founders and now secretary of the co-op. *"Aqua que no te tomas, déjala correr.* Water that you cannot drink yourself, let it run for others."

[From the New Republic magazine, June 19, 1971]

LAND REFORM IN AMERICA—III: THE CASE FOR REDISTRIBUTION

(By Peter Barnes)

It's hard for people in cities to appreciate the need for land reform in the United States. Most of us have been so cut off from the land that, through ignorance, we accept present landholding patterns as desirable or inevitable. They are neither.

What are the advantages of giving land to the few instead of the many? Efficiency is supposed to be the main one: big farms, we're told by agribusiness spokesmen, can produce more food at less cost and thus save the consumer money. That same thinking underlies Soviet collectives. What's overlooked is that in societies where tractors are relatively inexpensive to own or rent, economies of scale contribute to agricultural abundance only marginally. Beyond a certain point, there's nothing gained by having one vast farm in place of several smaller ones. In fact, small farms are often more productive per acre because their owners work harder and take better care of the soil.

Large farms in America *are* efficient at some things—they excell at tapping the federal Treasury and exploiting hired labor. Take away these privileges and the small farmer looks extremely good. As for saving the consumer money, the chief reason food prices have remained relatively low is not large-scale efficiency—it is intense competition. Allow a handful of agribusiness giants to gain control of the market and prices will assuredly rise a lot more than they have.

There is, furthermore, the question of how much efficiency, and what kind, is desirable. American agriculture is, if anything, too efficient; its chronic problem is not underproduction but surpluses; it is the only industry where people are paid *not* to produce. The argument that ever-increasing agricultural efficiency is a desirable national goal is, therefore, unsound. Moreover, what kind of efficiency are we talking about? When a large grower increases his profit margin by replacing farmworkers with a fancy new machine, he's not doing anybody but himself a favor. The farmworkers, now unemployed, drift to already overcrowded cities, where no jobs await them either. Welfare rolls and social tensions rise—transferring to society at large the ultimate cost of "efficiency" on the large farm.

If the advantages of large landholdings (except to those who own them) are scant, the harmful effects are legion. Several have already been noted: the impoverishment of millions of rural families, and the migration to cities of millions more, with little education or hope of improvement. We expect poor Americans to lift themselves up the economic ladder, yet by cutting them off from productive land ownership we knock out the bottom rungs.

The vitality of community life in rural America has also suffered because of maldistributed land. Main Street businesses are not appreciably aided by large absentee landowners who purchase their supplies in distant cities, or by underpaid migrants who buy nothing, or by sharecroppers forced to shop at the company store. A study in the 1940s by Walter Goldschmidt, a California sociologist, found that communities in small-farm areas have a more sizable middle class, more stable income patterns, better schools and more active civic groups than do communities where large landholdings predominate. A recent incident in Mendota, California—a town surrounded by large farms—helps explain why. A group of citizens wanted to establish a special taxing district for construction of a hospital, the nearest one being 40 miles away. Three agribusiness giants that owned more than half the land in the proposed district opposed the plan, and killed it. Two of the companies were based in other California cities, and the third—Anderson Clayton—was headquartered in Houston.

Protection of the environment also tends to be less of a concern to large corporations—who've been despoiling the American landscape for the better part of two centuries—than to small farmers who live on their land. Companies farming for tax or speculative reasons, for example, seek to maximize earnings over the short run. They can milk the soil, deplete the underground water supply or poison the land with pesticides, knowing full well that they will eventually sell. Resident farmers who hope to pass on their land to their offspring cannot be so careless with nature's gifts. Moreover, small-scale farming lends itself much more readily than does large-scale monoculture to biological pest control—a technique that must increasingly be adopted if we are to avoid ecological disaster.

If there's little to be said for large landholdings on social or environmental grounds, neither can it be said that they are inevitable. Land concentration in America, particularly in the South and West, is not the result of inscrutable historical forces, but of a long train of government policies, sometimes in the form of action; often of inaction. English grants to large landholders in the colonial South, and Mexican grants in the West, could have been broken up at several convenient historical moments, but were allowed to remain intact. Vast expanses of public lands were given away in large chunks to speculators, rather than in small parcels to settlers. Tax and labor laws, reclamation projects and government-financed research, have encouraged large-scale corporate agriculture, to the detriment of independent small farmers and landless farmworkers. On top of all this have come the government's ultimate reward to big landholders: cash subsidies, mainly for being big.

Why, then, do we need land reform in America? About the only thing that can be said for large landholdings is that they exist, and in the spirit of free enterprise, ought to be left untouched. This is the strongest argument in favor of leaving things as they are. Land, however, is not like other forms of wealth in our economy, which we allow to be accumulated without limit: it is a public resource, it is finite, and it is where people live and work. Free enterprise does not merely imply the right to be big. It also implies the right to start. As corporate farms become increasingly integrated with processors and distributors, as they advance toward the technological millennium in which ten-mile-long fields are sowed and harvested by computer-controlled machines, the right to get a start in agriculture will be obliterated—as it almost is today. Americans must decide whether they want the rich to get richer or the poor to have a chance. Agriculture is one of the few places where the poor can have a chance. If it is closed off, if the profits of the few are given precedence over the needs of the many, the consequences can only be unpleasant.

There are additional reasons why it's time to reform landholding patterns in the United States. Frederick Jackson Turner talked 70 years ago of the frontier as a "safety valve" for urban discontent. If ever the cities needed a safety valve, it is now. Urban problems are virtually insoluble; city residents seem on the verge of a mass psychic breakdown. The exodus from the countryside must not only be stopped, it must be dramatically reversed.

One approach to the problem of population dispersal is to build new communities on rural lands now owned by speculators. This will undoubtedly happen, but it's far from enough. It is much more important to revive existing rural communities, and to do so by enabling greater numbers of people to live decently off the land. There is no shortage of people who want to remain on the land, or return to it, if they could do so at higher than a subsistence level. Many Mexican-Americans, blacks and Indians would be among them. So would many whites who have become drained, physically and spiritually, by city living. The difficulty is that the frontier is long gone. That's why reform, as opposed to the giving away of unsettled land, is essential.

Land reform is also needed to increase the

number of people in the United States who are free. This may sound silly in a country that presumes to be a breeder of free men. Yet ever-increasing numbers of Americans are not really free to assume responsibilities or to make major decisions affecting their lives. They work for large corporations or government bureaucracies or on assembly lines. They are not their own bosses, not proud of their work, and not motivated to exercise their full rights as citizens. Farming has traditionally been a bastion of the independent small businessman who won't take guff from anybody and who prides himself on the quality of his work. But now farming, too, is becoming computerized and corporatized. Its executives wear silk ties and share the attitudes of other wealthy executives; its workers are powerless, dispensable hirelings. If agriculture goes the way of the auto industry, where will our independent citizens come from?

American land policy should have as its highest priority the building of a society in which human beings can achieve dignity. This includes the easing of present social ills, both rural and urban, and the creation of a lasting economic base for democracy. A second priority should be to preserve the beauty of the land. Production of abundant food should be a third goal, but it need not be paramount and is not, in any case, a problem.

To achieve these goals a multitude of reforms should be carried out. First and most importantly, small-scale farming must be made economically viable, so that present small farmers can survive and new ones get started. Unless it is done, there is no point in changing landholding patterns to favor smaller units.

There's no secret to making small-scale farming viable; it can be accomplished by eliminating the favors bestowed upon large farms. Federal tax laws that encourage corporate farming for tax-loss and speculative purposes should be changed, even if this means closing the capital gains loophole. Labor laws should guarantee a minimum wage to farmworkers equal to that of other workers, and should make the knowing employment of illegal aliens a crime punishable by imprisonment. This would put an end to one of the large landholders' major competitive advantages—their ability to exploit great numbers of poor people—and allow self-employed farmers to derive more value from their own labor.

Subsidy programs, too, should be revised to the disadvantage of big growers. When farm subsidies began during the New Deal, they were intended to help the impoverished small farmer. But because they were pegged to total marketings and total acreage rather than to personal income, they wound up lining the pockets of the wealthy. If farm subsidies are continued—as they should be in order to stabilize farm income—they ought to be strongly weighted in favor of smallness. No farmer should receive subsidies for crops grown (or not grown) on land in excess of a certain acreage, and payments should be graduated downward, somewhat like an income tax in reverse. (Per unit payments to individual farmers should decrease, in other words, as the number of subsidized units increases.) Alternatively, subsidies could be completely detached from crops and related to income instead. Farmers could sell on the open market, with federal payments making up the difference, if any, between earnings and a minimum livable income.

Also essential to the future viability of small-scale farming is some protection against conglomerates. There is no way a small farmer can compete against an oil company, or against a vertically integrated giant like Tenneco which not only farms tens of thousands of acres but also makes its own farm machinery and chemicals, and processes, packages and distributes its own foods. Such conglomerates aren't hurt by a low price for crops; what they lose in farming they can pick up in processing or distributing or, for that matter, in oil. The small farmer, on the other hand, has no outside income and no tolerance for soft spots. What he needs is legislation that would prohibit corporations or individuals with more than $50,000, say, in nonfarming income from engaging in farming—in effect, a forceful antitrust policy for agriculture.

Once small-scale farming is made viable, the second major area for change involves redistribution of land—the kind of peaceful social restructuring that the United States imposed upon Japan after World War II and has urged upon dozens of other nations in Asia and Latin America.

The guiding principles behind redistribution are that land should belong to those who work and live on it, and that holdings should be of reasonable, not feudal proportions. These are not revoluntary concepts; America recognized them in the Pre-emption, Homestead and Reclamation Acts, and is merely being asked to renew that recognition.

A convenient place to start is with enforcement of the Reclamation Act of 1902, which provides that large landholders in the West who accept subsidized water must agree to sell their federally irrigated holdings in excess of 160 acres at pre-water prices within ten years. The Reclamation Act has never been properly enforced for a variety of reasons. One is that, through one stratagem or another, large landholders have escaped having to sell their excess lands. Another is that even in the few cases where large landowners *have* agreed to sell, their prices have been so high, and terms so stiff, that only the wealthy could afford to buy. Occasionally, as in parts of the San Joaquin valley at the moment, prewater prices as approved by the Bureau of Reclamation are so out of line—higher, in fact than prevailing market prices—that even wealthy persons have not seen fit to purchase excess lands put for sale under the law.

To assure not only the sale of excess landholdings, but also their availability at prices that persons of limited means can afford, Rep. Robert Kastenmeier (D. Wisc.), Jerome Waldie (D. Calif.) and others have introduced legislation that would authorize the federal government itself to buy up all properties in reclamation areas that are either too big or owned by absentees. The government would then resell some of these lands, at reasonable prices and on liberal terms, to small resident farmers, and retain others as sites for new cities or as undeveloped open space. The plan would actually earn money for the government, since the lands would be purchased at true pre-water prices and resold at a slight markup. The money thus earned could be used for education, conservation or other purposes.

Other plans for enforcing the Reclamation Act are worth study. For example, the federal government could purchase irrigated lands in excess of 160 acres and lease them back to individual small farmers or to cooperatives. Or it could buy large landholdings in reclamation areas with long-term "land bonds," which it then would redeem over 40 years with low-interest payments made by the small farmers to whom the land was resold. This would amount to a subsidy for the small farmers who bought the land, but it would be no more generous than the current subsidy to large landholders who buy federal water.

Of course, land redistribution should go beyond the Western areas served by federal reclamation projects; in particular, it should reach into the South. Thaddeus Stevens old proposal for dividing up the large plantations into 40-acre parcels is unrealistic today, but an updated plan, with due compensation to present owners, can be devised and implemented.

Another objective toward which new policies should be directed is preserving the beauty of the land. Reforms in this area are fully consistent with a restructuring of landholding patterns. Thus, a change in local tax laws so that land is assessed in accordance with its use would benefit small farmers and penalize developers. Zoning rural land for specific uses, such as agriculture or new towns, would similarly help contain suburban sprawl and ease the pressure on small farmers to sell to developers or speculators. If as a result of new zoning laws the value of a farmer's land was decreased, he would be compensated for that loss.

An indefinite moratorium should also be placed on further reclamation projects, at least until the 160-acre and residency requirements are enforced, and even then, they ought to be closely examined for environmental impact. Schemes are kicking about to bring more water to southern California and the Southwest from northern California, the Columbia and even Alaska. These plans ought to be shelved. Federal revenues that would be spent on damming America's last wild rivers could, in most cases, be more fruitfully devoted to such purposes as redistributing croplands.

Policy changes in other areas should complement the major reforms outlined above. Existing farm loan programs, for example, should be greatly expanded so that new farmers can get started in agriculture. Farming cooperatives, which can be a starting point for workers unable to afford an entire farm, should be encouraged through tax laws and credit programs. Research funds spent on developing machinery for large-scale farming should be rechanneled into extension programs for small farmers and co-ops.

It won't be easy to enact any of these reforms. Friends of large-scale agribusiness are strategically scattered throughout the Agriculture, Interior and Appropriations committees of Congress, and are equally well ensconced within the Nixon Administration. Small-farmer associations like the Grange, the National Farmers Union and the National Farmers Organization don't have nearly the clout of the American Farm Bureau Federation, the big grower associations and the giant corporations themselves. The pro-industry land policy "experts" who formed the Public Land Law Review Commission that reported its findings last year were no friendlier to small-scale farming: they recommended repeal of the Reclamation Act's 160-acre limitation and residency requirement, and adoption of policies favorable to large-scale mechanized agriculture.

Nevertheless, there are some grounds for optimism. Many citizens and public officials are coming to realize that rural America ought to be revived, cities salvaged, welfare rolls reduced, and they see that present policies aimed at achieving these objectives are not working. Environmentalists who for years have pointed to the dangers of intensive agriculture and the need for prudent rural land use, are finally getting an audience. The list of organizations that have recently urged vigorous enforcement of the 160-acre limitation includes the AFL–CIO, the Sierra Club, Common Cause, the National Education Association, the Grange and the National Farmers Union. That's not enough to sweep Congress off its feet, but it's a good start.

The ultimate political appeal of land reform is that it places both the burden and opportunity of self-improvement upon the people themselves. It can give hundreds of thousands of Americans a place to plant roots, and a chance to work with dignity. Can we deny them that chance?

NOTICE ON HEARINGS ON CONSUMER PROTECTION

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization and Government Research will hold hearings on consumer protection agency legislation on November 4 and 5, 1971. The hearings will be held in Room 3302, New Senate Office Building and will begin at 10 a.m.

ADDITIONAL STATEMENTS

A TIME FOR HEALING

Mr. DOLE. Mr. President, Monday's memorial services throughout the country honored our veterans who have served in the military forces of the United States so that our winters of wars could melt into a new and lasting spring of peace and hope for all people.

We must not limit ourselves to this special occasion marked wisely in 1954 by the Congress of the United States as Veterans Day. Today and everyday we must again pause to reflect upon our veterans in order to meet our responsibilities and obligations to them.

VETERANS MUST NOT BE VICTIMS

Unlike other generations in other wars, our young men, at best, come home in anonymity to be met with indifference. Sometimes they find genuine hostility. They are caught in the crossfire of public opinion. I do not believe this is acceptable in America.

These are our young men, whom we have asked to serve, and to be prepared to sacrifice their lives for us. More than 45,000 of their comrades have died. Many thousands more have lost limbs or sight or casualties in other ways. And in a time when we are trying to help them recognize that what they did was of vital importance to America, we frequently fail even to demonstrate to them that we care.

No bands welcome these men home, no flags, no parades, no warm welcomes—except, of course, from a family grateful to have their son or brother or husband home. Nor did our young men leave homes and loved ones to become heroes. Their sole purpose was to do their duty to their country—to establish and preserve its freedom by halting the march of aggression. Their service, their courage, and yes, their lives, are the coins with which freedom and peace are purchased. The greatness of America and the endurance of democracy rest on the sinew of their character.

PROGRAMS HAVE EVOLVED

These men who have sustained or Nation through its perilous hours are the recipients of veterans benefits which have evolved through history and which increasingly represent our concern for them. In the early history of this Nation our men were released from military service with little reward except words of commendation. A parcel of land on which a homestead might be established was one of the first veterans benefits authorized by the Government of this Nation. Little else of significance was provided until the First World War, after which some of the benefits now provided veterans were established. During World War II the concept of broad readjustment assistance programs was developed. Unquestionably, this Nation leads the world in programs of benefits to veterans.

In addition to educational and home loan assistance, so important in the years immediately following military service, comprehensive programs to compensate veterans for disabilities suffered in service and to provide veterans a reasonable degree of sustenance in later years based on disability and need, even though not disabled by service, are well established. Similar consideration is accorded survivors of servicemen and veterans. Of significant importance is the vast Veterans' Administration medical program which provides hospital care and outpatient treatment for hundreds of thousands of veterans annually.

The problem of drug addiction, as you know, is critical. The President has submitted to the Congress legislation which will enable us to meet this problem, and in the meantime, he has proceeded with efforts to curb addiction and rehabilitate addicts. Special care is being provided for returning veterans who are addicted.

EMPLOYMENT OPPORTUNITIES NEEDED

Of immediate concern is the plight of veterans, most of them of recent military service but many displaced from employment by technological progress or other reasons, seeking meaningful and rewarding jobs with advancement opportunities. The jobs for veterans program which President Nixon created 1 year ago, is active in 47 States and 285 cities, and is beginning to have a significant impact on veteran employment. Preference in public employment at all levels and special efforts have been devised to insure that maximum government services and employment opportunities are provided all unemployed veterans. Preference in public employment at all levels and special consideration of veteran applicants by private employers are essential to insure that veterans, particularly the group of young veterans recently released from military service, have an opportunity, in this land of the greatest opportunities, to earn a livelihood for themselves and their families. All of these programs must be systematically and frequently reviewed to insure that benefits and services to veterans, their dependents, and survivors are adequate in view of ever-increasing social and economic circumstances.

PROGRAMS NOT ENOUGH

But let us recognize that programs alone are not enough. We need such programs of assistance. But we also need something that is far more important, something that will do far more good not only for our veterans, but also for our country itself.

We need this great Nation to put aside its bitterness, and not inflict it on the veterans of the Vietnam conflict.

OUTREACH REQUIRED

I have talked with many of these people coming home, and I know that one of their greatest problems is just simple communications. Many have been through the most difficult time they will ever know in their lives. They have not been through these things with a feeling of having the full support of their countrymen behind them. Instead, they have a sense of isolation from what they call "the world"—by which they mean their own homeland.

They often find themselves forced back into a community of their own—a community of other veterans created by common experience and common need. Of all their difficulties, perhaps the most agonizing is the feeling so many have of not really being a part of their own people any longer—of being exiles in their own land—of not really being able to return again to a sense of belonging.

INDIVIDUAL CONTRIBUTIONS

I think that of all the problems which confront our veterans, this is the one each of us as an individual can most directly have a hand in solving. We can do it so easily, and in a way we know well—an American way. We can do it by simply reaching out our hands to them, listening to them, letting them know that we do care about what they have been through, and that we are grateful.

And in a larger sense, we need to bind up the wounds among us all, and not probe them for the justification of one position or another.

We need to open the doors of discourse once again, and determine where we will go from here, and what kind of Nation we want to be. It is given few nations in the history of the world to be so rich, so powerful, and so free that they can determine their own destiny, and not have it determined for them. We can do that, if we will.

A TIME FOR HEALING

We need to take from the fires of war not the ashes of recrimination and hate, but the flame of reconciliation and love.

There is a time to rend, and a time to heal—a time of war and a time of peace. Now is a time for healing. For if healing does not come, though we may achieve peace in the world, there will be no peace in America.

So let us not bring our young men home to a divided house. Let us not invite the contempt of history by rejecting the people who brought the peace. Let us rather seek to be worthy of them.

Let each who bore this battle in his heart reach out to those who bore it on their bodies, resolving that the lessons of this time have not been taught in vain, that the seeds of sacrifice shall not have fallen on barren ground, and that this Nation, with God's guidance, shall turn gently into a lasting spring of peace and promise for all our people.

DISC: TAX WINDFALL ON TOP OF TRADE WINDFALL

Mr. PROXMIRE. Mr. President, last Sunday's Washington Post contained an article by Professor Surrey of the Harvard Law School, and who used to be Assistant Secretary of the Treasury for Tax Policy. The article is a summary of

why in Surrey's judgment the DISC proposal ought not to be adopted by Congress.

Surrey alleges that DISC will cost the American taxpayers about $1 billion a year and will not give them a fair return on their investment.

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:

DISC: TAX WINDFALL ON TOP OF TRADE WINDFALL

(By Stanley S. Surrey)

In an earlier article appearing in The Washington Post of Sept. 19, I described the DISC proposal of the Treasury Department as a billion-dollar tax loophole hidden in the New Economic Policy of the administration. This proposal would permit an exporter to form a DISC—Domestic International Sales Corporation—which would be a "paper" subsidiary corporation in the United States through which the exporter could channel its exports. The actual consequences of the operations that would be permitted under the DISC mechanics represent a major tax windfall, whose size and effects are carefully cloaked in Treasury Department descriptions of the proposal. Thus:

The profits on DISC exports would in effect be tax exempt under the Federal income tax. While technically the tax would be "deferred" as long as the profits were used in "export-related activities," the operative and intended result would be a deferral over a long period of time. For a profitable company the present value of a long deferral is just about the amount of the tax itself, which turns the deferral into virtual tax exemption.

The export profits of the DISC could be used by the parent of the DISC in any of its domestic operations having nothing to do with exports, such as meeting domestic competition. Or, if other funds were being used for normal domestic expansion, the DISC profits could even be invested in a manufacturing plant abroad, thereby curtailing U.S. exports.

The proposal would encourage the use of a FISC—a foreign sales corporation—as a subsidiary of the DISC but located in a tax haven country such as Bermuda or Panama or the Cayman Islands or Switzerland. This would reverse the policy established in 1962 to end the then widespread use of tax havens to reduce taxes. The DISC policy would bring back the exploitation of these tax havens and make them an instrument of U.S. trade policy.

The annual revenue cost of the Treasury Department DISC proposal would be close to a $1 billion a year. The tax reduction involved would go to our largest corporations since they conduct a major part of our export trade.

The House Ways and Means Committee, which favored the DISC in 1970, became highly suspicious of it this year, as well it might. As a consequence, that committee adopted the DISC proposal in its version of the current tax bill, but only on an "incremental basis." Under this incremental approach, the DISC tax benefits are given only to exports in excess of 75 per cent of the average of export sales for the particular company in the period 1968–1970.

The incremental approach is complex, creates inequities as between different classes of business depending on their histories in the 1968–1970 base period; will disrupt normal trade channels as taxpayers seek to divert their exports into new organizations so as to create the artificial existence of a low or zero base period. Thus, suppose a manufacturer is exporting through an independent merchant export corporation whose sole function is to handle the exports of various manufacturers. Such a corporation, when structured as a DISC, will have base period sales. But if the manufacturer ceases to use the merchant export corporation and instead creates his own DISC for his exports, that DISC will have a zero base period. Hence all its exports will be exempt, even though there has been no change in the volume of exports by the manufacturer.

Even within the logic of an incremental approach, the House version has its defects:

There is no reason to use only 75 per cent of the base period export sales as the base and thus allow windfall exemption for the remaining 25 per cent of exports.

The base period should not remain static but should constantly move forward; otherwise windfall exemption is granted for the growth in exports that normally occurs as our economy and those of other nations expand.

If a choice had to be made, Congress should choose the incremental approach, and strengthen the House bill. But Congress need not consider itself limited only to the painful task of choosing between two unattractive alternatives, each with its own set of problems and defects.

Given the unsatisfactory results either with full exemption or an incremental approach, there is a further reason not to be forced to a choice at this time. The United States has set in motion forces that will greatly alter the present currency relationships and the future international monetary system. These forces will also bring about a dismantling of some of the existing trade restrictions in other countries, the end result of which is bound to be a real improvement in the United States trade position. It is therefore advisable to await the outcome to see what further steps, if any, are needed to assist our exporters.

Indeed, it is ironic that the very success of our New Economic Policy in the international area will, under DISC, hand over to our large exporting corporations a completely underserved windfall. Their exports will increase—and under DISC provide tax-exempt profits—not because of any efforts on their part but simply because the dollar will be devalued relative to other currencies.

This windfall exists under either version of DISC, since such devaluation is a guarantor of increased exports. We must not forget that the devaluation means a price to be paid by some Americans. Those parts of our economy that depend on imports, our tourists and others similarly affected by the higher cost of foreign goods, must pay in higher costs the price for the increase in exports. It is their higher costs and consequent burdens that are being traded off against the larger profits for our exporters and the consequent benefits for those associated with export commodities. These readjustments may be appropriate in the national interest. But it is not in the national interest to accompany this trade-off with additional automatic tax exemption for the larger profits virtually being handed over to our exporters.

To give a DISC exemption to these windfall profits is thus to provide a windfall on top of a windfall—which would be a new record in tax policy mistakes.

It would therefore be folly to lock ourselves into a permanent DISC at this time, whether it be the Treasury full exemption or the House incremental approach. There is no need for such a permanent commitment between unwise alternatives. Far greater forces are in motion that will improve our trade position, and it therefore would be wise policy to place all DISC proposals aside to await the outcome of those forces.

SOVIET SABER RATTLING

Mr. TOWER. Mr. President, Mr. Felix McKnight, copublisher and editor of the Dallas Times Herald, has pointed out in a recent column that the Soviet threat and reports of that threat is not mere saber rattling, but instead is a hard fact to be confronted by the American people.

As Senators are well aware, I have continuously been an advocate of a strong national defense.

Mr. McKnight's column, published in the Dallas Times Herald of October 17, reports on the views of Gen. Bernard A. Schriever, U.S. Air Force, retired, an outstanding Texan. I ask unanimous consent that Mr. McKnight's column be printed in the RECORD.

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

FACTS, NOT SWORD RATTLING

(By Felix R. McKnight)

The rangy man of the Gregory Peck mold—piercing eyes, voice of quiet urgency—leaned into the microphone and threw the admonishment that is gaining volume these days:

"It's the national attitude I'm talking about—the strange apathy that endangers our country's security. If we don't reverse it we are in trouble . . . deep trouble. The Soviets are pulling away."

Out front, the faces of a hundred young Dallas leaders—the briskly progressive Dallas Assembly crowd—firmed into acknowledgment. It was a sober message from recently retired Gen. Bernard A. Schriever, U.S. Air Force.

They had to believe this tall Texan, the man who put the protective Intercontinental Ballistic Missile System (ICBM) into being. This German immigrant who came to Texas at age nine; rose to wear the four stars of a full U.S. General. A passionate lover of his adopted land.

What Ben Schriever was telling them in Dallas a few days ago is coming from all directions; most recently from Defense Secretary Melvin Laird in a somber warning that U.S. intelligence verifies the growth of a vast Soviet strategic weapon capability.

The U.S. capability is losing by default in this nation under the incessant cry of the antiwar element nurtured by the unpopular Vietnam war. And a large portion of that cry comes from liberals of the Congress.

Ben Schriever is no war monger because he wore a military uniform. He abhors the stench of war. He designed and fathered the missile system that stands as the U.S. defensive sentries of today. But he prays that not one will ever be fired; that the sanity of disarmament will prevail in the world.

Yet, he is a realist. He believes that Red Chinese capability to hit us is 10 to 15 years away, but he knows that Soviet multi-pronged warheads could shower our defense silos in less than 15 minutes if they elect to strike within the next few years. Unless, he stresses, we keep pace with our own strategic weaponry.

He is saying no more than the presidentially appointed Blue Ribbon Defense Panel, of which Dallasite William P. Clement Jr. is a member, when it warned the President and Congress that if present observable trends continue, "The United States will become a second-rate power incapable of assuring the future security and freedom of its people."

Schriever, the Texas A&M graduate who headed the wondrous research and development program of the Air Force Systems Com-

mand, now sits on a Presidential commission searching for ways to channel technology developed for the military into peaceful domestic areas of urban growth.

He prefers that our technological talents be pointed in that direction. But he also argues that we will be a jittery nation if we continue to default in the nuclear strategic field. Unhappily these days, a man has to keep his back door guarded while he goes about his home work.

Even the New York Times, outlet of the anti-war forces, has gravely reported within the past few days on the shocking growth of Soviet missile sites and missile submarines. The Soviets now have almost equalled in number the 41 Polaris submarines that once gave us security superiority. And they keep building while our program lags.

President Nixon recently commented that "neither power at this time could, if it wanted to, gain that superiority which would enable it to, frankly, blackmail the other one . . ."

But Secretary Laird this week knocked that down with the admission that the gravity of the Soviet surge is "far greater" than the estimate he gave Congress just seven months ago.

Texas Ben Schriever is not rattling swords—just unpalatable facts.

ANNOUNCEMENT OF POSITION ON A VOTE

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate on Friday, October 8, 1971, when the Senate took a final vote on S. 2482, "An act to authorize financial support for improvements in Indian education." Had I been present and voting, I would have voted "yea."

CANCER RESEARCH

Mr. NELSON. Mr. President, legislation aimed at expanding Federal efforts in cancer research has generated great interest among Members of Congress and the public.

A bill now pending before the House of Representatives (H.R. 11302) embodies the approach supported by the scientific community, to keep the cancer program within the National Institutes of Health. Another bill, S. 1828, which I voted against, passed the Senate July 7, 1971.

In the floor debate on that bill, I tried to point out to my Senate colleagues what I consider to be a dangerous precedent in the bill—the creation of an independent cancer agency, outside of the National Institutes of Health. While S. 1828 states that the cancer program would be "within" NIH, the bill actually gives the cancer agency independent budget status and direct visibility in the White House, with a cancer director at the same level as the NIH Director, but not responsible to the NIH Director.

The scientific community, particularly those devoted to cancer clinical work and research, have echoed these fears that such an approach is not the best way to attack cancer, and might result in the dismantling of NIH, probably the finest coordinated biomedical institution in the world.

Two letters from distinguished scientists to the editors of the New York Times and the Washington Post on October 26, 1971, reflect the position of the biomedical community. One is signed by the only person to receive a Nobel Prize for the treatment of cancer patients, Dr. Charles Huggins of the University of Chicago.

These letters refute the allegation in a recent advertisement, signed by the American Cancer Society—the only organization in the country to support a separate cancer agency approach—that primarily noncancer scientists oppose the Senate bill (S. 1828).

I ask unanimous consent that these letters be printed in the RECORD for the benefit of my colleagues.

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

[From the New York Times, Oct. 26, 1971]

CANCER BILL

To the Editor:

In a full-page advertisement (Oct. 12) Dr. H. Marvin Pollard as president of the American Cancer Society urged that all Congressmen vote for the Conquest of Cancer Act (S. 1828). "The objections to the bill," wrote Dr. Pollard, "have come mainly from people who do not have expert cancer knowledge."

We wish to state that this is not so at the Harvard Medical School. We are a group of thirteen faculty, long interested in cancer research, most of whom are also concerned with the treatment of some thousands of cancer patients a year. We want the attack on cancer to be intensified. But we consider S. 1828 a poor bill to achieve that objective.

In the eyes of most critics, the chief fault of S. 1828 is the creation of an independent cancer agency—a precedent-making step viewed by many as leading the way toward the destruction of the National Institutes of Health. [Editorial Oct. 14.]

The act has other serious weaknesses. It fails, for example, to require the elaboration of a formal plan for the attack on cancer, nor does it mobilize the concerned professional personnel of the country to participate in such planning on a continuing basis. In fact, it opens the door to unlimited contract research under the control of a small intramural cadre. Furthermore, the act fails to provide for the independent evaluation of the agency's methodology and achievements.

We therefore urge—since the American Cancer Society has made of S. 1828 an all-or-none proposition—that the bill be defeated.

Dr. Pollard's appeal failed to mention the alternative National Cancer Attack bill, H.R. 10681. We believe that this bill, although not necessarily ideal, points the way to a much more reasonable, vigorous and profitable course of action.

The framing and enactment of legislation to discover the cure of disease requires the exercise of thoughtfulness, prudence and wisdom. Congressional approval should not be a rubber-stamp for the opinion of any interested group, no matter how highly motivated that group may seem to be.

A noble objective does not compensate for poorly written legislation.

We urge the Members of Congress to consider H.R. 10681 as a basis for a heightened attack on cancer—and that they do so in a critical and constructive spirit to make that bill the best one possible.

SAMUEL HELLMAN, M.D.
HOWARD H. HIATT, M.D.
HENRY I. KOHN, M.D.
FRANCIS D. MOORE, M.D.
JOHN W. RAKER, M.D.

BOSTON, October 15, 1971.

(The five names above are drawn from those of thirteen heads of tumor clinics, experimental laboratories and departments of medicine and surgery at the Harvard Medical School and its associated hospitals who signed this letter.)

[From the Washington Post, Oct. 26, 1971]

MORE ON THE CANCER BILL

On October 12 full page advertisements by unnamed sponsors appeared in The Washington Post, The New York Times, The Washington Star and 21 other papers. Some of the advertisements carried a letter by H. Marvin Pollard, President of the American Cancer Society. A number of false allegations appeared in that letter. One allegation was that mainly noncancer scientists oppose the Senate Bill, S1828, which would establish a Conquest of Cancer Agency.

Heads of 72 medicine departments of medical schools throughout the country have publicly opposed certain provisions of S1828. Some of the panel of experts which originally proposed S1828 now oppose this legislation. Extensive opposition by cancer clinicians and cancer researchers has been heard by the House Committee currently reviewing this legislation. In addition, each of the undersigned is a bench scientist working in some area of cancer research, or a clinician working with cancer patients. Each receives or administers funds from the National Cancer Institute or the American Cancer Society. Each opposes the organizational provisions of S1828.

Other of Dr. Pollard's allegations have been repeatedly answered in hearings before both the House and Senate and in editorials in The Washington Post, The New York Times, The Washington Star and scientific journals such as Nature, Science and the New England Journal of Medicine. Specifically, S1828 in its present form is detrimental to the National Institutes of Health, and it will lead to a lack of coordination of cancer research with research in other branches of medical science, which in turn will impede progress in cancer research.

ROBERT MARTIN, M.D.
HOWARD TEMIN.
HARVEY OZER, M.D.
DAVID BALTIMORE.
PAUL BERG.
ROBERT HANDSCHUMACHER, M.D.
CHARLES HUGGINS, M.D.

WASHINGTON.

(Dr. Huggins received the Nobel Prize for the treatment of cancer patients.)

THE DWIGHT D. EISENHOWER HIGHWAY

Mr. SCHWEIKER. Mr. President, I am pleased to join the distinguished senior Senator from Pennsylvania (Mr. SCOTT) in introducing proposed legislation to designate certain sections of the Interstate System as the Dwight D. Eisenhower Highway.

This is a fitting tribute to a great American who contributed so much to the Nation in his distinguished career, first as one of the foremost military leaders in our history, and then as an immensely popular and much loved President.

One of the segments of the Interstate System to be designated as the Dwight D. Eisenhower Highway runs through southern and southwestern Pennsylvania, an area well known by President Eisenhower.

Many Senators may recall that President Eisenhower's vigorous efforts gave great impetus to the building of the

wonderful Interstate Highway System we now enjoy. It is, therefore, entirely appropriate for Congress to designate portions of the highway system in his honor.

ATLANTIC TREATY ASSOCIATION RESOLUTION

Mr. JACKSON. Mr. President, I invite the attention of the Senate to the final resolution of the Atlantic Treaty Association resulting from the meeting in London this past September.

Much of the resolution deals with the important problem of burden-sharing in the Atlantic Alliance, a problem of particular interest to Members of the Senate.

Of special importance, I believe, is the proposal for a NATO International Security Fund which would deal with the international problem of foreign exchange costs as a result of stationing troops in foreign countries. This proposal is a useful contribution to the continuing efforts to provide for the common defense of the NATO area without imposing undue burdens on any one Alliance member. I believe this suggestion deserves further consideration.

Mr. President, I ask unanimous consent that the entire resolution be printed in the RECORD.

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

FINAL RESOLUTION OF THE ATLANTIC TREATY ASSOCIATION

The Atlantic Treaty Association meeting in London for its Seventeenth Annual Assembly discussed the role of the Alliance in the present world situation. The Theme of the Conference was "Atlantic Solidarity: the Key to Peace in an Era of Negotiation".

The British Prime Minister, Mr. Edward Heath and the Secretary General of NATO, Mr. Manlio Brosio, made introductory statements. Don Guido Colonna di Paliamo reported on Economic Political, Mr. Timothy Stanley on Military Political questions; Mr. Altemur Kilic gave a report on Information. The Chairman of the Military Committee, General Johannes Steinhoff, the Supreme Allied Commander Europe, General Andrew J. Goodpaster and the Commander-in-Chief Channel and Eastlant, Admiral Sir Edward Ashmore, addressed the Assembly on matters of their respective responsibility.

The Assembly, noting that in the past it has concentrated its discussions more on political and military matters, decided that this year economic topics as well as the quality of life and the pursuit of excellence should, as a matter of urgency, be studied more intensively.

1. TRANSATLANTIC ECONOMIC COOPERATION WITHIN THE ALLIANCE

The Assembly views the present situation as follows:

First priority must be given to curbing inflation, above all in the United States, but in all other countries as well. The United States' balance of payments must be restored.

The general danger of a retreat into economic blocs and protectionism must be resisted at all costs. Member countries must instead recapture momentum towards ever freer trade, investment and payments. The measures to be taken require a common effort and are of the greater possible urgency.

The substantial enlargement of the European Economic Community now in prospect would have the greatest importance for the Atlantic Alliance. As the nucleus of a broader economic community EEC can be a vital force for peace and world prosperity. Cooperation in economic and political fields may lead to closer cooperation in defence, and this may enable the European partners to play a greater part in their own defense than has hitherto been possible.

It is imperative that ways be found to reinforce cooperation between the United States and the EEC on the one hand, and the EEC, North America and Japan on the other. The OECD should assume an even more important role as a forum for a broad range of economic questions. For certain political-economic questions the North Atlantic Council offers a unique forum. It should use its machinery as a means of helping to achieve a common solution in the face of the urgent economic crisis. Here there is also an increased field of activity and responsibility for the Atlantic Treaty Association.

2. BURDEN SHARING

The Assembly acknowledges the tremendous financial burden borne by America in the field of defence since 1949, and realises that it is imperative for the Western European member countries to take positive and urgent action. The Euro-group of Ten should formulate proposals over and above those of the European Defense Improvement Programme agreed in 1970. In order to make sure that the necessary objective of equal burden sharing within the Alliance becomes a lasting reality, the Assembly calls upon the governments of all member states to implement the principle already agreed in NATO that no country stationing forces abroad in the common defence should suffer for that reason is its balance of payments and specifically to study the proposals outlined in the report presented to the Assembly by its military-political rapporteur for an international security fund which are summarized in the annex.

3. DEFENSE COOPERATION

The Assembly hopes for a genuine détente with reciprocal contributions from all concerned. It underlines the necessity to maintain and strengthen the solidarity of the Western Alliance which can best be achieved by resolute political will, mutual consultation and permanent cooperation in all East-West negotiations. The present strategic and political policy of the governments of the Alliance has kept the peace in Europe and continues to promote stability in the area. A highly unstable and therefore dangerous situation would exist if conventional forces were not maintained at their present level until agreement has been reached, as this Assembly hopes it will be, on mutual balanced force reductions. In particular the retention in Europe of the present level of US and Canadian forces is essential to provide the political unity for negotiation with the Soviet Union and to demonstrate the continuing solidarity of the Western Alliance. The even closer participation of French forces in the joint defence effort is also of great importance to demonstrate this solidarity.

The security of Europe is increasingly threatened by the growth of Soviet military power and especially in recent years of Soviet naval forces on the northern and southern flanks of the Alliance.

4. ENVIRONMENT AND QUALITY OF LIFE

Our societies are changing at an accelerated rate. The impact of these changes is deeply affecting our physical environment, the quality of our culture, the health of our social and civic institutions and the fundamental values which underlie our way of life. One of the main purposes of the Atlantic Alliance being to protect and enhance these fundamental values, the Assembly called on its Council to establish a Committee on the Quality of Life and Man's Environment, whose task should be to examine the relationship of the health of our society to our common defence and survival.

5. INFORMATION

The Assembly devoted a large part of its discussions to the questions connected with the dissemination of information concerning the Atlantic Alliance. It is absolutely necessary that the basic principle of the Alliance, namely to preserve peace and stability through solidarity and common defense, should be better presented to the peoples of the member countries and above all to the younger generation. To achieve this goal the Assembly made the following recommendations:

(a) NATO governments are asked to give higher priority to the dissemination of Atlantic information, financial support to the national organizations charged with providing this information and to provide more funds for the central NATO Information Service.

(b) ATA member associations should maintain the closest relations with the NATO Information Service and make full use of its materials and services.

(c) Imaginative and professional techniques should be used to reach through press, radio, television and other appropriate means a greater part of the public. They should be based upon a scientific analysis.

(d) ATA member associations, government information services, and NATO, should adopt information priorities and closely-defined target groups, according to national needs. Generally speaking, target groups should include teachers and other moulders of public opinion, youth, employer organizations and trade unions.

The Assembly decided to establish a permanent Information Committee. It authorised the President, in consultation with the Council, to appoint its first members. The Committee should act as a clearing house for new ideas and measures to meet new situations as they arise and to make critical analysis of information methods and activities especially for the ATA. It would also operate as an adviser for the information activities of the ATA Secretariat.

6. YOUTH AND EDUCATION

The Assembly heard and approved reports on the Atlantic Association of Young Political Leaders and the Atlantic Information Centre for Teachers, and endorses the efforts of these organizations to advance the understanding of security issues by the younger generations in the member countries of the Allinace. A meeting of delegates specially concerned with education was held during the course of the Assembly.

ANNEX TO THE FINAL RESOLUTION: PROPOSAL FOR A NATO INTERNATIONAL SECURITY FUND

The proposal of the Political-Military Rapporteur for neutralizing the foreign-exchange costs of the common defence involves three basic principles:

First: each member-state of NATO—including the United States—must continue to meet the budgetary costs of contributing its national forces to the common defence; the *quid-pro-quo* for the continued presence of high-quality American forces in Europe should be improvements in the quality of the national forces of the West European members of the Alliance;

Second: the stationing in continental Europe of substantial American and other forces for the common defence gives rise to foreign-exchange costs—in addition to national budgetary costs—which contribute to balance of payments deficit. Since these external expenditures may also give foreign-exchange windfalls to host countries, recip-

ient states should bear the largest part of the cost of neutralizing the external payments deficits of states which station forces. Since the security interests of non-host countries are also served by the presence in Europe of stationed forces, they should also bear a proportional share of meeting the special foreign-exchange costs which arise from stationing forces abroad in the common defence.

Therefore, to strengthen the solidarity of the Alliance, a *multilateral* military foreign-exchange neutralization scheme—to which all NATO members contribute—should replace the present bilateral arrangements, which may have divisive political consequences as they become increasingly ineffective.

(In this proposal, host countries with a balance-of-payments surplus on military account would contribute up to 80% of the surplus to the NATO International Security Fund; countries in balance on the military account would collectively contribute 10%; and the stationing countries in deficit would absorb the remaining 10%, being entitled to draw upon the Fund for up to 90% of the deficit for purposes of settling their overall international payments account).

Third: although military procurement by surplus from deficit countries—with payment through the fund—would continue to be an important means of neutralizing foreign-exchange costs, and is a proper charge to European defence budgets, the overall responsibility for resolving these external imbalances should be shifted from defence ministries to national political authorities so that the full range of resources available to member governments and central banks can be employed.

UNITED NATIONS MEMBERSHIP FOR REPUBLIC OF CHINA ON TAIWAN

Mr. FONG. Mr. President, on October 19, I placed in the CONGRESSIONAL RECORD a statement by 70 U.S. Senators supporting U.N. membership for the Republic of China on Taiwan.

On October 22, the office of the junior Senator from Missouri (Mr. EAGLETON) advised me that Senator EAGLETON wished to sign the statement.

Therefore, I ask unanimous consent that the statement, including the names of the 71 Senators signing, be printed in the RECORD.

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

OCTOBER 1971.

We, the undersigned Members of the United States Senate, support membership for the Republic of China in the United Nations.

Hiram L. Fong, Wallace F. Bennett, Strom Thurmond, Jack Miller, John O. Pastore, Frank E. Moss, John Tower, Peter H. Dominick, Robert P. Griffin, Henry Bellmon, Carl T. Curtis, Robert C. Byrd, Jacob K. Javits, James L. Buckley, John S. Cooper.

Milton R. Young, Clifford P. Hansen, Robert T. Stafford, Robert Taft, Jr., Edward W. Brooke, Claiborne Pell, John C. Stennis, Norris Cotton, William V. Roth, Jr., J. Caleb Boggs, Gordon Allott, William E. Brock III, Sam J. Ervin, Jr., Herman E. Talmadge, Harrison A. Williams, Jr.

John Sparkman, Bob Packwood, Len B. Jordan, J. Glenn Beall, Jr., David H. Gambrell, William B. Spong, Jr., James O. Eastland, Paul Fannin, Lloyd M. Bentsen, Charles H. Percy, William Proxmire, Gale W. McGee, Allen J. Ellender, Alan Bible, Lee Metcalf, Barry Goldwater, William B. Saxbe, Ted Stevens, Edward J. Gurney, Marlow W. Cook, Lowell P. Weicker, Jr., Roman L. Hruska, James B. Pearson.

Robert J. Dole, Howard Baker, Mark O. Hatfield, Jennings Randolph, James B. Allen, Joseph M. Montoya, Clinton P. Anderson, Lawton M. Chiles, Jr., Ernest F. Hollings, Gaylord Nelson, Everett B. Jordan, Daniel K. Inouye, Margaret Chase Smith, Thomas J. McIntyre, Howard W. Cannon, Clifford P. Case, Richard S. Schweiker, Thomas F. Eagleton.

REPORT ON ECONOMIC CONVERSION—MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

Mr. PROXMIRE. Mr. President, for several years it has been clear that the dollar commitment the United States has made in Vietnam—which at its peak was a $24 to $26 billion incremental increase over other defense expenditures—would be coming to an end. That amount has now been reduced to about $8 billion a year.

We have reduced the number of men in uniform by almost 1 million—or from 3.5 million to 2.5 million.

Yet the Government of the United States has done little or no planning for these reductions with the result that even though the total of our defense expenditures remains at peak levels, the problems of conversion have been unfairly borne by a relatively few people in the economy—the returning veteran, the aerospace industry, and others.

Planning for conversion is long overdue. It is especially overdue because the problem could have been and should have been anticipated. But it was not.

Now Members of Congress for Peace Through Law has prepared a research paper on this subject, in which Senators MCGOVERN and MATHIAS and Representatives BINGHAM and MORSE have taken the lead.

This is an excellent study in a field in which too little has been done. I commend it to the Members of the House and Senate and to the public at large and ask unanimous consent that it be printed in the RECORD.

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

REPORT ON ECONOMIC CONVERSION: AN ISSUE FOR THE SEVENTIES

(A research paper prepared by Senator George McGovern (D-So. Dakota), Senator Charles McC. Mathias, Jr. (R-Md.), Congressman Jonathan Bingham (D-N.Y.), Congressman F. Bradford Morse (R-Mass.))

For consideration by the Military Spending Committee, Senator William Proxmire, Chairman; Congressman Ogden Reid, Vice-Chairman of Members of Congress for Peace Through Law.

SUMMARY

Pressure for force reductions in Europe, hope of agreement at the Strageic Arms Limitation Talks, the military wind-down in Vietnam, emergence of a national debate over the current level of our defense budget—each of these demands that Congress and the Administration give urgent consideration to the problems of preparing the American economy for a smooth transition to a peacetime economy.

In the past decade the American economy has evolved in a totally unexpected manner. After 10 years of intensive rearmament, the nation has developed two economies—defense and civilian. Should major savings on defense be possible, no one now knows how the first economy can ever re-integrate smoothly with the second. Concrete Government programs are necessary now in order to determine how the full economy can be united without further dislocations.

Essential to any meaningful attack on the problem of conversion will be a systematic and steady increase of Government funded civilian R&D until the level of financing reaches at least the level of defense R&D expenditures. A yearly increase of $500 million is recommended until this equilibrium is established.

A DECADE OF CHANGE

This nation now faces the prospect of serious economic disruption in converting its defense plants to peacetime production. There are two reasons for this. First, armament policies of the 1960's led to spending distortions which are only now coming to light. And second, demands of modern missile and technological weapons have revolutionized the internal structure of the modern defense firm. Both factors must be understood before it is possible to comprehend the economic trauma which certain sections of the country have experienced in the last three years.

Soaring defense costs

It was in 1961 that President Eisenhower uttered his famous warning about the growth of a military-industrial complex. Then, however, the United States defense budget stood at only $45.9 billion. The space budget was but $744 million and Federal R&D totaled only $9.3 billion.

By fiscal year (FY) 1969 defense outlays had vaulted to slightly more than $81 billion—an expansion of 76%—and even in the aftermath of recent budget cuts, defense outlays are projected at $77.5 billion in FY 1972—an increase of 69% over 1961. Space expenditures now hover around $3 billion or an increase of 305% over the 1961 level. R&D outlays are more than 80% higher than they were in 1961, amounting to about $17 billion.

Such massive outlays inevitably touch every corner of the economy. Defense funds flow into all 50 states and into 363 out of 435 Congressional districts.[1] In addition, defense work employs a large percentage of the U.S. labor force—2.8 million men in uniform, 1.14 million civilian Pentagon workers and some 1.6 million workers employed directly on military procurement and R&D in the private sector.[2]

But these wide-spread effects should not cause one to lose sight of the extraordinary concentration of expenditures in certain areas, which as a result, are extremely vulnerable to fluctuations in Federal spending. Currently, for example, 9 states and the District of Columbia receive 71% of total Federal obligations of R&D; in order, California, New York, Maryland, Florida, Massachusetts, New Jersey, Texas, Pennsylvania, the District of Columbia, and Ohio.[3] About 52% of the missile and space systems contracts in FY 1970 were awarded to the Pacific states (California, Oregon, Washington, Alaska, and Hawaii).[4] (Oregon, it should be noted, accounts for little of these totals.) In that year 39.9% of the prime defense contracts (over $10,000) went to these states and to the Middle Atlantic states (New Jersey, New York and Pennsylvania).[5]

In a similar manner, defense spending has a disproportionate effect on certain firms. In FY 1970 the top five firms received 18.7% of the dollar volume of the prime contracts (over $10,000). The top 25 cornered 46.0%.

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The top 100 accounted for 69.7%. Two industries—aircraft and missiles and electrical equipment and communications—received during 1969 nearly 80% of all Federal Government financed R&D for private industry.[7]

As if to justify President Eisenhower's warning, defense firms strengthened their ties with the military establishment in order to obtain these contracts. In 1961 the 10 largest defense firms employed 691 retired generals, admirals, naval captains and colonels. Ten years later this number had increased to 2,072 senior officers.[8]

In addition, there were hundreds of positions held by less senior, retired military officers.

REVOLUTIONIZING THE INTERNAL STRUCTURE OF THE FIRM

Mere reference to the size of defense budgets in the 1960's cannot adequately explain the vulnerability of many modern defense firms to cuts in defense or space spending. We must also understand the organizational changes which have taken place.

To produce the complex weapons of modern warfare, defense and aerospace firms have had to radically alter their own internal structure. Legions of scientists and engineers have flocked to the thriving defense and space sector where technical skills command a high price.

In 1962 Professor Murray Weidenbaum, former Assistant Secretary of Treasury, drew up a table of estimates on the changing job requirements of a producer of aircraft and missiles according to job categories. In 1954 managerial and technical workers made up 8% and 13% respectively of the work force, whereas industrial workers made up 64%. By 1959 industrial workers had declined to 48% and projections for 1970 estimated the proportions for managerial staff at 13% and for technical workers at 22%, whereas industrial workers would drop to 22%. (The remaining 43% consisted of stenographers, sales personnel and others.)[9]

Today in the defense-oriented aerospace industry, there is one scientist or engineer roughly for every $150,000 in sales. This compares to one for every $750,000 of sales in consumer electronics like TV or one for about $2 million in auto sales.[10] Such figures suggest why of the more than 2 million scientists, engineers and technicians in the U.S., about one in every four is engaged in work generated by the Department of Defense, NASA or the Atomic Energy Commission, and why 62% of all physicists and 88% of all scientists in the atmospheric and space fields now depend on Federal programs for employment.[11]

Like beached whales

Large increases in defense expenditures, structural changes in the defense-aerospace industry—both suggest that the United States may have reached a stage unique in its economic history. In effect, since the advent of the missile age and technological warfare, the American economy appears to have proceeded along two separate paths with the result that from a practical point of view we now have two economies—a defense aerospace or Federally-funded economy and a commercial or privately-funded economy.

The two economies remain sharply isolated from one another. Each has its own organization structure and separate clientele. Each responds to different economy forces. Among characteristics which distinguish the defense and space economy from the civilian economy are: domination of the market by a single customer (the Federal Government), high performance standards almost regardless of cost (the Apollo program), a closely woven net of professional ties between customer and contractor (the employment of retired military officers in defense firms), large dollar volume of individual contracts, and unusually long lead times for production.

Protected for so long from traditional commercial forces, defense firms have forgot how to compete in a normal market. Consequently, when Federal contracts dry up, they lie helpless at the edge of the civilian economy like great beached whales—potentially strong but liable to die.

Unskilled in the normal techniques of commercial practice, these firms also seem afraid to take steps to reduce their vulnerability to defense spending cuts. In late 1970 the Senate Executive Reorganization and Government Research Subcommittee suveyed key defense industries and reached this pessimistic conclusion:

"In general the responses indicated that private industry is not interested in initiating any major attempts at meeting critical public needs. Most industries have no plans or projects designed to apply their resources to civilian problems. Furthermore, they indicated an unwillingness to initiate such actions without a firm commitment from the government that their efforts will quickly reap the financial rewards to which they are accustomed. Otherwise, they appear eager to pursue greater defense contracts or to stick to proven commercial products within the private sector." [12]

The 1968–71 years of distress

It is now possible to understand the profound economic distress which many communities experienced after 1968, for beginning with that year the Federal Government made significant cuts in defense and aerospace spending. First the facts.

In FY 1969 U.S. defense outlays reached their high of $81.2 billion. By FY 1971 they had fallen to an estimated $76.4 billion. The item in the defense budget which has the most immediate impact on defense/aerospace firms is money for procurement. This experienced an even sharper decline. In FY 1972 Federal defense procurement will drop to $36.4 billion from $45.4 billion in FY 1968. In constant 1971 dollars, the plunge will be even steeper—31% or from $51 billion to $35.3 billion.

We must recall that space outlays were declining during the same period. We must also remember that in recent years there has been a decline in commercial aircraft sales. In brief, what has happened is that the aerospace and military market, which a few years ago seemed destined to go on expanding indefinitely, has suddenly shrunk from nearly $60 billion to less than $40 billion in 1971 dollars.[13]

For several sectors of an unprepared economy the consequences approached near disaster. Seattle registered a seasonably unadjusted unemployment rate of 3% in March 1968. By March 1971 this rate had leaped above 13%. For Takoma the rate skipped from 3.9% in March 1968 to 11.0% in March 1971. Brockton, Massachusetts experienced a similar economic trauma as its unemployment rate rose from 4.4% in March 1968 to 9.1% in March 1971. In the aerospace industry alone available jobs decreased by 280,000 between December 1969 and December 1970.

The problem may take on a more human cast if we consider the plight of an individual firm. In neighboring Maryland, a Fairchild Industries plant suffered a 50% reduction in the size of Government contracts between FY 1969 and FY 1970. In only a seven month period—November 1970 through May 1971—it was forced to lay off 1,059 employees. It is not difficult to imagine the enormous economic problems faced by the individuals and communities concerned.

Perhaps most indicative of the distortions in the American economy brought about by the defense spending patterns of the 1960's is the tragic fate of our scientists and engineers. As of May 1971 it was estimated that unemployment among scientific and technical workers stood at 5% or perhaps 75,000 out of a total labor force of 1.2 million scientists and engineers. A Government-sponsored survey in March of 1971 predicted that about 200,000 scientists, engineers and technicians—or more than twice the present total—were likely to be unemployed by the end of 1971. This figure includes the 27,000 June 1971 science and engineering graduates who may fail to get jobs.[14]

The prospect of such highly trained specialists without jobs has not been seen since the Great Depression. Nevertheless, the economic distress so far may be mild compared to what lies ahead in light of the emerging national debate over defense spending.

Characteristic of this debate is the closely-reasoned article which appeared in the August 1969 *Fortune* in favor of major defense spending reductions. More recently, the Urban Coalition submitted a detailed, carefully-prepared proposal for defense reductions over a five-year period amounting to 28% in the non-Vietnam military spending alone.[15] Other experts such as former Director of the Bureau of the Budget Charles Schultz have submitted documented programs for major reductions.

In addition to proposals for defense cuts within the present international framework, there exists the possibility of a breakthrough in disarmament talks. There is evidence, for example, that recent scientific advances justify a complete ban on all nucler testing. (See Report on U.S. Underground Nuclear Testing by Senator Mike Gravel and Congressman Gilbert Gude). Or there could be a breakthrough at the SALT negotiations. Finally, the continued wind-down in Vietnam will reduce defense costs and adversely affect civilian employment.

Which level of national defense is appropriate—a level closer to that urged by the Administration or a lower figure—is a question beyond the compass of this report. From the standpoint of conversion, however, a precise answer to this question is less important than the fact that for the first time in many years there is serious, national debate on this subject.

It is now conceivable that a political consensus will develop in favor of substantial cuts in defense spending.

Accordingly, Congress and the Administration must immediately begin to study and prepare for the problems the economy will encounter in converting to a peacetime basis. Failure to conduct this prior planning has already led to inexcusable personal hardship for many workers and technicians as well as massive economic disruption for many communities.

Is Federal assistance equitable?

In coming to grips with the conversion issue which clearly looms ahead, Congress—preferably through formal committee hearings—must attempt to answer some fundamental questions about the direction and scope of social policy in the United States. The basic issue in each case is a determination of equity.

First, it may be asked why communities adversely affected by defense cuts should be singled out for assistance. On the one hand, it seems only just that if as the result of national policy the Federal Government encourages certain states or communities to become dependent on defense spending, it cannot simply abandon them to their fate in periods of funding decline. On the other hand, it may be asked why a community facing economic distress because of reductions in defense programs has a greater claim on

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Federal largess than communities in difficulty because of more traditional Government actions, e.g., a reduction in an established subsidy program or a cut in tariffs.

Perhaps the solution to this disparity would be for Congress to begin to take steps toward the principle that the Federal Government has a responsibility to provide transitional assistance to any established community which experiences extraordinary unemployment or economic distress for whatever reason, but particularly when this distress can be directly traced to actions of the Federal Government. Adherence to such a principle would reduce potential opposition to the development of national programs coping with the problem of conversion.

Second, we must ask whether it is equitable to provide special assistance to highly-paid technical workers who lose their jobs. Their need for help is not disputed. Without a job, a well-paid scientist faces financial disaster, as often he has commitments which he cannot escape. But at what level should the Federal Government provide income maintenance for such highly-paid people? Is it fair to provide them with financial advantages in excess of ordinary unemployment benefits when millions of U.S. citizens still live below the poverty line?

We suggest two answers to these questions. First, as Dr. Leonard Lecht of the National Planning Association has estimated, for each job in science and engineering there are many other jobs—he calculated up to 10—which are directly or indirectly dependent on it. Consequently, aid to scientists and engineers may be justified as a practical matter on the grounds that it ultimately will benefit far larger numbers of less affluent workers. Second, while large numbers of people of whatever income level are unemployed, the demand for equity should not be an excuse for inaction. Rather it should serve as a guide so that as we establish special programs for scientists and engineers, we may at the same time, for reasons of equity, take steps to improve programs available to other workers.

A final question posed is whether we should regard the defense/aerospace industry as a national asset to be preserved. There is some evidence, to which this report has already alluded, that many firms in the industry are unsuited for, or ignorant of, the civilian economy. Nevertheless, many experts contend that defense/aerospace firms bring together unique managerial and scientific talent which can be employed to great effect in civilian fields. There are in this connection hopeful developments which suggest that defense aerospace firms will be able to adapt to civilian work. No fewer than six of the original 22 winners in HUD's Operation Breakthrough home-building program were defense aerospace oriented: Ball Brothers Research, Boeing, General Electric, Grumman, Rohr, and TRW. Inventor and futurologist R. Buckminister Fuller predicts that sometime in the 1970's aerospace companies will team with firms that understand the hotel business to form new building companies to corner the home-building market. Attracting them will be the knowledge that housing, even in its depressed state, is a $30 billion a year business compared to only $22 billion for the aerospace industry.[17]

There is one very serious obstacle to impede fulfillment of such visions, however. Virtually every expert concerned with the question of conversion agrees that the key to productive employment of defense/aerospace technicians in civilian industry will be Federal financing of civilian R&D.

According to the National Science Foundation, in order to provide a job for an individual scientist or engineer during 1972, an average of $53,000 a year will be required in R&D funding. This means that to provide civilian R&D jobs for the 59,000 scientists and engineers who were unemployed in March 1971 (not to mention 41,000 unemployed technicians) would have required an incremental R&D expenditure for FY 1972 of $3.1 billion. To provide civilian R&D jobs for all of the 118,000 scientists and engineers who may be unemployed by the end of 1971 (again not to count an estimated 82,000 technicians), we will require an incremental R&D expenditure of $6.3 billion.

Regrettably, the proposal in the current budget to increase R&D by $1.1 billion will do little to meet the need for more R&D funding in the civilian field. Eighty percent of the increase will go for military R&D.

Legislative outlook

In this session of Congress there are some 20 bills that have been introduced on conversion. Hearings are scheduled in the House of Representatives on the Conversion Research and Education Act of 1971 which would authorize the National Science Foundation to make grants for research on conversion and to provide fellowship for scientists desiring to retain for civilian work. Hearings will also be held October 25 and 26 by the Senate National Science Foundation Subcommittee on the same Conversion Research Education and Assistance Act and the New Cities Research and Experimentation Act.

While most of these 20 bills address specific, immediate problem areas, the National Economic Conversion Act provides long term comprehensive planning. This bill would establish a National Economic Conversion Commission and would require defense contractors to submit conversion plans and create a conversion reserve fund out of defense industry profits. Contractors would be able to draw upon the reserve fund to finance conversion planning and implementation. It would also provide benefits to workers suffering hardship during the transfer to civilian production.

The National Economic Conversion Commission would be composed of members of the Cabinet, the Administrator of NASA, the Chairman of the AEC, the Director of the Arms Control and Disarmament Agency, the Chairman of the Council of Economic Advisers and three representatives each from business and labor. It would be chaired by the Secretary of Commerce.

Since conversion is a problem common to many sectors of American society, it cannot be met with piecemeal action. The National Economic Conversion Act links business, labor, scientists, blue collar workers and federal government in a reasonable association designed to encourage positive responses.

The primary purpose of hearings on any of these conversion bills must be to move the nation toward a consensus on many of the issues of equity discussed earlier. In the meantime, there are several specific steps which the Administration and Congress can take to resolve the current state of disruption.

RECOMMENDATIONS

(1) We recommend that Congress authorize a systematic and steady increase in the level of federal funding for civilian R&D for socially useful goals until it reaches parity with defense R&D.

We suggest that the following civilian programs receive increased federal R&D appropriations: low-cost housing, mass transit systems, pollution control techniques, advanced environmental planning, oceans research, population distribution, comprehensive health care methods and public education.

The total federal R&D expenditures for FY 1972 are estimated at $16.7 billion. The Department of Defense, NASA, and the AEC account for 77% of this sum.[19] We strongly recommend that this proportion be equalized over five years by holding military R&D constant and increasing civilian R&D by about $500 million annually. In effect this figure would be a firm Congressional commitment to reordering national priorities. It is large enough to have immediate impact and yet modest enough not to overtax the ability of the civilian sector to absorb new funds. Every effort should be made not to splinter these new appropriations into such small contracts that they do not have appeal to the aerospace industry. It is hoped that certain R&D contracts will develop into procurement programs with significant profit interest to the aerospace community.

(2) We recommend specific legislation be passed to assist unemployed defense workers such as provided in the National Economic Conversion Act. At a minimum this legislation should include income maintenance provisions, federal insurance against forced home sales in depressed areas, federal assistance in retraining and maintenance of medical and life insurance. In addition, the experimental labor mobility project of the Department of Labor should be expanded to include unemployed defense workers.

(3) The Department of Labor should undertake a thorough examination of methods to eliminate conflicts among various regulations governing unemployment insurance eligibility and provisions for severance pay and report to Congress with its findings. Such conflict now exists in 22 states.[20] [21]

(4) We recommend that the Department of Labor expand its $42 million program to provide grants to scientists and engineers exploring new job opportunities. We suggest that the program be run at the requested level for one year and then, pending a favorable review, be doubled. At present funding levels, the $25 million allotted specifically for retraining will affect 10,000 or only 10% of the unemployed technicians. This program will provide for job retraining, geographic relocation and transfer to new professions without retraining.

(5) Congress should correct the mistake made in 1969 of cutting off funds for the Department of Commerce State Technical Services Program which is designed to assist local industries adopt new technology. The annual sums involved are small, less than $50 million, while the gains are substantial. After little more than two years of operation, the State Technical Services Program was judged by Public Evaluation Committee as "a valuable asset to our country not available anywhere else." [22]

CONCLUSION

With their unusually high concentrations of scientific talent, defense/aerospace industries play a major role in the development or retardation of American technology. Opinion is divided on whether large Government-financed programs in defense and space assist or hobble the American technological effort. But in the event of large defense reductions, the nation would be foolish in the extreme if it did not take steps to insure that the scientists released from the defense sector find socially and professionally useful employment elsewhere.

We should not, we cannot, repeat the experience of the period since 1968 on a large scale.

FOOTNOTES

[1] Colonel James A. Donovan, *Militarism, USA*, Charles Schribner's Sons, New York, 1970, p. 54.

[2] July 1971 estimate of Library of Congress.

[3] Ellis R. Mottur, *Conversion of Scientific and Technical Resources: Economic Challenge—Social Opportunity*, The George Washington University, Monogram #8, GWPS–Mon 8, March 1971, p. 55.

[4] United States Arms Control and Disarmament Agency (ACDA) *Adjustments of the U.S. Economy to Reductions in Military Spending,* December 1960, p. 66.
[5] Ibid, p. 64.
[6] Ibid, p. 73.
[7] Mottur, *op. cit.,* p. 84.
[8] Donovan, *op. cit.,* p. 54.
[9] *Economics of Military Procurement,* Hearings before the Subcommittee on Economy in Government of the Joint Economic Committee, November 1968.
[10] Gilbert Burck, "Famine Years of the Arms Makers," *Fortune* May 1971, p. 164.
[11] Mottur, *op. cit.,* p. 51–52.
[12] Hearings, Senate Executive Reorganization Subcommittee, November 1970.
[13] Burck, *op. cit.,* p. 164.
[14] Mottur, *op. cit.,* p. 33–34.
[15] The National Urban Coalition, *Counterbudget,* Prager, New York, p. 269.
[16] Mottur, *op. cit.,* p. 156.
[17] *Forbes,* Jan. 1, 1971.
[18] Mottur, *op. cit.,* p. 156.
[19] Special Analysis: Budget of the United States Government, Fiscal Year 1972, p. 273.
[20] ACDA, *op. cit.,* 376.
[21] ACDA, *op. cit.,* 377.
[22] *Final Report of the Public Evaluation Committee for the State Technical Services Act of 1965,* November 14, 1968.

ALASKAN NATIVE CLAIMS AND CONSERVATION

Mr. BUCKLEY. Mr. President, within the next few weeks the Senate will be asked to vote on a bill to settle the Alaskan Native Claims. This legislation has attracted considerable attention among conservationists because of its potential effects on the largest, most spectacular stretch of wilderness left on the North American Continent. I speak of the Brooks Range and the North Slope of Alaska, an area which was virtually untouched by modern man until the discovery of oil at Prudhoe Bay in 1968. It is an area which stretches some 500 miles from the Bering Sea to the Canadian border; an area of incredible beauty, but one which is astonishingly fragile.

I ask unanimous consent to have printed in the RECORD excerpts from three articles which I believe will help Senators to get a better understanding of the problems of the Arctic to the end that the pending legislation may incorporate the most intelligent approach to the development of Alaska's resources while at the same time preserving its unique landscape and wildlife.

The first of these articles, entitled "The Ultimate Confrontation," was published in Sport's Illustrated for March 24, 1969. I remember being taken by its particularly sensitive description of the beauties of the Brooks Range and of the special environmental problems unique to the Arctic which are posed by the developments sparked by the Prudhoe Bay discovery. I am omitting a portion of the article dealing with the picturesque, but nevertheless not pertinent, history of the area's exploration.

The remaining two articles were delivered as papers before the Arctic International Range Conference held at White Horse, Yukon Territory, in October 1970, and published in 1971 in a supplement of the University of British Columbia Law Review.

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

[From Sports Illustrated, March 24, 1969]

THE ULTIMATE CONFRONTATION

(By Robert Cantwell)

It has come in the Brooks Range of Alaska, a majestic wilderness where wolves are many and people are rare—or were, until oil gushed at Prudhoe Bay.

Sir John Franklin, having left his dying wife in London—she insisted that he depart as scheduled to search for the Northwest Passage—reached his westernmost point at a place he called Prudhoe Bay. He was on the Arctic coast of Alaska, where a featureless plain extended away to the south and ended in a maze of sharp-peaked mountains. One can locate Sir John's Prudhoe Bay in two ways today: on old mariners' charts of the Arctic Ocean or on new maps of the world's oil resources. It is the place where oil was discovered last year in what geologists suspect is one of the largest petroleum fields in the world, bigger than East Texas, bigger than Oklahoma and perhaps as big as Iraq. But Sir John had nothing good to say of the bay. Defeated by the shallowness of the water, the height of the surf, the violence of the gales and the absence of shelter, he had to turn back. That was in 1826, and for the next 142 years Prudhoe Bay cropped up only in a few accounts by Arctic explorers, who regarded it with even less enthusiasm than Franklin.

Nonetheless, Prudhoe Bay deserves some enthusiasm and attention now, not just in connection with the oil strike there but in terms of how the strike might affect sport, wildlife, conservation, wilderness areas and the attitudes of man toward his environment in this very substantial section of America. It happens that between the oilfield on Prudhoe Bay and the rest of the world lies the Brooks Range, 500 miles long and 150 miles wide, the largest untouched wilderness on the North American continent. Half the Dall sheep of the world live there, as well as enormous herds of caribou—at least 440,000, according to a cautious official estimate last year, and perhaps as many as 1.2 million—and impressive numbers of grizzlies, moose and wolves. The question that arises is not the familiar one of keeping a wild environment forever wild. The issue goes deeper than that, and it should, and it will have to be resolved by more informed and careful thinking than the do-we-exploit or don't-we-exploit philosophies that have dictated natural resources development in this ocuntry for years.

It was, perhaps ironically, the discovery of the wonders of the Brooks Range that led to the establishment of wilderness areas in the national forests of the continental United States. Robert Marshall, the first director of recreation in the U.S. Forest Service, made six exploring trips into the Brooks Range when it was unmapped and unknown. There, in the early 30's, he formed his wilderness philosophy, and he adopted the combative and intransigent position that has been the attitude of American conservationists toward their opponents ever since. "The development of Alaskan resources should be retarded," Marshall bluntly told a Senate committee in 1938—and never mind what natural wealth might lie hidden in the wilderness. Marshall urged that the whole area—not only the Brooks Range, but the coastal plain north of it, everything between the Yukon and the Arctic Ocean—should be zoned by the Federal Government to prevent any sort of industrial exploitation.

Until the Prudhoe Bay oil discovery, it seemed Marshall had a case. As far as the Brooks Range was concerned, it made sense; there were no people in the range anyway. The mountains were seen, if at all, from the air. More forbidding than the Rockies, the peaks crowded one upon the other in incredible density and variety, massive pyramids and needle-shaped spires, great metallic-looking domes and vast gray slopes slashed with black ravines and ridges, seeming less like a mountain range than something knocked over and broken in a cosmic disaster that left enormous fragments of wreckage scattered over the frozen earth.

But who could reasonably agree, after the discovery of the largest oilfield in North America, that its development should be prevented for the sake of those gigantic stones? The first news of the Prudhoe Bay oil discovery reached Fairbanks, Alaska on Jan. 16, 1968. The Fairbanks *Daily News-Miner* reported guardedly that the new well was, except for some test wells in a Navy oil reserve, the only important gas discovery ever made on the Arctic slope. That was an understatement. It was among the largest producing oil wells ever drilled. A little later the *Alaska Conservation Review* reported a meeting of Fairbanks conservationists with this headline: Oil Boom Threatens Wildlife Ranges. But neither conservationists nor oilmen had much to say. The atmosphere was like that in the dugout in the seventh inning of a no-hitter. And then, rather dramatically, the tension shifted to ninth-inning levels when Alaska's governor, Walter J. Hickel, was named Secretary of the Interior, an appointment that led to sharp questioning about his conservation and oil philosophies—and intentions. The Brooks Range was now only not geologically famous, but politically famous, too.

Winter hits Prudhoe Bay, the Brooks Range and Fairbanks like a frigid explosion. The lights go out. The curtain falls. For two months the mountains are a region of leaden gray-and-black shadows, with short periods of twilight at midday. It is a silent world of dim crags, large stars, dark stands of dwarf spruce trees, ice-covered rivers and frozen waterfalls hundreds of feet high. Unbelievably, a dozen species of birds remain in the mountains all winter—ptarmigan, ravens, snowy owls, gyrfalcons, jays and crossbills. Dall sheep also remain, staying on the north slopes where light snow and the prevailing winds keep the ridges bare. Caribou browse in the spruce forests south of the mountains, tawny gray shapes so completely hidden by darkness and their own restless movements that no one knows precisely where the main herds winter, except that it is somewhere between the Koyukuk and the Yukon in an unpeopled wilderness the size of Pennsylvania. Last year a herd of considerable size—92,000 according to a government wildlife expert—moved on its traditional migration path from the lichen-covered coastal plain to winter in the narrow valleys in the wildest part of the Brooks Range. For the first time the animals passed, on their way, the Atlantic Richfield drilling crews working on their wells at Prudhoe Bay.

Spring arrives like the opening of the *1812 Overture.* The sun, absent since November, comes back as a faint glow in the south. Sunlight touches the tops of the mountains, while the valleys are still black as night. Each day sunshine descends lower on the slopes, and soon it is daylight all the time. In early April the sun sets about 10 at night and rises at 2 in the morning. The rest of the time there is a soft glow, like sunrise. The lights blaze up, the curtain rises and sounds like cannon roaring and armies clashing reverberate as avalanches start and frozen waterfalls crash down. In the last two weeks of May the ice breaks up on the rivers. Diamond Jenness, a young archaeologist, was stranded near Prudhoe Bay during the winter of 1913 and left an account of the coming of

the season: "Water began to flow everywhere. New birds appeared. . . . The rivers broke out all along the coast; their roar could be heard twenty miles away and their dark waters, newly exposed to the light, reflected the somberness of the sky above. Spring had reached us at last."

When the light grows strong the caribou move through the mountains, the cows, heavy with calves, breaking the way through the snow, the bulls following leisurely later on, with the wolves, some of them the size of ponies, following both. "You better leave the wolves out of it," says Bill Snedden, the publisher of the *Daily News-Miner*, "or you'll really get in trouble." No one can say anything about wolves in Alaska without starting a sort of scientific barroom fight prompted by outrageous pro-wolf or anti-wolf assertions made by people who know little about wolves.

The newspapers print more about wolves than they do about oil, if you count the correspondence columns. A wolf in the Brooks Range lives well, killing one caribou a week, on the average, or about 50 a year. (This is not an outrageous deduction of my own; it can be found on page 193 of *Nunamiut*, by Helge Ingstad, a Norwegian scientist who lived for a year in the central Brooks Range.) Heading for their calving grounds on the north side of the mountains, into country too bleak and remote for wolves, last year's migrants, or one herd of them, had to pass a second oil well being drilled on the Sagavanirktok River, seven miles from the discovery well.

Because of the difficulty of spelling or pronouncing Sagavanirktok—an Eskimo word for fast water—the river usually is called the Sag. Not a big river, by the standards of the world's immense rivers, the Sagavanirktok is nonetheless historic. It flows steeply from the mountains into Prudhoe Bay, and in some fashion or other most of the few explorers in the Brooks Range have followed its course. The second well is called Sag River One. On June 25, 1968 news reached Fairbanks that Sag River One had come in. This time the *News-Miner* reported that the field was evidently one of the world's biggest. Within months, 12 drilling rigs had been flown over the mountains to the new field; the freight planes of Alaska Airlines and Interior Airways were booked ahead for 450 flights. (Current figures have dwarfed these; flights from Fairbanks now reach 120 a day, and planes are reported booked for 5,000 flights.)

Never has there been a place so plainly at the end of one epoch and the beginning of another. In the Kobuk Bar in Fairbanks an airline executive says, "Last month we had 17 pilots. This week we have 41." There was a meeting of hunters and conservationists in the clubhouse of the Tanana Valley Sportsman's Association to discuss "The Impact of Oil and Gas Discoveries on the Resources of Alaska." A professor said, yes, oil was a valuable economic resource, but wildlife, vegetation, scenery and wilderness represented potential dollars, too. Yet the conservationists sounded discouraged. Not that the Brooks Range or the coastal plain north of it are in immediate danger of devastation. The uninhabited area concerned is about the size of Italy. Local enthusiasm for the oil discovery was combined with a sense of regret at the end of isolation for the mountains. The world was about to discover the Brooks Range.

The Brooks Range has always been mysterious. The men who explored it were young. Their reports were squirreled away, printed in private editions, lost or buried in scientific volumes with forbidding titles and few readers.

* * * * *

It was in the summer of 1929 that Robert Marshall, a 28-year-old forester, set out on the first of six trips to the Brooks Range which made those mountains famous. Marshall, a wealthy New Yorker working for his doctorate in plant physiology at Johns Hopkins University, wanted to study the northern limit of the tree line. He was muscular, rangy, highspirited, energetic and clumsy, but he knew something about mountains. His parents had a summer home in the Adirondacks, and as a boy Marshall climbed all of the 42 peaks in the Adirondacks that were more than 4,000 feet.

In Fairbanks, Marshall, with the help of the University of Alaska, found a guide, a Polish-born mining student named Al Retzlaf, but Retzlaf had never been in the Brooks Range either. The two newcomers to the territory then flew to Wiseman, rented the only two horses in town—probably the only two above the Arctic Circle—and headed north over the gray and green foothills for the central Brooks Range.

After a week they reached country that Marshall found more spectacular than the Rockies or the Sierras—and he knew the American wilderness as well as anyone. At the gorge of the Clear River—about five days north of Wiseman—where the stream races for 10 miles between canyon walls too narrow for passage, they climbed to a plateau a thousand feet above the rapids. Ten miles ahead they could see a monstrous tower of rock that Marshall named Mount Boreal. It rose straight up for 6,000 feet. Directly opposite it, across the narrow valley, was a jagged needle projection not quite as high that marked the gates of the Arctic. The main Brooks Range spread away endlessly east and west. "Every mountain was covered with snow, every peak showed a clear white edge set against pure blue. There was not a cloud in the sky," wrote Marshall.

Why, Marshall wondered, had no one written about this incredible land? He came to a valley more beautiful than any encountered so far, with a grassy floor and sheer stone walls that rose thousands of feet high (the headwaters of Ernie Creek, on modern maps) where a river dropped 1,500 feet in waterfalls at the end. Retzlaf shot a grizzly there; Marshall drew maps, named mountains and photographed a landscape he was now sure surpassed the grandeur of Yellowstone or Yosemite.

Soon he came to the Arctic Divide, a limestone palisade a thousand feet high. Not far away he counted 13 great waterfalls in a single mile-and-a-half stretch, including one that crashed straight down a thousand feet. The weather remained a comfortable 24°, the air sparkling clear. He climbed a peak he named Rumbling Mountain—he named 127 places in the Brooks Range—and found "the most impressive view of my life." Along a sharp wall were 10 knife-edge ridges, each with a giant precipice, each rising thousands of feet above gorges and beyond them a green rolling valley like those of the Adirondacks, a panorama "of rivers unvisited by man, deep canyons and hanging valleys glimpsed from a distance but never explored, great mountains which no human being had ever ascended."

Marshall now faced a dilemma, one that has burdened American conservationists ever since. He had to record the magnificent mountain world he had found. But if he did, his work might attract the tourists who would end the untouched wilderness character that made the range unique. He solved his problem by writing a book about his exploration, handsomely illustrated with his photographs, but he printed only a few copies. These he gave to his friends and to wilderness enthusiasts who could be counted on to recognize that the grandeur of the Brooks Range might be spoiled if too many people knew about it.

Marshall and Retzlaf returned to the mountains in the summer of 1930 for a longer trip that gave Marshall the material for a second book, likewise privately printed and so limited in circulation as to be almost secret. But Marshall also published a popular book. He spent 15 months in 1930 and 1931 in the town of Wiseman, where he wrote *Arctic Village*, a sociological study that became a best-seller and made him famous, but which, paradoxically, said nothing about the wonders of the Brooks Range that filled Marshall's two privately printed volumes. *Arctic Village* became a sensation in the U.S., but it was an even greater sensation in Wiseman, where it was said Marshall would be lynched if he ever came back to town.

Unpublicized though it was, the Brooks Range wilderness continued to exert profound influence on the U.S. conservation movement through Marshall, who, under Franklin Roosevelt, had authority over outdoor recreation in 180 million acres of national forest land. He used that authority vigorously, principally to establish a system of wilderness and primitive areas in the national forests, setting aside 81 of those areas from which all forms of mechanization were forever barred.

Even more influential was Marshall's concept of a wilderness elite. "Only a small minority of the human race will ever consider primeval nature a basic source of happiness," he wrote. "Quality as well as quantity must enter into any evaluation of competing types of recreation, because one really deep experience may be worth an infinite number of ordinary experiences." Venturers into the wilderness were a superior class, he felt, because their self-testing gave them emotions that were intrinsically more valuable than the casual sightseeing of millions. And the Brooks Range was always, for him, the ultimate wilderness, the ultimate experience.

There is now a town called Anaktuvuk Pass (Zip Code 97721) right in the middle of the central Brooks Range, with 119 Eskimos, a schoolteacher and a Vista volunteer, a new schoolhouse and a gravel airstrip. One can take off from Fairbanks at 10 in the morning on Tuesday, Thursday or Saturday and fly north a few hundred miles across the broad, watery valley of the Yukon to Bettles, 45 miles above the Arctic Circle. En route, it becomes dramatically apparent that the country just south of the Brooks Range is an unending expanse of low hills covered with shining yellow birches and dark stands of green-black Alaska spruce. There are no signs of human habitation, no roads. The only breaks in the forest are the shining still surfaces of winding rivers bordered with immense sandbars as level and empty as supermarket parking lots on a Sunday morning.

At Bettles there is a first glimpse of the mountains, incised on the northern horizon in white and steel-blue peaks. The seats are taken out of the plane in Bettles, and various necessities of life in Anaktuvuk Pass—plywood walls for shelters, bags of onions, cans of chili con carne—are strapped into the cabin. Leaving Bettles, the plane climbs high over John River. Bright sunlight strikes the tops of the mountains in all directions, and thin blue shadows below the peaks create an impression of a world of nothing but mountains, empty and geometrical, all tilted planes and angles. Any horizontal line gets bent, broken, crushed, upended; there are no flat places in this world.

Was Marshall right? Is the Brooks Range more awe-inspiring than Yellowstone or Yosemite? Well, yes. But in an unexpected way. For an hour or so we flew low over the John River, where 5,000-foot mountains on both sides block out the distant peaks. I could look out of either side of the plane and see extremely large chunks of very hard rock appallingly near. But the land beneath those forbidding stones is strikingly parklike and genial. It is the contrast between the

gaunt, frozen peaks and the garden appearance of the little valleys that makes this mountain range unique, a mixture of overpowering strength and fragility, with constantly changing patterns instead of the uniform grandeur of the Rockies.

Even more meaningful, perhaps, is the solitude, which envelopes everything in a shell of silence that makes the Brooks Range inspiring in a way that familiar places such as Yellowstone can never be again. So, in a sense, Marshall was right: these unexplored mountains are more impressive than the most famous of our national parks.

Almost any writer mentioning the Brooks Range stresses its strange combination of strength and vulnerability, of the harsh and the gentle. Commander John Reed, the director of the Arctic Institute, who was in charge of the Navy's exploration of the Petroleum Reserve No. 4, observed how the region was easily scarred: "Vehicle tracks are likely to remain easily visible for years because of the slow recovery of tundra vegetation. Even winter tracks may long be visible because the compacted snow affects the following summer's growth."

The record goes back a long way. Ejnar Mikkelsen was a young Dane who borrowed money to go there with Leffingwell in 1906. In *Conquering the Arctic Ice* he described a trip into the eastern Brooks Range, where he camped in a forest of dwarf trees many years old but only shoulder high, where "the mountains were towering over our heads and the sound of falling water was the only noise in the great frozen country." Constance and Harmon Helmericks, the authors of *We Live in the Arctic*, spent 1945 in a cabin on the Alatna River, near where Lieutenant Stoney had lived 60 years before. They watched a herd of 100,000 caribou stream past, 4,000 a day for a month. Lois Crisler, who wrote *Arctic Wild*, lived through the winter of 1957 on the Killik River in a landscape where ancient birch trees grow only ankle high.

Most of them said the winters were livable. Some of them said they were enchanting. Mikkelsen wrote of winter darkness: "These days in the Arctic are the finest that man can see. The air is fresh, clean and bracing; we feel the joy of living so much we frisk about like puppies." Nicholas Gubser, a Yale scientist who lived through 1960 at Anaktuvuk Pass—he could not keep up his notes during the winter because he had to hunt to keep from starving—said that only at 40° below zero was he really cold.

But all the reports agree on one vital point: the Brooks Range is not only the greatest wilderness left, it is also the most fragile. Its thin land surface cracks like an eggshell. Nothing decays or sinks into the earth. The healing underbrush and vines that soon hide a forest camp in the continental U.S. are absent: the campsite will remain visible forever. The tracks made by the Navy's exploring vehicles 25 years ago still crawl through the foothills, like the trail of some prehistoric monster which had dragged itself in from the sea. In many areas there are no trees to screen anything; an empty oil drum is visible for miles and looks enormous. Along the big rivers are rushing streams that are called creeks—really good-sized rivers in their own right. "There are trails all along those creeks," wrote Donald Orth, a member of the U.S. Geological Survey crew that mapped the Brooks Range. "That doesn't mean that many people have walked along them, but if a couple of people do so, it makes a trail."

One gets to Anaktuvuk Pass on the plane from Fairbanks about 2:30 in the afternoon. The pass suddenly widens out to an expanse of level ground several miles wide, and to the north the terrain can be seen gradually curving down 2,200 feet to the Arctic Ocean 150 miles beyond. On this particular day caribou herds were coming through the pass; the advance bands had been seen the day before, somewhat behind schedule. Traditionally the hunters let the advance bands pass; otherwise the main herd may be frightened into following some unknown route a hundred miles away. Formerly they were hard to hunt because of the lack of cover, and a shot within 150 yards was rare. But now they are hunted in snowmobiles. The Eskimos ride into the main herd, shooting at close range like oldtime buffalo hunters, and a single hunt may—and hopefully will—supply a village with food for the winter.

This sounds like butchery but it is not. "There is no limit on caribou north of the Arctic Circle," says Robert Hinman, the district director of the Alaska Fish and Game Commission. "The herd is underharvested. Moose—no problem. Dall sheep—in specific areas there may be a decline, but not as a general condition. There are only about 25 guides who fly hunting parties into the mountains regularly or occasionally, perhaps a few more now, because the Alaska Range in the south is being heavily hunted and guides there are flying some parties to the Brooks. Fishing is usually an adjunct to a hunting party. The oil-drilling crews do not hunt much, as a rule, but they fish a good deal. No, the thing that scares me is not the depletion of the wildlife, but the fact that the Brooks Range is such a fragile environment. Anything that is done there leaves a mark. Inevitably there is going to be some scarring of the landscape. The question is, how much can it be controlled and reduced?"

Yes, that is the question. The villagers in Anaktuvuk Pass are the last inland Eskimos left. They have been so often interviewed that they greet an incoming plane with a smiling readiness to answer questions; the white people they have met have been geologist, archaeologists, ethnologists, botanists, zoologists, limnologists, soil scientists and experts from the Arctic Institute. The Eskimos seem to feel that the outside world is composed of educated people concerned with Eskimo lore. Some of them, like Simon Paneak, have appeared in so many erudite books that they are intellectual figures and are called upon to correct manuscripts. But today there are a lot more visitors to Anaktuvuk Pass, and not just questioners. A boom is on. Eskimos are being trained to work on oil rigs, a pipeline is projected that will go through the pass to Prudhoe Bay and a winter road has been completed to the oilfields.

In the thin afternoon light, so uniformly blue and shadowless it seems as if the world has suddenly turned pale, Anaktuvuk Pass looks unreal. It is the last area in the world where one would expect that a major industrial development could cause concern. All that space—wild, virginal. But the facts are inescapable. If there were ever a place where progress and conservation come into direct confrontation it is the Brooks Range. For the first time in history the alternatives are absolute. There is an untouched wilderness on one hand and an enormous natural resource on the other. Industry has never before had such a clear opportunity to develop the resource and still preserve the wilderness. There are two causes to be served. Perhaps, with unusual thought and care, both can be served.

SOME ECONOMIC AND SOCIAL IMPLICATIONS OF THE PROPOSED ARCTIC INTERNATIONAL WILDLIFE RANGE

(By Peter H. Pearse)

PROBLEMS AND OBJECTIVES

The purpose of the proposal for an Arctic International Wildlife Range is to ensure that a large parcel of public domain in the Northwestern Yukon will be developed in a way that will best serve the public interest. The implication of this is that without special status for these lands, there is danger that significant values will be lost. There is justification for this apprehension. Examples of alarming damage to land, wildlife and native societies resulting from industrial activities in the frail ecological conditions of the arctic are well known. The proposal is aimed not at preventing productive uses of resources, but rather at providing a set of institutional and legal arrangements that will ensure that all values, however intangible, will be considered so that the ultimate pattern of development will yield maximum benefits to society as a whole.

In a mixed capitalistic economy like Canada's, we normally depend upon market forces to steer productive resources to their highest and best use. Where all products are priced, and the competitive system works well, private owners will allocate their resources to that use, or combination of uses that will yield the highest return. And if the market is working perfectly, that pattern of use will maximize not only private returns but will generate the highest social returns as well.

But in the case of the arctic ranges we cannot depend on the market to produce the optimum result. In the first place, the resource base is not privately owned. The policy of public retention of title means that the land will not go to the highest bidder who would put it to its most productive use. Rights and privileges to specific resources are allocated separately to separate groups who have little incentive to weigh the effects of their activities on the values that accrue to others.

Secondly, many of the values generated are not priced in the market place, so that the market cannot automatically register all the benefits and costs of development activities. Where only some values and costs are registered and considered by developers, but their actions have implications for other values, their maximization of returns cannot be expected to yield the best result for society as a whole. It must fall to the public landlord to ensure that all values are weighed in an unbiased way, regardless of the difficulties in assessing them.

Thirdly, the market can be expected to efficiently achieve socially desirable results only if decision-makers have full knowledge of the results of their actions. Our knowledge about the subtle effects of arctic activities on the environment is rudimentary. Experience suggests that apparently innocuous actions often have profound and lasting effects on ecological conditions. More serious ecological damage may be, for all intents and purposes, irreversible. The long run social interest therefore demands special caution in development planning.

Finally, some values, if they are to be preserved at all, must be preserved on a large scale. A wild species cannot be protected by preservation of only part of its required range or habitat. Wilderness preserved in very small units is meaningless. Similarly, a way of life or a social structure is not viable unless it encompasses a large enough number of people. All these values are relevant in the area covered by the arctic range proposal. The scale of project required to protect these values is often beyond the capacities of private enterprise, and hence their perpetuation and development depends on the action of governments.

All these considerations imply the need for close government control of resource development projects. The urgency of the proposal for special status for the Northwest corner of the Yukon, stems from the possibly enormous industrial activity associated with future oil and gas recovery in or near the area. The evidence of experts suggests that serious ecological damage has resulted from such

activities elsewhere in the arctic as a result of a failure to recognise some of the values at stake, ignorance, and a lack of clear public policy (Cowan: 1969). The present proposal is an attempt to ensure that this waste is not repeated in an area where non-industrial values are conspicuously important.

The specific non-industrial values at stake in the area covered by the proposal will be completely described by other participants in this conference. Given the need for close government control, the remainder of this paper is directed to the problems of assessing these values, of determining the required degree of compromise between competing demands as resources, and of providing administrative arrangements capable of ensuring that the optimum result will be achieved.

ASSESSMENT OF NONINDUSTRIAL VALUES

Most natural resources are capable of yielding streams of benefits through time, and these benefits can take a wide variety of forms. The ultimate objective of the public landlord is to see to it that resources are used in a way that will maximize the values they generate; not in any one use alone, but in the aggregate of various possible combinations of uses that have social value.

The design of criteria for judging the adequacy of any particular resource use pattern in meeting this general objective involves some difficult problems, particularly when the management requirements for different kinds of values are not entirely complementary. The value of each form of benefit must be estimated whether it is priced on the market or not; benefits that will accrue in the future must be counted as well as those in the present; the degree of compatibility of different demands on the resource base must be analysed to reveal the trade-off between them; and it is necessary to discover how the intensity of one form of use affects other values. In fact, of course, governments deal with these problems every day in deciding how public resources will be used (although we may often question the rigor and completeness of their analyses). Economics offers general criteria for assessing the efficiency of resource use in meeting given objectives. But economists are compelled to look to others for specification of the objectives on the one hand and for information about resource capabilities on the other.

In the case of the proposed Arctic International Wildlife Range, a variety of values must be considered. The area probably contains mineral and petroleum deposits of commercial value. It may offer the least expensive route for an oil pipeline from North Alaska to southern markets. The tundra and boreal forest support commercial fur species, and the coast provides a base for harvesting the resources of the Arctic Sea. In addition to these obvious commercial values, the area yields more subtle benefits which are more difficult to evaluate. It provides critical habitat for an enormous variety of wildlife species including some, such as caribou and falcons, which are becoming increasingly rare. It supports native Indians and Eskimos in their original way of life. And it offers unique opportunities for reaction, appreciation and study in one of the world's most interesting and important geographical regions.

Resources demanded for industrial purposes are relatively easy to assess. Their value is the difference between the value of the product and the cost of extracting the raw material, transporting it and preparing it for the market. The net value usually takes the form of private profits and government rents, royalties and taxes generated in the process. One conspicuous problem in evaluating industrial resources surrounds certain costs associated with the utilization processes that are not borne by the private user nor registered in the marketplace. These include the "external" costs of pollution, ecological damage, dislocation of other activities and so on. These costs of production are difficult to evaluate, but from the point of view of society as a whole they are real costs nevertheless (Jarrett: 1966).

Non-industrial values present more basic problems of assessment. Recreational and aesthetic values, educational and cultural values, and the special value of preserving unique features of nature all fall into this category, and are important in the arctic range proposal. Economists have made significant progress recently in developing and refining techniques for estimating the economic value of recreational resources, even where the recreational opportunities are provided free to users. Pearse and Bowden; 1969). The procedures involve the use of indirect evidence to determine how much recreationists would be willing to pay for access to the resources rather than abstain from the recreation. These techniques are capable of providing useable estimates of recreational values where the resources involved are not unique and where the benefits of the recreation activity accrues entirely to the recreationists themselves.

Where the resources include unique and irreplaceable features of nature, however, an evaluation based solely on the appreciation of participants is inadequate. Others, who may never visit the site, may value preservation of its natural characteristics simply because they value the option of being able to appreciate it or the opportunity for their heirs to appreciate it in the future. Unique resources thus share some of the characteristics of irreplaceable works of art. Many people value the preservation of unique works of art in the same way that they are willing to support preservation of the Serengeti National Park in Africa, Niagara Falls, whooping cranes and buffalo, even though they may never expect to see them. Destruction of these features would eliminate forever the opportunity to appreciate them, and the loss of this option would represent a loss to all future generations. This "museum value", associated with unique and irreplaceable features of nature, provides special cause for restraint in considering projects that would permanently alter their natural characteristics (Krutilla et al: 1970). Uniqueness and irreplaceability are not common characteristics of recreational resources, but they are important features in the Arctic, where the ecosystem can so easily and permanently be disturbed by human activity.

That people value the natural wilderness of the Arctic is evidenced by the public outcry over reports of its destruction, and the response of governments with measures to protect it. We also observe general public support for a rather expensive programme for protecting the whooping crane from extinction. It is by no means irrational for people to value the preservation of rare or unique featues of their natural heritage, even if the direct enjoyment of them accrues to others.

Similar arguments apply to educational and cultural values. The Arctic supports a unique cultural heritage which is threatened by major disruption. Whether the native people would be better off with a different social organization is an open question; but the advocates of change and the native people themselves must recognise that the traditional way of life, once destroyed, can never be reconstructed.

The value of resources for most purposes can be observed to rise through time with economic and population growth. A general characteristic of this trend is the relatively more rapid rise in the non-industrial value of specific sites. As technology advances, the requirements of industry can be met in an increasing variety of ways. New resources are found, and substitute sources of energy and materials are developed. Industry becomes less and less dependent upon particular resources and on particular sites, so that the relative value of any one resource deposit or site declines through time. Economic advance effectively frees industry from dependence on particular sites and resources. But evaluations of industrial resources do not ordinarily take account of these trends.

At the same time, economic growth produces higher incomes, more leisure time and greater mobility, producing a growing demand for recreation and appreciation of the environment. But technology is not capable of increasing the natural resources available for recreation in the same way that it expands opportunities for industry, and so the recreational value of resources is seen to increase rapidly. The certain continuation of these trends suggests that in choosing between the alternatives of preservation of nature and industrial uses which have permanently damaging effects, we should err on the side of preservation (Krutilla: 1967).

Significantly, the category of outdoor recreation demand that shows most rapid growth is that associated with wilderness-type recreational opportunities. In North America, during recent decades, it has been the most remote and undeveloped parks and recreational sites that have shown the sharpest increase in visitation rates (Clawson and Knetsch: 1966). Studies show, also, that it is these resources which are valued highest by recreationists. These facts have important implications for resource management. If part of the value of a recreational experience lies in solitude and an atmosphere of unspoiled wilderness, large numbers of visitors will dissipate the value of the resource. As a result, resource managers are increasingly concerned about policies directed toward stimulating ever more tourism with consequent increasing pressures on resources. In an artic wildlife range, this is undoubtedly a serious matter. The kind of attractions offered by the Arctic suggest that the recreational and aesthetic values can be preserved only with low densities of visitors.

Tourism, which is often claimed as an important economic benefit, tends to be overvalued. The plethora of statistical reports on tourism typically show the gross spending of tourists, implying that this figure represents the value gained by the economy. But gross expenditures fail to take account of the costs involved in providing the goods and services purchased by tourists; and in view of the pattern of most tourist spending, these costs are likely to be close to the prices paid by tourists. The net gain, through the relatively competitive industries of accommodation, catering and travel services, is likely to be a very small fraction of gross spending. The additional consideration that large numbers of people can damage the quality of a wilderness experience suggests that a general policy of promoting tourism to wilderness sites deserves to be questioned.

NATIONALIZATION OF COMPETING DEMANDS

The ecological damage associated with some mineral and petroleum projects in the past was often unnecessary: it resulted from understandable ignorance of the effects, or from a lack of knowledge about alternative methods that would have been less destructive. Often, incentives to minimize damage were absent, because public policies failed to provide for recognition of ecological implications of industrial practices. In many cases, all parties were worse off as a result, including the industrialists who subsequently suffered public criticism.

Whenever it is technically possible to pursue industrial activities without adverse affects on other values, and without imposing additional costs on industry, the required public policy is simply to prescribe clear rules of behavior and provide adequate surveillance. Even if protection of the environment involves some small extra costs, industrialists are likely to co-operate willingly to avoid adverse criticism later.

This explains, in part, the value of the arctic range proposals. By providing legal status for the areas which ensures recogni-

tion of non-industrial values, attention will be focused on the need to protect these other values. Explicit standards of development will then become essential, and within these rules industry can proceed with certainty.

But it is probably naive to hope that the optimum degree of protection for the environment can always be achieved with insignificant extra costs to industrial activities. Frequently, protection and restoration of natural conditions will be costly, and if both industrial and non-industrial values are to be enjoyed, some compromise is necessary.

Multiple use is not a panacea for resource development problems, and the integration of conflicting demands raises difficult questions in practice. First, the degree to which different forms of use are technically compatible must be ascertained. To the extent that different values conflict, more of one form of development is possible only at the expense of others. Second, given the alternative combinations of uses that are technically possible, the best combination can be selected only with reference to the different values of the products. The optimum pattern of development is that in which any more of one use would generate a value that is just matched by the loss it imposes in other values. In the same way, extra spending on environmental protection is justified just so long as it preserves values that exceed the extra costs (Pearse: 1969).

The most difficult *technical* problem in designing optimum resource use patterns lies in determining the feasible combinations of uses and the extent to which they impinge on each other. The most complex *economic* problem consists in evaluating non-marketed benefits; in calculating the social value of intangible and often vicarious satisfactions referred to earlier. In addition, there are the problems facing public administrators in devising machinery and institutions for achievement of the desired results. For political authorities, there is the problem of reconciling the interests of different groups of people and regions.

DISTRIBUTION OF BENEFITS AND COSTS

Any decisions about how resources will be used has implications for the distribution of economic welfare among economic groups and among regions. These effects are seldom given the study they deserve. The arctic range proposal raises especially important questions about the distribution of benefits because the region is isolated, the indigenous population is a conspicuously low income group, and the benefits of industrial development will accrue to distinctly different people from those who benefit from non-industrial values (Scott: 1968). If the distribution of income was the same everywhere, and the government's scope of jurisdiction covered everyone affected, we might be indifferent about these effects; but this is clearly not the case.

Because the resources under consideration fall under the jurisdiction of the national government, the appropriate point of reference appears to be that of the nation as a whole. This is important, because the pattern of resource use that will maximize values to the nation will probably differ from that which would maximize values to the Territory, or to specific communities of people. A national point of view implies that benefits that accrue to people outside any subsidiary jurisdiction must be counted, but, on the other hand benefits that accrue to foreigners should be excluded. A few examples will serve to illustrate the importance of this point. The private profits and government royalties generated through mineral exploitations must be regarded as benefits to the extent that the corporate shareholders are nationals and the royalties are paid to the national government. But none of these is likely to be a significant benefit to the particular area in which the exploitation takes place. Free recreational opportunities typically benefit visitors from a wide region, only a fraction of whom are resident in the local area. Preservation of nature untouched may provide esoteric forms of enjoyment for people from elsewhere, but may interfere with the ability of local people to enhance their own welfare. Some kinds of development must be considered beneficial to a local community, but from the national point of view there may be no net gain if the development would otherwise take place in other communities.

Thus the sphere of reference of the planners is extremely important because the different points of view of different jurisdictions inevitably lead them to advocate different policies. In fact, any proposal for development in the Arctic is unlikely to be successful unless it can be shown to benefit not only the nation as a whole but also the specific communities most directly affected. In the extreme, a resource development plan might be explicitly designed as an instrument for enhancing the welfare of local communities and people, as are many of Canada's current regional development plans. The point of this discussion is that planners must be provided with guides not only to the relative values of competing uses of the resource base, but also to the relative weights to put on the competing interests of various groups.

RÉSUMÉ: PROBLEMS AND APPROACHES

This brief outline of some of the social and economic implications of the arctic range proposal is sufficient only to identify certain important considerations inherent in the scheme. The main conclusions to be drawn from this discussion are the following:

1. No values at stake here are absolute, in the sense that society, or any part of it, could not survive without them. The proposal reflects a contention, nevertheless, that preservation of certain natural features of the northwest corner of the Yukon is sufficiently valuable to warrant explicit recognition in public policies for development of the area.

2. Adequate provision for these non-industrial values cannot be expected to be made automatically. The market mechanisms fail to register the value of benefits that are not priced, and production of them is beyond the capacities of private enterprise. Moreover, although responsibility for optimizing the pattern of resource development must rest with public authorities, general resource use policies do not ensure adequate provision for non-industrial values (Thompson: 1970).

3. Where resources yield benefits that vary in kind, development plans demand assessment of all values, including those that are not priced in the market. Non-marked values are often extremely difficult to measure in comparable economic terms. Some, such as recreational values, can be estimated with recently-developed indirect techniques. Others, such as the value of preservation of wild species and unique features of nature can be judged only arbitrarily, by the force of public opinion as articulated through the social value of preserving natural features because public evaluation is so difficult to articulate. The benefits that accrue to recreationists are direct, but are not priced. In addition, others, who do not visit the site, derive satisfaction from knowledge of the existence and preservation of natural features. Society clearly benefits simply from preservation of the opportunity for direct appreciation of unique natural features. In addition, appreciation of these things is in large part a learning process: public evaluation of arctic wilderness may be restricted because of its inaccessibility. In the future, however, with easier transport and higher incomes, public knowledge about the arctic and its attractions can be expected to grow. Finally, we know that the value of something increases as alternatives to it are reduced. As wilderness environments become ever more scarce, the value of the preserved sites rises, just as a park in the centre of a city rises in value as the open space beyond the city becomes more remote.

4. Sometimes, conservation objectives can be accommodated by extractive industries without any increase in costs. This happy situation is unfortunately rare: measures to protect the environment usually involve some costs that industry would not otherwise incur. Wherever the pursuit of one source of value prejudices other values, the most difficult problems of multiple use arise. Economics provides clear criteria for the solution, although the data required are seldom readily available.

5. Once the best programme of resource development is specified, successful results depend critically on clear and explicit rules and standards of behaviour for resource users. Uncertainty or vagueness in either specification of standards or administration of them are sources of inevitable conflict and frustration, particularly when competing interests are involved. Similarly, success can be achieved only if appropriate institutions and administrative arrangements exist for executing plans, maintaining respectful and responsive liaison with the various groups involved, surveillance, and enforcement. We have a long way to go in designing efficient administrative agencies and procedures.

6. A programme that specifies which resources will be developed, in what intensity, and which will be sacrificed, inevitably prescribes, at the same time, which group will gain and which will lose under the plan. Resource planners cannot ignore the implications of their recommendations for the distribution of wealth. This is particularly serious where the beneficiaries of competing forms of resource use show widely varient income levels. Similar problems arise where the beneficiaries (or those who must bear the costs) of different uses are spread over different jurisdictions. Then the interests of different jurisdictions can be expected to conflict, and politically delicate compromises are often required.

7. In view of our inexperience with well-integrated resource development, the solution of many of these problems depends on research and experimentation. Our knowledge of purely technical problems is nowhere more inadequate than in the arctic. But this is also an area where mistakes resulting from ignorance can be most costly, because they are often irreversible. Time is short. We know that the extractive industries are eyeing the northwest Yukon, and will not wait patiently for other interests to do their homework. With so much depending on advance research and preparation, and so much of it to do, the time to begin is now.

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ARCTIC INTERNATIONAL WILDLIFE RANGE CONFERENCE SUMMARY

(By Richard M. Leonard)

Friends of Canada: We are fortunate indeed to be here with you with such magnificent country to the north, great people there, and fascinating wildlife. The history of the country is fascinating too. The ancestors of the people now there, came 23,000 years ago, and lived in this area that we are now discussing. Some of them went by as early as 30,000 years ago, because we have datings of aboriginal sites farther south as far back as that. It was a little less than 200 years ago that Alexander Mackenzie came down the great river, leading the fur bearers to the delta in which we now have oil production. It was a little over 200 years ago that the great British explorer Captain Cook, came up from the Antarctic and the South Seas, through Bering Straits and into the Arctic Ocean. He thus lead the way for the whalers of Canada, Great Britain, and New England who came into this country about 150 years ago and explored the north coast. It was just 54 years ago that the first wildlife treaty between Canada and the United States was signed, the Migratory Bird Treaty that is a forerunner, a precedent, for the cooperative work that we are talking about here, of establishing a wildlife range equivalent to that established ten years ago in Alaska. We would hope possibly in another ten years or less that the two Wildlife Ranges in Canada and Alaska could be coordinated as a truly international project.

To show the interest in this, it was just a year ago that the American Association for the Advancement of Science held a special conference on the Arctic at Fairbanks. It was just last year also that the Tundra Conference, more fully known as the Conference on Productivity and Conservation in the Circumpolar Lands, was held at Edmonton, not so far away. Then we also heard today of the recent Montebello Conference on Arctic Research. So you can see that the present problems of the Arctic are of great concern throughout North America, and particularly to the people of Canada.

I have attended a number of conferences of this type, and to my mind it has been fascinating to see the continuity of thought among the committees that were given responsibilities for portions of the total thought that had to be put into this program. It was particularly interesting to see the unanimity of conclusions. Someone said that it looked like they had all been written out ahead of time, but Dr. Fuller can tell you that that is not true, because we finished the last one just a few moments ago.

I think one of the clearest conclusions of the conference has been that the rights of the aboriginal people of North America, and particularly here in Canada, must be fully respected—legally, morally and ethically. We have with us the Chief of the Old Crow Band of Indians. We have also representatives from the Eskimos on the Arctic coast. They represent to my mind the type of life and culture that is extremely important to technological people of the world—a way of life that has existed here without interruption for 23,000 years or more, living in balance with the wildlife of the range and the wildlife of North America. It is fascinating to realize that if those people moved only a half a mile a year, they reached Patagonia during the time that we are discussing.

So one of the primary purposes of the proposed Arctic Wildlife Range was stated to be the protection of the primitive rights of the aboriginal people—their right to live in the way of life that they *have* lived, and to continue that as long as they wish—to make transitions to technological society if and when they wish to and not be forced to. This is one of the important conclusions of the conference.

One of the primary questions at the beginning of the conference was why was *this* area to be chosen? To my mind one of the most important reasons that I heard throughout the conference was that this area was free of ice during the time of the great Pleistocene ice sheets which extended clear down to the Ohio River in the United States. During that time, with so much of the Bering Sea locked up in the ice sheets of Central Canada, the hardy aboriginal people were able to come across and leave evidence of their occupation 23,000 years ago in this very area that we are now considering. Because of freedom in this area from the general continental glaciation, there is a rich biotic diversity that has provided the genetic source for restocking the "new" postglacial land of the rest of the Arctic of Canada. So much of what was wiped out by the Ice Age of the Pleistocene in the rest of Canada was preserved in this area. Thus you have the endemic species, not only of plants, but animals, that are very, very ancient, and are slowly spreading out to other areas.

You have here also a fascinating combination of:

(1) *Arctic Coast* with marine mammals; the polar bear, the seal, the whale.

(2) *High mountains* close by, rising to 9,239 feet just to the west in the Alaskan part of the Brooks Range; rising as high as 6,000 feet in the mountains of the range we are speaking of in the Yukon.

(3) *Old Crow Flats*—An entirely different type of terrain, fascinating, with a multitude of lakes and rich wildlife.

In the Arctic International Wildlife Range of Canada, the area proposed has some of the major populations of interesting wildlife that do not occur elsewhere in as large a number or on as well balanced a range. You have the caribou, which is an international herd, possibly 140,000 head. This area protects major wintering grounds, although caribou do range widely. You have the wild fowl which are protected by treaty, migrate as far as India, Africa, and down to Argentina; rich populations of muskrats, an important source of livelihood for the Old Crow Band; the grizzly bear which is a vanishing species throughout North America; and the falcon, an imperiled species itself. Part of these animals have been classified by Dr. Leopold as sedentary; that is, the muskrat and the marmots don't wander very far; the lemmings sometimes try to, but they really don't go any great distance. Then you have the migratory types, particularly caribou and the magnificent wolves that travel with them. The Scientific American every September has a special issue on a particular subject and this issue it is the biosphere, with analyses of all the different things that go into the life cycles. There they pointed out that a land can grow only so many calories of food. Those calories would be eaten by some of the vegetarians such as the caribou, which would convert about ten per cent of what they eat into the meat of their own bodies. Then that lichen, converted into meat, would be eaten by wolves as carnivores. Finally the decay elements would reduce lichen, caribou and wolves all back into soil again.

So we have a balanced continuing life process there that has been in excellent balance since long before the Ice Ages. There can be in this particular portion of the Arctic an ecologically balanced range of over 18 million acres, when we plan the possibility of a Wildlife Reserve of 9 million acres on the Canadian side of the International Line. One of the real reasons for selecting in the Canadian Arctic this area is that 10 years ago we were fortunate that the United States set aside 9 million acres on the Alaskan side of the boundary. This covers the summer range of the porcupine caribou herd on the Arctic coast of Alaska. We have an opportunity now to have a combined ecological unit of the magnificent size so necessary in the delicate Arctic. While we have all recognized that even this would not be large enough to encompass the entire range of the caribou, it still would be a very good range. It would be an important reason for establishing a reservation on the Yukon side of the International Line, if it is possible.

Boundaries were discussed, and to my mind it was fascinating again to see the unanimity of thought in the separate committees. The conservatism of the organizing committee was commendable in not attempting to outline an unrealistic goal. The scientific work of those who were involved in the committees expanded the concept on sound grounds. The boundaries now suggested start at Demarcation Point, more or less, where the International Boundary reaches the Arctic Ocean. Thence south along the Boundary to the Porcupine River, a magnificent stream. Up the Porcupine through the Old Crow Flats, to the Bell River, which is the eastern most river of the southern part of the Wildlife Range. Then from the headwaters where the Bell comes from the hydrographic divide, down the eastern branch of the Blow River, to the Arctic Ocean again.

The Arctic International Wildlife Range should include within its boundaries, and under its protection, the Continental Shelf at least far enough out to protect the polar bear coming in on the ice packs near shore, the seals and the whales. Such protection would be of benefit to the native people because it would prevent international competition inside the 3-mile limit.

To establish an Arctic International Wildlife Range in Canada with boundaries down to the Porcupine would then provide a biological unit with Alaska. We would hope that with encouragement from Canada, the United States would then extend the boundary of the Arctic National Wildlife Range in Alaska at least down to the Porcupine, and at least as far west as the Chandalar.

There was a good point made that boundaries should be drawn on ridges rather than rivers. I strongly agree with that in principle, because I have seen a number of wilderness proposals pretty much wrecked on the realization that one side of the river would be nonwilderness and the other side wilderness. Similarly here you would have one side of the river and its valley with the protection of the Wildlife Range, and the other side not. It would be wise, if practical, to extend the boundaries to the eastern hydrographic ridges of the Bell and the Blow Rivers.

The use of this area would be primarily for wilderness use. I happen to be one of those purists who feels that wilderness has its own rights, even if there were no people whatsoever, and even if nobody ever got into it. I strongly believe that the wilderness and the wildlife have ethical, moral, sacred rights that should be protected. The aboriginal people, living in their traditional way, come within that definition. They have been here for at least 23,000 years in this area, in complete balance with the wildlife and the wilderness conditions. They have been able to live in dignity, to cooperate with the wildlife and to continue their fine way of life. To my mind, the aboriginals fit into the wilderness life of the Wildlife Range.

However, other rights must also be considered. I come from San Francisco, a technological center that they call "civilization," but I am not so sure that it is as civilized as the gentler, more peaceful life of the Old

Crow Band. But technological man does have the voting power in the United States, Canada and elsewhere, so we have to carefully consider his point of view. In this regard, you have the pre-existing oil and gas permits which cover essentially the entire Old Crow country, the Arctic Coast, and even some of the mountain areas. You have mining claims. I am encouraged to hear that there is practically no problem with placer claims. All those claims for oil, gas and minerals must be respected under Canadian law and under the Constitution of the United States in our country. Those private rights, long established, are legally correct and morally proper under our concept of the way our civilization has been built up. For those reasons, National Park status is not practical in this area. At least that was the conclusion of the committees and was mentioned in connection with the resolution as the reason why National Park status was not proposed.

For the same reason, it is my understanding that section 18(a) of the Canadian law (the Territorial Lands Act) would not be practical to preserve this as a game sanctuary. This is because, again, it would eliminate all contrary human uses, even aboriginal hunting, and would cut down the ability to regulate the game population, and the possibility of native guides for hunting. But a wildlife preserve under section 18(e) of the Act, as one of the many land management zones that are to be set up throughout the Arctic, could serve very well. Such a concept should be approved by the Yukon Territorial government, through the Councilors, some of whom, particularly Mr. Mike Stutter of Dawson City, and Norman Chamberlist of Whitehorse, have been with us throughout the conference. If they approve, the reserve could be handled under the Territorial Game Ordinance. Padraig O'Donahue, legal advisor to Yukon Territory, has offered to help with the legal draftsmanship of carrying out the principle.

A wildlife reserve under section 18(e) of the Canadian law would then permit the concept of multiple use which was referred to in the resolutions. The first of these uses of course would be full protection on a priority basis of the aboriginal native rights—the rights to harvest the game and the fish for their own use. We would also need immediate inventory of all the assets that are there—the various species of plant life, animal life, and their balance. Then continuing research and dissemination of that information throughout Canada and into the United States so that we could correlate it with similar information in the 9 million acres of the Alaska Wildlife Range.

This would lead to help in carrying out multiple uses of the area with protection of the species and the populations of animal life and plant life that are now in the area. Multiple use would permit sport hunting and fishing which could be handled on a basis that would protect the range against overuse by overpopulations of any particular species. Multiple use would also permit, of course, the continuing search for oil, with exploration and development. It would permit pipelines to carry out oil or gas, or even to carry through from the Mackenzie delta region, or from the west from the United States, if this can be done without danger to the primary values of the reserve. That, of course, is being analyzed at the present time in the United States, and that is why, as all of you know, that the pipeline permit for construction of the pipeline by the old consortium called TAPS has been held up for about a year and a half now, because we don't yet have enough information to be sure that it can be done safely.

I have met with those folks frequently, in all parts of Alaska, from Prudhoe Bay down into the United States. All of them are sincere, realizing that they have a moral and a legal obligation to protect the country and its environment. The only question that has really been raised during this year and a half is whether we know enough yet to put hot oil at 170 degrees temperature into a four-foot pipeline for 800 miles, much of it through permafrost, over mountain ranges, and across major, exceedingly-active earthquake faults. Mining, and even the use of gravel, is another use. One that was brought up in the last resolution is the sad threat of the SST's heavy sonic booms. Simply because the Arctic is considered worthless as compared with the rest of Canada and the United States, people from Ottawa to Vancouver, or from San Francisco to New York won't get boomed, but the people on the Old Crow lands and at Arctic Village will be boomed. People at Fairbanks won't get boomed because they have so many glass windows that would get knocked out, so the planes will have to slow down before they get there.

Well, then we come back to how to provide for all these multiple uses. I want to emphasize again that the priority in the resolutions has been for the aboriginal uses as they have developed over the past thousands of years, and the protection or the game under the land use regulations which Canada is now developing. The Legal Committee went into this very thoroughly. I am a member of the Legal Committee and as a member of the International Institute of Environmental Law, I won't take much time on your part to consider these problems. The job of a lawyer, as John Naysmith said, is to carry out the wishes and instructions of the people who asked him to do a job. The Legal Committee has determined that it is entirely practical under existing law of Canada to accomplish these purposes, and to accomplish them effectively, in the way and with the priorities that I have outlined.

The reservation of the area as a widlife preserve would be compatible with basic aboriginal claims to the land which they have occupied for so long. Moreover, such protection of the area as a game reserve, with assured native hunting for their own needs, would be beneficial to the native people, because reserve status would protect the land and the game against other adverse uses. Such status as a wildlife reserve would tend to provide greater care against possible accidents in technological use of the area than could occur if we had unrestricted development, without careful thought of protecting natural values. The Management Authority is proposed to have representatives from the appropriate legal bodies within the territorial government of the Yukon, the federal government of Canada, the Old Crow Band of Indians, and at least some representation from the general public through the continuing active committee of this conference. Such administration as a "land management zone" under section 3A of the Territorial Lands Act could achieve maximum protection of sensitive environmental values.

The plan also would be to work out international cooperation with the United States, particularly so that those engaged in research or in use of the area, or just in wilderness enjoyment of it, could have freedom to travel back and forth across the international boundary as you should do in an international park. We have quite a number of International parks in the world—Glacier Park of the United States and Waterton Lakes of Canada; Ghana, Dahomey and Nigeria; Uganda, Ruanda-Urundi and the Congo are examples.

The final resolution was to establish a continuing committee, broken up into two sections, a Canadian section and a United States section. The Canadian section is to carry forward the recommendations of this conference, put them into understandable language, and present them through channels to the appropriate governmental bodies that would have the power to carry the recommendations into effect. This, of course, would have to have the approval of the Council of the government of Yukon Territory.

The committee would also have the duty of continuing work to strengthen the program and to see that it was carried out.

These committees will be charged to hold regular meetings at orderly intervals so that they can actually keep working and see that something is accomplished from the work of this conference. So often a conference of this kind can make good resolutions, but they are filed away at the end of the conference and nothing further happens. It is the intention this time to try to see that something effective does happen to provide protection for the aboriginal people of this magnificent country and for the wildlife that has been there so long. Thank you.

THE CONSTITUTION AND THE COURT—ADDRESS BY SENATOR KENNEDY

Mr. HART. Mr. President, the past few weeks have brought many speeches and articles and statements focusing on the Supreme Court vacancies and how they should be filled. But few that I have seen delve so deeply into the reason why the quality of the current appointments is so vital as an address by our colleague, the senior Senator from Massachusetts, at the man of achievement award dinner of the Anti-Defamation League of B'Nai Brith in New York on October 19. Senator KENNEDY's exploration of the relationship between the nature of these appointments and the future of liberty in America merits close study by all Senators. I ask unanimous consent it be printed in the RECORD.

ADDRESS BY SENATOR EDWARD M. KENNEDY TO AWARD DINNER OF B'NAI BRITH ANTI-DEFAMATION LEAGUE—NEW YORK—OCTOBER 19, 1971

For all of us who share the goals of liberty, equality, and progress for all mankind, these are difficult and troubling days. In Asia, the war continues, sowing death and spreading violence throughout Indochina. On the Indian sub-continent, millions of Pakistani refugees cry out for help. In the Middle East, Israel remains surrounded by forces sworn to demolish her. In Russia, Soviet Jews wait anxiously for a chance to be free. And here at home, 6% of the work force are jobless; even our policemen cannot walk the streets in safety; our cities are running out of money; and our Supreme Court is threatened with destruction.

As a nation we have the power to help solve each of these problems if we wish. Why can't we take the Paris peace talks seriously, and within weeks have our troops out of South Vietnam and our prisoners of war home from North Vietnam? Why can't we use our influence in Pakistan not only for getting Henry Kissinger to Peking, but also for ending the suffering in East Pakistan? Why can't we offer Israel the planes she needs to defend herself?

Why can't we speak up for freedom for Russia's Jews? Why can't we try again to enact truly effective employment legislation? Why can't we pass a comprehensive national gun control law? And why can't we make sure that federal revenues go to people, not to monumental canals, white elephant aircraft, and wealthy farm corporations?

Those questions all deserve answers, but it is the need to save the Supreme Court that I want to discuss tonight, for it is a challenge all of us must address in the next few days or weeks. No American can escape involvement, and no American can avoid responsibility. The silence of those who stand mute will be fully counted in the balance,

and they will share the blame if the wrong decisions are made, decisions that may control the quality of American life and American liberty for decades to come. The issue transcends party and politics, for it strikes at the very heart of the social compact which makes us one nation, at the shared birthright that makes us free men, at the legacy of Constitutional democracy we hold in trust for those who follow. And so each of us will have to ask ourselves what value we place upon the penned words on the yellow parchment surrounded by inert gas in the glass case in the United States Archives. We call it our Constitution, but is it itself inert or alive? Is it kept in a vault just because it is unique and antique, or because we revere and respect it?

It defines a government of shared and limited powers. It divides that government into three parts, each providing checks and balances for the others. It lets the people choose two parts and lets those two parts join in choosing the third. The President, it says, shall nominate, and with the advice and consent of the Senate, appoint, United States judges. It gives judges life terms so that they will be free of political influence and independent of partisan pressure. Then it lays down rules for the President and the legislature and the Judiciary, general rules like due process of law and equal protection of the law, freedoms like speech and press and assembly, specific protections like those against unreasonable searches and seizures and forced self-incrimination.

Most of us rarely have to think about those structures and balances and rules—we take them for granted. But now we must think about them, for our commitment to them may be severely tested.

Let me be blunt. The men who are involved in the selection of Supreme Court nominees, Richard Nixon, John Mitchell, and, I understand, John Connally, remind me of the people who used to put "Impeach Earl Warren" signs out on the highways. They are repelled by the kinds of decisions the Warren Court made, and they would like to select Justices who will make the opposite kinds of decisions. If we look at the decisions of the Warren Court which most offend them, perhaps we can understand why they are having such a hard time finding candidates who meet that test, and why those they do find are so undistinguished.

First, the Warren Court stood for the proposition that 90 years after the 13th, 14th, and 15th Amendments to the Constitution, officially enforced separation of citizens by skin color was unacceptable. Then the Court decided that after 175 years of increasingly lopsided legislative apportionment, the Constitution required that "Legislators represent people, not acres or trees." Finally, the Court decreed that poor defendants are entitled to the same Constitutional protections as rich ones, that those protections attach as soon as a suspect is deprived of his liberty, and that an accused must be told of his rights before he can be assumed to have waived them.

Those developments hardly sound radical to me. The only thing surprising about them is that they took so long to enunciate. What kind of person is uncomfortable with the idea that a black child ought to be permitted to go to school with a white child? What kind of mind is troubled by the proposition that city and suburban people ought to be as well represented in the legislature as country people? What kind of American is upset that a poor suspect—presumed innocent—should have legal counsel before being thrown into jail?

Certainly in the year 1971 the President is going to have a hard time finding any lawyers of stature and eminence who hold those beliefs.

Of course, there is another way of getting Justices who will undo the work of the Warren Court. That is to choose nominees who the President thinks are so obviously unqualified for Supreme Court service that they will forever remain beholden to him. Or as the Federalist papers so aptly put it in describing why the Senate was to have a role, nominees whose only merit is "possessing the necessary insignificance and pliancy to render them the obsequious instruments of [the President's] pleasure."

By either or both of these routes, the Administration last week brought its first six candidates for the current two vacancies to the trial balloon stage. Despite the possibility that one or more might get through the Senate, as a group they reflected utter contempt for the Court by whoever chose them.

Of course, the columnists and humorists have had a field day. The suggestion is made that the first six were put forth just to make the next six seem good by comparison. Or that what Richard Nixon really wants is nine Richard Nixons on the Court. Or that he hopes the Senate will continue to reject his nominees until there is no one at all left on the Court.

But it is not a laughing matter. The issues the Court must deal with in the immediate future are key to the preservation of our liberty as we know it. And perhaps in that fact lies the answer to the Administration's obsession with finding compliant Justices. For the people responsible for filling four Supreme Court vacancies in less than three years are the same people who have played fast and loose with the Constitution for nearly three years. And only the judiciary has kept them from playing faster and looser.

The men at the Executive levers of justice have trampled on traditions and ideals and principles of justice. They see the Constitution as a burden, an obstruction to be overcome, as a technical barrier to be avoided when inconvenient, evaded where possible, and ignored if necessary. Pledged by oath to preserve, protect, and defend the Constitution, instead they defile, dilute, and debase it. Proclaiming that they will strictly construe it, rather they constrict and destroy it. Slowly, stealthily, they arrogate to themselves the powers that the Constitution meant to be shared and powers that the Constitution never meant government to have at all. They spin a web of rhetoric to hide their depredations against our freedoms. "Watch what we do, not what we say", they warn us; but all we can see is a shell game where they are not doing what they are saying, or saying what they are doing.

They wear buttons that say, "We care about Congress." But they will not tell Congress the whole story about military spying on civilians, about foreign aid plans, or about so-called national security wiretapping.

They wear American flag pins, but for the first time since King George they have succeeded in imposing prior restraints on that most basic American ideal, freedom of the press, managing to keep the nation's papers from printing the truth about the war the whole time the House and Senate were voting on this year's anti-war amendments.

They cry for "law and order," and so they institute criminal proceedings against Daniel Ellsberg in a matter of hours, convene two grand juries, call his friends and mother-in-law and young son to testify, and grant them immunity where necessary to get them to talk. But they take 15 months to decide that the killing in cold blood of 4 unarmed students at Kent State requires no grand jury, no sworn witnesses, no immunity.

They claim that they are using electronic surveillance sparingly, but no one will ever know, because they do three to nine times as many days of tapping and bugging without court orders as they do with judicial permission. And they will not tell us what the "clear and present danger to the structure or existence of the Government" is which supposedly entitles them to spy electronically on domestic groups without court scrutiny.

They argue that bugging and tapping and undercover spying are necessary to get intelligence on dangerous groups, but they are so unprepared for the Mayday conflict that their only recourse is to suspend the Constitution, arrest anyone and everyone, forget about due process and evidence and probable cause, forget about humane detention, and instead of apologizing, recommend their methods to local officials, so that they too can crow the familiar cry: "We made the busses run on time."

They say that they care about Vietnam Veterans, but when the veterans assemble in Washington to plead for an end to the war, the same government which sent them eight thousand miles to sleep in the mud of Indochina sues to keep them from sleeping on the grass of the Capital.

They deny that they are repressing dissent, but they issue an unprecedented and probably unlawful Executive order directing the dormant and powerless—but dangerous—Subversive Activities Control Board to start checking up not only on dissident groups but also on those who have "sympathetic association" with them.

They say they are for civil rights, but somehow the Black Caucus gets left waiting at the White House door for a year and a half, the federal education specialists and lawyers seeking school desegregation get the rug pulled out from under them, and the bills to give the Equal Employment Opportunity Commission enforcement powers and to extend the Voting Rights Act run into Administration opposition.

They say they don't want only "yes-men" around, but Pat Moynihan, Walter Hickel, James Farmer, James Allen, Cliff Alexander, Terry Lenzner, and Leon Panetta find that there's no room for "no-men."

They say that they want the young and poor to work within and through the system, but they try to emasculate the Legal Services Program, dismantle the Poverty Program, and head off the 18 year old vote, and they reject the Scranton Commission plea for reconciling leadership.

The list could go on, but the point is apparent enough already. The letter and the spirit of the Constitution have been stretched to the breaking point by those who are going to choose the interpreters of the Constitution.

Yet only strong, independent Courts can call the Executive to task. The Supreme Court itself had to step in to preserve freedom of the press, even if belatedly. An appeals court said flatly that domestic wiretapping without court order violated the Constitution, and the High Court has the case. Another Appeals Court threw out almost all the Mayday cases and made the government return the bail money and call back the arrest records. Another federal court blasted the government for its handling of the Veterans. The Supreme Court had to straighten out the Attorney General on school desegregation. And a State Supreme Court refused to throw out a case based on the same Kent State facts that left the Attorney General unmoved, or at least unmoving. The S.A.C.B. order is already under court review.

So there has been and will be a conflict of interest of the grossest magnitude. To succeed in debilitating the Constitution, the Administration must first debilitate the Court. And the President has part of the power to do so. He need only eschew excellence, discourage eminence, disqualify intelligence, minimize experience, bar fairness, greatness and sensitivity in his nominations. He need only follow the advice of those who say mediocrity has a right to be represented on the Court.

But I hope he will not. As a citizen, I hope he will come to realize how important the Constitution is to the citizenry. As a lawyer, I hope he will recognize the need to have Justices who merit the respect of other judges and the bar. As a Senator, I hope he will not cause another divisive battle that embarrasses his friends as much as it outrages his opponents.

It is not too late to start the process over on the right track. It is not too late to call back the first six names before the American Bar Committee meets tommorow. It is not too late to find two nominees who so clearly reflect credit on themselves and their sponsors that they will be confirmed with dispatch and enthusiasm. If the President needs help finding them, we in the Senate will be ready with our advice as the Constitution itself directs. For we would much rather give our advice than deny our consent.

HONORING MARY E. SWITZER

Mr. DOLE. Mr. President, Mary E. Switzer's imprint on the world will never be erased. Her tragic death from cancer terminated her lifelong devotion to the needs of the handicapped, yet her programs and goals will continue to enhance those whom she compassionately served.

A list or measure of Miss Switzer's contributions during her 47-year Federal career is indeed difficult to summarize. Even in these last 2 years during her retirement, she continued to share her loving heart and vigorous mind in behalf of the handicapped.

An individual of both great empathy and benevolence, Miss Switzer persisted in a laborious journey for 20 years as Director of Federal-State programs of Vocational Rehabilitation Services for the Handicapped. As Administrator of the Vocational Rehabilitation Administration and of the Social and Rehabilitation Service, Miss Switzer led reforms and helped enact legislation which made meaningful lives for those who could not struggle for themselves.

She was responsible for helping enact legislation to alter the single grant system to a multiprogram approach to disability and rehabilitation, as well as for establishing a separate system of grants for different areas in rehabilitation. The 1965 amendments, for which Miss Switzer arduously worked, improved rehabilitation in many areas. The passage of these amendments created: the National Commission on Architectural Barriers, grants to speed improvement of workshops for the handicapped, the construction of new rehabilitation facilities, and funding for statewide planning in rehabilitation in each State.

Miss Switzer's devoted years of service spanned practically the same 50 years that the vocational rehabilitation program has been in existence. In honor of the golden anniversary of the program, Miss Switzer said:

It seems to me the special charge that I would leave to you—at the Federal Office, to the State officials, to the voluntary groups who can be gadflies to all of us—is to remember what made this program great. And what made it great must and will be the only thing that will keep it great: That the public attitude that is communicated to the people served is a matter of caring, and that every single thing that is done has to be motivated by that deep personal, emotional commitment to an individual. This cannot be muted or watered down, giving up this personal contact. From the top to the bottom, this is the essential ingredient that makes rehabilitation unique, desired and successful.

Miss Switzer's outstanding contributions to the handicapped were indeed motivated by her deep personal, emotional commitment to individuals. Not only will her great accomplishments remain, but also her strong and compassionate image will continue to serve as an ideal for all of us.

THE GENOCIDE CONVENTION IS UNDER THE CONSTITUTION

Mr. PROXMIRE. Mr. President, one of the more frequent arguments raised against the Senate ratifying the Genocide Convention is that under article VI of the Constitution the Convention will become the supreme law of the land. Some claim it will supersede all laws of Congress and even the Constitution itself. Once entrapped in the Convention there will be no escape, it is feared.

Although containing a grain of truth, there is a major flaw in this line of thinking. Article VI of our Constitution states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land . . .

Note that this article says nothing about treaties being supreme over the Constitution or acts of Congress. Rather, treaties are in a category with the Constitution and acts of Congress which are supreme over State constitutions and State laws.

The U.S. Supreme Court in *Reid* v. *Covert*, 353 U.S. 1, the controlling precedent in this area, has made very clear the relationship among the Constitution, acts of Congress, and treaties. All acts of Congress and treaties must conform to the Constitution. Where they do not they are null and void. Thus the freedoms of speech, press, right to a fair and impartial trial, and all our freedoms guaranteed by the Bill of Rights will not be affected in any way by our ratification of the Genocide Convention.

Furthermore, the Supreme Court held in the same decision that whenever a treaty and an act of Congress are in conflict the last enacted is controlling. Thus the Congress, by simple legislation, could supersede any part of the Genocide Convention any time it wished.

The argument that ratification of the Genocide Convention will wreak havoc with our legal system is without foundation. According to clear and controlling precedent this is not the case. The Genocide Convention is under the Constitution.

Mr. President, I urge the Senate to ratify the Genocide Convention.

EROSION OF POSITION OF THE AMERICAN UNIVERSITY

Mr. BUCKLEY. Mr. President, I have recently come across a particularly perceptive essay on the erosion of the position of the American university to which I wish to invite the attention of the Senate. The essay, entitled, "Power, Authority, and University Administration," was written by Prof. Stephen J. Tonsor, of the University of Michigan. While most readers will no doubt disagree to a larger or smaller extent with some of his criticisms and recommendations, I feel that few careful observers of recent trends in American higher education cannot fail to be deeply impressed by his thoughtful analysis of the root causes for the undeniable deterioration of the authority of our colleges and universities. By authority I mean their ability to command public respect and confidence through their effective commitment to the cause of education, to what he terms "the life of the mind."

I ask unanimous consent that Professor Tonsor's essay be printed in the RECORD.

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

POWER, AUTHORITY, AND UNIVERSITY ADMINISTRATION

(By Stephen J. Tonsor)

Men have always been puzzled by both power and authority. The source of either is mysterious and the uses of either unclear. They are quite commonly confused so that men and institutions who attempt to convert authority into power discover that spiritual realities cannot be defined in terms of Newtonian mechanics and those who seek to translate power into authority learn that no human undertaking is so difficult as the legitimation of coercion.

In recent times no one has said of either a university president or an educational institution as St. Matthew said of Jesus, "For he taught them as one having authority, and not as the scribes." John Searl, former vice-chancellor for student affairs of the University of California at Berkeley, has remarked that "the unreality of the New-Left is its most touching quality." Only the New-Left should seriously propose that the university campus was a great power center whose capture by the New Left would enable it to revolutionize the parent society. The fact is clear and unmistakable that in 1971 the university possesses neither authority nor power. It is equally clear that it can have no power in our society until it regains its authority and that the power which it will then be able to exert will have no relationship to the power which Chairman Mao asserts grows out of the barrel of a gun. Its power then will consist in its ability to move men by rational argument, experience, precedent, tradition and the tested wisdom of examined experiment and fulfilled prophesy. No spiritual institution, no intellectual proposition can command obedience or move men finally by coercion. Ultimately in the realm of the mind, either men freely accept or become hypocrites, still unconvinced of anything except the ability of naked force to harm and destroy.

It is clear then that the authority which the university possesses is a social authority freely given by the whole of society, just as the support and financing of the university is, in the final analysis, social. The university can not, consequently, exercise its authority or sustain itself if it loses sight of the wholeness of society and places its resources at the command of a financial or cultural elite or permits itself to be exploited and victimized by a deviant minority group bent upon aggrandizement and tyranny. As soon as it becomes apparent in any society that those things which in some sense are the property of all are in the possession and use of the few, no matter how fine their morals and how noble their characters, the society denounces

its allegiance and withdraws its support. Moreover the very exercise of proctorship by the self-selected elite in such a situation is vastly corrupting and personally corrosive. Those who, above all others, should persuade through reasoned discourse are tempted to apologize, to lie and to coerce.

The university does not belong to the students; it does not belong to the faculty; it does not belong to any special pressure group in the society that happens to feel the call to revolution or a prophetic mission. The university belongs to the whole of the society or the corporate reality which brought it into existence and which sustains it. Consequently those violations of trust, in which administrators in the decade past have either assumed powers which they did not possess or have, out of weakness, surrendered powers to faculty and students which were not theirs to surrender, have weakened the authority of the university. Every administrator who capitulates before a "non-negotiable demand" sacrifices the authority of his institution to the power of a minority. However, not only does he "deauthorize" the institution, making it impossible for the college or university to educate, but he cuts off his institution from the support and the good will of the society as a whole.

PREEMPTION AND OCCUPATION

The destructive influences of minority groups of students and social activists in subverting and corrupting the educational ideals and processes of the colleegs and universities is well known. Less well known, but no less destructive of the institutional authority of the university, is the fashion in which certain views and schools of thought preempt and occupy all the positions available within departments and even whole disciplines. In the fields of the humanities and sciences there is hardly a proposition which goes beyond the restatement of primitive folk-truth which is not the subject of widespread and informed debate. That debate is not simply a debate between the forces of tradition and innovation, between the status quo and the forces of change. On the contrary, it is a debate which in every instance calls into question the very basis in reality of the opposed parties' vision of the truth. In the social sciences and the humanities there is no Truth but only partial truths, while in the natural sciences Sir Karl Popper has taught us to mistrust any generalization which does not suggest a maximum of experiments aimed at its detsruction. How odd then that whole disciplines have fallen under the sway of unprovable hypotheses and undemonstrated theorems. Moreover, debate is excluded and dissenting voices are silenced. In sociology, psychology, political science and every other discipline which deals either scientifically or speculatively with the nature of man and his society debate is eschewed and an unconsidered orthodoxy is established.

In these great matters which concern man and his society the humanist and the social scientist carry over into their science the overt and even the unconscious commitments of their daily lives. The point from which one starts does make a difference. Religious commitment or a lack of it does make a difference in philosophy; a specific political commitment does make a difference in the theory of the political scientists; a particular view of man's nature does make a difference in the work of the critic and the vision of a poet. How then are we to explain the virtual exclusion of certain views from university faculties?

In the Fall of 1969 the Carnegie Commission on Higher Education took a survey sample of 60,447 faculty members in American universities. These faculty members were asked to characterize themselves politically "at the present time." In the discipline of Sociology, for example, 80.8 percent of the professors surveyed identified themselves as liberals or leftists. One tenth of one percent identified themselves as "strongly conservative." How, one is compelled to ask, is debate on fundamental social issues possible when there is such overwhelming uniformity of political and theoretical social commitment? Sociology is not an anomoly. Most of the "social sciences" and the humanities show a distribution not remarkably different.

In many colleges and universities the field of the study of religion is totally excluded. Universities with professors whose specialty is the religion of Tibet do not have a single professor who specializes in Judaism or Christianity. It may be true that religion is one of the most pervasive and fundamental of man's activities, but this fact is simply unrecognized by many colleges and universities. The fashionable agnosticism and atheism of most faculty members ought to be of concern to college administrators. That those whose vocation is the exploration, understanding and transmission and criticism of ideas in a society should be alienated from and hostile to its formative influence should be a matter for anxiety. It is customary, of course, to argue that such questions are inconsequential to the discovery of truth and effective education and yet we would be justified in expressing concern were a scientist to assert that he was convinced that nature was chaotic and that there was no possibility, even in terms of probability, of anticipating regularity.

UNIVERSITY DISCRIMINATION

Finally, the community at large distrusts university faculties because they are so homogenous in terms of religion, race and sex. For the first time Negroes are finding on faculties an acknowledgment that the experience of being Negro does make a difference in the way one perceives the subject-matter of the social sciences and the humanities. To be black, for example, ought to sensitize one in a special way to the economic costs of prejudice and the social costs of lawlessness. To be black ought to sensitize one in a special way to the promise of American institutions and ought to instill in one an intense dedication to the success of American ideals. I anticipate that in the long run the impact of Negro scholarship and Negro perceptions on the intellectual life of the university cannot constitute anything but an enrichment. That enrichment cannot, however, take place if the Negro scholar withdraws into his own courses and segregates himself from the conflict of ideas and the noise of debate which should characterize every university campus.

What the Negro is on the point of achieving is still denied both to women and to Roman Catholics. To be sure, there is token representation of both groups on most faculties, especially those of state universities, but neither group has been permitted to make its full contribution to the life and scholarship of contemporary society. We are all acquainted with the role which 19th century liberalism played in dispelling the clouds of prejudice which surrounded both women and Catholics, but we need now to reassert those principles with respect to university teaching.

We must do so because the very integrity of the university is at stake. It has been the classical liberal credo for two centuries that the exploration of the truth is a free-wheeling scramble and can only result from an open and thorough debate of every issue. Classical liberals believe that the source of an idea is unimportant and that one ought not to be too proud to pick an idea out of the gutter, provided a likely one can be found there. If, however, the disciplines are closed to new initiatives and ideas, if faculties are limited to men with particular experiences, if the discussable theories are exclusively those generated by a particular economic or political position, then increasingly the society will find it difficult to accept the claim that it is an open and disinterested forum. If the university wishes to reestablish its authority in the society, the first step it must take is to build competition, dissent and intellectual variety into its faculty and provide those institutional arrangements which will serve to protect and foster rather than penalize and frustrate differences. The university is one of the few places in our society in which strength does not follow from unity.

Not only the lack of diversity among faculty and administrators but the lack of modesty has in the recent past led to the deauthorization of the university. Our society has found it increasingly difficult to accept the arrogant pronouncements of university faculties with respect to virtually every controverted social, economic, cultural and political question which faces our society. It is the role of the intellectual to make clear alternatives, to assess costs, to anticipate consequences. It is not the role of the intellectual, in a society such as ours, to act as a proctor and choose for us. This is especially true when the best of men and the greatest of talents are divided as to what right action should be. The contemporary liberal leftist has been all too willing to employ the authority of the university to force conformity to his views. The consequences has been the steady erosion of the authority of the university and increasing reliance on the part of the liberal-leftist on coercion and power.

The university cannot and ought not speak with one voice on any subject. Professors and students ought not to involve their institutions in the controversies of the society. Those compulsive newspaper advertisements in which intellectuals proclaim their support of the current orthodoxies and to which they are careful always to append their institutional identification remind one of nothing so much as the patent medicine recommendations which once filled working-class and farm weeklies. As citizens the professor and the intellectual have an obligation both to speak out and to choose. As a representative of an institution, the same professor has an obligation to debate, to explore, to define and to discuss. When he speaks, however, he ought not to invoke the authority of the institution and he ought to be certain that he speaks, qua professor, within the limits of his professional competence. Medical facilities ought not to speak on the subject of harvesting grapes, microbiologists on the subject of Soviet-American relations, sociologists on the subject of theology. It is a sobering truth that most contemporary intellectuals cannot distinguish an opinion from a fact. They are convinced that thinking makes it so and they employ the Ph.D. in the way in which Southern sheriffs of a decade ago were said to have employed electrical cattle prods. How pleasant it would be to hear even one professor say when pressed by a television interviewer in the course of a discussion of a controversial topic, "I don't know." I cannot recall a single instance of that sort.

THE PRIMARY COMMITMENT

Lastly, the public authority of the university is dependent upon its commitment to research and education rather than a general willingness to perform any task anyone or any group in society at large imposes on it. The university is not a general-purpose social institution. It is not suited to the solution of social problems, the amelioration of misery and misfortune, the reformation of character, or the transformation of culture. To be sure, the university produces skills and knowledge which will achieve all these ends, but it does not and cannot directly perform any of them. When a university gets into the building of low-rent housing, and that not even for students, as is the case at Stanford, the university is quite simply disloyal to its

primary commitment. Some students at the University of Michigan are now demanding that the University provide "free" health care to all the children of the community in which the University is located. It could do so only by neglecting its fundamental commitment. The university is not engaged in the cure of souls; it is not engaged in organizing for political and social revolution; it is not in the business of providing necessary social or health services. Sometimes specific services are a by-product of the teaching and research function of the university, but they are never to be thought of as a part of its mission.

University administrators, characterized as they are by an inability to say "no," have been responsible for wide diversion of university energies and funds to non-educational projects. The university has lost the respect of the public because in its determination to answer every call and meet every demand which the society voices it has ceased to perform its central educational role well. It has, to paraphrase Ignatius of Loyola, "gained the whole world and suffered the loss of its own soul."

In his Godkin Lectures at Harvard in 1963, one year before the advent of the "free speech" movement at Berkeley, Clark Kerr noted that, "The university is so many things to so many different people that it must, of necessity, be partially at war with itself." But not only is it at war with itself, it is at war with important segments of its society. The demands which it seeks to meet are not reconcilable and the conflicting roles which it seeks to play are not compatible. There can not be a restoration of the authority of the university until the university returns to its primary role as teacher. To be sure, the maintenance and criticism of the cultural tradition, the development and preservation of method and research in the pursuit of new knowledge are all important ancillary activities, but they are ancillary and must always be subordinated to the teaching function.

If a university is to be a free market-place of ideas, it must in fact be totally open. Classified research, whatever the social benefits of that research, has no place at a university. Professor Edward Teller has now repeatedly recommended and urged the abandonment of all secret research, insisting that declassification will have the great merit of stimulating the growth of knowledge and technique. To a classical liberal this argument seems at least plausible. However, even though declassification might not be in the public interest, universities must insist that the research they perform be open and freely discussable.

Research institutes and research professors whose essential commitment falls outside the realm of teaching should not be associated with the university. Both are terribly important in our society, but both bring pressures to bear on the structure of university education which will, in the not so very long run, destroy it.

It is quite possible that the state universities, due to a tradition which goes all the way back to the Northwest Ordinance and which found its most typical expression in the Morrill Act will find it impossible to break the ties to service and research which the state thrusts upon them. If that indeed is the case we have been provided with yet another argument for taking the state out of the business of education altogether.

TECHNICIANS OF ADJUSTMENT

Even were the university to eschew all the tasks and beguilements thrust upon it by society and decide to live in uncorrupted innocence and poverty, it is unlikely that it would regain its authority in society so long as it refuses to exercise such authority as it still possesses. So long as university administrations are not the masters in their own house they are ill-equipped to exert any degree of mastery in the world outside. At the present time the typical university president is the amoeba-like victim of every aggressive group on campus. Their powers of ingestion and cooperation have been enormous and such success as they have had in keeping the universities functioning, even at a minimal level, has followed from the fact that they have, to date, been able to meet virtually every demand, no matter how outrageous, with a concession. They have not been educational statesmen—not even educational bureaucrats—rather, they have been technicians of adjustment. As a consequence, they have taught a generation of students, faculty and influence-seekers inside and outside the university that power rather than principle counts; that no argument will be heard unless it is accompanied by the sound of breaking glass; that there is no virtue in rationality and no persuasiveness in debates unless it is reinforced with threats of arson and violence. The technician of adjustment has substituted the power of naked and open aggression for the authority of reasoned discourse.

In many instance the current style of university administrators has succumbed to violence and power because, anti-intellectual by nature, they distrusted the play of mind, the open debate and the laborous process by which ideas are examined and tested. A number of them such as Clark Kerr and Robben Fleming derived their previous experience in the field of labor arbitration where the essential problems are dealt with by adroitly balancing power rather than by protecting the consumer. Clark Kerr described this new style multiversity president aptly when he wrote: "The president in the multiversity is leader, educator, initiator, wielder of power, he is also officeholder, caretaker, inheritor, concensus seeker, persuader, bottleneck. But he is mostly a mediator."

If the university is to regain its lost authority in American society, it must find university administrators who see their mission in providing something more than, again as Clark Kerr so ably expressed it, "football for the alumni, parking for the faculty, and sex for the students." The university and college president must once more play the role of educational statesman. He must set the policy, establish the priorities and create the conditions which will make it possible for his institution to accomplish its objective.

Above all he must have a clear vision of what that objective is. The terrible sense of drift in American higher education must be dispelled. Institutions must regain some sense of their uniqueness and their purpose. Church related colleges must refuse to undergo further secularization, the coeducational mania must be resisted by those few schools which still believe that the separation of the sexes makes educational sense, the liberal arts college must resist the temptation to turn itself into a diminutive state university and those schools which pride themselves on a tradition of curricular experimentation or on religious or social homogeneity or diversity must continue their separate and unique ways. It is only, however, through the determined leadership of an individual or individuals indifferent to the homogenizing pressures of contemporary American society that this objective can be achieved.

INTRANSIENT FACULTY

Any college or university president who at the present moment determines to make his institution unique in mission, curriculum, instructional method, student body or educational philosophy will discover very quickly that his great enemy is not the alumni, or the board of trustees, or even the student body but his own faculty. That faculty in the years following the second world war achieved by administrative default and through its improved bargaining position an autonomy which is entirely incompatible with the smooth functioning of the college and university.

There are, to be sure, areas of college and university education in which the faculty is sovereign. They are not, however, those areas of sovereignty usually marked out by faculties. Very obviously, the faculty member either singly or as the member of a corporate body determines educational standards, has control over course content and conduct in the classroom and is the final authority in matters of grades and certification. The faculty cannot and should not even attempt to legislate in matters of curriculum, conduct, budget, or institutional administration. Faculty meetings are neither political nor legislative bodies. In their present form they resemble nothing so much as a Polish parliament. At their best they should be consultative bodies in which the educational needs of the institution are discussed and in which administrative policy is implemented.

No faculty member is capable of seeing the full needs or the total advantage of the institution. No faculty body is capable of legislating well for the whole institution. One must ignore two decades of faculty self-seeking and self-serving in order to assume that faculties are more highly motivated or more nobly minded than students or administration. If we are to judge faculties on the basis of faculty decisions, the ideal university would be one in which there was maximum pay, minimum professional and personal standards of conduct and very little teaching. Indeed, faculties like other selfish guilds and groups generally confuse their selfish interests with the welfare of the community.

THE POWER TO DECIDE

Only the administration together with the trustees can effectively set goals and determine policy. Trustees represent the whole corporate body of the institution. They constitute both its social and temporal dimension. They keep the institution true to itself and responsive to the society which it serves. Ultimately all decisions in the institution are political decisions and the governing board is the only truly political body within the institution. It does in fact possess a constituency and exercises a legitimate power. All other bodies within the university exercise powers which are either derivative or usurped. When institutional governing boards are tied most closely to their constituency through a process of frequent elections as in the case of many state institutions they are apt to be both more responsive and more responsible than when they are either self-perpetuating or are elected or appointed for long terms. Whatever the short-comings of the democratic process it cannot compare in the matter of institutional governance with the irresponsibility which has frequently characterized governing boards without an articulate and powerful political constituency.

Although the governing board is the policy making instrument within the institution and the ultimate source of power, it exercises its authority through the administration, and its policies, in the final analysis, are formulated by the administration. The administration consults with the faculty and formulates and carries out the will of the governing body.

It is obvious that the relationship between the administration and the governing board must be one of trust and confidence, but while it is a truism it must also be added that the confidence and trust which governing boards exhibit is not infrequently abused. After all, trustees and regents are active, busy men badgered and harassed by a multitude of demands. They have a short attention span, an even shorter memory and they are ill-informed and for the most part ill-

prepared to govern the institutions which they guide. Their chief and almost their only source of knowledge concerning the institution is the administration of the college or university and as a consequence they find themselves rubber-stamping administration decisions without sufficient examination or discussion of the policies from the decisions flow. I believe it is necessary, given the current condition of higher education, to provide governing boards with a secretary independent of the administration. The secretary to the governing board will be charged not with policy formation or day to day administration but rather with an investigative role. His task would entail the examination of administration proposals, budgets and appointments. He would provide the necessary extramural expertise which alone can insure that the decisions of the administration fall into line with the policy of the governing board. His investigative role will be especially important in budgetary and personnel matters.

THE STUDENT'S ROLE

Since 1964 it has frequently been assumed that students should have a special role in university governance. Disciplinary matters have frequently been placed in the hands of student governments and increasingly students have been given a role in the determination of matters which are and have been the distinctive province of the faculty. Today at major universities students determine course offerings, decide on questions of accreditation and examination, pass on questions of academic discipline, and now seek to pass on appointments, salary increases and tenure. A number of the elite colleges and universities have recently appointed student members to their governing bodies. Many of these concessions to the youth culture and the cult of relevance have been made in the genuine desire to make the university responsive to student needs. Where those needs are educational students are remarkably ill prepared to judge or to pass on policy. Secondary school education unfits most students for an intelligent role in institutional governance in his first two years and his lack of experience, his bias and interests, and finally his fleeting institutional connection preclude both the commitment and the long view which intelligent policy formulation demands. Moreover student government is notoriously the province of the alienated busybodies and future political hacks. Hardly an able or highly motivated intellectual is to be found in its ranks. After reading high school and college newspapers for a number of years the failure of young adults in the 21–30 year age bracket become explicable.

The point of effective student control over his education is the moment when he chooses a college or university. His choice, of course, is never irrevocable and he can always vote, as students have often voted, with his feet. Student governance beyond this point is unthinkable and no self-respecting faculty member who is concerned for the integrity of his discipline and his right to teach will prostrate himself and his discipline before a student tyranny. It has, of course, been observed that student activists and the contemporary administrators are natural allies. Both love committee meetings, both place power above principle and both are deeply antiintellectual.

Finally, the administration must be given adequate freedom by the governing body to carry through the day to day policy decisions and operation of the institution. Governing bodies must establish, in consultation with the administration, policy and budget. They must check regularly to see that day to day policy and appointments are in keeping with the institutional objectives established by the governing board, but they must not attempt to perform the functions of the administration. The most important choice any governing board makes is in the appointment of a president. They should not be afraid to change their minds if the man they appoint is too little in harmony with policies of the governing board. At the present time there seems to be a reluctance to fire a college president, even when he deliberately lies to the governing board.

The whole question of student discipline in matters both of academic and personal conduct is much disputed at the present time. Most of the elite universities and colleges have gone over to the motion that any conduct short of a felony is permissible on the part of either faculty or students and that if a court of law disciplines a student, further and other institutional discipline would represent "double jeopardy" and would be unfair, illegal and inadmissible. This argument demands that every closed community accept any behavior on the part of its members regardless of its special nature or function so long as that behavior does not represent a serious violation of the law of the land. In short this argument would prevent colleges and universities from establishing special standards of conduct and academic behavior applicable only to the intermural community. We are asked to believe that medicine, the law, the ministry, and virtually every other special community or guild possesses an ethical standard and a pattern of guild behavior enforced by the community—with the exception of the special status of college and university students.

But at the same time the student claims an exemption from institutional standards he claims an exemption from the laws and commonly held standards of his society. Administrators and students alike seem to envision the campus as an extraterritorial enclave where the rules of civility and the laws of the polity do not prevail. For nearly a decade members of the so called youth culture have been advising the young not to trust anyone over thirty, though the one abiding impression left with the public is that the young believe, or at least believed until recently, that no matter how outrageous their behavior the society at large would make excuses and would temper the wind to the shorn lambs. The idea that local police forces should be excluded from the campus, that felonies involving drug abuse and other campus criminal activities should not be punished in the courts, that violence should be tolerated as a form of legitimate protest and that once a student has been arrested the legal resources of the institution should be made available to him all presuppose a separate and extralegal status for students which no sane society can countenance. The time came some centuries ago when it was no longer possible to plead a clerical status and have one's case removed from the common courts. If universities and colleges are to renew and maintain their status and authority in American life, the citizenry at large will need some assurance that there is, in fact, equal justice under the law and not preferential treatment for the college offender.

THE FUNDING PROBLEM

Every reform and every movement to return the colleges and universities to their essential function will fail unless it is accompanied by a systematic reform of the funding of higher education. The call for full cost tuition in the paper by Goodrich and Rogge is the single most important reform which it is possible to make in the field of education generally. It is especially important in higher education because nothing has so corrupted college and university education as what Robert Nesbit has called "the higher capitalism." The "higher capitalism" means that colleagues and universities have sold out to foundations, government and every group requesting research or service and capable of paying for it. The lure of money has been used for three decades to distract and divert institutions of higher education from their instructional mission. Professors are aware that the rewards lie in areas outside the classroom and students know that professors no longer take teaching seriously.

Clark Kerr remarked in the Godkin lectures of 1963, "There seems to be a 'point of no return' after which research, consulting, graduate instruction become so absorbing that faculty efforts can no longer be concentrated on under-graduate instruction as they once were." And then Kerr adds, "How to escape the cruel paradox that a superior faculty results in an inferior concern for undergraduate teaching is one of our more pressing problems." The distortions in instructional program, the burdening of the university with institutes, centers, programs which initially appear to enrich the institution but then steadily impoverish it, consuming its scarce resources and diverting its talents and energies, the rise of research entrepreneur and the center empire builder come to exercise more power than departmental chairmen; all have taken place in an institution which has traditionally expressed its contempt for business and the ethos of the used car dealer. Taxes, gifts, foundation grants, federal subsidies on a lavish scale and contract research cannot pay the educational bill and if we are to reintroduce order in the house of intellect we must pass the costs of higher education to the only person who can and should pay the bill; the student.

When the student foots the bill many of the present distortions in higher education will disappear. There will, in the first place, be some honesty in cost accounting and undergraduate tuitions will not be used as they currently are at many major universities to subsidize an inordinantly extensive program of graduate studies. Expensive innovation in instruction will show up immediately in increased tuition costs and the "research professor" whose chief function is to lend intellectual distinction to his institution through his publication record will be a thing of the past. Professors will once more teach three, three-hour courses per semester and students will find that professors are responsive to their needs and their requests. It may seem odd that enabling students to pay full cost tuitions is a more likely way to give students an effective voice in their educations than placing them on governing boards.

Curriculum and instruction will once more be both responsive and relevant, and it will provide the wide variety of training necessary both to the individual and the society. It is absurd to believe that once the source of income has shifted from government and the foundations to the student the "vice presidents for development" and the legislative coordinators will not soon find themselves seeing students and their parents.

Moreover students forced to pay full cost tuition, even though repayment of the debt is spread over a lifetime of earnings, will calculate the relative advantages of alternative educational programs with some increased care. It is quite possible that there will be a shift away from the current pattern of the AB degree to increasing vocationalism and professionalism. The emphasis will once more be on marketable skills and the development of talent rather than the acquisition of status.

There are a number of programs in the planning stage and several at the level of implementation which will enable students to borrow a substantial portion or all of their college tuitions and repay it through an income tax or social security payroll type deduction system. A number of these programs go beyond the field of college and university training and open up the field of government guaranteed loans to students who wish to pursue any field of study for which they are qualified. These programs are of intense interest for those Americans concerned

with educational reform because they will increase educational diversity and because they will make both the educational institution and the student responsible.

No one action or program will restore the authority of higher education in America. But unless that authority is restored the university will drift increasingly into the orbit of petty power politics. It will be administered by time serving men and be the prey of power breakers within the institution, bent not on achieving the educational goals of the institution but on gaining some momentary and trivial political advantage. In the final analysis the college and the university will discover that they cannot function in the world of power, that education and coercion are incompatible and that the price of their continued existence is a rededication to the life of the mind and the master-student relationship and the authority in education and society which derive from these educational commonplaces.

SOLAR ENERGY: THE ANDERSONS' PROPOSAL

Mr. GRAVEL. Mr. President, suppose it were possible, for a mini-investment of about $1 million, to show this country and others that man's so-called future energy crisis is a myth, and that we could produce abundant, economical, and safe electricity—as well as fresh water—from sea-thermal power.

Suppose a prototype sea-thermal electrical plant could be in operation 4 years from today.

Two engineers, James Hilbert Anderson, senior and junior, say it can be done.

WHO ARE THE ANDERSONS?

Mr. Anderson, Sr., is very well known in the turbomachinery world. In 1969, he designed the vapor turbine and other parts of the new Magmamax process of making electricity from geothermal hot water; the prototype 9-megawatt plant is expected to be in operation next year at Brady Hot Springs, Nev. Prior to becoming an independent consultant in 1963, Mr. Anderson was chief engineer at the York Corp., a division of Borg-Warner, where he designed the company's entire line of centrifugal compressors. He has probably designed more compressors and turbomachinery handling halo-carbons and hydrocarbons than any other man in the world today. His son, James, Junior, received his degrees in mechanical and electrical engineering from MIT in 1963 and 1966.

CAN SEA-THERMAL POWER COMPETE ECONOMICALLY?

In their papers, the Andersons explain why earlier attempts at sea-thermal electricity were economic failures, and why their design will be an economic success—providing electricity at about $200 per installed kilowatt with zero fuel costs.

By comparison, new contacts for nuclear powerplants are running now at $225 to $250 per installed kilowatt for base construction cost without fuel. Interest during construction and escalation will significantly raise the figure, so that the cost—in 1971 dollars—of a nuclear powerplant ordered now for operation in 1978 is estimated at $340 to $420 per installed kilowatt without fuel. Nuclear fuel costs for a 1,000-megawatt/electrical plant are estimated at $30 million for the first loading, and about $10 million per year after that.

POWER FROM THE SUN BY WAY OF THE SEA

Sea-thermal power is a form of solar energy; the oceans collect the sun's heat, and its uneven distribution in ocean layers provides the opportunity to generate electricity with a heat engine.

According to the Andersons, there are facts and data to back up each of the following statements:

First, there is more warm and cold water near the shores of the continents than we can ever require to make power and fresh water for all the world.

Second, the Andersons have conceived a sea thermal plant which uses the thermal temperature gradients of the ocean with a simple vapor turbine cycle to make electricity.

Third, sea thermal plants are safe and simple; they do not pollute the air and water with radioactivity, noxious gases, or particles.

Fourth, the United States has the materials, technology, and machinery to build these plants now; no colossal expenditures for research and development are necessary.

TECHNICAL PAPERS APPENDED

Mr. President, I ask unanimous consent to place the following papers in the RECORD at the end of my remarks:

First. "The Sea Plant: A Source of Power, Water, and Food Without Pollution," by J. H. Anderson; presented May 12, 1971, at the 1971 International Solar Energy Society Conference at the Goddard Space Flight Center, Greenbelt, Md.

Second. "Power From the Sun by Way of the Sea?" by J. Hilbert Anderson, consulting engineer, and by James H. Anderson, Jr., Lt. (jg), U.S. Navy; part 1 published in Power magazine, January 1965.

Third. "Power From the Sun by Way of the Sea?" part 2, published in Power magazine, February 1965.

Fourth. "Large-Scale Sea Thermal Power," by J. Hilbert Anderson and James H. Anderson, Jr., consulting engineers; presented at the winter annual meeting of the American Society of Mechanical Engineers, November 1965; ASME publication 65–WA/SOL–6.

Fifth. "The Expansion Turbine," by J. Hilbert Anderson, consulting engineer; presented at the winter annual meeting of the American Society of Mechanical Engineers, November 1965; ASME publication 65–WA/GTP–13.

FINDING FLAWS—AN INVITATION TO CRITICS

I am not an engineer, and I cannot vouch for the flawlessness of those papers. It seems likely that, if the Atomic Energy Commission can still put out seriously flawed plans on nuclear electricity after 20 years of work and $3 billion tax dollars spent, we can expect at least a few flaws in the first papers about sea-thermal electricity.

The Andersons are eager for qualified people to review and challenge their work in its concept, its details, and its economic and ecological soundness. I hope that its availability in the RECORD will accelerate that process. Unfortunately, the diagrams and graphs cannot be included here, but the Andersons will make them available on request. Their office is at 1615 Hillock Lane, York, Pa. 17403.

ADDITIONAL REFERENCES

Additional references on this subject include:

"Power in the Year 2001, Part 2," by Samuel Walters, in Mechanical Engineering, October 1971.

"Deep Ocean Water as a Resource," by R. D. Gerard and O. A. Roels, in Journal of the Society of Marine Technology, September-October 1970.

"A Possible Breakthrough of Exploiting Thermal Power From the Sea," by Hui-Tzeng Ting, in Combustion magazine, August 1970.

"Ocean Power Generation," in Oceanology, June 15, 1966.

"Switch on the Sun," in Christian Science Monitor, March 21, 1966.

"Thermal Power From Seawater," Mechanical Engineering, April 1966.

"Resources From the Sea," by Isaacs, Science and Technology, June 1963.

WHY FLOAT A RADIOACTIVE FUTURE?

Sea-thermal power may be of particular interest to people who dislike the idea of "floating" nuclear powerplants holding lethal radioactive loads just 3 miles off the coast of Atlantic City, N.J., as currently proposed.

The Andersons say:

> With present-day electric transmission costs, we would be able to demonstrate definite economic as well as ecological benefits for New Jersey to build a sea thermal power plant in southern waters versus a nuclear plant off the New Jersey coast.

WHAT NEEDS TO BE DONE NOW?

What needs to be done to get the sea-thermal alternative underway in this country?

The first step requires organizing only $1 million, which would provide for the full feasibility study, including the detailed design engineering of the heat exchangers, optimum operating conditions, manufacturer quotations for specific items, and complete engineering drawings which must, of course, precede a prototype plant. This work could be done in a year or two by any competent engineering organization with the Andersons' help.

The second step, after the full feasibility study, requires only about $8 million more to build the first 10-megawatt prototype plant. The time required would be another 2 or 3 years.

At the end of 3 to 5 years, and for a total expenditure of about $9 million, the United States might well be able to demonstrate to the world a nonpolluting, inexhaustible power supply system.

The cost of this effort would be a drop in the bucket compared with approximately 300 million tax dollars budgeted for nuclear fission development this year. It would be even less than the cost of putting out one, big, oil-rig fire in the Gulf of Mexico.

THE BASIC QUESTION

The question is this: In a country with a trillion-dollar economy, where everyone is lamenting about the real environmental crisis and the alleged energy shortage, are we going to let a likely solution sit untried, just for lack of $1 million to get started?

Big government and big business and big foundations seem to move at a snail's pace compared with the dangerous pace

of environmental degradation. Must citizens wait helplessly, or run themselves ragged in lobbying effort where the odds are stacked against the amateurs?

PUTTING MONEY WHERE OUR MOUTHS ARE

Perhaps it is time for impatient citizens to use their independent power to raise money as well as noise. If the polls are right when they show pollution to be one of the three top concerns of the American people, then perhaps at least 100,000 citizens are ready to risk $10 of their own money on feasibility studies for sea-thermal electricity and some other energy proposals.

Such action could quickly become one answer to the constant question: What can ordinary people do to accelerate development of clean, safe power systems?

Even as little as $100,000 would do a lot to advance the sea-thermal power concept, because a feasibility study can be done in parts.

The major parts of a sea-thermal plant include the vapor turbine, the heat exchangers, and the submerged piping. Since a vapor turbine of the needed sort has already been designed and manufactured for the Magmamax geothermal plant at Brady Hot Springs, what is needed for sea-thermal power is work on the special, low-cost, equal-pressure heat exchangers, and on the submerged piping.

A complete study of each could be performed for $50,000 apiece. That sort of money could also provide a detailed cost analysis of sea-thermal or geothermal power versus nuclear power for New Jersey or other States under the nuclear threat.

WINNING

These are not overwhelming amounts of money. By dividing the country into money-raising districts, a citizen's clean energy coalition might acquire the means to have a really significant influence on national energy policy.

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

[Presented May 1971 at the International Solar Energy Society Conference]

THE SEA PLANT—A SOURCE OF POWER, WATER AND FOOD WITHOUT POLLUTION

(By J. H. Anderson)

In the scientific world today it has become almost an axiom that the world is becoming smothered in its own effluent. As we ask for more and more goods we need more and more power to make the goods that we want. Yet making power imperils us by air pollution, thermal pollution and radioactive wastes. The by-product results of these various forms of pollution interfere with the biological cycle of the whole world, and there are increasing doubts that mankind can survive in the atmosphere thereby created. (Ref. 1) In short, we are literally smothered by our own efforts to make us better off.

If we include the internal combustion engine it can be safely said that the generation of power is the prime source of air pollution. Power generated from the combustion of fossil fuels causes pollution by discharge of various unwanted elements into the atmosphere. They interfere with our breathing, and with the major biological cycles that depend on the atmosphere. The heat rejected to our streams causes upsets in the biological function of those streams. The chemical plants that produce our necessities are energized by the power that we produce. They in turn pollute both the atmosphere and our rivers with gaseous, liquid and solid waste materials, all of which help to upset our delicately balanced life cycle on this planet. With the advent of nuclear power we add the hazard of radioactive wastes to those already in existence from fossil fuel power plants. Radioactive pollution from nuclear plants is cumulative and could be the most serious and dangerous of all our pollution problems. (Ref. 1)

POWER FROM THE SUN

The only source of power that can supply all the world's needs for the foreseeable future, and do so without polluting our atmosphere and our waters, is the sun. This has been stated many times, and is so fundamental that few people will argue the point. (Ref. 2)

Much effort has been spent for many years to convert the sun's energy into useful power. (Ref. 3) Many applications are in actual service for small-scale power usage in isolated locations. The basic problem is economic, and it stems from the fact that the sun's energy is available to a given location for a part of each day, and the density of radiation is so low that the collection of much energy is costly. A possible future approach has been proposed by Glaser (Ref. 4). He proposes putting large collectors into orbit around the earth and beaming the power generated by photo cells back to an earth station. This scheme is theoretically sound, but admittedly requires much development of technology over a period of years.

However, one scheme for developing large amounts of power from the sun's energy that is feasible economically and technically today uses an indirect approach by taking advantage of the sun's energy collected by the ocean (Ref. 5). The ocean covers 70% of the earth's surface. It stores the sun's energy in the surface waters and creates the vast major ocean currents, such as the Gulf Stream in the Atlantic and the Japan Current in the Pacific. Since these currents flow North from the Equator, the water must be replaced from the Northern Ocean. This causes currents of cold water to flow south toward the Equator deep in the ocean. As a result we have in many parts of the ocean a layer of warm water directly over a vast reservoir of cold water at temperatures just a few degrees above freezing.

The basic requirements for generating power in any heat engine are a source of heat and a lower-temperature heat sink toward which heat can flow. The warm water at the surface provides the heat source and the cold water at depths of 2,000 ft. or more provides the heat sink. Having the heat source so close to the heat sink should make a heat engine possible.

The potential of the heat available can be illustrated by noting that the heat in the Gulf Stream alone is sufficient to supply 200 times the total power requirements of the United States. This energy supply is continually being replaced by the sun, and usage for generating power could never conceivably deplete it.

The idea of using the thermal gradients in the ocean to develop power was proposed as early as 1901 by d'Arsonval. While the theory has been known for many years, no economically practical means for developing power was available. Claude developed a scheme to boil the sea water in a vacuum (Ref. 6), expand the vaporized steam thru a turbine, and condense the exhaust steam on the cold water pumped from deep in the ocean. He did actually produce power, proving the theory to be sound. However, as pointed out in Ref. 5, this scheme was doomed to economic failure and really only served to prove the skeptics right.

A new scheme for producing power on a large scale, practically and economically was presented by the authors in Ref. 7. This scheme utilizes the basic Rankine cycle, similar to that in the simple steam power plant. There are, however, important differences. Instead of steam as a working fluid, this plant uses propane, a cheap petroleum fluid commonly used in portable torches, but also used as a refrigerant.

The power plant is on a floating platform located in the open sea, where warm water is available in ample quantities, and cold water is available at depths of 2,000 feet or more. A cold water pipe is suspended from the floating platform deep enough to reach cold water. The cold water is pumped to the plant from this depth. For a typical plant of 100,000 kilowatt capacity the cold water pipe might be 35 to 40 feet in diameter.

The warm water is taken from the surface thru screens around the periphery of the floating plant, and is pumped thru boilers, where the propane is boiled at high pressure of approximately 131 lbs. per sq. in. The heat taken from the water drops its temperature from approximately 82 F. to 79 F. The heat transferred from the water to the liquid propane evaporates it into high pressure vapor at a temperature of approximately 74 F.

The propane vapor flows from the boiler to the turbine where it expands to a high velocity and lower pressure, giving up expansion energy to drive the turbine, which in turn drives an electrical generator to generate power.

From the turbine exhaust the propane vapor flows to the condenser where it condenses into liquid at approximately 54 F. The heat of condensation flows into the cold water which is heated from 43 F. to 49 F.

The condensed liquid propane is returned to the boiler by a boiler feed pump and the cycle of boiling, expansion and condensing is repeated, using the same propane continuously circulated thru the power cycle.

Fig. 1 shows the simple cycle that makes sea thermal power possible. Warm water from the surface is used to boil propane. The propane vapor expands through a turbine driving a generator. The spent vapor passes from the turbine to a condenser, where it is condensed to a liquid on surfaces cooled by cold water pumped from deep in the ocean. The liquid propane is then pumped to the boiler to repeat the cycle. As pointed out in Ref. 7, it is now possible to produce power in any quantities that we need at a lower price than that for any other major source of power.

There are a number of reasons why this new scheme can be practical and economically feasible, whereas Claude's original scheme could never be expected to be successful.

1. The floating plant permits sufficient movement to insure a continual supply of warm water without depletion.

2. The floating plant permits short cold water lines, thereby reducing cost of pipe and pumping losses.

3. The floating plant permits submergence of boilers and condensers, thereby equalizing the pressure of the propane inside to that of the water outside. This makes possible low cost heat exchange surface.

4. The deeply submerged boilers and condensers, and the suspended cold water pipe make the floating plant very stable and, with proper design, impervious to storms.

5. The propane turbine is simpler, smaller and much lower in cost than the steam turbine. As an example, a 20,000 KW steam turbine would need to be approximately 32 ft. in diameter with two stages running at 1,000 RPM. The same capacity propane turbine could be 42" in diameter and run at 3,600 RPM. This means that the propane turbine cost would be less than 4% of the steam turbine cost for the same power output. The 3,600 RPM generator would also cost much less than the 1,000 RPM generator.

6. Propane is a cheap fluid, readily available, non-corrosive and almost insoluable in water.

FRESH WATER PRODUCTION

Since power is generated by bringing cold and warm sea water together in one floating plant, it becomes logical to use these same ingredients for the production of cheap fresh water from salt water. Fresh water can be produced very simply by the process shown in Fig. 2. Warm salt water is deaerated and put into a large vacuum chamber of low enough pressure so that it boils. The steam that boils off is conducted to a condenser, cooled by the cold water from the power plant outlet. Here it simply condenses to fresh water. The remaining salt brine drains back to the sea. While this is basically a very simple process, up until recently there were serious problems that appeared to prevent economical development of this process. First, the heat of vaporization of the vapor boiled off from the water must come from the water itself. It takes 1000 BTUs of heat to evaporate one lb. of water. This much heat requires cooling 100 lbs. of water through 10° F. Therefore in very rough approximation you can get only one or two lbs. of fresh water from each 100 lbs. of warm water furnished to the evaporator. This means that a lot of water must be pumped and deaerated to produce one lb. of fresh water. In first analysis and attempts at such a desalting scheme the amount of power to deaerate and pump the water appeared to be too high to make this scheme feasible. However, means have now been found to reduce the power required for deaeration and pumping to a very small amount. Since the power is cheaply generated in the floating sea thermal power plant, the combination of available water and power can produce fresh water for a cost of approximately three to four cents per thousand gallons of water. (Ref. 8). This puts a whole new dimension on the possibilities of producing fresh water for both industrial and agricultural purposes.

The fresh water being produced in a floating plant at sea must be transported to shore for agricultural or household use. Analysis of transport costs indicates that they would not be more than five cents per thousand gallons from an average location of a sea thermal plant with respect to the shore.

Transportation by barge was chosen for several reasons:

1. It is probably the cheapest possible form of transportation for distances up to several hundred miles.

2. It is extremely flexible, allowing one plant to serve a number of widely scattered coastal communities.

3. It allows flexible emergency storage for usage during plant shutdown or overhaul periods. This lessens the need for excessively large community storage reservoirs.

4. It can generally be scheduled so as to avoid severe storms.

Fig. 3 shows the amount of power used for pumping and deaeration of the water, as well as the unit cost of fresh water plotted against the possible daily water production from a 100 MW power plant. Note that for water production of 800 million gallons per day approximately one half the plant gross power production is used for desalting the water. The water cost does not vary much over the complete production range. Therefore the sea thermal plant is equally adaptable for large scale water production or relatively small scale water production. For example, in a desert area where there is no industry and not much power required, the sea thermal plant could produce much water and little power for sale. In an industrial project it may be desirable to produce relatively little water.

As contrasted to this the figure of 22 cents per thousand gallons is shown at a production rate of eight million gallons per day. This figure was taken from the estimated costs for a nuclear power and water desalting plant for the Metropolitan Water District of San Diego. The plant size was 1800 MW and water production was to be 150 million gallons per day or eight million GPD for each 100 MW of power. Not only is the water cost much higher than that from the sea thermal plant, but the ratio of water production to power production is much too low for an agricultural area.

A very major advantage of the combined sea thermal power and water plant is the flexibility and economic possibility of making any quantity of water from zero to the maximum that can be made by using the total plant power for water production.

CHEMICAL PRODUCTION

A natural by-product of water desalting is cheap oxygen. The gases dissolved in natural sea water are composed of approximately 34% oxygen, whereas atmospheric air contains only 23% oxygen. Separation of oxygen from air is basically a refrigeration process. This requires heat exchangers, refrigeration compressors, a heat sink, and power to run the compressors. With a higher percentage of oxygen in the supply, less refrigeration and equipment is needed. The cold water provides a heat sink at lower than usual ambient temperatures. This reduces required power input as well as cost of compressors and heat exchangers. The condensed propane from the power plant condensers can be used as the refrigerant to cool the air to the oxygen plant. The propane from the boilers can also be used to energize propane turbines to drive the refrigerant compressors. This eliminates the conversion to electric power for refrigeration. These combined factors can reduce the cost of oxygen to less than half of what it costs today.

A typical plant of 100 MW gross power capacity and 60,000,000 gallons per day fresh water capacity could also produce 115 tons of oxygen daily from the gases that must be removed from the water. This can be an extremely valuable by-product with many uses.

A side benefit of removing oxygen from the water occurs because oxygen is the primary cause of the corrosive action of sea water on metals. Removing the oxygen before passing the water thru the boilers should virtually eliminate corrosion. It should also eliminate fouling by marine organisms, because most of them require oxygen to live.

With cheap power, fresh water, cheap oxygen and location on the ocean, we have the basic ingredients for many kinds of chemical or metallurgical plants. For example, fresh water and oxygen are important ingredients to make low cost steel manufacturing possible. It is also important to have a steel plant located where cheap transportation for iron ore, coke and limestone are possible. Many steel plants are already located close to the ocean to reduce transportation costs. It becomes reasonably obvious that the sea thermal plant could be an ideal base for a steel plant.

The steel plant can be located on shore close to the sea thermal plant, which could provide cheap electric power, fresh water, and oxygen. Ocean transport could furnish ore, coke and limestone.

A little more advanced, but even more logical plan would be to locate the blast furnace on the floating sea plant. The power for the blast furnaces could be provided directly by propane turbines. Fresh water and oxygen would be available on the floating plant. Deep water docking would be available. An extra benefit would be that slag could be dumped directly into the deep water. Waste heat from the blast furnaces could also be used to generate power by boiling propane, expanding it thru turbines, and condensing it in condensers cooled by cold water from the depths. It may seem far fetched to build a floating power plant, yet no more so than present plans to build a floating airport or a floating city.

Another example would be the aluminum reduction plant. The major costs in reduction of bauxite to aluminum are for electric power and transportation costs. Fortunately much aluminum ore is available in the tropics where sea thermal plants can easily be placed, and the bauxite could be reduced directly to aluminum locally, thereby saving on shipping costs as well as power costs. Jamaica provides vast amounts of bauxite. This must now be mined and much of it shipped to Canada where cheap power is available to convert it to aluminum. Yet Jamaica provides a perfect location for a sea thermal plant. On the northeast tip of Australia are some of the world's largest deposits of bauxite. Conventional power is not easily available there. Yet just off the northeastern coast is plenty of warm water where sea thermal plants could be built for aluminum conversion.

Possibly the most attractive potential use for a sea thermal plant is to convert the chemicals in sea water directly into commercial chemicals and fertilizers. This opens up all kinds of attractive possibilities. Bromine and magnesium are already being produced commercially from sea water (Ref. 9). Concentration of the sea water into brine while making fresh water and power should make bromine and magnesium production considerably cheaper than it now is.

Research has already shown that chemical fertilizers can be produced in the form of magnesium ammonium phosphate directly from sea water (Ref. 10). If the sea water is concentrated into a brine by the desalting process, then the fertilizer manufacturing process should be lower in cost.

Another process is under development that produces potash using sea water, limestone and electric power as raw materials (Ref. 10). Sea thermal power and brine concentrated by desalting can furnish the cheap ingredients necessary to make this development economic. Many tropical islands are built from coral, which is practically pure limestone. In these tropical islands all the ingredients would be present for potash fertilizer production. All that is needed is the sea thermal plant to provide the energy.

It should be pointed out that in the case where chemicals from the sea water are the important consideration, then it would probably be preferable to use a freezing process to desalt the water. This process merely uses electric or turbine power, and concentrates the brine by yielding 50% or more of fresh water. With 50% of the fresh water removed from the sea water the concentration of chemicals in the sea water is doubled. This means that chemicals are more readily available than they would be from the raw sea water. A number of useful products could be commercially obtainable from this brine.

With economic production of common bulk chemicals made possible by sea thermal power, it is also quite conceivable that we can produce more exotic ones such as gold, from sea water. Salutsky has pointed out (Ref. 10) that there are many needed chemicals in sea water well worth the effort to produce.

FISH PRODUCTION POSSIBILITIES

It has been proposed many times that fish production could be increased by pumping cold nutrient-rich waters from the ocean depths up to the upper levels, where sunlight can promote photosynthesis. As Isaacs has pointed out (Ref. 11), this involves not only getting the cold water to the surface, but also warming it sufficiently so that it will stay in the 75 meter top layer, where photosynthesis and food production can occur.

Fortunately, the sea thermal plant brings the cold water to a level near the surface as a by-product. When fresh water production is combined with power production, the cold water is also warmed by condensation of the fresh water vapor. The temperature is then high enough so that this rich naturally fertilized water will stay in the intermedi-

ate upper layers, where it can serve as food supply for plankton and the entire marine organic life structure.

To show the economics of fish production, we can use figures estimated by Martino and Marchello (Ref. 12). Production of power and fish is plotted against water production in Fig. 4. The difference between 100 NW and the net power output is the power required for fresh water production. The solid lines represent single effect flash distillation and the dashed lines represent multi-effect flash distillation. For multi-effect distillation less cold water is required per unit of water production and, therefore, food available for fish production is less.

Fig. 5 shows yearly product value of power and water at different selling prices, plotted against water production. By comparing this with the plant costs shown on Fig. 4, it can be seen that return on investment can be quite good at the prices shown.

Fig. 6 shows the yearly value of fish production. Twenty-two cents per kg. is approximately the present value of trash fish. This price will inevitably go up as current usage and demand for fish meal and associated products go up. While the value of fish amounts to only about one-tenth the value of power, it is by no means inconsequential. Fish production alone would not justify building a sea thermal plant, but it does add appreciably to the economic possibilities from such a plant.

As an example of the possibilities, ocean farming is already being started on a commercial basis in the Caribbean. The sea turtle is being hatched and raised in confinement before being released to the open sea. In farming the green sea turtle, it is necessary to feed the turtles raw fish for a period of approximately one year before releasing them to forage in the open sea. For the economics of this project to be worthwhile, it is necessary to have a cheap source of raw fish of almost any kind. The sea thermal plant could readily provide an excellent source of fish in a relatively fixed area. Since the food-rich water is discharged in a known area, fish production would occur in this area. This should be almost as effective as a fence to keep the fish in one spot.

THE POLLUTION PROBLEM

It is now clearly recognized that the production of large quantities of power by conventional methods creates dangerous pollution of several varieties. Fossil fuel plants emit carbon dioxide and sulfur dioxide, as well as large amounts of fly ash. Sulfur dioxide can create serious effects on plant life, and undoubtedly auses millions of dollars worth of damage yearly in corrosion of paints, metals, and buildings in general. This is so serious that many communities are prohibiting the use of high sulfur fuels for heating and power generation. This will inevitably require the use of higher cost fuels, which in turn means higher cost of power. We simply do not have available enough supplies of sulfur-free fuels to make this an adequate solution to the problem.

The carbon dioxide pollution problem is much harder to evaluate. The industrial revolution has definitely increased the percentage of carbon dioxide in the air. Whether this is good or bad is not clear. Experts in plant growing find that adding carbon dioxide to a greenhouse atmosphere increases the rate of plant growth. If we consider this increase on a global scale, then the potential increase in plant growth could be an important factor to increase world food production.

As opposed to this, carbon dioxide also creates a greenhouse effect in the earth's atmosphere. This means that more of the sun's energy is trapped in the oceans when the carbon dioxide level in the atmosphere is increased. There is much evidence to show that this effect would melt the polar ice caps and cause disastrous flooding of much of the land surface. Plass (Ref. 13) has made a careful and comprehensive study of the effect of carbon dioxide on the earth's climate. His basic conclusions can be expressed by quoting him, "If fuel consumption continues to increase at the present rate, we will have sent more than a trillion tons of carbon dioxide into the air by the year 2000. This should raise the earth's average temperature by 3.6 degrees F." It would surely be foolish to ignore this probability, only 30 years away.

The pollution from fly ash may not be a serious one in its overall effect. However, it is a great nuisance, helping to create dirt, corrosion, and smog in our cities. More and more money must be spent to control it and this raises the cost of fossil fuel power.

The disposal of ashes or solid wastes from a power plant is an increasingly costly problem. Around almost any power plant lie acres and acres of unsightly ash dumps. This is not only an eyesore, but wastes much valuable land area that should be put to good use.

One of the increasing costs for fossil fuel power is caused by thermal pollution of our rivers and lakes. In a modern central station roughly 40% of the heat energy in the fuel must be discharged into a low temperature heat sink, usually a river. This raises the water temperature of the river as much as 10 or 20 degrees F. Much money is being spent to assess the damage done to our ecology (Ref. 14, 15) and much political heat is generated about it. Suffice it to say that we are running out of rivers where we can dump this heat. The only answer possible is eventually to discharge this heat to the atmosphere, as they are already forced to do in Europe and the British Isles, and some plants in this country. This increases the cost of power plants and power.

The problems of nuclear power plant pollution are different than those of fossil plants, but probably even more devastating. Thermal water pollution from a nuclear plant is almost double that from a coal fired plant for two reasons: First, the plant is less efficient because it must operate at lower temperatures and more of the heat must be rejected. Second, all of the heat must be rejected through the condenser, because there is no smoke stack. Clark (Ref. 16) and Boyle (Ref. 17) show the serious nature of this problem that is rapidly becoming worse.

Even more serious than thermal pollution from nuclear plants is the danger of radioactive pollution, either by accident or long-time effects. Curtis and Hogan (Ref. 18) have made a careful study of this problem and presented the grim picture. Quoting from them, "The threat of a nuclear plant catastrophe constitutes only half of the double jeopardy in which atomic power has placed us. For even if no such calamity occurs, the gradual exhaustion of what one scientist terms our environmental 'radiation budget,' due to unavoidable releases of radioactivity during normal operation of nuclear facilities, poses an equal and possibly more insidious threat to all living things on earth."

They further state that, "The only course may be to turn boldly away from atomic energy as a major source of electricity production, abandoning it as this nation has abandoned other costly but unsuccessful technological enterprises."

Sea Thermal Power produces no atmospheric pollution, no chemical pollution, no solid waste problem, no thermal pollution, and no radioactive pollution hazard. The reduction in these problems alone would pay for the development cost of sea thermal power a hundred times over.

WHERE SEA THERMAL POWER

A careful survey of the ocean temperatures and depths throughout the world (Ref. 19) shows that sea thermal power can be generated almost anywhere in the tropics or semitropics. There are at least 18,000 miles of tropical coastline in the world that are relatively useless because they are arid. Sea plants could provide the power and water to make them useful to man.

The Gulf Stream could provide power for the entire eastern half of the United States. The development of cryogenic high voltage power transmission (Ref. 20, 21) is almost certain to come in the near future.

This, in conjunction with high voltage DC lines (Ref. 22), will make it economically possible to transmit electric power for distances of over 1,000 miles. The Soviet Union is already planning an 1,800 mile line. (Ref. 23)

Water conditions and depth conditions are suitable for Sea Thermal Plants in the Gulf of Mexico from Tampico south. Transmission lines to Texas would be quite feasible.

Power for California could be furnished by Sea Plants off the tip of Baja California. These plants could also furnish irrigation water for Baja California and the entire west coast of Mexico.

Conditions for Sea Plants are good on the entire west coast and east coast of Central America, also on the east coast of South America as far south as Recife, Brazil. The entire Caribbean area is most suitable for Sea Thermal Power.

Both the east and west coasts of tropical Africa are well suited for sea thermal power. Water could be shipped along the entire length of the arid west coast.

The eastern end of the Mediterranean just off Israel has both deep cold water and warm surface water. This could provide power and the vital water to this entire region, where water is already in such short supply.

Almost the entire western and northern shores of the Indian Ocean are suitable for Sea Thermal Power. This could do more than any other one thing to feed these crowded impoverished lands.

Australia could develop all the power it ever needed off the northeast shore, beyond the Great Barrier Reef.

The greatest storehouse of thermal energy in the world is in the tropical western Pacific, covering more than 5 million square miles, extending over most of the Pacific Islands, to the Philippines and north to Taiwan.

It is fortunate that the conditions are good for Sea Thermal Power in many areas of the world where it is most needed. It can provide power, water, food, and industry to the impoverished tropic lands, and at the same time provide air conditioning to make these areas more comfortable and attractive places to live.

When we consider all of the benefits to mankind that can be obtained from Sea Thermal Power and its by-products, it is difficult to find any other technical and economic development that can compare to it in importance. It is truly the key that can unlock the ocean's wealth for the good of man.

FIGURES

1. Diagram of Sea Power Cycle.
2. Water Desalting Flash Cycle.
3. Water Production vs. Costs.
4. Power and Fish Production vs. Water Production.
5. Yearly Product Value.
6. Yearly Value of Fish Production.

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[From Power magazine, January 1965]

POWER FROM THE SUN BY WAY OF THE SEA?

(By J. Hilbert Anderson, Consulting Engineer, York, Pa. and James H. Anderson, Jr., Lt. jg, U.S. Navy)

Advances in underwater technology make possible a new and unusual approach to the old idea of generating power from temperature differences between tropical surface waters and colder ocean depths. This article tells "why"; another to follow will describe "how".

Of all the physical needs of the human race, the most vital today, and in the future, is power. If you're tempted to put food and water at the head of the list, think for a moment of how, in our increasingly crowded world, each of these depends on power.

Where power has mechanized agriculture and made possible the heavy use of fertilizers, as in the U.S., we have food surpluses. Where these essentials of intensive cultivation are lacking, food shortages will get worse as population continues to grow. And, looking to the day when arable land runs short, it has been demonstrated [1] that, given enough energy, we could synthesize food for the entire world population.

So, too, with the water shortages that exist right now in some parts of the world, and threaten others as demands grow. With enough cheap electricity, the oceans can be made to yield unlimited supplies of fresh water.

Ample cheap electricity could solve future fuel problems by electrolysis of water to yield hydrogen and oxygen and by synthesis of other liquid fuels. And in the case of minerals, the world-wide supply is virtually unlimited if we have enough economical energy to recover and purify elements that occur in low concentrations.[2]

Where will we turn for the vast energy needs of the future? We know that supplies of fossil fuels, while large, are finite and exhaustible. So, too, with fissionable materials, even though small quantities of matter yield enormous amounts of energy in nuclear reactions.

Some energy sources—falling water, the tides and the winds—are self-renewing, but the circumstances under which they can be utilized are limited.

The only apparent possibilities for the world's eventual needs are fusion power and use of the sun's radiant energy. In a sense, these are the same, since the sun's energy results from fusion and we merely receive the heat so created.

Basic problem in deriving useful power from sun heat is collecting it in sufficient concentration. Fortunately, we have a built-in collector in the oceans that cover 71% of earth's surface. Heat so collected is circulated and stratified by combined action of earth's rotation, winds and resulting ocean currents. Thus, in many places, we have a warm surface, layer, cold lower layers.

As early as 1900, D'Arsonval suggested that this temperature difference might be used to generate power. Recently, it has been estimated [3] that potential power recoverable in this fashion would provide a continuous source of energy 200 times as great as the predicted world needs in the year 2000.

Can we build plants to utilize this great resource *economically?* First step toward an answer was a careful study to establish available ocean temperatures and possible plant locations. This showed that a practical plant could be built within 30 miles of Miami.

Charts show average surface temperatures at this location, and underwater temperature contours. From this data it seems reasonable to take 79° F and 43° F as upper and lower temperatures for design.

The Rankine cycle used by Georges Claude in his 1926 experiment with a sea-power plant [4] employed a pump to develop pressure on the water, which was then boiled at the higher temperature, expanded through a turbine, and condensed at the lower temperature. At low temperature differences, this cycle closely approximates the ideal Carnot cycle and yields similar efficiencies.

What are these Carnot efficiencies? Of the order of 6%—not very encouraging at first blush. But we are really concerned here with *economic* efficiency. In this situation, where we are dealing with a fuel-free operation like a hydroelectric plant, the important consideration becomes investment cost. The chart adapted from Hodgson [5] shows investment per kw that could be made in fuel-free plants that would be economically equivalent to 300 mw fuel-fired plants at three levels of fuel cost, various annual load factors.

Average fossil-fuel cost for the U.S. is $0.264 and for Florida is $0.338, according to *The New York Times* of June 14, 1964. Because the temperature difference that our sea-thermal plant works on is greatest in summer, when electrical loads are highest in Florida, it seems reasonable to assume a 90% annual load factor. The chart indicates that a sea-thermal plant costing less than about $580 per kw should be competitive with fuel-fired plants. Our design estimates at $168 per kw.

The Claude experiment of 1926 was clearly not competitive. How then does the plant we will describe in the next article differ? Claude used the sea water itself as the working fluid, thus avoiding heat transfer problems, but creating others of great difficulty. At low temperatures, specific volume of steam is extremely large. This means a large turbine and, with low Reynolds numbers, low efficiency. Using sea water also required working at high vacuum. This created severe problems in removing gases from the water and attendant corrosion and scaling.

The land-based Claude plant employed extremely long lines to bring cold water from the depths. With long lines and a small plant (40 kw), heat flow into the cold lines would be relatively greater than into the shorter, larger lines of a high-capacity ocean plant.

With these basic problems, it is easy to see why the Claude plant did not prove out. But the fundamental idea remains sound—a tantalizing engineering challenge. As the next article will detail, we propose a plant that will utilize recent advances in underwater technology and in turbo-machinery using fluids other than steam.

FOOTNOTES

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[From Power magazine, February 1965]

POWER FROM THE SUN BY WAY OF THE SEA?

(By J. Hilbert Anderson, Consulting Engineer, York, Pa., and James H. Anderson, Jr., Lt. (j.g.), U.S. Navy)

Temperature difference between tropical surface waters and cold ocean depths presents a tantalizing challenge: Can we tap this potential power resource economically? "Yes" say the authors, and back their assertion with a unique design that combines a novel working fluid and recent advances in underwater technology.

Design of an *economical* sea-thermal power plant demands a radically new approach to the choice of a working fluid. Past experiments used sea water itself to avoid the problem of transferring large quantities of heat into and out of the fluid at small temperature drops. But cost was high: At low temperatures inherent in a sea-thermal plant, steam volumes are so large that turbomachinery becomes excessively bulky and expensive.

As will be seen, the design presented here uses submergence to permit construction of large heat exchangers at reasonable cost. This enables use of a working fluid having relatively high pressure and density at low temperatures. One such is propane; chart at left above shows that saturation pressure is 133.2 psia at 75° F and indicates work output per lb of fluid. High fluid density of propane means a small turbine per unit of output. Companion chart compares speeds and diameters for turbines operating on water, propane, and steam, at the specific speeds marked on the curves.

Turbine comparison. Note that for 20-mw output, a steam turbine with a specific speed of 300 would have to be about 380 in. in diameter and have two stages. A water turbine at the even higher specific speed of 499 would have a diameter of about 220 in. But a single-stage propane turbine with a specific speed of 300 would have a diameter of only 42 in. and a speed about 3600 rpm. Incidentally, the lines for a propane turbine at a specific speed of 112 are typical of a high-efficiency, radial-flow turbine. Such a unit, while larger in diameter than an axial design, has the advantage of being shorter, with the exhaust diffuser perpendicular to the axis of rotation. This permits several single-stage turbines to be combined with one generator for a moderate total length.

Propane being essentially noncorrosive, ordinary materials could be used—probably an aluminum casting for the turbine wheel. There would be no cavitation problem as in water turbines, and essentially no mainte-

nance. Finally, note that a 100-mw propane turbine would be only 90 in. in diameter, showing that large capacity plants would be quite feasible.

Proposed arrangement for a floating sea-thermal plant using propane (patent applied for) is shown on the facing page. It is almost completely submerged, as experience with the ship *Flip*[1] shows this to be an extremely stable arrangement almost completely impervious to storm damage. Since there is very little reserve buoyancy against serious hull leaks, an empty shell is provided above the waterline and reserve buoyancy tanks are loosely moored in a circle about the hull.

Suspended from near the vessel's center, the cold water pipe is built in sections, which can be fed through a large central hatch in the upper deck. Corrugated wall construction would provide circumferential stiffness and bending flexibility. A thin inner lining would reduce flow friction. White heat transfer from warm surrounding water is no serious problem, foam plastic between inner and outer walls would reduce heat flow to nearly zero.

Buoyancy tanks would make the cold water pipe nearly self-supporting, leaving just enough negative buoyancy to keep it hanging vertically. Stress at the juncture between pipe and rigid vessel would be taken care of by a carefully constructed horn-shaped enclosure at the top of the pipe, and by using thrust propellers to maintain the bottom of the structure in alignment with the pipe at essentially zero-stress conditions. Strain gages could be used to control propeller thrust automatically.

Cold water flows up through a rotating screen that can be isolated section by section for flushing debris to the open sea. The propeller pump is followed by an outlet diffuser for reducing velocity and recovering head before water flows through the single-pass, low water velocity propane condenser.

Warm water comes from a buoyantly supported pipe inlet arranged to face the current and so utilize its kinetic energy. After screening, water is pumped through a single-pass propane boiler.

Pipes from four boiler sections carry propane vapor to four separate turbines. These exhaust propane at condenser pressure through four pipes to the condenser sections. Condensed propane drops from four outlets and is collected in a common line to a boiler feed pump mounted in the elevator shaft. To improve surface contact in the boiler, some liquid propane is re-circulated from bottom of boiler; re-circulating pump near bottom of elevator shaft returns it by way of the main feed line.

Boiler and condenser. In a plant like this, with necessarily low thermal efficiency, heat input to the boiler and heat rejection at the condenser are large. With a small overall temperature difference, little can be spared to reduce the heat-transfer surface needed. Thus boiler and condenser become a major part of plant cost.

Major factor in heat-exchanger cost is not so much a matter of temperature, or surface required, as it is the structure to prevent leakage between fluids where a high pressure difference occurs. The answer here is to submerge boiler and condenser to depths at which propane pressure matches water pressure on the other side of the surface. This permits thin surfaces and simple flat-plate construction, sharply cutting size and costs.

While propane pressure in the pipes to and from the turbines must be higher than surrounding water pressure, it is possible to keep pressure slightly above propane pressure in the condenser and boiler, if they are submerged just enough. Thus any leakage will tend to be water into propane; it can be recovered by simple settling-tank techniques (diagram, lower left).

Heat exchanger construction. As shown in the inset on the plant schematic, simple flat-plate construction with alternating channels would be used for boiler and condenser. With no pressure difference of any account, plate can be thin and cost of exchangers would be but a fraction of conventional tubular design. Alclad aluminum would probably be used for surfaces. It offers good conductivity, good corrosion resistance, moderate price.

Heat recovered from generator cooling system can vaporize propane in an auxiliary boiler supplying a small propane turbine for added output. Circulating pump motors can also be cooled by evaporation of liquid propane, which can then be fed to the turbine inlet line. This also keeps motor-housing pressure above surrounding water pressure, alleviating shaft-seal problems.

Plant auxiliaries. Water leaving the condenser at 45–50° F is used to air condition the hull. Auxiliaries at right of main hull include liquefied-propane storage tanks, a propane compressor, an engine-driven generator for startup and emergency power, and an air compressor, Purge tank on line from top of condenser serves to collect and blow off gases entering the system with leaking water. Most of these will be noncondensible and lighter than propane.

The anchor rope shown indicates we would expect to locate the vessel in a chosen spot by deep sea anchorage. Edgerton and Cousteau[2] demonstrated several years ago that a ship could be anchored in water 24,000 ft deep. Since then, theory and mathematics of deep sea anchoring have been established by Lampetti.[3]

For maintenance and repair, access to various parts of the structure is provided by decompression chambers shown on the left of the elevator shaft at three levels. Link[4], Cousteau[5], and others have shown that it is possible for men to live for days and weeks under water as long as they have access to pressurized chambers at their operating level. This makes it possible to think of routine maintenance of parts in the open sea.

Pump motors are mounted in the elevator shaft, making electrical connections and maintenance easy. Shaft seals at such pressure would present no problems today. The submarine cable for transmitting power from the plant goes out the bottom of the shaft where it would be almost free of strains from wave motion. Submarine transmission of large blocks of power has become routine practice as developed by ASEA in Sweden.[6]

How much water? Curves have been developed for water flows through boiler and condenser. For a typical case of 72 F boiling and 52° F condensing temperatures, about 57,000 lb per kwhr flows through the boiler and, with a temperature rise of 4° F, the condenser takes about 27,000 per kwhr. This is not much different from the water requirements of a low-head hydro plant. When it is realized that boiler water need be transported through only about 300 ft pipe, and the cold water through only 2100 ft, comparison with hydro is eminently reasonable.

Cost of getting water through the plant can be thought of as investment in pipe and pumps, plus the generating capacity to supply pump power. After calculating optimum economic pipe diameters, cost of getting water through the plant can be plotted against flow rates. For a 33,000 kw plant, this cost for warm water would be of the order of $200,000. Cost of getting cold water through is considerably higher—of the order of $600,000.

Estimates for major equipment and auxiliaries and a summary of costs

Major items:	Cost
Boiler	$800,000
Turbine	186,000
Generator	405,000
Condenser	618,000
Condensing water pump	427,000
Boiler water pump	194,500
Boiler water pipe 30 ft	55,000
Condensing water pipe 23 ft	260,000
Boiler feed pump	64,000
Boiler circulating pump	13,900
Total	3,023,400
Total divided by 1.014	2,980,000
Cost summary:	
Propeller power	28,200
500-kw. engine generator	60,000
Exhaust heat boiler	6,000
Bilge pump	540
Ballast pump	4,500
Flush pump	6,400
Auxiliary boiler feed pump	300
Propane compressor	12,000
Propane condenser	2,000
Propane storage tanks	69,000
Propane charge	10,360
Two air compressors	23,000
Radio station	10,000
Total	232,300
Auxiliaries:	
Main plant	2,980,000
Auxiliaries	232,300
Structure	642,000
Total material	3,854,300
Installation cost	1,426,000
Total	5,280,300
Engineering and supervision	264,000
Grand total	5,544,300

Optimizing operating conditions to yield lowest total investment in the plant involves many factors: condensing and boiling temperatures, temperature differences, amount of heat-transfer surface, etc. Boiling and condensing temperatures prove to be the primary variables; analysis indicates lowest investment cost at 72° F boiling temperature, 52° F condensing temperature.

Analysis also indicates that dividing the boiler and condenser into four separated sections with resulting counterflow effects improves the mean heat-transfer rate by about 1.4%. With sectionalized heat exchangers and four separate turbines, the plant will thus yield 1.4% more power output—a worthwhile gain.

Auxiliary power requirements total 4580 kw—slightly less than 14% of net generator output. The cold water pump takes about 2440 kw; the warm water units 1110 kw. Boiler feed pump needs 790. Other needs are small.

Cost of major equipment items in a plant for 33,000 net kw are tabulated above. Boiler and condenser surface were assumed to be made of aluminum at a cost of 27c per sq. ft. Design was based on data of Kays and London[7]. Fouling coefficient was taken as 0.001 on warm water surface, and 0.0005 on cold. No credit was taken for extended surface provided by aluminum spacers between flat plates.

Turbine cost depends on temperature difference; the greater the difference the fewer lbs. of propane required to flow through the turbine for a given power output, the higher the velocity and the smaller the physical size. Unit cost was taken as slightly less than $6 per kw for a temperature difference of about 20° F. Generator cost was assumed to be $12 per kw. Note that in this table only net generator cost was included, since generating costs for other items were added in with the figures for the respective items. For example, condenser water and boiler water pumps were costed at $222 per kw, which included $150 per kw for generating capacity to supply the motors. The total of slightly more than $3 million was divided by 1.014 to correct for increased power obtained from 4-section boiler and condenser.

Auxiliary costs are shown in the middle table above. A word is necessary about the

Footnotes at end of article.

engine-generator set. Since condenser water pump requires 2440 kw, it doesn't seem quite possible to start this pump and the whole plant with a 500-kw set. But there are several possibilities: (1) Power could be fed back from the shore system. (2) The pump could be driven by two motors, one being a half-speed unit for starting. (3) Several pumps could be used in parallel. (4) A counter-rotation propeller pump could be employed, with only one rotor used during startup. (5) The pump could be fitted with variable-pitch blades. At any rate, it seems reasonable that a 500-kw set could be made to do.

Cost summary at right above adds structure cost to major equipment and auxiliary totals. This structure estimate was based on the assumption that weight of steel required was roughly equal to weight of main components to be carried. This was priced at 20¢ per lb.; shipbuilding structural costs run about 15¢ per lb. Installation cost was taken at 37% of total material cost, engineering and supervision was figured at 5%.

Dividing the grand total of $5,544,300 by 33,000 kw gives a unit cost of $168 per kw. Even if this represents a gross underestimate, there is still a wide margin to the figure of $580 per kw cited in the preceding article as being the investment justified in a fuel-free plant that would be economically competitive with a modern fossil-fuel plant at Florida fuel prices.

In addition, the sea-thermal plant offers these advantages: (1) no atmospheric pollution or radioactive wastes, (2) no real estate required for a plant site, (3) no ash disposal, (4) no freezing problems, (5) no high-temperature materials, (6) no water treatment or chemical problems, (7) no fuel transportation, (8) power supply almost completely independent of weather, (9) maximum power available during hot weather and greatest demand.

FOOTNOTES

[1] "Flip", Machine Design, 12/20/62.

[2] "The Living Sea", Capt. Jacques-Yves Cousteau, 1963.

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[4] "Our Man-in-Sea Project", Edwin A. Link, Natl Geographic, 5/63.

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LARGE-SCALE SEA THERMAL POWER

(By J. Hilbert Anderson and James H. Anderson, Jr., Consulting Engineers, York, Pa.)

This paper describes the design and estimates the cost of a 100-Mw floating power plant, using warm water as a heat source, and cold water as a heat sink. It is concluded that such a plant is feasible, and that power could be produced at an overall cost of less than 3 mills per kw, thereby providing the Caribbean Islands with an unlimited supply of cheap power.

As early as 1900 D'Arsonval proposed that power could be generated by utilizing the warm surface temperature of the ocean and the cold temperature of the lower layer. The possibilities for sea thermal power are almost unlimited. To illustrate this it has been estimated that the Gulf Stream alone could generate 182 trillion kw hrs/year. This compares to an estimated need for the United States of 2.8 trillion by the year 1980.[1] The Caribbean Sea would probably have just as much power capability as the Gulf Stream, although it is more difficult to estimate its potential because of the complexity of the currents.

Georges Claude attempted to develop sea thermal power as early as 1926.[2] While he actually did develop some power this was an economic failure. Our earlier paper on this subject[3] pointed out the reasons why Claude's attempt had to be a failure, and why it is now possible to make sea thermal power plants economically successful.

The following summarizes the reasons why sea thermal power can today be considered an economic feasibility.

1. The use of propane as a power fluid. Propane is low in cost and noncorrosive. Its high pressure and density permit low-cost, efficient, single-stage turbines and high-speed, low-cost, generators. Operation of the plant on a fluid separate from water eliminates the deaerating and high-vacuum problems that beset Claude.

2. The use of a floating power plant[4] makes short water lines possible. This is important because handling the water is a major investment cost in the plant.

3. The concept of equalized pressure between the power fluid and the water permits low-cost flat-plate heat exchangers to be used.

4. Undersea transmission of large blocks of power is now a well established reality[5], already in use in a number of parts of the world.

5. Stable floating platforms have been built and have been shown to be quite feasible and useful for various purposes.

6. Undersea technology is well enough advanced to show that construction, operation, and maintenance of underwater structure is reasonable and no longer to be feared.

7. Deep hole drilling in water depths as great as 6000 ft has demonstrated that long pipes can be suspended in deep water[19].

Our first paper on the subject showed the fundamental principles that make sea thermal power today possible, and showed some preliminary estimates indicating that the economics would be sound. As a next step we felt that it was important to study the feasibility of design of a large sea thermal plant. We decided to study the design of a 100,000-kw plant located in the Caribbean. This study should show us the problems of physical size, arrangement of the parts, and possibilities of constructing a floating plant of this capacity.

For our study we took the conditions off the coast of Puerto Rico as possible water-temperature conditions, typical of those to be found throughout the Caribbean. Deep water is available within five or ten miles of the shore at many places in Puerto Rico, making this an excellent location for a sea thermal plant. Puerto Rico is also a rapidly expanding industrial community, which could benefit greatly by having low-cost power available on a large scale. The average yearly surface temperatures[20] are plotted against months of the year in Fig. 1. From this chart we choose 82° F as a design warm water temperature for the plant. We used 43° F as a conservative estimate for available cold water temperature. With a design temperature of 82° F and a lowest temperature of 78° F as plotted in Fig. 1 we would estimate that the percent of yearly capacity design availability would be 93.5. We further assumed a load usage factor of 80 percent, giving an overall load factor compared to design of 0.935 x 80 percent=75 percent.

Fig. 2 shows the water quantity required for a 100,000-kw plant plotted against condensing temperature, and shows the quantities for different boiling temperatures used in the condenser and the boiler. In order to bring this in perspective with something more familiar we have also plotted the water usage on a 100,000-kw hydroelectric plant for various heads. From this it is apparent that water quantities to be handled in the sea thermal plant are of the same general order of magnitude, but actually somewhat less than those required in ordinary hydroelectric power plants.

Fig. 3 shows the estimated costs used for propane turbines plotted against temperature difference between boiler and condenser. These costs were estimated from equivalent costs of similar turbo machinery.

In a sea thermal power plant the problem of economics revolves around a balancing of the amount of heat-transfer surface and its cost versus the piping and pumping costs and turbine costs required to get the water to the boiler and condenser and the power from the turbine. Generator costs can be assumed similar to that of any modern steam power plant.

Fig. 4 shows a plot of cost/kw for boiler, condenser, and water handling equipment plus turbine cost at various assumptions for boiling and condensing temperature. This would indicate that the optimum temperatures for boiling and condensing are in the range of approximately 72° F for boiling and 52° F for condensing. This becomes the key figure for selecting operating conditions for the plant design.

Fig. 5 shows the approximate temperature distribution through the boiler and the condenser. The use of four steps in the boiler and condenser increases the power output for a given overall temperature difference and will produce about 2.7 percent more power than would be available with a single boiling temperature and single condensing temperature on the propane side. A four-step plant such as this requires at least four propane turbines, but these can easily be coupled to a single generator.

A study of water requirements and heat-transfer requirements soon discloses that the plant structure becomes primarily a problem of designing for efficient collecting, pumping, and distribution of large quantities of water.

Fig. 6 shows an approximately scaled side view of the 100,000-kw plant. The length of the upper supporting hull is determined primarily from the required length for the surface-water intake. We assumed an intake on each side of the hull, and that intake velocities could be similar to those used on ordinary hydroelectric plants.

It is somewhat difficult to estimate the depth of the high temperature surface layer of water. In order to be conservative we figured that the layer to be used would be approximately 10-ft deep. Using an approximate depth of 10 ft and an inlet length of 360 ft as shown in Fig. 6 we have an inlet velocity at approximately 4 ft/sec. This is in accord with accepted hydroelectric plant practice. As shown in Fig. 7, which is a vertical section through the warm water pipes and pumps, we would propose to use a Bascule gate at the inlet which can be raised and lowered to skim off the water at the most favorable depth for best temperature conditions. A screen is shown just beyond the Bascule gate[21] at the inlet. This screen could be a fixed bar grate with a trash rake for removing debris, or it could be a traveling screen type as is implied in Fig. 7. The screen area would be made large enough so that the velocity through the screen would be somewhat lower than the above mentioned inlet velocity. It would probably be important to align the hull in the direction of prevailing currents so that debris would naturally be carried away from the plant rather than being recirculated after removal from the intake screen.

Heat-transfer calculations[22] indicate an approximate passage length of 8 ft on the water side of the boiler. Since the propane flow is essentially cross flow to the water flow in

Footnotes at end of article.

the boiler, the propane passages would be nearly vertical. The length of the propane passages is roughly limited by the gas velocity from boiling, but in this case is actually more nearly limited by available flat sheet widths. It would appear that the passage in the propane side of the boiler could be made from about 3 ft to a maximum of possibly 4½ ft in length. The two considerations then define the dimensions of individual boiler sections as 8-ft long by 4-ft deep. Fig. 7 shows a possible boiler arrangement at the bottom. The depth of the boiler is approximately 290 ft below water level so that the pressure difference between propane and water side is minimal. By using the total surface area required and 16 rows of individual boiler sections as shown we get a required overall boiler length of 240 ft as shown in Fig. 6. The requirement of the long inlet and the long boiler sections arranged on either side of the hull leads to a logical arrangement of four down coming water pipes with four boiler water pumps. The longitudinal flow required to carry the water from the long intake to the down pipes is taken by a passage in the sides of the hull as shown in Fig. 7. The boiler water pumps can be lowered from the deck of the hull down through the 24-ft-dia pipe to a point where pump cavitation becomes no problem.

The flow requirement per pump is approximately 5140 ft per sec[3]. The head requirement to overcome pipe friction, boiler friction, intake friction, diffuser loss, and density difference[23] between the warm surface water and the colder water below is approximately 1.69 ft lbs/lb. In this size pump it is possible to locate a propane turbine and gear set behind the hub of the impeller and within the confines of the hub diameter. The propane inlet and exhaust to and from the turbine can be fed in through supporting vanes in the pump. The propane turbines for driving the boiler water pumps can be started initially by using an auxiliary propane boiler. Use of a propane turbine for driving the pump permits variable speed to suit required best operating conditions of the pump. It also permits starting at very low speed and power levels during initial start up of the plant. As can be seen in Fig. 7. the width of hull shown is 40 ft and the depth below the water line is approximately 30 ft. These dimensions are somewhat dictated by the necessary size of the horizontal water-flow passages required for the boiler water inlets.

The condenser design is similar to that of the boiler. However, in this case the temperature rise in the water is approximately 6° F as compared with 3° F drop in the boiler water. This means much less water is used, and therefore the length of the condenser is considerably less. Since the cold water pipe must be approximately 2000 ft long it becomes desirable to use one pipe rather than several. This permits one central pipe with the pump designed so that it can be lowered to its place from above. The arrangement of the pipe in the center of the structure also permits lowering and construction of the cold water pipe from a stable floating structure.

The condenser water line probably requires an inlet screen to prevent plugging of the condenser passages. A horizontal screen is shown in the upper section just below the condenser inlet. The screen can be cleaned by flushing to the open sea. The condenser water pump is considerably larger than the boiler water pumps, having a flow of approximately 10,000 ft/sec[3] at an estimated head of 6.35 ft lbs/lb. It requires approximately 8500 hp. Here again it is possible to drive the pump with a propane turbine located within the confines of the pump impeller hub diameter. The condenser water passages are directed slightly downward, because the pressure in the condenser is highest at the outflow end where the water temperature is highest.

Estimated costs for the 100-Mw plant are summarized in Tables 1, 2 and 3. Boiler costs were based on 31¢/ft[2] of surface for Alclad aluminum heat-transfer material. As a comparison current prices for smaller flatplate aluminum heat-exchangers run approximately 50¢/ft[2] of surface with a 200-psi pressure rating (24). In our case we are dealing with larger sizes, a pressure rating of approximately 20 psi, and not nearly so rigid leak requirements. The condenser surface requirements were figured on the same basis. Turbine costs were taken from Fig. 2 of this paper and generator costs were figured at $12/kw.

Condenser and boiler water pumps require unusually low head and high capacity. However, preliminary design calculations and drawings have been made, showing that efficiency can be high, and construction is similar to common hydraulic turbines. Costs include propane turbine drivers. Boiler feed and circulating pump costs include electric motor drivers. These pumps can be quite conventional.

Pipe material costs were figured at approximately $200/ton plus an allowance for floats to support the condensing water pipe and an inner liner in the pipe to reduce friction. The 2.7-percent increased power obtained by dividing condenser and boiler into four sections is about equal to the boiler feed-pump power.

In Table 2 most of the items were estimated from generally available cost data. Propane storage tanks become the largest individual item. These were based on capability to store the entire plant propane charge.

In the cost summary of Table 3 the cost of the structure, which consists primarily of hull and steel work connecting and stiffening the various elements, was assumed at approximately 33¢/lb. This appears to be in line with present-day floating drill-platform building practice. The engineering and supervision costs were assumed at 5 percent of the material and assembly cost. Adding 10 percent contingency gives a total cost of $16,600,000. It is likely that the upper hull, the condenser section, and the boiler section would be fabricated separately in a shipyard, then floated to a deep harbor where they would have to be connected structurally in the water. While it is true that it is difficult to estimate the cost of structure and fabrication of such a plant without further detailed design work, we feel that the figures used are conservative.

The yearly owning and operating costs of the plant, which consist basically of interest charges, depreciation charges, and maintenance cost were figured at 11.25 percent. This was taken from a similar figure used by power companies for fossil fuel plants. It is higher than that ordinarily used for hydroelectric or fuel-free plants. The estimated yearly power usage was figured at 75 percent of the design capacity as outlined earlier in the paper. Dividing the yearly owning and operating cost by the estimated yearly output gives us a cost per kw hour of 2.85 mills. This compares with 3.68 mills, which is the estimated overall cost per kw hour for the 620-Mw Oyster Creek nuclear plant.[25] It will be recognized by power-plant engineers that the cost of 2.85 mills per kw hour is so far below average power cost today that we can allow considerable margin of error in our cost estimates, and still have a very economical source of power. If we use Department of Interior figures[26] of 2.875-percent interest plus 0.53 percent for operation, maintenance and replacement, then the yearly cost is $565,000, and power cost becomes 0.86 mills/kw hour.

We have not included plant-to-shore transmission costs in these cost estimates. It is quite conceivable that chemical or metallurgical processing plants might be built on floating platforms adjacent to the power plant. We have been assured of plant-to-shore costs of $30.00 to $50.00 per kw, including lines, and AC–DC conversion and inversion equipment at plant and shore.

Sea thermal power not only can be low in cost, but has some other advantages over present day fossil fuel, nuclear and hydroelectric plants:

1 No smoke or atmospheric pollution.
2 No radioactive waste.
3 No real estate required for the plant site.
4 No ashes.
5 No freezing problems.
6 No high-temperature materials required.
7 Essentially no water treatment or chemical problems.
8 Boiler and condenser cleanable while plant is running.
9 No cavitation problems. Pump impellers run at much lower top speeds than common hydraulic turbines, and are deeply submerged.
10 No silting up of reservoirs.
11 No large concrete structures to maintain.
12 No fuel transportation.
13 Power supply almost completely independent of weather.
14 Maximum power available in hottest seasons, when demand is greatest.
15 No complicated or costly auxiliaries, such as found in modern fossil fuel or nuclear plants.
16 Generator not subject to high no load overspeeds.
17 Low inertia of propane turbine reduces excess torque in case of generator shorting current.

While we have not pretended to solve all of the detailed design problems for a large seal thermal power plant, it can just the same be expected from this study that a 100,000 kw sea thermal power plant is quite feasible for construction with present shipbuilding and hydroelectric structure construction capability. It also can be expected that sea thermal power has an excellent chance of being the lowest cost source of power available, and enough potential power is available to supply all of the world's conceivable needs. This study should justify continued and more detailed design efforts at making large sea thermal power plants.

TABLE 1—*Main plant material*

Boiler	2,400,000
Turbines	720,000
Generator	1,235,000
Condenser	2,450,000
Boiler water pumps	820,000
Condensing water pump	640,000
Warm water pipes	131,000
Cold water pipe	708,000
Inlet screens	304,000
Boiler feed pumps	120,000
Boiler circulating pumps	32,000
Total	9,560,000

TABLE 2—*Auxiliaries*

Propeller power	30,000
600 Kw. emergency generator	42,800
Auxiliary boiler	38,000
Bilge & ballast pumps	4,800
Flush pumps	4,600
Auxiliary boiler feed pump	2,000
Screen rakes	45,000
Propane compressor	12,000
Propane condenser	2,000
Propane storage receivers	207,000
Propane charge	22,000
Two air compressors	23,000
Radio station	10,000
Total	443,200

TABLE 3—*Cost summary*

Main plant	9,560,000
Auxiliaries	443,200
Structure and assembly	4,210,000

Footnotes at end of article.

Assembly of cold pipe	262,000
Total	14,475,200
Engineering and supervision	724,000
Contingency	1,448,000
Total	16,647,000

Cost per kw. = $166.00.

Yearly owning and operating cost = $1,870,000.

Rated yearly capacity = 876 x 10^6 kw. hrs.

Estimated yearly output = 656 x 10^6 kw. hrs.

Cost per kw. hr. = $0.00285.

FOOTNOTES

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[Presented to the American Society of Mechanical Engineers, November 1965]

THE EXPANSION TURBINE

(By J. Hilbert Anderson, Consulting Engineer, York, Pa., Mem. ASME)

The paper defines the expansion turbine and its relation to other turbines. It gives examples of head and size relationships of various turbines under various operating conditions, showing how some turbines on heavier gases compare with conventional steam, combustion gas, and hydraulic turbines. It shows a number of present and future possible uses for expansion turbines, ending with a plea for ASME to recognize the expansion turbine with a suitable test code.

The expansion turbine is finding increasing applications [1] in the world of mechanical engineering, and the number and importance of the uses is likely to increase rapidly in years to come, until it becomes one of our most important means of power production.

Strictly speaking an expansion turbine is any turbine in which the fluid increases its specific volume as it passes through the turbine. The definition therefore includes all steam, gas, and vapor turbines. We are accustomed to think primarily of three classes of turbines, steam, gas, and water. The gas turbine generally has come to mean a complete power plant, rather than the expansion turbine only. ASME has recognized these three classes with appropriate test codes for steam turbines, gas turbines, and hydraulic turbines.

This paper deals primarily with expansion turbines operating on gases and vapors other than steam or combustion gases. It shows how they compare with steam and combustion turbines, what some of their applications have been, and how they are likely to be applied in the future.

All turbines can be shown on a chart like Fig. 1. The diagonal line is a plot of the equation.

$$\text{lb/hph} = \frac{33000 \times 60}{\text{ft} - \text{lb/lb}}$$

Approximate ranges of head for various turbines are shown. It is remarkable to note that commonly used turbines cover a head range of almost seven orders of magnitude or ten million to one. It is also remarkable that of all the classes shown, only the steam and combustion gas turbines require more than one stage for good operating efficiency. The single-stage speed limit is shown for

u = 1500 fps = tip speed of blades
k_1 = 2.0 = head coefficient

where

$$k_1 = \frac{2gH}{u^2} \tag{1}$$

H = available isentropic head in ft-lb/lb.
g = 32.2 ft/sec.^{2}

This limit is arbitrarily chosen, but fairly typical of speed limitations for mechanical strength, and of k_1 limitations at good efficiency.

Water turbines cover an extremely wide range of heads. They range roughly from 2500 ft for a high-head impulse turbine to about 18 ft required by turbines used for tidal power. Water-turbine meters produce no usable power output. All of the power is used to overcome friction drag in the turbine itself. The head requirements for water turbines were taken directly from performance quotations given by different meter builders. The high head required probably represents a design which tries to minimize friction errors and disregards the losses in head, whereas the very low head design has minimum friction requirements and minimum loss requirements, at the expense of best accuracy. Both types obviously have their uses.

Wood [2] has carefully shown the relationship between typical combustion gas turbines and water turbines in design. He has shown that high-efficiency combustion gas turbines can be designed as well as high-efficiency water turbines, so that it is reasonable to expect that very high efficiency single-stage turbines can be designed over the complete range of heads from the combustion gas turbine to a moderately low-head water turbine. On the other hand extremely high heads used in steam turbines with many operating stages do not provide the same efficiency as the single stage turbines. Basically the reason for this is that with a multistage turbine running at one speed through a high expansion ratio, the variation in blade design from the first to the last stage is so great that high efficiencies can not be attained in all stages. The turbines for halo-carbons and for propane show two cases for single-stage turbines on heavy gases. The case for the halo-carbons is typical of a boiling and condensing cycle on a halocarbon with boiling temperatures in the region of 300 to 400° F and condensing temperature of 100 to 110° F. The propane condition is that for a sea thermal power plant [3] with boiling temperatures of 72° F and condensing temperature of approximately 52° F. The important things to note about these two cases are that the head required is very moderate, and the tip speed of the wheel in a single stage can also be quite moderate. Since both of these cases lies intermediate between water and the combustion gas turbine it is quite safe to say that we should be able to build turbines with efficiencies over 90 percent on these gases just as we can in both water and the combustion gas turbine.

Fig. 2 gives an idea of head requirements for various turbine types, but indicates very little about physical size. The diameter of a single-stage turbine is a function of many factors, including design type, head, efficiency, and density of the fluid.

The relationship can be established as follows:

$$\text{hp} = \frac{Q\rho H\eta}{550} \tag{2}$$

Where

Q = cu ft/sec (taken at exhaust conditions for an expansion turbine)
ρ = fluid density in lb/cut ft at exhaust
μ = turbine efficiency

Taking Woods' [2] terminology for specific speed

$$N_s = \frac{NQ^{1/2}}{H^{3/4}} \tag{3}$$

Where

$N = RPM$

We also have the relation

$$u = \frac{\pi Nd}{720} \tag{4}$$

Where

u = wheel tip speed in fps

d = wheel diameter in in.

Putting (1), (3) and (4) into (2) we get

$$hp = \frac{N_s^3 k_1 H^{3/2} \rho \eta d^2}{1.85 \times 10^6} \tag{5}$$

From equation (5), using known design parameters N_s and K_1 we can get wheel diameters for heads and densities of different fluids.

Fig. 2 shows the startling effect of fluid on the diameter. The case shown used the design parameters from a large water turbine at Pickwick, Tenn. This turbine was rated at 55,000 hp, 43-ft head, and 81.8 rpm. The wheel diameter was 292 in. The comparison is made between water turbines of this design and steam and propane turbines with comparable design parameters operating under the heads available in sea thermal power plants. The boiling temperature and condensing temperature are shown for the propane and the steam. The temperature difference in a steam powered sea thermal plant is slightly greater than that in a propane plant, because no heat exchangers are involved in the steam plant. Note that the head requirements on steam are so high that at least a two-stage steam turbine would be required, whereas a single-stage propane turbine is quite satisfactory. The head of 43 ft was chosen for the water turbine, because of the water-flow requirements per unit of power are about the same as on the sea thermal power plant. It can easily be seen why steam cannot possibly be used for an economical sea thermal power plant, and this explains one major reason why the original attempt at tapping sea thermal power was a failure. In this case the choice of the turbine fluid literally makes sea thermal power possible. Since the propane turbine is roughly ¼ the diameter of the hydraulic turbine for the same power it is easy to see why the turbine for a sea thermal power plant can cost very little. In addition to this factor the higher rotating

Footnotes at end of article.

speed of the propane turbine permits a smaller and lower cost generator than can be used with the comparable hydraulic turbine. Since sea thermal power can easily furnish all the power the world will ever need, it is apparent that the heavy gas-expansion turbine can be of considerable importance.

PRESENT EXPANSION TURBINE USES

As noted earlier there are already many uses for expansion turbines, with probably many more to come. Some of the present uses are:

Engine Turbochargers. This is such a large and well known usage that no comments are necessary.

Mercury-Vapor Turbine in the Binary Cycle. In this case low-pressure mercury turbine was used at the high temperature end of the steam power cycle in order to avoid the high pressures necessary for high efficiency single-fluid cycles. This is no longer of much interest, because power plants today are capable of using the very high pressure steam end of the cycle.

High Pressure Chemical Processes Involving Release of Waste Gases. In recent years physical sizes of process plants have been drastically reduced by increasing reaction pressures. The expansion turbine utilizing the energy available from the waste gases has been an important factor in the economic success of these higher pressure processes. Two examples are the Houdry catalytic refining process and the manufacture of nitric acid, which has been reduced in cost by utilization of expansion turbines.

Gas Refrigeration Cycles. In extreme low temperature refrigeration cycles, where condensing fluids are not conveniently available, the gas-expansion cycle is regularly used. The use of the turbine in the expansion cycle greatly improves the efficiency of the entire process and has contributed a great deal toward lower cost manufacture of oxygen and nitrogen. In this case the turbine is not important as a producer of power, but rather as a temperature reducing device, depending directly on the efficiency of the turbine.

Military Uses. There have been a number of these uses, some publicized and others classified.

FUTURE EXPANSION TURBINE USES

Here are some of the probable future uses of expansion turbines with boiling and condensing vapor cycles.

Sea Thermal Power Using Propane or Other Dense Gases. This one source of power alone can furnish many times more total power than the world will ever conceivably need.

Metal Vapors in Rankine Cycles. These cycles [4] have been proposed for space power plants.

Hydrocarbons, Halocarbons, or Other Heavy Gases at the Condensing End of Large Steam Power Plants. These have been shown to be feasible economically in various studies, and will probably be used sometime in the not too distant future.

Power Plants Using Direct Sunlight for Energy. Such plants as small as one kilowatt have actually been built in Israel, and the various possibilities are outlined in a paper by Tabor and Bronicki [5], see Fig. 5.

Turbine Comfort Cycle Using Halocarbons for Both Power and Cooling Fluids. Such a cycle is shown diagrammatically in Fig. 3. The left-hand side of the cycle provides power from the turbine and exhaust heat that can be used for heating. The right-hand side is a conventional compressor refrigerating system for cooling water to cool the building. The complete cycle provides either heating or cooling or a combination of both heating and cooling at the same time. Most large buildings require simultaneous heating and cooling for a large part of the year. The turbine comfort cycle provides a particularly efficient arrangement for accomplishing this. During a period of simultaneous heating and cooling the power from the turbine is used to operate the compressor, which cools the building and rejects the heat to the cooling tower through the condenser on the right. At the same time the exhaust from the turbine can be rejected in the two-circuit condenser to heat water that heats another part of the building.

By using a fairly low-pressure halocarbon such as R–114 in the turbine and a fairly high-pressure refrigerant such as R–12 in the compressor side of the circuit it is possible to get a good design match in speed between the single-stage turbine and single-stage compressor so that this becomes a very small compact unit. In this cycle the boiler can get its heat from waste steam, exhaust gas from a gas turbine [6] or from direct combustion. Studies have shown that this cycle can provide an operating economy far better than currently used absorption systems, as well as being lower in first cost.

Automotive Turbine Using Halocarbons. Fantastic advantages can be gained by using the halocarbon or other heavy gas-turbine cycle to drive an automobile. Some of them are, no smog, no vibration, reserve power storage for passing, ideal torque characteristics requiring simple transmission, instant heating available, no overheating in traffic, low fuel consumption, no distributor, no muffler, no spark plugs, and a number of other advantages.

Fig. 4 shows diameter and speeds for radial-flow turbines that could easily be designed for the automotive power plant or the comfort power plant. The case for the comfort power plant was taken using R–114 as a fluid with a maximum temperature of 395 F and a condensing temperature of 105 F. The case for the automotive power plant was taken using R–216 for a fluid with a maximum temperature of 500 F and a condensing temperature of 140 F. The design parameters were taken at values providing good efficiency according to Wood's excellent paper on this subject. It has not yet been determined which fluids are best for these particular applications, but these two are typical of reasonable possibilities. Note that the 150 hp automotive turbine need only be approximately 5-in. dia, and run at a speed of 30 to 40 thousand rpm. Note also that the speeds for comfort power turbines match reasonably well with speeds on R–12 centrifugal refrigeration systems ranging from 100 to 6000 hp.

Many more specific examples of the actual and potential uses for expansion turbines could be given. Our purpose here has been to show some of the many uses in order to illustrate how important these turbines are likely to become in the engineering world. It seems fitting and important that ASME recognize the importance and possibilities for these turbines by giving them a distinct place in the pattern of test codes. Continued rapid development of these turbines demands that information be made available as to how to do a good job of performance evaluation.

As more and more fluids are used in expansion turbines it is quite obvious that there will be many cases in which the manufacturer cannot use the gas under actual conditions of operation for test in his plant. This became a very major similar problem in centrifugal compressor testing and has only recently been recognized by the issuance of a new test code No. 10 [7] for centrifugal and axial compressors. Since this condition is bound to occur in turbines to almost the same degree that it has occurred in compressors, it seems particularly important that ASME provide a test code that will set up sound methods for translation of performance from tests on one gas to performance on another. Prescribed limits for test conditions must also be established, just as they were for compressors. Many of the requirements have already been outlined by Balje.[8]

The Power Test Codes Committee already has under consideration the writing of a test code for expansion turbines. It is hoped that this paper will help to focus attention on these turbines, to stir the reactions of ASME members on this subject.

FOOTNOTES

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APPOINTMENT OF TEXANS TO NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Mr. TOWER. Mr. President, I was most pleased last week that President Nixon nominated two Texans to serve on the 25-member National Advisory Committee on Oceans and Atmosphere. These two most able educators are John C. Calhoun, vice president of Texas A. & M. University, and Francis S. Johnson, acting president of the University of Texas at Dallas. The Commission, which I have long advocated and fully supported when it passed Congress this year, will fill a vital need in helping the Federal Government to coordinate the activities of the various State and private institutions which are conducting programs relative to our Nation's ocean resources.

The appointment of two Texans to this committee underscores the increasing role that Texas and Texans are playing in developing a truly first-rate oceanographic and oceanic program for this country. I am proud to be associated with this effort. I know that both Dr. Calhoun and Dr. Johnson will make outstanding contributions to the work of this committee and that they will be a credit to our State.

OIL INDUSTRY PAID 8.7 PERCENT IN FEDERAL INCOME TAXES IN 1970

Mr. PROXMIRE. Mr. President, the major oil companies paid a record high amount in Federal income taxes in 1970: 8.7 percent.

Although this is far lower than an individual who earned $600 in taxable income would have to pay, it is a higher percentage than the major oil companies have paid since 1962.

United States Oil Week has continued its good work in publishing the actual amounts of money the major oil companies have paid in Federal income taxes.

I think the figures are a disgrace.

There is absolutely no justification for the American public to continue subsidizing the major oil companies who earned over $8.8 billion last year. I realize that

the major oil companies are starting to seek outside financing to continue accelerating their exploration pace, but I think they should seek this financing someplace other than the taxpayers' pocketbooks.

So long as the major oil companies with their billions of dollars in profits continue to pay lower taxes than an individual in the lowest tax bracket, I think the public will have cause to complain. At a time when everyone is called upon to bear heavier and heavier tax burdens to meet our national needs, how can we, in Congress, call upon individuals to pay more in taxes when the oil companies continue to escape. If the end result of requiring the oil companies to pay more taxes is higher oil prices, so be it. Let those who use the oil pay its true market cost. Perhaps that might encourage the development of more efficient mass transit.

I ask unanimous consent that the oil company taxes as reported by U.S. Oil Week be printed in the RECORD.

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

INTERNATIONAL FIRMS PAY LOW INCOME TAXES

Federal income taxes of major oil companies last year inched up to 8.7% of their before tax earnings.

The big international companies—who get tax credits for payments to foreign governments—kept their federal tax rates down to such amazing rates as:

	Percent
Gulf	1.2
Amerada	3.6
Atlantic	4.1
Union	4.6
Stancal	5.0
Marathon	5.3
Continental	6.4
Texaco	6.4

Yet some refiners—such as Ashland Oil & Refining at 32%—allowed their taxes to get as high as paid by some jobbers.

Mobil, with its heavy holding in the Middle East fell prone to a 10.9% federal income tax.

Last year we put The Signal Cos. into our table, and this year we removed it because Signal has dropped out of marketing-refining almost completely save for a few stations in Washington and Oregon now up for sale.

Signal, incidentally, reported a $48,490,000 net loss for 1970 and gained a $13,908,000 federal tax credit instead of paying taxes.

But it wasn't at all clear how much of the trouble or benefit came from oil operations.

Signal said it's getting out of foreign oil production too.

The figures for 1969 were revised from last year's table to reflect removal of Signal thus making the years more comparable.

What does the table show?

The revised figures for 1969 look as if they show the Tax Reform Act of 1969—with its cut in the percentage depletion allowance—actually lowered the industry's taxes.

Actually the percentage rate is lowered somewhat by adding Amerada Hess in 1969, a newly formed integrated major company with an unusually low tax rate.

While other refiners disappeared through the years—Sinclair, Tidewater, Sunray DX, Skelly, Pure and Richfield—their earnings and taxes became part of the acquiring companies.

Tenneco and Amerada Hess were added in 1969 because of their importance to marketing.

Actual dollars paid to Uncle Sam rose steadily, but combined profits of the industry rose steadily too (except for the 1969 changes in the table) with the federal tax rate staying about the same at 7% to 8.7% from 1965 to 1970.

Does it matter how much federal taxes refiners pay?

This table is put together annually by U.S. Oil Week not because we care whether certain firms pay a lower tax rate than the people who clean their offices.

But it is newsworthy that some refiners with aggressive marketing policies often have unusually low tax rates on the vast cash flow they handle.

Some with low tax rates don't market aggressively.

Refiner taxes have been controversial among marketers for years.

Tax credits for royalties paid to foreign governments as "income taxes" have been a bone of contention among federal officials trying to design an imports subsidy program that would encourage exploration at home rather than abroad.

The table is as follows:

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Standard (New Jersey):						
1962	$1,271,903	$8,000	.06	$423,000	33	$840,903
1963	1,584,469	69,000	4.3	496,000	31	1,019,469
1964	1,628,555	29,000	1.7	549,000	33	1,050,555
1965	1,679,675	82,000	4.9	562,000	33	1,035,675
1966	1,830,944	116,000	6.3	624,000	34	1,090,944
1967	2,061,000	166,000	8.1	700,000	34	1,195,028
1968	2,313,587	233,999	10.1	802,907	34	1,276,681
1969	2,069,697	265,789	12.8	756,269	36.5	1,047,939
1970	2,474,748	268,273	10.8	896,938	36.2	1,309,537
Texaco:						
1962	546,371	13,000	2.3	51,700	9	481,671
1963	615,768	10,250	1.6	58,850	12	545,668
1964	660,761	5,500	.8	77,900	11	577,361
1965	681,613	10,000	1.4	80,700	11.8	590,913
1966	808,991	32,500	4.0	104,700	12.9	671,791
1967	892,428	17,500	1.9	124,400	13.9	750,528
1968	1,006,246	23,800	2.3	162,800	16.1	819,646
1969	952,854	7,250	.7	175,800	18.4	769,804
1970	1,137,666	73,250	6.4	242,400	21.3	822,016
Gulf:						
1962	488,351	19,389	3.9	128,871	26	340,091
1963	540,065	30,870	5.7	137,842	25	371,353
1964	607,343	52,443	8.6	159,782	26	395,118
1965	655,727	53,559	8.1	174,935	26	427,233
1966	813,868	90,008	11.0	219,098	26.9	504,762
1967	955,968	74,142	7.8	303,539	31.8	578,287
1968	977,321	8,005	.8	342,997	35.1	626,319
1969	992,005	4,264	.4	377,183	38.0	610,558
1970	990,197	11,892	1.2	427,939	43.2	550,366
Mobil:						
1962	379,339	8,300	2.1	128,700	33	242,339
1963	437,352	23,000	5.2	142,500	32	271,852
1964	464,660	27,700	5.9	142,800	30	294,160
1965	508,016	33,900	6.6	154,000	30	320,116
1966	555,412	23,200	4.4	176,100	31.7	356,112
1967	594,593	26,900	4.5	182,300	30.7	385,393
1968	673,739	22,000	3.3	223,500	33.2	428,239
1969	728,815	41,800	5.7	252,500	34.6	434,515
1970	873,744	95,600	10.9	295,644	33.8	482,500
Standard (California):						
1962	348,181	5,800	1.6	28,600	8	313,781
1963	356,568	2,900	.8	31,600	8	322,068
1964	448,053	14,100	3.1	125,837	28.1	308,116
1965	507,341	12,500	2.5	142,941	28.2	351,900
1966	564,256	27,300	4.8	151,019	26.8	385,937
1967	791,962	12,900	1.6	369,669	46.7	409,393
1968	569,431	16,700	2.9	100,900	17.7	451,831
1969	593,386	10,900	1.8	125,700	21.2	453,786
1970	589,637	29,700	5.0	374,000	29.5	385,937

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Standard (Industry):						
1962	$168,843	$3,105	1.8	$3,381	2	$162,420
1963	208,022	22,182	10.6	2,748	1	183,092
1964	204,817	8,486	4.1	1,480	.7	194,851
1965	263,098	39,578	15.0	4,248	2	219,272
1966	300,531	----------	----------	49,672	----------	255,869
1967	366,847	74,021	20.2	10,576	2.9	282,250
1968	395,064	74,678	18.9	10,892	2.8	309,494
1969	403,337	64,200	15.9	18,104	4.4	321,033
1970	394,539	56,018	14.2	24,502	6.2	314,019
Shell:						
1962	173,555	7,200	4.1	8,680	5	157,675
1963	211,575	19,100	9.0	12,623	5	179,852
1964	213,575	2,800	1.3	12,583	5	198,190
1965	274,507	26,600	9.6	13,876	5	234,031
1966	313,085	46,100	14.7	11,785	3.7	255,200
1967	342,022	44,940	13.1	12,233	3.6	284,849
1968	387,767	63,378	16.3	12,298	3.2	312,091
1969	308,451	5,464	1.7	11,836	3.8	291,151
1970	274,681	34,285	12.4	3,191	1.1	237,205
Atlantic:						
1962	61,110	0	----------	14,844	24	46,266
1963	56,747	0	----------	12,734	22	44,013
1964	61,081	0	----------	14,005	22	47,076
1965	164,091	2,629	1.6	25,000	15.2	136,462
1966	203,356	7,637	3.7	23,877	11.7	171,842
1967	227,930	6,188	2.7	30,935	13.5	190,817
1968	240,272	2,999	1.2	37,713	15.7	199,560
1969	276,447	4,063	1.47	45,210	16.3	227,174
1970	257,121	10,622	4.13	40,869	15.8	205,003
Phillips:						
1962	158,320	48,000	30.3	3,365	2	106,955
1963	160,954	52,000	26.2	3,491	2	105,463
1964	152,197	32,229	22.2	4,950	3	115,018
1965	165,876	31,745	19.1	6,415	4	127,716
1966	218,382	59,163	27.0	7,595	3.4	151,624
1967	227,766	52,255	22.9	11,496	5	164,015
1968	184,560	32,584	17.7	15,174	8.2	136,802
1969	178,155	24,231	13.6	19,602	11	134,322
1970	198,241	19,871	10.0	9,326	4.7	169,044
Conoco:						
1962	73,477	1,065	1.4	3,335	5	69,077
1963	99,665	9,143	9.2	3,157	3	87,365
1964	204,184	235	.1	103,840	50.9	100,109
1965	201,914	4,670	2.3	101,093	50.1	96,151
1966	290,294	11,669	4.0	122,339	42.1	156,916
1967	280,584	7,649	2.7	123,973	44.2	148,962
1968	290,357	9,721	3.3	130,594	45.0	150,042
1969	248,868	3,394	1.3	88,406	35.5	157,068
1970	301,115	119,262	6.4	121,388	40.3	160,465
Tenneco:						
1969	91,633	−13,299	----------	2,941	3.2	101,991
1970	182,082	24,273	13.3	2,891	1.5	157,018

Footnotes at end of table.

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Sun:						
1962	$66,395	200cr		$13,400	20	$53,195
1963	79,976	1,300	1.9	17,460	22	61,216
1964	88,577	2,400	2.7	17,670	20	68,507
1965	113,405	10,300	9.0	18,220	16	84,835
1966	131,544	16,600	12.6	14,370	10.9	100,574
1967	146,946	24,700	16.8	13,670	9.3	108,576
1968	227,790	44,290	19.4	19,070	8.4	164,430
1969	226,052	48,207	21.3	25,585	11.3	152,260
1970	223,086	27,054	12.1	56,957	25.5	139,075
Cities Service:						
1962	84,143	20,773	24.7	3,185	3	60,185
1963	101,976	20,188	21.4	4,283	4	77,505
1964	105,299	19,819	18.9	967	.9	84,513
1965	137,068	31,973	23.3	977	.7	104,118
1966	194,456	51,760	26.7	902	.4	141,794
1967	165,289	32,347	19.6	5,105	3.1	127,837
1968	138,613	12,683	9.1	4,594	3.3	121,336
1969	165,418	27,254	16.7	4,766		133,398
1970	151,562	27,169	17.9	5,816	3.8	118,577
Union (California):						
1962	59,421	8,000	13.5	5,500	9	45,921
1963	73,028	13,100	17.7	6,000	8	53,928
1964	87,564	13,300	15.2	7,200	8	67,064
1965	119,214	15,604	13.2	8,840	7	94,770
1966	170,782	18,398	10.7	10,144	5.9	142,240
1967	163,820	10,400	6.3	8,457	5.2	144,963
1968	164,232	5,955	3.6	7,045	4.3	151,232
1969	171,430	8,800	5.1	9,400	5.4	153,230
1970	161,825	7,540	4.6	15,210	9.4	114,461
Amerada Hess:						
1969	133,875	2,406	1.8	46,813	34.9	84,655
1970	183,905	6,648	3.6	63,247	34.3	114,010
Getty [2]:						
1967	132,762	3,687	2.8	10,909	8.2	118,166
1968	112,798	6,712	6.0	7,836	6.9	98,250
1969	140,426	11,400	8.1	9,758		119,268
1970	159,144	34,909	21.9	13,089	8.2	111,146
Marathon [3]:						
1962	$26,064	$2,200	0	$205	.5	$37,889
1963	50,058	(3)	0	933	2	49,125
1964	63,220	(3)	0	2,844	4	60,376
1965	97,416	(3)	0	37,345	38	60,071
1966	130,927	2,400	1.8	59,700	45.9	68,826
1967	138,520	3,700	2.7	60,962	44.0	73,858
1968	155,335	4,350	2.8	67,659	43.6	83,326
1969	170,657	3,250	1.9	77,929	45.6	89,478
1970	153,783	8,200	5.3	61,000	39.6	84,583
Standard (Ohio):						
1962	37,235	9,275	25.0	3,738	10	24,222
1963	54,008	15,225	28.1	4,896	9	33,887
1964	70,252	21,150	30.2	5,334	7	43,768
1965	82,848	26,300	31.7	6,386	8.3	49,712
1966	84,481	21,200	25.0	6,345	7.5	56,936
1967	101,496	29,200	28.8	8,412	8.3	63,884
1968	113,571	38,100	33.5	5,394	4.7	70,077
1969	99,706	42,601	42.7	5,183	5.2	51,922
1970	66,351	(6,918)	(10.4)	4,252	6.4	69,017
Ashland: [4]						
1962	24,324	6,201	25.8	2,799	11	15,324
1963	28,769	10,556	37.7	104	.3	18,109
1964	36,385	9,672	26.8	2,977	8	23,735
1965	50,594	15,500	30.6	2,440	5	31,594
1966	69,324	20,830	30.0	5,570	8	42,924
1967	72,212	23,718	32.8	3,952	5.5	44,542
1968	79,115	26,251	33.2	4,524	5.7	48,340
1969	83,102	27,480	33.0	3,280	3.9	52,342
1970	84,326	27,260	32.3	4,723	5.6	52,343
Total:						
1962	4,198,331	169,492	4.0	838,954	19.9	3,194,770
1963	4,921,577	304,985	6.2	951,255	19.3	3,663,037
1964	5,322,329	233,241	4.4	1,251,442	23.5	3,838,846
1965	5,940,312	407,621	6.8	1,360,470	22.9	4,172,221
1966	6,985,171	577,436	8.2	1,609,663	23.0	4,798,072
1967	7,626,420	628,581	8.2	1,945,888	25.5	5,051,641
1968	8,131,063	623,458	7.6	1,983,326	24.3	5,524,279
1969	8,031,315	589,454	7.3	2,056,265	25.6	5,385,595
1970	8,857,753	774,908	8.7	2,463,382	27.8	5,597,740

[1] Conoco's Federal income tax figure includes a reduction due to benefits arising from consolidation. Foreign and State taxes include Federal and State gasoline and oil excise taxes because the firm's financial statement gave no clear-cut breakdown.

[2] Getty income for 1967 includes companies previously listed as Tidewater and Skelly.

[3] Marathon Oil's 10K filing with the SEC doesn't reveal how much Federal income tax it paid in years prior to 1966.

[4] Fiscal year ends September 30.

THE POWER OF THE FBI

Mr. THURMOND. Mr. President, the Washington Evening Star of October 25 contains a column by William F. Buckley, Jr., entitled "Is It Public Justice or Just Hoover Baiting?" And on October 20, the Hall Syndicate released a column by Robert S. Allen.

Both columns deal with a 2-day seminar taking place at Princeton University on October 29 and 30, 1971, by the Committee for Public Justice. The first extensive meeting is scheduled to be held at the Woodrow Wilson School in Princeton.

The conference has been billed by the sponsors as nonpartisan with the objective of looking at the role, structure, and power of the Federal Bureau of Investigation in the American society. However, both Buckley and Allen in their respective articles see the conference in its true light as being a radical, liberal operation and a part of a nationwide drive to disparage and asperse the FBI and its noted Director J. Edgar Hoover.

It seems strange that a committee so self-advisedly concerned with justice should solicit, in the name of estimating the usefulness of the FBI, the services of men who are harsh foes and critics of the FBI and Hoover. The most conspicuous figure in the executive council is Ramsey Clark, Attorney General in the last phase of the Johnson administration. Since leaving office, Clark has become a strident critic of the FBI and a liberal activist. The other speakers, panelists, and participants are similarly highly biased and prejudiced in their view of the FBI.

These two articles focus on this conference and they cast light on what is bound to be an attempted hatchet job.

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

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

[From the Evening Star, Oct. 25, 1971]

IS IT PUBLIC JUSTICE OR JUST HOOVER BAITING?

(By William F. Buckley, Jr.)

A gentleman at Princeton University got the idea a while ago that it would be interesting to inquire into the nature of something. So he founded the Committee for Public Justice.

Having founded a Committee for Public Justice, the question naturally arose, public justice for whom? The answer was obvious: Public justice for victims of—J. Edgar Hoover. The first extensive meeting is scheduled to be held at the Woodrow Wilson School in Princeton Friday and Saturday, and it is fearfully predictable that they will talk about the deficiencies of the Federal Bureau of Investigation.

It is strange that a committee so self-advertisedly concerned with justice should solicit, in the name of estimating the usefulness of the FBI, the services of men who are, some lot of them, anti-FBI nuts. I say nuts, because criticism of the FBI needs to be evaluated with some reference to the evaluater's general view, of things. If there is anyone on the masthead of the new committee who has given 10 minutes' fruitful thought to the question of crime and punishment, with the possible exception of Norman Dorsen of the ACLU, then there will be headlines indeed out of Princeton this weekend, to celebrate the discovery of crime by this set.

The most conspicuous figure in the executive council is Ramsey Clark. Clark, who is a splendid fellow, wrote, alas, the most perverse book about morals since De Sade, the jurisprudential equivalent of "The Greening of America". On top of that, Clark and Hoover, who was a subordinate of Clark for a few years, in the sense that Marshal Montgomery was a subordinate to King George V, were exchanging epithets a year or so ago.

Then there is, of all people, Lillian Hellman who, notwithstanding her great resourcefulness as a dramatist, could only think, in 1952, to answer questions about her involvement with the Communist party with mutterings about the 5th Amendment. Burke Marshall was an assistant attorney general during the Kennedy years, and in pursuit of public justice rushed to Chappaquiddick not at the urging of Mr. and Mrs. Kopechne, but of Sen. Kennedy.

Oh, it is a wonderful list! Did you know that Warren Beatty was interested in public justice?

Jules Feiffer is there, to protest what a spokesman for the committee has described as "political repression," which is to be defined, one gathers, as resistance to the burning down of ROTC buildings. J. Fred Cook is best known as having discovered that the FBI framed Alger Hiss.

Frank Donner also pleaded the 5th Amendment about his connections with the Communist party. Martin Peretz of Harvard, the philanthropist of the hard left, is still dazed from the anti-Semitic talk he ran into during one of the caucuses which, as I remember, he got the bill for.

Shirley MacLaine will be consulted. We never can remember whether Shirley MacLaine is Shelley Winters, and which of the two is related, and how, to Warren Beatty though it is good to know that they are both

related by their common thirst for public justice. There is a military man. Who? You guessed it, former Marine Commandant Gen. David Shoup, who has been talking about American war crimes ever since the Viet Cong launched their reign of terror. And Candice Bergen, Mrs. Marshall Field, Mrs. Elinor Gimbel, and Charles Goodell.

Other contributors to Princeton's search for expanding the vocabulary of anti-Hooverism are Paul Newman, who will contribute the facial expressions; Mike Nichols, who will direct them; and Arthur Schlesinger Jr., who will write the history of the Committee for Public Justice, which will be the shortest book he ever wrote, meaning that there is something in public justice for all of us.

SEMINAR AT PRINCETON UNIVERSITY, OCTOBER 20, 1971

(By Robert S. Allen)

A singular two-day "seminar" is taking place at Princeton University next week that is being characterized in official circles as a "hanging without a trial."

A radical-liberal operation from start to finish, it is part of a nationwide drive to disparage and asperse the FBI and to "get" its noted Director J. Edgar Hoover.

Announced theme of the October 29–30 affair is "The Role of the FBI in American Life." Strikingly indicative of the highly biased and prejudiced nature of this discussion is that without exception every speaker, panelist, and other participant is a harsh foe and critic of the FBI and Hoover—most of them of many years' standing.

Several other revealing and significant facts about them are:

(1) All are left of center in varying degrees, ranging from militant liberals and New Leftists to communists. (2) Without exception they are vigorous opponents of the Vietnam war and vehement denouncers of the so-called "military-industrial complex"—although in most instances they also are clamorous advocates of more arms and credits for weapons to Israel.

Proclaimed sponsors of this carefully staged, one-sided kangaroo court is the Committee for Public Justice, headquartered in New York and headed by an Executive Council as leftish and hostile to the FBI as the program and participants of the Princeton seminar.

Graphically illustrating this are the following leaders of the Council:

Norman Dorsen, general counsel of the American Civil Liberties Union, who has a long record of denouncing the Justice Department in particular and the Federal Government in general, and championing far-out liberal causes and crusaders.

Burke Marshall, deputy dean of Yale Law School and Assistant Attorney General in the Kennedy Administration, and long in the left-of-center forefront.

Blair Clark, aggressive dove and campaign manager of former Senator Eugene McCarthy's stormy but futile scramble for the 1968 Democratic presidential nomination. During that campaign, McCarthy and Clark assailed the FBI and Director Hoover and unavailingly tried to make an issue of them.

Ramsey Clark, Attorney General in the last phase of the Johnson Administration, during which, at a meeting of FBI men, he lauded Hoover to the skies. Since leaving office, Clark has become a strident critic of the FBI and a liberal activist. Earlier this year, he indicated harboring presidential ambitions but they seem to have evaporated in thin air. Last fall, in reply to snide remarks by Clark, Hoover derisively characterized him as a "jellyfish" and the "worst" Attorney General he ever worked for.

MORE OF THE SAME

Reportedly, the Princeton seminar will consist of two parts:

In Part I, a number of "papers" will be presented on patently angled topics by equally biased authors. Examples: "Political Uses of the FBI" by I. F. Stone, long-time leftist and publisher of "I. F. Stone's Biweekly"; "Informers" by Frank Donner, New York attorney, who has been the lawyer of Communist Party functionaries and has been associated with communist front organizations over the years. In 1959, he pleaded the Fifth Amendment when questioned by the House Committee on Un-American Activities regarding Communist Party affiliations and activities.

Also "Insiders' View" by William Turner, one-time FBI agent who was dismissed on charges including lack of truthfulness, accuracy, and responsibility. He appealed this ouster, but it was sustained by the Civil Service Commission, the Court of Appeals for the District of Columbia, and the Supreme Court. He has written several books and a number of magazine articles castigating the FBI and Hoover; "Selling of the FBI" by Robert Sherrill, one-time newsman and prolific critic of the FBI, President Johnson, and former Vice President Humphrey. Sherrill labeled Johnson as "The Accidental President", and Humphrey as "The Drugstore Liberal."

Part II of the seminar will consist of panels aimed at exposing and castigating FBI methods and practices.

One panel will be made up of former Justice Department officials, among them Burke Marshall and Roger Wilkins, an assistant of the late Robert Kennedy. Another panel will comprise former FBI agents, including Turner, John Shaw, Sr., and Robert Wall, both ousted under charges.

A third panel will consist of individuals characterized as "FBI informers," who will be selected by Donner, the New York attorney who has represented Communist Party officials.

Prominent among those listed as members of the Committee for Public Justice are actors, writers, and artists long associated with leftist, radical, and peace causes of various kinds.

Foremost among them is Leonard Bernstein, symphony director, composer and supporter of the crime and murder-ridden Black Panthers. Also movie actors Marlon Brando, Shirley MacLaine, Paul Newman, and Warren Beatty with long records in leftist causes.

Writers who are Committee members include Victor Navasky, ardent Kennedyite and author of the recently published book "Kennedy Justice," a laudatory account of Robert Kennedy's administration of the Justice Department; and Walter Pincus, another Kennedy partisan who has written numerous articles hostile to the FBI and Hoover. In a three-part series published in the Washington Post last June, the paper was forced to print a retraction of some of Pincus' charges.

CHINA AND THE UNITED NATIONS

Mr. BROOKE. Mr. President, the People's Republic of China has now been admitted to the United Nations.

For 22 years, China, the most populous nation in the world, has been represented in the counsels of the world by an exiled government on the island of Taiwan. And throughout those 22 years, the government which has ruled the 800-million Chinese people on the mainland has been denied representation in international organizations.

I welcome the admission of the People's Republic of China as a full member of the United Nations. I think it is a step toward realism to accept the representation of the Peking government on the Security Council and in the General Assembly.

It is unfortunate, however, that in the process the Chinese Government on Taiwan has been expelled for the world body. I would have preferred to see that government given the option of choosing whether to remain or to withdraw, or to represent solely the people of Taiwan.

But the expulsion of Taiwan from the United Nations should not determine our future policies in regard to the United Nations.

China is a revolutionary power—in the sense that it is seeking a revolution in the distribution of wealth and the organization of society, both at home and abroad. But China is also a cautious nation in the use of its power. Participation in the United Nations can contribute to China's exercise of caution and restraint by offering another channel for the propagation of her views.

For the United States to withdraw from the United Nations, or limit its participation in the world body—economically or diplomatically—would be a tragic mistake.

What free society has ever retreated from the free exchange of ideas? What free people has ever so repudiated its own principles that it has said to others: "You must agree with me, or I cannot talk to you!"

In my opinion, there is nothing wrong with the United Nations becoming an international debating society, as some have suggested. For it was created to replace the weapons of war with the weapon of words.

Mr. President, if China is our adversary, let us face them on common ground, with the nations of the world in witness. Let us see whose ideas survive in a free society—whose principles will triumph in open debate. I know whose ideas will survive. I have faith in our country.

We all stand together on Spaceship Earth. We have our differences. But we can stand united in commitment to resolve those differences peacefully. This is what the U.N. stands for, and this is what our Nation stands for in world affairs.

EXPULSION OF NATIONALIST CHINA FROM UNITED NATIONS

Mr. ROTH. Mr. President, the action by the United Nations General Assembly on Monday evening to expel the delegation from Nationalist China was, in my opinion, a grievous error. It is most unfortunate not only for the government of Taiwan, but for the United Nations itself. The United Nations has now—for the first time in its history—shown its willingness to expel one of its members by a simple majority vote.

But despite the unfortunate U.N. General Assembly vote, ample opportunity still exists for the Republic of China to be represented in the world organization. The United States should, in my opinion, explore every avenue open to it to achieve this end. Certainly any organization that seeks to represent the people of the world in a form for airing international problems and disputes must seriously consider the effects of an action that summarily excludes a government representing 14 million persons while every year admitting to full member-

ship nations unknown and unheard of consisting of as few as 100,000 people.

When we consider that of the 130 member states of the United Nations, more than 90 have populations smaller than that of Taiwan, the case for continued representation of the government of Taiwan should be clear.

Although technically the U.N. has by its action Monday evening simply decided that the government of Peking rather than the government at Taipei is the legitimate representative of the Chinese people and should, therefore, occupy the China seat in the U.N., the world body must recognize that in resolving this dispute it has created additional problems.

One problem I have alluded to already; that is the fact that the U.N., by a majority vote of the tiniest of nations, is capable of expelling any member nation. That precedent itself is sufficiently serious to cause friends of the world organization to wonder whether structural changes should be made in the organization. At this point member nations may well consider whether they will be the victim at some future date of a wave of emotionalism wholly unrelated to the purposes for which the U.N. was created.

Another problem brought about by Monday night's action is the reaction that it may generate here in the United States. There will be calls for the United States to abandon the United Nations in the wake of Monday's vote. There will be efforts made to discredit the world body and attempts to lessen support for it. I would like to make clear that I intend to continue to support the United Nations as a forum for airing international disputes. I do not think we should leave the U.N. nor do I think we should cease our efforts to improve the organization. Whether or not the United States should, in these changing times and in light of our own financial problems, continue to give the U.N. the same level of financial support that we have given over the years is another matter. I shall certainly want to review that question with great care over the coming weeks.

But the point I am essentially trying to make here is that the United Nations has by expelling Taiwan seriously damaged itself. It can substantially recover from this self-inflicted wound by giving prompt and serious consideration to the admission to the General Assembly of the Government of Taiwan as a member. This is a matter that should have the highest priority in our own Government, too. I urge the administration to examine every legal possibility in order to prevent the 14 million people of Taiwan from being excluded from representation in the United Nations.

In this connection it should be noted that the General Assembly has not voted on the specific question of membership for Taiwan, but, as I said earlier, only on the question of which government—Peking or Taipei—should occupy the China seat in the General Assembly. The United States could now seek a straight up-or-down vote on membership in the General Assembly for Taiwan now that the Assembly has settled the question of Communist China's representation.

It is my understanding that the Republic of China is still technically a member of the Security Council, since the Security Council determines its own membership and a member of that body need not necessarily be a member of the General Assembly. In addition, the Security Council must recommend membership for any country in the General Assembly before the Assembly can vote on it. The Republic of China, since it still occupies a Security Council seat, could seek a Security Council recommendation to the General Assembly that it be admitted to the Assembly. In fact, the United States could sponsor such an application.

This proposal represents but one way to keep the Republic of China in the United Nations, and there may be others. I again urge the administration to explore the various means at its command to achieve this end.

THE NIXON-KISSINGER FOREIGN POLICY

Mr. TUNNEY. Mr. President, I had the opportunity this morning to read a perceptive analysis of the Nixon-Kissinger foreign policy in the November 1971, issue of Harper's magazine.

In that analysis, Morton Halperin and Leslie Gelb have placed our policy toward Asia in a realistic and balanced perspective. They have raised serious issues about the secrecy with which President Nixon and Dr. Kissinger operate. They have posed an important inquiry into our astounding policy toward Pakistan.

And, perhaps most important, they have compared Dr. Kissinger's theories with Dr. Kissinger's practices and have raised the question: Does Dr. Kissinger himself recall the sage advice which he once offered other administrations?

I commend the article to the Senate and ask unanminous consent that it be printed in the RECORD.

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

HENRY KISSINGER: NIXON'S SHERPA IN THE ASCENT TO THE SUMMIT

When Marco Polo returned from China in the thirteenth century with gun powder, silks, spices, and noodles, the European mind was enchanted by the prospect of even more secrets and riches. Centuries later, Napoleon mused that when "the sleeping giant of the East" awoke, it would dwarf the European-centeredness of world diplomacy. Missionaries from throughout the West flocked to China with the dream of saving Christianity by converting 500 million "Chinamen." And today, one still hears the story of the American aspirin manufacturer with visions of overflowing coffers if only each Chinese would buy one tablet.

Franklin D. Roosevelt, more than anyone else, shaped U.S. expectations of China in the period after World War II. Through his maneuverings, China was granted one of the five permanent seats on the United Nations Security Council. FDR thought that by declaring Chiang Kai-shek's China to be a great power and by treating it like one, it would become the Asian rock of stability in the subsequent peace.

But, like almost all Americans, FDR knew little about China. China was an abstraction to be loved and protected in the name of humanitarianism and the dollar, and as a bulwark in Asia against the Soviet Union and Japan. After the fall of China to Communism in 1949 (a fall from God's grace, as many saw it) and here entrance into the Korean war, China remained an abstraction, but one to be hated and cordoned off from other nations in the name of the Free World, much as one banishes an apostate. To those Americans who had lived there, China was the source of neither salvation nor perdition. They remembered the passive suffering and the graces of the Chinese, and they knew that China's gigantic size was the wellspring of deep weakness as well as of potential strength. Perhaps we would have heard this message had not the Cold War stopped our eyes and ears. In any event, cut off from learning more about China and ignorant to begin with, Americans permitted the old myths to survive in modern form. Now the myths speak of how China will help us bring peace to Vietnam, settle the future peace of Asia, negotiate successfully with the Soviet Union, and expand our dwindling trade markets.

The Vietnam myth is the most pernicious. Somehow, perhaps because of the inattentiveness of the press, or the careful hints coming from official background briefings, or the dramatic secrecy of Kissinger's trip, or, more likely, because of our own desire to believe, the impression is growing that the way out of Indochina is not through Hanoi but through Peking.

The wishful thinking runs like this: isn't our real objective in Vietnam to stop all the fighting, not just the American role in the war? Doesn't this require a political settlement? Yes, to both questions. Well, then, Hanoi is simply demanding a unilateral American withdrawal in return for the release of American prisoners, and this will not bring about a political settlement nor end all the fighting. By seeking to negotiate Vietnam in a large context and perhaps with a little Peking pressure on Hanoi (as the Chinese did in the 1954 and 1962 Geneva Conferences), we can bring about a more genuine and stable settlement of the war through the neutralization of Southeast Asia. Let's give the President a chance to work on this approach.

This "game plan" is full of holes. Peking is very unlikely to apply pressure on Hanoi to compromise its present terms. Chinese statements since Kissinger departed from Peking confirm this. But, even if Chinese leaders were tempted to "sell out" Hanoi once again in order to bring about their larger aims of an American withdrawal from Southeast Asia, it is doubtful that they would or could do it. It is one thing for the Chinese to be seen dealing with the "American devil" and quite another for them to risk damaging their ideological position by throwing their ally to the devil. Abandoning Hanoi would be tantamount to handing over Communist leadership in Southeast Asia to the Russians. And even if China were to reduce or cut off laid to Hanoi, the fighting would not stop as long as Soviet aid continued.

The President's impending trip to Peking does have one advantage in relation to Vietnam. It reduces the chances of the President's escalating the war, because the Chinese could at any time cancel his trip. Nevertheless, the China myth has left us further from a peace in Vietnam than we were four months ago. The China trips have bought time for the President's Vietnam policy. Along with the publication of the Pentagon Papers, they have knocked the latest NFL-Hanoi Seven Point Proposal right off the front pages and pretty much out of the news entirely. The pressure that had been building up for the Nixon Administration to make a counterproposal has evaporated.

Nor will the Washington-Peking negotia-

tions settle that other ever-present Asian trouble spot—Korea. As with Hanoi, Peking's leverage on Pyongyang does not seem to be significant. Moscow is still the principal supplier of that regime's economic aid and arms. Moreover, neither Pyongyang nor Seoul could be coerced into accepting the 38th parallel and renouncing the use of force as long as there is no trust between them. A settlement of the Korean problem will have to await changes in the domestic politics of the two Koreas; until then, we can only work around the edges.

Neither will improved Chinese-American relations materially affect Soviet-American relations. A few Administration officials have expressed private worries about the Russians becoming more intransigent, but they forget we have been dealing with them on SALT and Berlin long before Kissinger's diplomatic stomachache.

The China myth has raised false hopes in the American community. Alas, China is a very poor country. Its Gross National Product is approximately $75 billion. This compares very unfavorably with the GNPs of Japan ($200 billion), the U.S.S.R. ($350 billion), and the U.S. ($1,000 billion). Moreover, China has a long history of being a reluctant trading partner. Unlike Westerners and Japanese, the Chinese have been interested in economic self-sufficiency and not in the comparative advantage economy of free traders. In sum, the Chinese do not have the money to buy American, nor do they have products to trade us in return for ours, nor are they anxious to make their economy dependent on trade.

Once we step away from great expectations about the side effects of eased relations with China, there does remain a serious agenda for U.S.-China negotiations. It is an agenda of longer term issues.

First on the list is the need to talk to the Chinese about reducing the risks of nuclear war and the effects of the testing of nuclear warheads. For a time the Chinese will not be receptive to our views on nuclear issues. They will want to seek parity with us and the Russians before they bargain. Nevertheless, the process of mutual education should not wait.

Second, there is a whole range of nonpolitical matters to get on with. These include space, weather, disease control, and pollution. Multinational agreements in these areas will mean very little without one-quarter of the world's population as a party.

Third, after the settlement of the Vietnam war, both sides will have an interest in discussing the neutralization of Southeast Asia. The internal situations of these countries and the power balance among them are unstable, and continued warfare is not an unlikely prospect. Both Peking and Washington should come to realize that the best way to avoid a mutual confrontation is to take the area out of the arena of Big Power politics.

Lastly, we must get on with the issue of "who is China?" Secretary of State William P. Rogers has announced that we will not oppose the admission of the People's Republic of China to the United Nations. But he has also announced that we would oppose the expulsion of the Nationalist Chinese regime on Taiwan. This two-China policy is totally unacceptable to both Chinas. While we may not be able to untangle this issue for a period, we can still talk to Peking about the one principle important to us, namely that the future of Taiwan shall not be resolved by force.

In the long run, the question of Taiwan has to be settled between the people who live on that island and the Peking regime. The sensible solution would seem to be, as Richard Moorsteen and Morton Abramowitz have suggested, a "one China, but not now" policy.

These longer term issues on which Peking and Washington can profitably talk do not make headlines. Nor do they offer the delights of summitry. As Kissinger has written about general foreign policy in *The Necessity for Choice,* we must make a decision. We can seek to perpetuate the myths or to focus on the real issues.

The American move to establish relations with China is not only desirable, it is in fact long overdue. Mr. Nixon, as part of the who-lost-China group in the 1950s, must share some of the blame for the delay. He also deserves considerable credit for finally overcoming the stale rhetoric by calling the People's Republic of China by its proper name and moving toward normal relations with the government of one-quarter of the earth's population. There is no doubt that Mr. Nixon was in a better position to deal with this issue than any of his predecessors. Unlike John F. Kennedy, he had not been warned by the outgoing President and Vice President that any "recognition" of China would bring Eisenhower and Nixon out of retirement into a full-scale attack. While some elements of the right wing have condemned the President's initiative, it is difficult, as Henry Kissinger has been heard to observe, to accuse Richard Nixon of being soft on Communism.

But why was the overture to China made in secret? Strangely enough, we have had no explanation at all from the Administration (either on the record or, as far as we are aware, in its ubiquitous backgrounders) as to why Kissinger's journey to Peking had to be secret or why the President's announcement had to be so dramatic and apparently so far in advance of his departure. The choice of Kissinger as ambassador should occasion no surprise. President Nixon has often demonstrated his distrust of State Department negotiators. In most cases he has dispatched his Special Assistant for National Security to carry out delicate negotiations (including, incidentally, those involving a possible submarine base in Cuba). As for the secrecy, however, it is possible that the President feared that if he exposed his intentions to the State Department bureaucracy, someone would leak the information either to the Chinese Nationalists or to domestic opponents of such a move. The result, he might have thought, would be such an outcry from the Nationalists and the U.S. right wing that he wouldn't be able to send Kissinger to Peking, much less arrange a visit there of his own.

Whatever his reasons, the absence of public debate on the President's failure to explain the need for secrecy is in itself remarkable. Given the increasing demand in the Congress and the country for greater disclosure and participation in foreign-policy making, it is extraordinary that the President's decision has led to no questioning, even by those who have argued most loudly for more involvement.

No one has ever protested the President's warning against speculation as to what he can accomplish in Peking, nor his order to the bureaucracy not to speak publicly on the subject. All of this suggests how quickly we forget the lessons we supposedly learned from Vietnam and from the release of the Pentagon Papers. If we are going to object to secrecy and demand Presidential candor only when we disagree with the policy, we will have accomplished little.

The public's right to know is one cost of secrecy. Troubles with our partners is another.

One immediate question relates to the technical arrangements for the Kissinger trip and concerns American relations with Pakistan. There is no doubt that Pakistani officials were involved in helping to arrange the visit and it appears, although the Administration still considers it highly classified information, that Dr. Kissinger took his trip to Peking on a Pakistani airplane. It seems a reasonable guess that Nixon and Kissinger feel a certain sense of obligation. This might well explain the American decision to continue economic and even some military aid to Pakistan. If so, the American people are entitled to be informed. If this sense of obligation is the explanation for our quite extraordinary behavior in the face of gross atrocities by the Pakistani Army in Bangla Desh, then that in itself would seem to outweigh the possible gains of a secret reliance on Pakistan.

Beyond the technical arrangements, the desire for secrecy meant that there was no consultation with America's allies before the Presidential announcement. If the President is not prepared to tell his own Vice President or Secretary of Defense what he is up to, he cannot very well consult leaders of foreign governments. But the secrecy was bought at a high price.

The Administration has frequently expressed concern that the Nixon Doctrine ("low profile in Asia") would be misunderstood by our allies as indicating a total American withdrawal from East Asia. The way the visit to Peking was handled could only serve to underscore such fears. Officials in Korea, the Philippines, Thailand, and other Asian nations no doubt fear that the United States has reached some kind of secret understanding with China at their expense—or will. In Australia the concern was heightened by the fact that China is a domestic political issue. Kissinger, who had written bitingly—in his book, *The Troubled Partnership*—about the Kennedy Administration's failure to take account of the domestic politics of its European allies in shaping its NATO policy, evidently was not aware of or was unconcerned about a similar situation in the East.

The case of Japan, however, raises the greatest doubts as to whether this secretly planned trip is, in fact, to the net advantage of the United States. In order to understand the problem, it is necessary to consider briefly the state of U.S.-Japanese relations and the role of the China issue in Japanese domestic politics.

Relations with China have been a critical aspect of U.S.-Japanese relations since the early 1950s, when John Foster Dulles told Japanese Prime Minister Yoshido that the U.S. Senate would not ratify the treaty ending the occupation unless he agreed in advance that Japan would deal with Nationalist China rather than with Communist China. Forced to bind themselves to the Nationalists, the Japanese nightmare became that they would wake up one morning to find the United States had gone to Peking, leaving the Japanese out on a limb.

The Japanese government's concern about this issue was compounded by the fact that China has been and remains an important issue in Japanese domestic politics. All the opposition political parties, the major newspapers, as well as important elements within the ruling Liberal Democratic Party, have been pressing for some time for a normalization of relations with Peking. They have accused the government of not moving on this question out of undue deference to the United States. In fact, the Sato government's reluctance is based as much on its own relations with Taiwan as on an unwillingness to break ranks with the United States. Nevertheless, the Japanese have always recognized that they would have to move if we did, and they've always desired to move first.

Recognizing the importance of the China issue to the Sato government, the United States had begun consultations with Japan in the specific issue of the China seat in the U.N. These negotiations have been going on for some time. They involved what the Japanese press described as intimate and frank discussions. Japanese leaders were confident that they knew the precise thinking of the Nixon Administration on China and that the two governments were determined to work out a common policy. One can imagine the consternation with which Prime Minister Sato learned a bare few minutes before

the President's announcement that, unknown to him and to the American officials with whom the Japanese government was consulting, the United States had been working out plans for Henry Kissinger to go to Peking to arrange for a Presidential visit. The frank and full consultations Sato thought he was having with the United States were exposed as a sham. Sato asserted that Japan would not be flustered by the decision, but in the view of most observers in Japan, it has decisively weakened his position and foreshadows his early resignation.

Beyond this, however, many Japanese feel that their worst nightmare may have been confirmed by the President's move, which, as they see it, seeks an accommodation with Peking at the expense of Japan. On these grounds, Japanese fears are probably exaggerated. It is doubtful that the United States would, or will during the President's visit, agree to turn Taiwan physically over to the mainland or do anything else to damage Japanese foreign-policy interests. The Japanese cannot be sure, however. Neither they nor anybody else has been told anything about the details of the Kissinger conversations or what concessions may have been made in order to arrange the trip.

As both Nixon and Kissinger have recognized in the past, close cooperation between leaders of allied governments depends on a respect by each for the domestic political problems of the other. Failure to take these into account in relation to Japan cannot but hurt efforts to work out accommodations on other sensitive issues such as textiles, yen revaluation, or trade in general. Most important, the failure to consult raised doubts in Tokyo about whether or not the United States is prepared to treat Japan as a major ally and full partner in the Far East.

The current leaders of Japan would prefer to continue to rely on the American strategic nuclear umbrella, while moving Japan into a more active political and economic role in Asia. They will follow this course if they believe Japan can do so with dignity and honor. If they conclude that the United States will not take Japan seriously as long as it is not a major military power, then they may come to believe that Japan's interest and her dignity require a major change in relations with the United States and the development of Japanese military power, including a nuclear capability.

The disregard for Japanese interests shown in the way the President moved toward Peking, the failure to consult accompanied by the pretense of intimate consultation, has raised serious doubts in Japanese minds. These concerns were aggravated by the failure to consult Japan before the President imposed the 10 per cent tax on imports and cut the dollar loose from gold. The adverse effects of these events can now be alleviated only by genuine consultation as American policy on trade and China continues to evolve. Even if this is done, there will be serious damage to American-Japanese relations. If we continue to hold Japan at arm's length, the results could be disastrous. As a Japanese official told the *New York Times*, "Emotionally, I sense a kind of pre-Pearl Harbor atmosphere in the relations between our two countries."

Our newfound fascination with China should not blind us to the fact that American relations with Japan are much more important to U.S. security and to the future of East Asia than are American-Chinese relations. A militarized Japan would create far greater problems for Asia than China is likely to do in the next few decades. Economically, Japan can make a much more significant contribution to the development of East Asia than China possibly can. Japan is now the United States' largest overseas trading partner, and their trade will, for the indefinite future, be infinitely more important to the United States than any possible trade with the Chinese mainland. In taking a step toward improved relations with Peking in a way that has seriously damaged our relations with Tokyo, the President has shown a poor sense of priorities.

What does the story of Kissinger's flight to Peking, the President's impending journey, and the way American allies were handled tell us about the Nixon-Kissinger school of foreign policy? Theirs has been a good record to date. With the exception of the Vietnam war (and even here many applaud the troop reductions: more than half out and still leaving), the list of accomplishments is long. The SALT talks have reached an understanding on the outlines of an agreement. The reversion of Okinawa to Japan has been negotiated. More than 20,000 U.S. troops have been withdrawn from from Korea. Our forces have been reduced elsewhere in Asia. We have signed an agreement to ease tensions in Berlin. There is a cease-fire in the Middle East. Perhaps of equal importance, we have stopped using that terrifying phrase, "the Free World versus Communist Totalitarianism." The absence of this kind of rhetoric is a marked improvement over the past.

Most of this record is only potential. Each of these prospects could founder on the rocks of the knotty issues themselves, but there are dangers in the Nixon-Kissinger style as well.

The first is a tendency to focus on major adversaries even at the expense of major allies. This is surprising but true nonetheless. Neither Nixon nor Kissinger was noted for his trust of the Communist superpowers, while both were noted for their belief that détente, as the President's second Foreign Policy Report put it, "obligates our allies and ourselves to conduct our diplomacy in harmony. . . ." Yet their actions have conveyed the impression that key world problems can be settled by direct and exclusive negotiations between the major power adversaries. Of course they have consulted with our allies, but in such a way as not to interfere with direct relations with Moscow and Peking.

When Chancellor Willy Brandt of West Germany set out on a variety of negotiations with the Soviet Union, the Nixon-Kissinger team showed its displeasure. And yet, what Brandt is trying to do is to stabilize the status quo in Central Europe. This effort is surely in our interest as well, and what is wrong with Brandt's taking the lead? Does the answer have something to do with a preference for superpower diplomacy?

Bilateral dealings with Peking and Moscow are unobjectionable provided, first, that we fully consult in advance with our allies; second, that we take their interests into account; and third, that we do not object to their bilateral dealings with the Soviet Union and China. As our most eminent student of alliance relations, Henry Kissinger, has written:

When our allies oppose [unilateral actions] . . ., it is not necessarily because they disagree with our views but because they are afraid of creating a precedent for unilateral changes in other policies. . . . Moreover, many Allied leaders who have staked their prestige on United States policies can suffer serious domestic setbacks if we change them unilaterally.

Another danger in the Kissinger-Nixon style is their penchant for avoiding the bureaucracy at the price of engendering entrenched bureaucratic opposition. This is not surprising, especially from Kissinger, who has written:

It is no accident that most great statesmen were opposed by the "experts" in their foreign offices, for the very greatness of the statesman's conception tends to make it inaccessible to those whose primary concern is with safety and minimum risk.

Thus, when SALT talks were not making sufficient progress, the White House stepped in and directly worked out with Soviet leaders a public communiqué on a framework for agreement. Similarly, when the time came to prepare the Kissinger trip to China, the bureaucracy, because of its expected opposition and insistence on consulting allies, was shut out.

The inconveniences of bureaucracy to creative leadership are well known—as are the possibilities of creative leadership going astray. But the bureaucracy is not a monolith. In it are experts who might actually contribute something creative and help avoid mistakes. Perhaps more importantly, the bureaucracy is always there. When the creative leaders turn to new problems, it is up to the bureaucracy to keep the wheels of policy turning. If the bureaucracy is ignored and is not persuaded by the President's policy, bureaucrats will undermine that policy—when no one is looking.

Some balance between creativity and bureaucracy must be found. "The best solution," as Kissinger, one of our keenest students of bureaucracy, has written, "is a bureaucracy which runs sufficiently smoothly to take care of ordinary problems as a matter of routine, but not so pervasive as to inhibit the creative thought which is inseparable from statesmanship."

The last danger in the Nixon-Kissinger style is their flair for dramatic public announcements for short-run political gains at the risk of long-run popular disenchantment. This has been the Presidential pattern on Vietnam, SALT, and now on China. The word goes out to the press that the President is going to make some major announcement. Nothing else is said. Speculations arise. Is he going to announce an end to the Vietnam war? Presently, lights, camera, a short ambiguous speech, and then "Good night." Meanwhile, on a background, nonattributable basis, Henry Kissinger tells 200 reporters what it all meant.

It is a great routine—except that it creates expectations that often cannot be met. When peace does not break out in Vietnam, and when agreements do not come quickly, there is bound to be a measure of disappointment. When little or nothing actually is settled, people will begin to wonder who was dragging their feet. Was it the Russians or the Chinese or our own leaders?

Most of our world problems require a steady, nondramatic diplomacy, and a steady, nondramatic flow of information to the American people. These are the ways to build public understanding and support, and they are the acid tests of successful policy abroad as well.

As a famous former Harvard professor, Henry Kissinger, has written in his classic work, "A World Restored," about his favorite statesman:

Metternich's policy . . . thus depended on his ability to avoid major crises which would force an unequivocal commitment and on its capacity to create the illusion of intimacy with all major powers. It was finely spun, with sensitive feelers in all directions and so intricate that it obscured the fact that none of the fundamental problems had really been settled.

MEDICAL SERVICE IN RURAL AREAS

Mr. PEARSON. Mr. President, recently the president of the Kansas Medical Society, William J. Reals, M.D., wrote an open letter to the doctors of my home State. The letter was published in the Journal of the Kansas Medical Society.

As a part of his responsibilities as president of this group, Dr. Reals has worked to bring young physicians into the State, where large rural areas suffer the effects of the dramatic movement of health pro-

fessions personnel into urban America. All too often, this movement comes at the expense of the older generation in our society who are concentrated in rural areas and whose need for medical services grows with time.

One of the ironies faced by those of us who represent Kansas is that the virtues of the State and its people are too often blurred by regional misconceptions held by those in other parts of the country. These regional views, or, more accurately, prejudices, are myths arising from a lack of experience or real knowledge of Kansas, and yet they serve to inhibit the open-minded assessment of our State as a place to carry on a profession and raise a family. Fortunately, as time goes on, we see the signs of a movement among the American people away from overcrowded and often unmanageable urban conditions towards the regions of open space where American agriculture has flourished. Dr. Reals' letter expresses in an appealing fashion the virtues of Kansas as Kansans see them. As a matter of providing the Senate information which I think will serve for the better understanding of my State, I ask unanimous consent that Dr. Reals' message be printed in the RECORD.

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

THE PRESIDENT'S MESSAGE

DEAR DOCTOR: "To the Stars Through Difficulties" . . .

This motto, which appears on the Great Seal of Kansas, is the subject of my message this month, because recent events have underscored for me a couple of facts about our state:

First, no state can surpass Kansas' history of overcoming any obstacle or hardship in its path to greatness.

Second, while we've reached the stars, our national image is still in the dust.

It was during the AMA convention in Atlantic City that this was most recently brought home to me. The president of another state society (who shall remain nameless), when he learned I was from Kansas, made a number of disparaging remarks about Kansas, its climate, terrain and people.

I argued briefly with him, then lapsed into silence, knowing the futility of trying to educate a geographic snob. But I was stunned by his pointless, mindless attack on our beautiful and productive state, and I brooded about it on my drive home from the crowded, polluted and cluttered East Coast.

As we came west, the dirt and clamor began to fall away. The cities became more open, the towns more attractive, the skies clearer and the people friendlier.

And, as I crossed the Missouri-Kansas border, Kansas greeted me with a warmth and honesty I had missed on my trip back East.

The wheat harvest had not yet begun in the section I traversed, and the golden fields rippled in the breeze under the bright blue sky.

I was home. And I was glad.

No one who ever got to know Kansas could make those comments I hear frequently in my travels . . . comments that infer we are backward people living in a dust bowl. This image reflects not just on the citizens in general, but on physicians in particular, upon their type of practice, their hospitals and universities.

And it's all undeserved.

For a "backward" state, we've done pretty well at producing some of America's most forward-thinking persons. Dwight D. Eisenhower is a product of our state, and chose its soil as his final resting place. Industrialist Walter Chrysler, athlete Jim Ryun, playwright William Inge, and musician Stan Kenton had their origins in Kansas.

The Menninger Foundation and Clinic in Topeka is internationally known and respected as the center of psychiatry. It was founded by native sons.

The Hertzler Clinic at Halstead is known around the world, as was its founder, Arthur Hertzler.

More than half the light aircraft manufactured in the world comes from Wichita. Two Kansans, Walter Beech and Clyde Cessna, founded this vital industry.

Kansas is the breadbasket of the world, producing enough wheat each year to feed half the world . . . producing more than one-fifth of America's beef, and serving the nation through more than 630 food processing firms.

This list is endless.

Anyone who has ever driven the Flint Hills in the spring knows the verdant beauty of that section of our state. The rolling plains of Western Kansas reach to the Rocky Mountains—their well-ordered farms and ranches a tribute to the sturdy pioneers who broke the sod and made a state . . . "to the stars through difficulties."

I didn't mean to become rhapsodic. But my point is this:

Our concern in Kansas is providing enough physicians to treat the people. We have a great state and its story must be told to physicians who seek a better life, a clean, crime- and pollution-free life for themselves and their families.

Unless you and I tell the story of Kansas as it really is, we'll suffer a chronic loss of young physicians to other states.

The job of selling Kansas is the job of every individual.

Doctor, are you telling the true story of our state to other physicians who might want to practice here?

WILLIAM J. REALS, M.D.,
President.

AWARD TO LESLIE STRAND, SILVER SPRING, MD.

Mr. BEALL. Mr. President, it has come to my attention that Mr. Leslie Strand, of Silver Spring, Md., has won the International Organ Pops Festival in Tokyo, Japan.

This is indeed a significant accomplishment particularly since many of the world's best organists were in competition with the Marylander.

I ask unanimous consent to have printed in the RECORD the article from the Washington Evening Star of October 14, 1971, so that Senators may have the opportunity to read of this fine achievement by a man who has garnered much success in the musical field.

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

AREA ORGANIST WORLD'S BEST

Leslie Strand, 46, of Silver Spring, Md., has won the International Organ Pops Festival in Tokyo, a Los Angeles spokesman for the festival said.

Strand was named the winner Tuesday night after two days of competition in Tokyo with entrants from 14 other countries, the spokesman said.

Born in Chicago, the son of a theater organist. Strand began his music career on the piano at 6, and was self-taught on the organ at 13. While in high school he began playing professionally in Milwaukee, where his family then lived. Becoming interested in jazz in 1939–40, he developed his own organ jazz style.

Later appearing in Chicago, he received favorable notices in the trade magazines and during the mid-1950s made three albums for Fantasy Records. In 1960 he was elected to Playboy magaine's jazz poll.

He now teaches on the staff of the Ferguson Piano Co. in Wheaton.

PURCHASES OF CHROME ORE FROM SOVIET UNION

Mr. TOWER. Mr. President, recently the American Legion 19th District Convention, Department of Texas, met in convention. During that time they passed a resolution concerning section 503 of the recently passed military procurement bill. Knowing of the interest of the Senate and the Nation as a whole in this most important matter, I ask unanimous consent that the resoution be printed in the RECORD.

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

AMERICAN LEGION RESOLUTION

Urging passage of section 503 of H.R. 8687 to correct impairment of national defense relative to chrome ore

Whereas: It has always been a responsibility of the American Legion to urge policies which would insure us of a good and adequate national defense posture, and

Whereas: Our national defense posture has been severely impaired since our nation shifted its purchases of critical chrome from Rhodesia, a friend of the United States, to the Soviet, the avowed enemy of our nation, and did thereby give the Soviet a stranglehold on our nation by making the Soviet our principal supplier of chrome ore, in that the only two major sources of chrome ore are in Rhodesia and the Soviet, and

Whereas: The Soviet could stop shipment of chrome ore to us at a most critical time and cause our critical chrome ore imports to cease under our present legislative sanctions against the only other source of chrome ore in Rhodesia; and if we waited until such critical time of stoppage of chrome ore by Russia to correct the present legislative sanctions against Rhodesia, it would be a long period of time before the mines in Rhodesia could again be made fully operative, and

Whereas: The Soviet is highjacking our nation by an excessive price under the monopoly of our chrome imports, Therefore be it

Resolved: We, the undersigned component of the American Legion, do hereby urge the passage of Section 503 of House Resolution 8687, which Section 503 has been attached to H.R. 8687 by the unanimous vote of the U.S. Senate Armed Service Committee for the purpose of correcting a dangerous flaw in our national defense posture in that Section 503 will permit our nation to import those critical minerals from non-Communist nations which we have been importing from Communist nations; and would, in effect, permit our United States government and industry to resume the importation of chrome ore, critical to our national defense, from Rhodesia which is a friend of the United States and an enemy of Communism, in that Section 503 exercises our legal right, and our legitimate responsibility toward our national defense, in amending the U.N. Participation Act in this respect by Sec. 503 on the military procurement bill H.R. 8687, and

Furthermore be it resolved: That Section 503 of H.R. 8687 should be passed to obtain a tremendous savings to our nation in that the Soviet has been highjacking our nation by increasing the $25.00 per ton price charged by Rhodesia to $72.00 per ton since the Soviet acquired a monopoly of our chrome

imports so skillfully maneuvered by the United Nations by its tactic of inducing our government in less knowledgeable times to impose sanctions against Rhodesia without the full awareness of our Congress of the ultimate danger to our national defense, nor full understanding of the tremendous aid and assistance that such action would give to our enemy; and furthermore, the chrome ore mines in Rhodesia are owned to a large extent by our own citizens of the United States and we should purchase from our own citizens before purchasing from the enemy of our nation, and

Furthermore be it resolved: That we urge all U.S. Senators, Congressmen, and citizens to assist in this patriotic endeavor to pass Section 503 of H.R. 8687, and

Furthermore be it resolved: That this resolution be presented to succeeding conventions of the American Legion, (District, Division, State, and National) for the opportunity of each to support this patriotic endeavor; and that the adjutant is directed to send a photocopy of this approved resolution to the U.S. Senators and Congressmen representing the area of the approving component, and a photocopy to the Commander and National Committeeman of the Department of Texas, and a photocopy to the appropriate news media of radio, press and television.

AUDIE L. MURPHY MEMORIAL HOSPITAL

Mr. TOWER. Mr. President, on October 15, my colleague from Texas (Mr. BENTSEN) and I introduced S. 2694. The bill would designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital. I feel that this act would be a sincere gesture on behalf of the American people to demonstrate their affection for, and their sense of loss of, this truly remarkable person.

Audie Murphy was a fellow Texan. His father was a sharecropper, and Audie was one of 11 children. Both of his parents died before he was 18 years old, and Audie strived to keep the family together.

Although he was only 17, he convinced the Army that he was 18, and joined in June 1942. He rose from the rank of private to that of lieutenant.

He was in Casablanca in 1943 and took part in the landing in Sicily that same year. He then landed in Anzio. His company fought all the way up Italy and southern France. Out of 235 men, Murphy and one supply sergeant were the only ones left of the original group at the end of the foreign tour. After being wounded three times, young Audie Murphy returned home to a Nation eager to thank a soldier who had fought so valiantly.

Lieutenant Murphy, according to the Defense Department, was the most decorated soldier of World War II. He received 24 medals from the American Government, three from the French, and one from the Belgians. Besides the Medal of Honor, they included the Distinguished Service Cross, the Legion of Merit, the Silver Star with oak leaf cluster, the Bronze Star, the Purple Heart with two oak leaf clusters, and the Croix de Guerre with palm.

The United States suffered a great loss on May 28, 1971, when Audie Murphy was killed in the crash of a light plane near Roanoke, Va., at the age of 46. He was buried in Arlington National Cemetery.

I feel that it would greatly honor and please Audie if he knew that the new VA hospital being constructed in San Antonio was being named after him. It is a fitting tribute to the man and the legend he left behind.

NEED FOR BETTER VETERAN CARE FACILITIES

Mr. THURMOND. Mr. President, an excellent editorial, pointing to the need to upgrade medical facilities for our veterans, was published in the Greenville, S.C., News of October 8, 1971,

The editorial entitled "Veterans Services In Peril," should be read by every Member of Congress. We must meet our responsibility to our veterans needing medical treatment, especially those men of the Vietnam war who have long and productive lives ahead if given the care they need and deserve.

In the past 30 years, millions of our men have served their country honorably in World War II, Korea, and Vietnam. Also, a significant number of World War I veterans have reached the age where a large percent of them require medical care.

We must meet the medical requirements of our veterans in a positive way, not with barely enough.

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

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

VETERANS SERVICES IN PERIL

The United States always has recognized a primary obligation to veterans of wars in which it has engaged, and has given special consideration to former servicemen, especially those with disabilities. "Veterans preference," as it is known, is written into many laws.

The Veterans Administration takes special interest in the welfare of former service personnel. Most of the states also give a variety of benefits to veterans and have special officials who handle veterans affairs. So do numerous counties.

Disabled veterans receive compensation based upon the degree of disability suffered in service. Needy, aged veterans get pensions and have access to homes where they can receive care in their declining years. Veterans hospitals are located throughout the country to treat those with service-connected disasbilities and, when space is available, those with non-service-connected ailments.

All this is simple, elemental justice. It is national recognition that the war veteran was asked to risk everything, including life and limb, for the nation in time of peril. In recent years it also is recognition of the fact that wartime service takes an inevitable toll from every veteran, most of whom served at crucial, formative periods of their careers. The scars may not be physical, and may take years to show up—but they are there.

The veteran, therefore, has a permanent, just claim upon the services of the government and the resources of the nation—a claim which takes priority over those of all other citizens. "Veterans preference" is not preferential treatment, but fair treatment necessary to restore to the veteran those given by him in defense of the nation.

It now appears that veterans preference is under attack and in considerable danger of being submerged among demands by less-deserving people upon the resources of the nation.

The unpopularity of the Vietnam War is being reflected in neglect and sometimes ill-treatment of returning veterans in many areas of the country. In some places, instead of receiving first consideration for such things as jobs, veterans are somehow suspect.

Worse, in relation to actual need, the government appears to be neglecting its solemn obligation to care for veterans. Recent cutbacks in beds in the veterans hospitals, in the face of demonstrable increases in need, is an indication. Failure to modernize and expand veterans hospitals, despite commitments to do so several years ago, is further sign of neglect. Many veterans needing hospitalization are beginning to get the runaround as they seek the government facilities to which they are entitled.

Just recently, it was revealed that the government is holding up modernization of veterans hospitals pending determination of policy on national health insurance and other medical services for all citizens. That's the clearest indication yet that veterans preference may be about to do down the drain—and the veteran denied just consideration due from the government.

The thought is chilling for two reasons:

If the country is unable now to meet the medical needs of the veterans to whom it owes a special debt, how in the world can it expect to take on the whole load for all citizens?

If the government is going to do everything for everybody for free, what incentive is there for anybody to make any kind of effort, let alone a special effort, either for himself or for society?

More than just veterans preference is bound up in those two questions. The future of the country as a viable society is at stake. If this nation submerges the just, prior claims of veterans under demands of others, those demands soon will submerge the nation itself in a sea of economic, political and social chaos.

CONNECTICUT: HOME OF PATRIOTS

Mr. RIBICOFF. Mr. President, in advance of the Nation's 200th birthday, the Copley News Service has prepared a series of articles describing the history of each of the 50 States in the order of their admission to the Union. The latest to appear was devoted to Connecticut, one of the Original Thirteen Colonies and the fifth State to ratify the Constitution.

I ask unanimous consent that Frank Bauer's article entitled "Connecticut: Home of Patriots" be printed in the RECORD.

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

CONNECTICUT: HOME OF PATRIOTS

(By Frank Bauer)

The delicate spires of the familiar white churches of the Connecticut countryside are deceptive frosting for the vigorous sermonizing that goes on beneath them.

This was never truer than during Revolutionary days when the Connecticut pulpit resounded with biblical authority for the cause of freedom and heaped fiery denunciation on Tory and tyrant.

In a little church in western Connecticut, at Sharon, the Rev. Cotton Mather Smith announced the battle of Lexington, then rallied a hundred men on the green after church services, ready to march. Smith himself became a chaplain of fame.

In a small church at Poquonock, in the town of Windsor, the Rev. Dan Foster as early as 1774 was preaching a series of sermons on government, steeped in revolutionary philosophy. And in the same town, the Rev. David Sherman Rowland in 1774 was producing "a very great excitement" by comparing George III with Rehoboam, the last king of old Israel.

"Sedition flows from the pulpit," said the protesting Tories as they sat at worship and heard themselves and their king excoriated and then read the same sermons reprinted in the sympathetic Connecticut press.

George Washington's good friend and aide, "Brother Jonathan" Trumbull, Connecticut's long-term governor during the revolution, was strongly influenced by his initimate friend, Solomon Williams, for 53 years the pastor at Lebanon and an outspoken sympathizer of the rebels.

The Connecticut clergy had openly assailed the Stamp Act. They urged the Colonists to unity with the strongest overtones from the Bible. They kept their parishoners informed and aroused during the war itself and created inspiring pictures of America's coming greatness.

In parallel vigor the state responded to Washington's military needs, contributing Gen. Israel Putnam and Nathan Hale among others. In the political arena there were Roger Sherman, who signed the Declaration of Independence and the Constitution, and Silas Deane, who helped get French aid for the Colonies.

In Revolutionary times Connecticut was largely engaged in agricultural pursuits and supplied much of the beef for the Army, but the state's role in industry and finance grew rapidly in the next century.

Eli Whitney, who is remembered for the cotton gin, had his first federal musket contract in 1799 and then developed a system of interchangeable parts that became useful to many industries. Connecticut's Charles Goodyear developed the vulcanizing process. The brass industry was begun at Waterbury, and insurance companies sprang up in several cities. Noah Webster published the nation's first dictionary of consequence, and a revolver was patented by Colt.

Yale, which had opened in New Haven a half-century before the Revolution, waited a century before it was joined by Wesleyan and other Connecticut universities. Dr. Horace Welles pioneered in the use of anesthesia in Hartford in 1844, and the Coast Guard Academy was set up in New London just after the Civil War.

The first telephone exchange in the world was opened in New Haven in 1877, and the Pope Manufacturing Co. of Hartford commenced making automobiles in 1897.

Connecticut's greatest industrial organization, in aircraft engine manufacture, sprang into being after World War I and grew to rival insurance as the state's biggest employer.

Because of its jet engines and the manufacture of firearms, machine tools and explosives, the state far outranked its size as a defense contractor in World War II. Its diversified industries have international markets.

Because of its heavy involvement in defense, the state is now feeling the employment pinch of the cutback and seeking new diversification in civilian lines. Aircraft jets, for example, are being harnessed to electric generators for production of power.

The state's unusual preservation of country atmosphere amid its industrial complexity is proving a magnet for companies seeking fresh air and cultural opportunities. Several New York City concerns have announced plans to move across state lines into Connecticut's Fairfield and adjacent counties.

The state had the perspicacity to acquire a discarded federal airport after World War II and has developed it into one of the best international air stations in the East. The airport serves the thriving city of Hartford and neighboring Springfield, Mass.

ADDRESS BY RICHARD G. CAPEN, JR., FORMER ASSISTANT TO SECRETARY OF DEFENSE MELVIN LAIRD FOR LEGISLATIVE AFFAIRS

Mr. THURMOND. Mr. President, Mr. Richard G. Capen, Jr., vice president of the Copley Newspapers, LaJolla, Calif., addressed the San Francisco Rotary Club on September 28, 1971, on the subject of our national security.

Mr. Capen, formerly legislative affairs assistant to Secretary of Defense Melvin Laird, entitled his speech, "The Pendulum Is Swinging."

He spoke about his experiences in Washington and his belief that the Nixon doctrine is working. He also offered a sound analysis of military developments during the past several years and concluded that the American people will meet the challenge of the 1970's.

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

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

THE PENDULUM IS SWINGING

(Address by Richard G. Capen, Jr., Vice President, Copley Newspapers, La Jolla, Calif., Before the Rotary Club of San Francisco, Sheraton-Palace Hotel, San Francisco, Calif., September 28, 1971)

This is my first speech in the Bay Area since returning to California after serving two and a half years as an appointee in the Department of Defense.

Like my associates at the Pentagon, I was proud and honored to serve under the dynamic leadership of Secretary of Defense Melvin Laird. President Nixon could not have selected a better prepared, more dedicated or more effective leader for that demanding post.

It takes much more than computers to run the wide-spread Defense Department, as complex as it is. Secretary Laird inspired a teamwork approach and dedication to service unmatched in the Pentagon's history.

His understanding of key defense issues, his ability as a persuasive communicator, and his style of leadership have contributed significantly to improved understanding of critical national security issues—particularly those beyond Vietnam.

And, all this has been accomplished at a time when the Defense Department has been under constant criticism—some constructive, much of it irresponsible.

From the outset, the Nixon Administration made it clear that it would avoid debating whether the United States should have gone into Vietnam in the first place, or once doing so, whether our professional military leaders were given proper authority to execute that war as promptly and successfully as our capabilities would have permitted in the early 1960s.

President Nixon's goal was to conclude American presence in Southeast Asia. That objective is rapidly being met as we move toward a generation of peace.

I believe President Nixon and Secretary Laird have been imminently successful in terminating our country's involvement in Vietnam—given the rather sad circumstances they inherited in January 1969.

What were those circumstances? First, there was no plan for ending the war other than through negotiations. No one understood that reality better than the enemy, and the pathetic record in Paris is testimony to the other side's lack of incentive for serious negotiations.

By January 1969 we had cashed in a key military chip when President Johnson halted the bombing of North Vietnam—just four days before the 1968 Presidential election—with little in return from the enemy.

When President Nixon came into office, the American troop ceiling in Vietnam was 549,500, and increasing rapidly. As many as 500 Americans were dying each week and the war was costing in excess of $28 billion a year.

These were the sad realities in January 1969. The options to President Nixon were extremely limited, to say the least. But what has happened since that time?

First, we are getting out of Vietnam. By this fall, more than 365,000 Americans will have been withdrawn, a figure representing more than two-thirds of the American troop strength that existed when President Nixon took office.

At the same time, U.S. casualties have been cut from some 500 a week to less than 15 a week. Even one casualty is too many, but I believe this progress is significant.

With these substantial troop cuts the cost of the war has been reduced by 75 per cent thus permitting a reordering of priorities at home.

Today, national polls indicate that the war is fading rapidly as an issue in America. Unfortunately, those who have built their national reputations as obstructionists, linger on the sidelines, trying to keep the war issue alive for their own selfish goals. Tragically, their only result has been to give aid and comfort to the enemy.

Congressional critics meet with the other side in Paris, issue reports on alleged conditions for peace, only to have them immediately rejected by the enemy.

It is a simple matter to pass resolutions, to make sweeping pronouncements, or to write editorials calling for more rapid withdrawal rates and fixed deadlines.

Certainly, it is easier to demagogue national policy from the sidelines, but it takes real courage to face up to reality with constructive solutions that will contribute to lasting peace, not political expediency.

Time and again President Nixon and Secretary Laird have shown that courage.

How ironic it is that some of those who have led the criticism of President Nixon's Vietnamization program were the very policy makers who got us into the war, who did not have a program for ending it while they were in office, but who now expound all the answers from the privacy of their law offices or from some far-off campus.

In the early 1960s our country had the tools to win the war decisively. But our elected leadership was unwilling to generate the national will to do so.

We fought that war on a "business as usual" basis, building up huge deficits each year because our government was unwilling to establish national spending priorities. Many of today's economic problems are a direct result of that policy of the mid-1960s.

At this point history will judge those who got our country into Vietnam, just as that history will also judge whether the Nixon Administration took the responsible course to get us out.

In either instance, the ultimate responsibility must be assumed by our elected civilian leadership, not by our armed forces. Our military leaders implement national policy, not set it. For too long the man in uniform has been made the scapegoat for decisions made by civilians.

Our dedicated men and women in uniform provide the backbone of our national security and they deserve our respect.

Only through sufficient military strength can we hope to deter reckless acts by potential adversaries. They must clearly under-

stand and respect that we have the will to win and the tools to do the job. It is pure folly to believe that once the last American has left Vietnam, our problems are over and further cuts in defense spending possible.

Despite what some suggest, we cannot legislate peace by unilaterally crippling our defense posture in Congress. Why? Because our adversaries are moving in exactly the opposite direction.

Today, the Soviets are moving ahead of us in virtually every category: missiles, aircraft, ships, military research and conventional forces.

While we were bogged down in Vietnam—at a total cost of $125 billion—the Soviets were able to sustain North Vietnam for something less than $12 billion. They did not use that ten to one difference, however, to fund domestic programs in Russia. All during the 1960s Soviet military budgets were roughly at the same level as defense spending in America which included the burden of Vietnam. Just look at the record.

The Soviets increased their submarine force by more than 400 per cent. They have increased ICBM launchers by over 500 per cent and are currently 45 per cent ahead of the U.S. in total number of ICBM nuclear launchers.

They built a modern Navy that now shows the Soviet flag in the Mediterranean, the Indian Ocean, off our Atlantic and Pacific coasts, in and out of Cuba, and around Hawaii.

In the Mediterranean, for example, the Soviet Navy will steam some 18,000 ship days this year. In 1966 they were present a total of 750 days.

In military research and development, the Soviets are spending at about twice the rate as we in the United States. This trend should be of grave concern to all Americans because it measures the importance the Soviets place on reducing our technological lead within the next five to seven years.

Even while the Soviets push this military and political expansion policy, the U.S. moves to curtail its overseas commitments, partly as a result of our national weariness over a long and costly war.

The Nixon Administration is facing up to this disturbing Soviet military buildup by insisting on sufficient funding of defense programs while insisting that our allies contribute more to their own national security requirements. The latter philosophy is part of the Nixon Doctrine whose goal is a generation of peace through partnership, strength and a willingness to negotiate.

The United States can no longer serve as policeman of the world. Our needs at home are too high and the demand for our material resources too great.

Since the end of World War II we have operated on the philosophy that the United States could do more for its allies than they could do for themselves. We have literally rebuilt economies of the victorious and vanquished alike. We have given billions of dollars in foreign aid and have sent thousands of troops in scores of countries around the globe.

Through the Nixon Doctrine we have insisted that our allies assume more of these mutual security burdens, particularly in the area of military manpower.

As a result of this philosophy, more than 400,000 American troops have been withdrawn from overseas. The bulk, of course, have come from Vietnam. But, the Nixon Doctrine has been applied elsewhere as well.

In Korea, U.S. troop strength has been dropped by over 20,000 men. This is a reversal of a commitment to that country where we have maintained more than 60,000 Americans for some eighteen years.

Likewise, reductions in U.S. forces have been carried out in Japan, Thailand and the Philippines. In NATO the concept of burden sharing is being developed, again on the principle that our allies must assume a greater defense responsibility.

An important element of the Nixon Doctrine has been a willingness to negotiate, doing so from a position of sufficient strength. Again, the record of accomplishment has been impressive.

The United States is pursuing a delicate course of negotiation in the volatile Middle East crisis. We have negotiated the turnover to Japan of Okinawa, a most sensitive issue for the Japanese.

The President has proposed new treaty provisions to prohibit the placement of nuclear weapons on the ocean floor. He has carried the nuclear non-proliferation treaty through to ratification and he has renounced the use of biological weapons.

In addition, the Nixon Administration is vigorously pursuing a successful conclusion to the SALT talks. The goal of these important negotiations is to curtail the arms race which as I indicated earlier has been rapidly accelerated by the Soviet Union.

And most dramatically, in this spirit of negotiations, the President has moved forward to revive our country's relationships with Mainland China, an area involving one-fourth of the world's population.

Certainly we hope for success in these diplomatic efforts to limit the arms race and to improve relationships with our potential adversaries. That success will come, however, only if those who oppose us respect our national determination to remain strong militarily.

I believe most Americans not only support a strong U.S. defense posture but will insist upon it in the years ahead. However, our voices must be heard.

That is not to say the strength of the United States depends solely on its men in uniform or on its weapons, as important as those capabilities are. I believe the strength of our nation in the 1970s must be based also on the wisdom of our foreign policy, on the strength of our economy, and on the will of our people.

The day is past when we can hope to provide most of the defense for our allies. They must share in this burden.

The day is past when we can afford to assume the primary role in solving all of the problems of the Western World. That responsibility also must be shared more equally with our allies.

This does not suggest that we can afford to build a wall around our country, withdrawing from the competition and security needs of the world. Those who clamor to bring all American troops home forget that their very presence abroad has not caused war but rather has helped to maintain peace.

During my service in Washington, I was involved in some of the most complex, difficult problems faced by this country. But it was a source of inspiration to be surrounded by those who were confident in their course, and who respected a higher national priority extending beyond any temporary expediency.

The negative thinkers have had their day. They have marched in the streets. They have built false hopes. And they have comforted our detractors at home and adversaries abroad.

Those who have built their national image on such obstructionist attitudes are finding it difficult to shift away from the tired, divisive approach of the past.

Young people today cry out for constructive leadership in an atmosphere of optimism. They seek positive approaches and personal involvement in efforts to build a better America.

Like you and me, they resent the tarring of all America because of a few shortcomings. How ridiculous it is, for example, to charge—as one senator recently did—that all America is sick because our prisons are sick. We have had too much of that destructive approach in the past.

One of our greatest national strengths is our ability to face up to problems openly and candidly. We banner our shortcomings across our newspapers and TV sets for the whole world to see.

Our critics at home and abroad delight in exploiting these weaknesses as a symbol of a crumbling America.

What these critics forget, however, is that as we identify a problem, as we debate it publicly, we work to solve it—and succeed in doing so. As a result, we have built, on balance, the best and most successful way of life ever known to man.

We have been confident that our problems could be corrected; that dreams could be embodied in action, and that a better life would be achieved. But we have always known, as we do today, that we would have to work for it.

Over the years, we have been successful, not by thinking we would lose but rather by believing we would win. Too often we have sold our country short with an almost national guilt complex.

I have little tolerance for those who thrive on self pity or who drop out of society in protest against problems they say they did not create.

Dreams of self fulfillment cannot be found through heroin, in a commune or on a wrecking crew. Most young people know that.

Today's young generation no longer lives in an overwhelming atmosphere of war and violence. Our task is to capture their imagination and involvement in our endless search for a better America. There are new goals to set, new records to break, new problems to solve. A new day is dawning and America's optimism to meet those opportunities is building.

Yes, the pendulum is swinging.

SELECTION OF SUPREME COURT NOMINEES

Mr. ALLOTT. Mr. President, with customary wit and cogency, and with a conscious humor rare on the editorial pages of the Washington Post, John Roche today has made what may serve as a final comment on the role of the American Bar Association in the selection of Supreme Court nominees.

So that all Senators can enjoy this column, 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:

THE ABA RATES JOHN MARSHALL

(By John P. Roche)

The following document recently turned up in an obscure archive. For a number of reasons, no serious scholar will vouch for its authenticity, but the point must be made that the historical information it contains is subject to verification.

JANUARY 24, 1801.

CONFIDENTIAL

His Excellency JOHN ADAMS,
President of the United States,
The President's House,
Washington, D.C.

YOUR EXCELLENCY: At your personal and confidential request, the Executive Committee of the American Bar Association has met to consider the qualifications of John Marshall of Virginia for the august position of Chief Justice of the United States.

We hardly need to inform you of the delicacy of our position. On one hand, we are fully aware of the high trust and regard your Excellency has for the Secretary of State—trust and regard that we appreciate and

share with respect to his conduct of that position.

On the other hand, we feel that as patriots and men of vast experience at the bar we owe it to you and to the Republic to treat this matter with full professional candor. To be specific, while in no sense questioning your wisdom in appointing Mr. Marshall Secretary of State, we believe that our obligation is to advise you, with all due respect, on his potentialities as a judge, a judge who would, indeed, occupy the highest judicial position in the nation. As one of your most distinguished lawyers, you will—we are confident—understand the distinction which underlies our evaluation.

(Here there is a marginal note, scrawled by President Adams: "Bosh! I never made a farthing from law and was shunned as a leper—when I defended Captain Preston from that mob in Boston." The reference is to Adams' defense of the British officer charged with the Boston Massacre.)

We began our investigation into Secretary Marshall's judicial qualifications by examining carefully his legal training. Former Chief Justices were men of notable training—Chief Justice Rutledge, in particular, had been educated at the Inns of Court in London—and the first question conscience impels us to raise is "Does Mr. Marshall meet their high standard?"

Regrettably the answer is "no." The records of the College of William and Mary indicate that he dropped out after six weeks. (Inexplicably, he was elected to Phi Beta Kappa in that interval!) Shortly thereafter, without any indication of further training, he was granted a license to practice law in Richmond. Although it is not our function to give serious credence to gossip, there were strong suggestions that family influence played a role in this decision: his cousin, Vice President Jefferson, was then Governor, and signed the license himself.

While Mr. Marshall attained a creditable reputation at the bar, he has never exercised any judicial function except the trivial ones associated with the elective post of Recorder of the City of Richmond. His career—which we repeat is a most distinguished one—has been in the legislative and executive branches of government. Service in the Virginia Assembly, the House of Representatives of the Union, and in your Excellency's administration has added great luster to his reputation, but at no point has his work provided evidence of that judicial temperament, of that knowledge of the mysteries of the law, which we feel essential in a Chief Justice of the United States.

(Another marginal note: "Mysteries of the law? What mysteries? How to hoodwink honest citizens with folderol?")

Finally, there is one piece of direct evidence to indicate that Secretary Marshall looks with some contempt on the judicial process. He has been quoted, without denial, as saying that the "acme of judicial distinction means the ability to look a lawyer straight in the eyes for two hours and not hear a damned word he says."

(Marginal note: "Bravo! Prepare his Commission. J.A.")

Yours most respectfully,

CHAUNCEY LOWNDES JAY IV,
Chairman.

CRIME IN TOKYO

Mr. BAYH. Mr. President, in an article written by Richard Halloran, and published in the New York Times of October 3, 1971, the effectiveness of gun control laws in Tokyo and throughout Japan is made abundantly clear.

In that city of over 11 million people, there were only three persons murdered by gunmen last year.

Compare that with any of our large cities, such as New York with a population of approximately 8 million and its 538 gun murders last year, and one immediately recognizes the effect that stringent firearms controls in Japan have in curbing crimes of violence.

The United States does not have such uniformity of controls, despite the fact that the gun laws in New York City are stringent. The point here is that without national and uniform controls, the gun laws in New York City are rendered useless.

The article cites in-depth crime statistics in Tokyo as contrasted with New York; therefore I will not cite them at this point.

However, the fact is abundantly clear that uniform and enforceable gun laws are a deterrent to crimes of violence, a goal toward which we must work, if we are to curb violence in the United States.

I believe that the bill that I have introduced to prohibit the sale of "Saturday Night Special" handguns is one such measure that will help curb violence in America. I again urge Senators to give the bill immediate attention.

Mr. President, I ask unanimous consent that Mr. Halloran's article be printed in the RECORD.

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

CRIME IN TOKYO A MINOR PROBLEM—STIFF GUN LAWS AND DRUG CONTROLS ARE CREDITED

(By Richard Halloran)

TOKYO, October 2.—The Japanese National Police obtained a warrant this week for the arrest of a rightist leader who mailed to Premier Eisaku Sato a pistol, 175 cartridges, and a note demanding that he shoot himself for failing to crack down on leftist radicals.

But the charge against Masamoto Yoshinga was not that of threatening the Premier. Rather, the warrant was for illegal possession of firearms in violation of Japan's gun control laws.

About the same time, narcotics control officers arrested six Americans, including an Air Force captain, and a Japanese woman for trafficking in hashish around Tachikawa Air Force Base outside of Tokyo.

The police began watching the alleged drug ring, officials said, about two months ago and stepped in this week to nab Capt. Richard J. Scotti, a medical officer at the base, and his associates.

The two events were reflections of the effective enforcement of this nation's strict gun control and narcotics control laws, both of which Tokyo Metropolitan Police officials believe to be among the major reasons for the relatively low crime rate in this city.

THREE DIE BY HANDGUNS IN YEAR

One day not long ago a Metropolitan Police official ran his finger across a page of crime statistics.

"Ah, yes. Here it is. We had three people murdered here with handguns last year. One was killed by a gangster, another by an ordinary citizen, and the third by a juvenile gangster."

He looked up and chuckled at the incredulous look on his visitor's face. Of the 11,398,801 people in Tokyo, the world's largest city, only three were killed with pistols in an entire year.

During the same year in New York City, 538 persons were murdered with handguns.

Other figures on crime in Tokyo were equally startling to an American. The total number of murders here last year was 213, compared with 1,117 in New York, whose population in 1970 was 7,895,563, 30 per cent less than Tokyo's.

The largest number of slayings, 69, in Tokyo were committed by adults with kitchen knives, razors, and similar weapons that, in many cases, were at hand when a violent argument broke out. Eighteen were committed by gangsters and six by juveniles with similar weapons.

ROBBERIES TOTAL 474

There were 474 robberies here last year, compared with 74,102 in New York City. Tokyo records show 7,268 assaults, New York's 18,410. There were 500 victims of rape here, 2,141 in New York. The number of narcotics cases here was 292. In New York it was 52,479.

The rate of crime in Tokyo, however, grew faster than the population. Crime was up 5 per cent in 1970 over 1969, while the number of people living in the city increased only 1 per cent. The biggest single category of crime was fraud, of which there were 9,397 cases a 20 per cent rise over the year before.

Police officials here are confident that their statistics are accurate. There is no reason to doubt them since the Japanese keep perhaps the most complete statistics in the world.

If one searched long enough, he could probably find out how many left-handed barbers here were born between 1 and 5 p.m. on Sundays in any given year.

The only exception, the police officials said, might be in the figures on rape. As in the United States, an unknown number of rape victims may not report to the police out of embarrassment.

It is illegal for any resident of Japan to own a handgun. Only the armed forces, the police, ballistics researchers, and sporting marksmen may have pistols—and the use of those is carefully regulated. The police officials said they thought the absence of handguns was particularly important in keeping the murder and robbery rate down.

PORTS ARE WATCHED CAREFULLY

Moreover, seaports and airports are closely watched to insure that handguns are not smuggled in.

Unlike the United States, there is no question of a citizen's right to bear arms here. In earlier days, only the samurai warriors who made up about 5 per cent of the population were permitted to carry swords. That tradition has passed over into modern times without protest.

A second reason for the low crime rate seemed to be strict controls over narcotics, which are illegal except for medical use. In addition to the police, the Ministry of Welfare has special narcotics force.

Particular attention is given the prevention of narcotics smuggling. The narcotics control forces maintain extensive networks of informants, especially in Yokohama, the great port down the bay from Tokyo, and in Kobe, the major port in central Japan on the Inland Sea.

CONTROL AND MODERNIZATION OF PANAMA CANAL

Mr. TOWER. Mr. President, last Saturday, October 16, the distinguished senior Senator from South Carolina (Mr. THURMOND) was the principal speaker at the annual meeting of the Panama Canal Society of Washington, D.C. On this occasion Senator THURMOND made a memorable and timely address advocating the major modernization of the Panama Canal and continued U.S. sov-

ereignty over the Canal Zone. The Senator has been an assiduous student of the canal and its geopolitical and military problems over the years, and his address thoroughly rebuts many of the basic premises of the articles which have appeared this week advocating surrender of elements essential to continued U.S. control and defense of the canal.

The meeting was held at the highly respected Cosmos Club, honoring all the builders, operators and defenders of the Panama Canal and recognizing the 101st birthday on August 5, 1971, of the Honorable Maurice H. Thatcher. Governor Thatcher is the sole surviving member of the Isthmian Canal Commission and the connecting link between the builders, operators, and defenders of the Panama Canal, and the modernizers. It was a meeting of truly superior character—carefully planned and effectively executed. Its theme was dedicated to the basic strategic concept that the Panama Canal is the keystone of Western security.

The other speakers were U.S. Representative DANIEL J. FLOOD from Pennsylvania—another noted student of the canal—and Dr. John C. Briggs, professor of Biology, University of South Florida, who has been doing outstanding work on the ecological dangers posed by proposals for a new sea-level canal.

The officers of the Panama Canal Society are Capt. Miles P. DuVal, Jr., U.S. Navy, retired, president; Maj. Gen. Charles G. Holle, U.S. Army, retired, vice president; and Prof. Richard B. O'Keeffe, George Mason College, University of Virginia, secretary and treasurer.

Interesting features of the program were a fine musical prelude and the national anthem by the U.S. Army Field Band, Soldiers of Song, with Sp. Avery B. Todd conducting; and "America," splendidly sung by Jacqueline Newman, soprano from Baltimore; and invocation by Rev. Joseph T. Durkin, S.J., Georgetown University; the Pledge of Allegiance led by John M. Kane, assistant director, National Security-Foreign Relations Division, American Legion; and recognition of senior members of the society who served during the construction of the Panama Canal, among whom was Stephen Latchford, a former president of the society.

Among other guest associated with the builders of the canal were Mrs. Pierre Gaillard, daughter-in-law of Col. David D. Gaillard of Gaillard Cut fame; John F. Stevens III of Baltimore, former railroad executive, and Mrs. Stevens; and Mrs. Ailene Gorgas Wrightson, daughter of Maj. Gen. William C. Gorgas, the great sanitarian of the Isthmus.

Also present were Lt. Gen. Walter P. Leber, U.S. Army, recently Governor of the Canal Zone, and Mrs. Leber.

In order that a suitable record of the 1971 program of the Panama Canal Society of Washington, D.C., may be available to the Congress and the Nation at large, I ask unanimous consent for its principal parts to be printed in the RECORD as follows:

First, invocation by Rev. Joseph T. Durkin, S.J.

Second, "Prologue" by Captain DuVal.

Third, remarks by Governor Thatcher introducing Senator THURMOND.

Fourth, address: "Great Isthmian Challenge: Major Modernization of the Panama Canal" by Senator THURMOND.

Fifth, remarks by Major General Holle introducing Congressman FLOOD.

Sixth, address: "Panama Canal Modernization" by Congressman FLOOD.

Seventh, remarks by Vice Admiral Settle introducing Dr. Briggs.

Eighth, address: "Ecological Dangers of a Sea-Level Canal" by Dr. Briggs.

Ninth, concluding remarks by Captain Duval.

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

INVOCATION OF THE REVEREND JOSEPH T. DURKIN, S.J.

Almighty Father, infinitely wise and loving toward us Your son/s and daughters on this little earth that is so dear to us, we ask this favor: that as the men we honor today built for the unifying of two oceans, we may have the wisdom and courage to build for the unifying in peace of the nations of mankind. Moreover, may the brilliant engineering achievement that we today commemorate make us realize another truth—that science and technology, so long as they are guided by the aim of benefiting and not oppressing human beings, are among the most precious powers that Your omnipotence and love have placed in men's hands. In the words of the moving poem of Ford Lewis Battles, may we ". . . say with power, 'Not ended; let us ever build. . . .'"

We humbly and with great confidence ask you, O Heavenly Father, to bless us all and to bless and protect our dear country.

PROLOG

(By Capt. Miles P. DuVal, Jr.)

Fellow Members of the Panama Canal Society, Distinguished Guests, Ladies and Gentlemen: On August 15, 1970, the 56th anniversary of the opening of the Panama Canal, our society paid its highest tribute to one of its most distinguished members on the occasion of his 100th birthday—Governor Maurice H. Thatcher. More than any other person now living he symbolizes the great effort of the American people in the construction of the Panama Canal and its subsequent operation and defense, all of whom we honor today.

Because of the historic value of last year's program, Senator Strom Thurmond of South Carolina quoted the entire proceedings in an address to the Senate in the *Congressional Record* of September 9, 1970. Thus, it has been made available for historians and scholars in the principal libraries of the world.

In the course of his long and illustrious career, Governor Thatcher preserved his correspondence of historic and research value; assembled press clippings on his life and achievements and useful miscellany in impressive scrapbooks; gathered an unusual array of honors, pictures, and trophies; and assembled a private library of classical character. Together with valuable manuscripts of his own poetical compositions, they form a collection of unusual reference quality.

Among his most recent honors were his election by the Gorgas Memorial Institute of Tropical and Preventive Medicine as its Honorary Life President and the dedication to him of the recently published definitive history of the Institute and the Gorgas Memorial Laboratory.

During the past year all of these items have been placed in a special room in the magnificent Temple of the Scottish Rite Masons, Southern Jurisdiction, at 1733 16th St., NW, in Washington, D.C., which bears the name of the Thatcher Collection. This well organized material will undoubtedly become a source for future researchers into the Governor's life and attainments, including much of value concerning the Panama Canal, the U.S. Congress, the National Park System, the story of the Pilgrims, and the Gorgas Institute.

Governor Thatcher's 101st birthday occurred on Sunday, August 15, 1971, and was passed in comparative quiet. This program, therefore, includes recognition of the one who for so long has devoted his life to his State and Nation and has already become a great tradition as benefactor of Kentucky and the Isthmus—Governor Thatcher, who will introduce our first speaker.

REMARKS OF GOVERNOR THATCHER INTRODUCING SENATOR THURMOND

Mr. President, Old Timers, Members of the Society, and Guests: First, as one who cooperated in the creation of this Society, many years ago, and assisted in the preparation of its recently adopted constitution under the reorganization, I am indeed grateful for the continued vitality of the Society, and wish to indicate my deep appreciation of the honor accorded to me in this program, especially the choice of myself for this very pleasant task I am now to perform. I trust that this organization will continue to go forward with increasing vigor.

To you, Captain DuVal, our most earnest gratitude is due. We have a fine audience notwithstanding the world series.

Having served on the Isthmus during peak construction of the Panama Canal, I have long cherished a warm affection for the people of Panama and the Canal Zone; and I included, among my Isthmian friends, all the leaders of the November 3, 1903 Revolution, except Panama's first President, Dr. Amador, who died before I first arrived on the Isthmus.

They were men of the highest patriotism and character, who were heroic in what they did, and were loyally supported by the Panamanians.

From the moment of my arrival, I fully realized the vast significance of the Panama Canal. My experience there has always been a source of great inspiration, and I have been most grateful for my identification with the greatest industrial enterprise of history. My Isthmian interest has continued ever since. I have ever welcomed any opportunity for serving the Canal, its officers and employees and the Panamanian people.

On this occasion, it is not my purpose to discuss the present complex condition of affairs as to the Canal and the Canal Zone. The able and distinguished speakers will give special emphasis to the question of increased capacity of the Canal.

In past years, our Society has had many brilliant programs; but none, perhaps, superior to that for today. Our speakers are very able men of independent thought. Thus, I feel highly honored to be called upon to introduce our first speaker, whose career in the governments of his State and Nation, has been one of great distinction.

When our Country entered World War II, he volunteered for service the same day—such was his patriotic reaction—and became a paratrooper and participated in combat operations in the European and Pacific sectors. He won many decorations, including the Purple Heart, for being wounded in action.

After the war, he was elected Governor of South Carolina in 1947, was an independent candidate for President of the United States in 1948, and was elected to the United States Senate in 1954—as a write-in candidate—a striking example of his popularity.

He was reelected in 1960 and 1966. In the Senate, he has been outstanding in his courage and independence on all public questions.

One of the consequences of his war experience was an increased appreciation of the vital importance of the Panama Canal. Thus, when the future of the Canal became a subject of national concern a few years ago, he assumed leadership in the Senate and became one of the outstanding Canal authorities in the Congress.

I have the honor and privilege of now presenting to you this outstanding fellow American and my friend, the able and fearless Senior Senator from South Carolina, Strom Thurmond, who will have as his subject: "The Great Isthmian Challenge: Major Modernization of the Panama Canal."

ADDRESS BY SENATOR STROM THURMOND (R., S.C.): GREAT ISTHMIAN CHALLENGE: MAJOR MODERNIZATION OF THE PANAMA CANAL

Mr. President, Members of the Panama Canal Society of Washington, D.C., distinguished guests, ladies and gentlemen:

As one who has studied Isthmian history, I appreciate the magnitude of the problems that were involved in the acquisition of the Canal Zone and the construction, maintenance, operation, sanitation, and defense of our gerat trans-Isthmian waterway.

In reading the Constitution of your society, I note that this body was organized in 1936 by certain builders of the Panama Canal. Its main purposes are as follows: The support of the Constitution of the United States; the retention by the United States of its Constitutionally acquired sovereign rights, its ownership; and its power and authority over the Panama Canal as well as its protective frame of the Canal Zone. These rights are indispensably necessary for the security and welfare of the United States, Panama, the Western Hemisphere, all free nations, and world shipping. These are most praiseworthy and absolutely necessary objectives.

This history of the Panama Canal is a record of crises starting under the leadership of Ferdinand de Lesseps, builder of the Suez Canal, at the Paris Congress of 1879 of the great French effort for its construction. The towering genius in that assembly was Adolphe Godin de Lepinay, a French civil engineer, who in simple terms outlined the plan for the Canal that in its main features was eventually adopted by the United States.

Today, the Canal is in the midst of another decisive turning point that combines not only a struggle over site, but also debate over the question of type. The consideration of these matters is greatly complicated by unfounded demagogic assaults against the United States and its sovereignty over the Canal Zone and the Canal.

The interoceanic canal situation became critical in the 1950's. It was at this time that Congressman Daniel J. Flood of Pennsylvania, in a remarkable series of addresses on Isthmian Canal policy questions in and out of Congress, undertook to clarify the principal issues. Since that time he has established himself as one of the key experts in the field, and I wish to pay tribute to him for his great work.

The result was focusing national and international attention on two vital questions: (1) Continued United States Sovereignty over the Canal Zone, and (2) The major modernization of the existing Panama Canal.

As to the supremely important question of United States sovereignty over the Canal Zone, we should remember that this territory is Constitutionally acquired domain of the United States with exclusive and positively essential sovereign rights, power and authority granted to us in perpetuity by Panama. For this grant Panama was paid by the United States. In addition to securing the grant of sovereignty over the Zone territory, the United States also obtained title to all privately owned land and property in the Zone by purchase from individual property owners, making it the most costly territorial acquisition in the history of our country. Moreover, the title of the United States to the Panama Canal was also recognized by Colombia, the sovereign of the Isthmus before the Panama Revolution of 1903.

As an artery of marine transportation, the Panama Canal enterprise became, and still is, a part of the coastline of the United States. As such its exclusive control by the United States is just as necessary for national defense as the control of the Chesapeake Bay or New York Harbor. Efficiently serving interoceanic commerce of all nations on terms of equality with tolls that are just and equitable, it has won the admiration of the world.

Now we'll show you a series of slides of the Panama Canal from one end to the other without explanation. (Pause for 18 slides)

In 1967, after three years of diplomatic discussions, the Presidents of the United States and Panama announced the completion of negotiation of three new Canal treaties. As the negotiations grew to a close, I was alarmed by reports of the forthcoming treaties and applied myself to a close study of the situation and the Canal problem. It was at this time that I became convinced that continued U.S. control depended upon maintaining our sovereignty in the Canal Zone and modernizing the present works.

The proposed treaties were negotiated by Robert B. Anderson, who was the Chief Negotiator for the U.S. Frankly, I was amazed when I actually obtained copies of the treaties and published them in the Congressional Record. Those treaties would have surrendered U.S. sovereignty control and ownership of the Canal Zone and the Panama Canal, as well as any new canal built by our taxpayers. The treaties provided for a nationalization by Panama of the Zone territory and for internationalization of the Canal itself under a bi-national canal authority. In the background, but not in the public discussions, was the objective of ultimate control of the Panama Canal through a multi-national agency, perhaps under the authority of the U.N.

Such treaties were totally unacceptable according to the thinking of scores of U.S. Representatives and U.S. Senators. The reaction, both in the U.S. and Panama, was so hostile that those treaties were never signed and never submitted to the Senate.

It is discouraging, therefore, to see that negotiations are once again underway with Panama, even though the present Government is a revolutionary regime with little prospect of stability and with no procedures for ratifying a new treaty. More discouraging still is the fact that the State Department openly acknowledges that the basis for negotiation is the surrender of U.S. sovereignty and the giving up of our jurisdiction throughout most of the Zone. Indeed, the main point of negotiation is still to be the issue of duration of the new treaty. That is to say, how long before we give up all of our rights completely?

In my judgment, it is a semantic trick to maintain that the U.S. can keep control of the Canal and the capability to defend it if ever we give up our sovereign rights. The duration of a treaty is not the key issue when the treaty itself gives up our basic rights. Such a surrender document would last too long if it lasted only one day. I believe that if a new treaty is necessary—and I am not yet convinced of that—then at a minimum we must maintain our sovereignty in the Zone, with the physical control which that implies; and we must maintain U.S. citizens in the policy-making and strategic areas of the Canal operation. It is a fallacy to believe that we can control the Canal or keep our obligation to keep the Canal running if we allow foreign nationals to be in substantial control of the decision-making and highly technical posts connected with the operation of the Canal.

It is possible that certain disagreements and irritations can be solved through negotiations with the Republic of Panama, but we can never agree to a treaty which does not allow us to have the physical and actual capability of keeping the Canal secure. It is for this reason that the sovereignty of the Canal Zone is the key issue which must never be compromised.

Before taking up the question of Panama Canal modernization, I wish to mention the recent report of the Atlantic-Pacific Interoceanic Canal Study Commission under Public Law 88–609, approved September 22, 1964, of which Mr. Anderson was also the head. This voluminous report, consisting of a main report and 5 annexes in one thick volume and 17 appendices in six additional volumes, with a total of more than 2,500 pages, required more than five years to prepare and burdened our taxpayers with an expense of over $21. million. It was submitted to the President on December 1, 1970, and has been widely distributed, but no official action has thus far been taken thereon.

The report recommends the construction of a so-called sea level canal about 10 miles west of the existing canal, wholly on Panamanian territory, at an *initially* estimated cost of $2,880,000,000. This figure does not include the costs of the right-of-way in which to build the canal or of the inevitable huge indemnity that would be required by Panama. Besides, this recommendation hinges upon the surrender to Panama by the United States without the slightest reimbursement of its treaty-based sovereignty over the U.S. owned Canal Zone and its important and valuable installations. Such surrender to any realistic person is unthinkable.

The total net investment of the taxpayers of our country in the present canal, including the costs of construction and defense from 1904 through June 30, 1968, was more than $5 billion. Moreover, some of the leading advocates of the sea level proposal have admitted publicly that the purpose of a sea level project is to secure better treaty relationships with Panama. They have even said that if unable to secure relationships, a sea level canal is not justified and may never be constructed; and that, in any event, it is not economically warranted.

As to relations with Panama, the project recommended by the Anderson commission would require a new treaty with that country and thus open a Pandora's box of trouble.

Another aspect to the sea level proposal is the ecological problem. Recognized scientists who have studied Isthmian biota (fauna and flora) overwhelmingly oppose it on the ground that it might produce a biological catastrophe affecting the food supply of the countries in the Isthmian region. This danger might also include the infestation of the Atlantic Ocean with the poisonous yellow bellied Pacific Sea Snake and the Crown of Thorns Starfish now nonexistent in the Atlantic Ocean. A later speaker will discuss this important subject.

For these, and many other reasons, the sea level project is being vigorously opposed by many competent, independent and objective canal experts.

The second main point that I shall discuss is the major modernization of the existing Panama Canal. Authorized by the Congress in 1939 prior to the outbreak of World War II in accordance with treaty provisions, work started in 1940 on what is known as the Third Locks Project, but it was suspended in May, 1942, because of more urgent war needs. More than $76 million was expended, mostly on lock site excavations at Gatun and Miraflores, but none at Pedro Miguel, which is fortunate.

Experience during the war enabled more thorough studies in the Panama Canal organization of the subject from the operational and navigational standpoints. Out of these studies there was developed what is now known as the Terminal Lake-Third Locks Plan, which has attracted national and international attention, especially by users of the canal.

This plan would eliminate the Pedro Miguel Locks, abandon present Miraflores Locks, consolidate all Pacific Locks just south of Miraflores, raise the summit level of Gatun Lake and its extension through Gaillard Cut a few feet, and create a summit terminal lake in the Pacific end of the Canal. This plan would make possible uninterrupted navigation from the Atlantic Locks to the Pacific Locks.

The plan also would enable the maximum utilization of all work that has thus far been accomplished since 1914, including the enlargement of Gaillard Cut and other channel improvements completed on August 15, 1970, at a cost of some $95 million. When the last is added to the $76 million already spent on the original Third Locks Project, the total expended toward the major modernization of the existing canal is more than $171 million, all of which would be lost to our taxpayers if the proposed new sea level canal were constructed.

There are several vitally important points about the Terminal Lake proposal: Its construction is authorized under existing treaty provisions; it does not require the negotiation of a new one or further indemnification; it protects against biological catastrophe; it avoids the danger of disastrous slides; and it can be constructed at relatively low cost—only a fraction of that of any sea level undertaking. These are major considerations and cannot be ignored. Moreover, such modernization would fully preserve the economic interests of the Panamanian people.

Another consideration is this: The Constitution of the United States vests the power to dispose of territory and other property of the United States in the Congress and not in the treaty-making power consisting of the President and the Senate. The negotiators of the 1967 proposed canal treaties ignored this Constitutional provision (which was observed in the 1955 treaty calling for the transfer of valuable railroad property to Panama), and continue to ignore it in the current negotiations. The House of Representatives is guarding its prerogatives, and is alert to the indicated Constitutional requirement, as we can see by the large number of Panama Canal sovereignty resolutions that have been introduced in the House opposing any surrender at Panama. The Canal Zone and Canal are a territorial possession and property of the United States and so they must remain until the Congress decrees otherwise.

More than 30 years have passed since the authorization of the suspended Third Locks Project. The original plan has been improved in the light of experience in World War II. The Panama Canal is in nowise obsolete but it is approaching capacity saturation. The needed additional capacity and operational improvements can be secured through the simple and relatively inexpensive expedients of constructing wholly within the Canal Zone additional and adequately larger locks and providing additional water for lockages and maintenance of channel depths.

The situation on the Isthmus represents great challenges to the United States and its leaders. The only reasonable course for our government to follow is the continued maintenance of our sovereignty over the Canal Zone and the major modernization of the present canal under existing treaties embodying the principles of the Terminal Lake solution. To bring this about, Representative Flood and I have introduced identical measures in the House and Senate, which would authorize completion of construction of the Third Locks Project adapted to include the principles of the Terminal Lake design.

This program will benefit Panama and the entire Western Hemisphere as well as the United States and world shipping. It will terminate the long conflict and confusion of concepts known as the "battle of the levels" and enable the engineering planners to concentrate on securing the best canal for the transit of vessels at the least cost and without treaty complications.

If the Panama Canal is to remain in continued operation and grow in efficiency, then it must remain under the control and sovereignty of the United States. The Terminal Lake Third Locks Plan will give us the necessary modernization, so it is up to Congress to see that the United States maintains the necessary control.

To assist in these matters, I urge you to write your Senator and Representatives in support of these two bills—S. 734 and H.R. 712.

REMARKS OF MAJ. GEN. HOLLE INTRODUCING CONGRESSMAN FLOOD

Mr. President, Ladies and Gentlemen, as a former official of the Panama Canal, I have followed closely over many years various developments concerning Isthmian policy matters, particularly the parts played by Members of the Congress. Among them our second speaker has proved himself one of the most outstanding leaders in the history of our great tropical waterway.

His career is truly distinguished and he has had responsible positions in the Government of Pennsylvania and important assignments in the Congress, where he is now serving his 12th term.

His Congressional service includes membership of the Committee on Foreign Affairs in which he specialized on Latin America and currently on the Committee on Appropriations with the most responsible assignments as a member of the Subcommittee on Defense and as Chairman of the Subcommittee for the Departments of Labor, Health, Education and Welfare and the Office of Economic Opportunty.

Among his notable achievements in the Congress was his leadership as Vice Chairman of a Special Committee that investigated the mass murder of thousands of Polish army officers by the Soviet during World War II; also his brilliant leadership on Isthmian Canal Policy Questions.

He is not only one of the most able, independent, and courageous Members of the Congress as it now exists but, in all truth, one of the most able, independent and courageous Members that has ever served in the Congress. His contributions have been historic.

I now present Congressman Daniel J. Flood of Pennsylvania, who will make further remarks on Panama Canal modernization.

REMARKS ON PANAMA CANAL MODERNIZATION

(By Hon. DANIEL J. FLOOD)

Mr. President, Members of the Panama Canal Society of Washington, D.C., and Friends: The address that you have just heard is superb and most timely. In comprehensive yet simple terms it recognizes and summarizes the crucial elements in an immensely complicated subject. There is little that I can add to this ably developed point except one word: amen.

As many of you may know, I have made many addresses both in and out of the Congress concerning canal problems. Among the questions that I am frequently asked is this: How did you become so much interested in Panama Canal matters? The answer is brief.

During my boyhood in Wilkes-Barre, Pennsylvania, former President Theodore Roosevelt used to be an occasional house guest at my home. He spent many hours telling me about the Panama Canal and some of the difficulties that he faced in launching the vast project. One of his most telling points was the absolute necessity for an American canal under United States control. That great man became my youthful ideal and in consequence I have devoted a lifetime of study to the canal subject, which has included many visits in all the Central American countries and Cuba, numerous consultations with various canal experts in and out of government service, transits of the canal on board vessels, and viewing the adjacent terrain from a helicopter. When all the angles in the question of increased transit facilities, including defense, economics and marine ecology, are realistically evaluated, there is only one solution—the major modernization of the existing Panama Canal according to the time tested terminal Lake-Third Locks proposal.

Especially interesting to me in Senator Thurmond's address was what he terms a possible confrontation between the governments of the United States and Panama. Because the Canal Zone sovereignty question is basic, I wish to elaborate somewhat, for Panamanian politicians are continually contending that Panama's geographical location is its greatest natural resource and that it should be exploited by that country for increased benefits from canal sources.

While it is true that the geographical location of Panama is strategic, this fact is also the greatest weakness of that small and defenseless country. Because of its position, the Isthmus of Panama has been an objective for plundering attacks since the Age of Discovery; and it probably always will be. In fact, predatory powers now seek to drive the United States from the Isthmus. History has repeatedly shown that only a strong free country can be entrusted with the control and operation of any interoceanic waterway as has been strikingly illustrated in the case of the Suez Canal.

In 1903, following Panamanian independence, the United States was the first nation to recognize the new government and, most appropriately, France, the country that started the construction of the Canal, was the second.

In the Treaty of November 18, 1903, the United States assumed the responsibility of guaranteeing Panamanian independence. Although that guaranty was revoked in the 1936 Treaty at the request of Panama, history also shows that the Isthmus can remain free only as long as the United States retains its sovereignty over the Canal Zone. The day we leave the Isthmus, the Panama Canal would become another Suez Canal and Panama another Cuba under complete Soviet domination.

In the exercise of their grave responsibilities on the Isthmus, the United States and its people have never been enemies of Panama but have always wished that country and its people the greatest possible independence and prosperity.

During recent years our situation as regards the Canal has suffered grievously because our Executive officials have constantly sought to appease unrealistic demands of Panama under the Panamanian claim of the national dignity of the fatherland and the like but have failed to point out the defects of these demands. The actual situation to be met is whether the United States or the U.S.S.R. should own and operate the canal. As to the consequences of Soviet Control, the cruel fate of Hungary, Cuba, Czecho-Slovakia and other satellite countries under communist domination should be compared with our own enlightened treatment of the Philippines and Puerto Rico.

It has often been said that Panama is a land of endemic revolution. Unable to retain

its constitutional government sinse 1968, it has had a provisional revolutionary government of increasingly leftist composition with full suspension of the Panama National Assembly and other rights of a free and independent people, including freedom of the press.

Though this provisional government repudiated the proposed 1967 canal treaties, it did succeed in bringing about a resumption of negotiations for new canal treaties. The same United States official who headed the negotiations for the discredited 1967 treaties and was also chairman of the recent sea level canal studies, is again our chief negotiator for the current negotiations that would eliminate United States sovereignty as regards the Canal Zone. Who can predict what government will be in power the day after arriving at any new agreement? Even if ratified by the United States, such agreement might be nullified by a succeeding government in Panama. Certainly the security of the United States, Panama, and the Western Hemisphere is not a matter with which to trifle.

When the sovereignty question is reaffirmed the way will be open for our government to undertake the major modernization of the existing Panama Canal as provided in pending legislation. Unless the present cloud of confusion over sovereignty of the Canal Zone is lifted the people of our country will never permit their tax money to be expended on a project that they will not control but that would be subject to expropriation as was the Suez Canal.

No matter what the treaty making power of our government, consisting of the President and the Senate, may do in this connection, the assurance can be given that the House of Representatives will never consent to the surrender of either the Canal Zone or Canal.

As regards the perpetuity clauses in the 1903 Treaty that certain present generation Panamanian politicians and Spanish language newspapers in Panama so strongly condemn, there are some angles that need clarification and emphasis. The grant in that treaty was not a lease as many superficial writers assert but an act of a sovereign government that conferred on the United States full sovereign powers over a definite area in perpetuity for the specific purpose of the construction of the Panama Canal and its perpetual maintenance, operation, sanitation and protection. Most significantly, this grant of sovereignty to the United States was to the entire exclusion of the exercise by Panama of any such sovereign rights, power or authority. In addition to the grant for which Panama was paid, the purchase by the United States of all land and property in the Zone mentioned by Senator Thurmond further strengthened our legal position on the Isthmus making our country the owner in fee as well as the political sovereign of the Zone territory.

As regard the previously mentioned perpetuity clauses, Panamanian detracters never mention the important facts that they apply with equal force to the United States as well as to Panama and that there is thus provided throughout the future the perpetual protection that Panama must have to endure as an independent nation. Under those clauses the United States is obligated to operate the Canal in perpetuity, which fact, as previously indicated, serves as a quaranty of perpetual independence and economic well being in Panama. These are great advantages that should not be ignored or minimized by Panama, for they have enabled that country to attain one of the highest per capita incomes in all of Latin America, with Canal Zone sources in 1969 having spent some $161,000,000 in Panama, which included the salaries of about 16,000 Panamanian employees; and these expenditures are increasing. In addition, there have been gifts and loans to Panama for educational purposes and such projects as the Darien Highway and other beneficial undertakings, among them the Thatcher Ferry Bridge. No doubt there will be more in the future as Panama develops.

As Senator Thurmond so aptly stated, the Panama Canal is in another grave crisis. Upon its outcome will depend not only the vital questions of sovereignty over the Canal Zone and the form of canal modernization but as well the security of the entire Western Hemisphere, which is now under communist revolutionary attack. One of the openly proclaimed objectives of communist power has been wresting control of the Panama Canal from the United States through the process of nationalization by Panama or internationalization. The Congress is alert to these dangers as shown by recent actions in the House opposing the transfer of any United States sovereign rights, jurisdiction, territory or property on the Isthmus to any other sovereign nation or any international organization.

Of the two proposals for surrender, that for internationalizing the Panama Canal is the more sinister. It has a long history dating back to a 1917 declaration by John Reed, a notorious American communist, who now lies buried with high Soviet honors in Red Square by the Kremlin Wall.

It is uniquely fitting to state that the danger of internationalization was promptly recognized by the dynamic American statesman who had played a key role in the acquisition of the Canal Zone and in the construction of the Panama Canal. On December 2, 1918, soon after the Bolshevik Revolution in Russia, he wrote: "The Panama Canal must not be internationalized. It is our canal; we built it, we fortified it, and we will protect it, and we will not permit our enemies to use it in war. In time of peace, all nations shall use it alike but in time of war our interest at once becomes dominant."

Those words of that great American apply with even greater force today. They are the words of Theodore Roosevelt.

Remarks of Vice Admiral Settle Introducing Dr. Briggs

Mr. President, Ladies and Gentlemen, for many years it has been known that certain forms of marine life have moved from one ocean to the other through the fresh water Panama Canal, but these migrations have not been in sufficient volume to cause serious concern on the part of biologists. The proposal for constructing a sea level channel across the Isthmus has introduced new angles to the problem causing great anxiety on the part of many respected scientists because of the ecological hazards involved in such salt water channel.

Our third speaker, one of the nation's leading authorities on marine biology, has made extensive studies of the environmental changes that would follow the opening of a salt water channel across the Isthmus. As a consequence he has published authoritative articles in scientific magazines and lectured extensively in an effort to alert the nation to what he considers poses a conservation problem of enormous magnitude that would be caused by the construction of a canal of sea level design.

It is my privilege to present Dr. John C. Briggs, Professor of Biology, University of South Florida at Tampa, who will speak on the vital subject of the "Ecological Dangers of a Sea-Level Canal."

Ecological Dangers of a Sea-Level Panama Canal

(By John C. Briggs)

In December, 1970, the Atlantic-Pacific Interoceanic Canal Commission presented its final report and recommendations to President Nixon. Copies of this voluminous (seven volumes) report became available to the public in May, 1971. In the report, the Commission stated that, so far as they had been able to determine on the basis of limited studies, linking the oceans at sea-level would not endanger the commercial or sport fish on either side of the Isthmus. The Commission also reached the conclusion that the potential for transfer of harmful biota and hybridization or displacement of species in both oceans exists but the risks involved appear to be acceptable. Unfortunately, these statements not only have no scientific basis but are inconsistent with the findings of a National Academy of Science Committee which examined the ecological implications of the proposed canal. In essence, the Committee warned that "great danger" could result and that if the canal had to be built elaborate precautions would be necessary to prevent migrations by marine animals.

The tropical marine waters of the Americas are divided by the New World Land Barrier, of which the Isthmus of Panama is a part, into two major segments, the Western Atlantic and the Eastern Pacific. This separation has existed since the latest Pliocene or the earliest Pleistocene—approximately three million years. During this time, sufficient evolutionary change has taken place so that the great majority of the animal populations on each side have become distinct from one another; that is, they have developed into separate species.

The marine faunas on either side of Central America are not only exceedingly rich, in terms of the diversity of species, but are relatively poorly known. At this time, one can only make a very rough guess as to the total number of species that are involved. The Western Atlantic portion appears to have the richest fauna. It has been estimated that the western Caribbean alone supports about 600 species of shallow water fishes and about 7800 species of invertebrates.

On the Eastern Pacific side, the Gulf of Panama and its adjacent waters are probably inhabited by about 400 fish species and about 5200 invertebrate species. In considering the possible efforts of a sea-level canal upon this rich marine life, it is important to note that most of the fishes are, at least at some stage in their life cycle, highly mobile. Furthermore, 80–85% of the tropical, benthic invertebrates possess pelagic larval stages that are capable of moving, or can be transported by surface currents, for considerable distances. This means that a continuous, saltwater passage across Panama would present a migratory route that could be utilized by the majority of animal species on each side. What would be the consequences of such migrations?

As the distributional patterns of many animal species have become better known, an important zoogeographic principle has emerged. It is probably this principle that, in large part, determines the relationships of the major zoogeographic regions of the world. It may be stated as follows: Wherever two regions are separated by a barrier that is partially passable, the region with the richest (most diverse) fauna will donate species to the region with the lesser fauna but will accept few or no species in return. This principle appears to operate just as effectively in the marine environment as it does on land.

Although it would be a mistake to make a detailed prediction about the effects of a sea-level Panama Canal entirely on the basis of our experience with the Suez Canal, the latter passage, which was opened in 1869, clearly demonstrates the operation of the principle stated above. To this date, no less than 30 species of Red Sea fishes and 110 species of invertebrates have succeeded in migrating through the Suez Canal to establish themselves in the eastern Mediterranean. But, with the single exception of one fish species that is especially adapted to live in high salinity lagoons, no Mediterranean animals have been able to successfully invade

the Red Sea. The Red Sea, a part of the great Indo-West Pacific Region, possesses a considerably richer fauna than the Mediterranean.

The fact that relatively few Red Sea species have invaded the Mediterranean in somewhat over 100 years can be explained by the existence, for most of that time, of the salinity and temperature barriers that severely restricted migration through the Suez Canal. In the case of the proposed Panama sea-level canal, no such barriers are anticipated so that rapid and numerous migrations may be expected.

Before making a prediction for Panama, one needs to consider a second zoogeographic (and ecological) principle that appears to be generally applicable. Along most mainland shorelines, as in most mainland terrestrial areas, each major habitat is probably supporting its maximum number of species; that is, the species diversity has become attuned to the local environment so that ecological saturation has been achieved. In such situations, the introduction of additional species can only temporarily increase the diversity and, over a period of time, the number of species present can be expected to drop back to its original level. This means that a species that has been introduced or has migrated into a new area may either survive in its new home by eliminating a species already there (its ecological equivalent) or it may meet so much resistance by the native species that it will be unable to establish itself.

In the advent of a sea-level canal across Panama, we may expect that, over the years, several thousand Atlantic species of shallow water, marine animals will succeed in reaching the Eastern Pacific and vice versa. Since these thousands of species that would be coming into contact for the first time are, for the most part, distinct from one another, we may expect that they would tend to enter into competition rather than hybridizing. Considering that the tropical Western Atlantic has a richer fauna than the Eastern Pacific, it can be predicted, in accordance with the two principles stated above, that (1) the Atlantic species would prove to be the better competitors and (2) they would eventually eliminate their Eastern Pacific relatives.

It is the prospect of a huge and irrevocable loss of perhaps thousands of species native to the Eastern Pacific that constitutes the major biological problem presented by the Panama sea-level canal. In contrast, the fauna of the Western Atlantic may remain relatively little affected. However, there do exist in the Eastern Pacific a number of marine animals that originally came from the Indo-West Pacific, the largest and most diverse of all the tropical regions. Among them are such animals as the poisonous seasnake, *Pelamis platurus,* and the crown-of-thorns starfish, *Acanthaster planci.* It is expected that these animals would be capable of migrating through a salt-water canal and, once having gained access to the Atlantic, would establish themselves in that ocean.

Although it is very difficult for the biologist to accurately predict the results of invasion by a given animal species, many cases are known where the invader has undergone enormous population increases. The probability of such a population explosion by an introduced species appears to be greatly increased in areas where there are no native species occupying similar niches. At present, there are no seasnakes in the Atlantic so the fish species there have not had to cope with this kind of predator. In a like manner, the coral species, that have built up the extensive coral reefs that are found from Florida to Brazil, have not been exposed to the actions of a voracious coral predator such as the crown-of-thorns starfish.

A small-scale example of what may happen when a new kind of predator gains access to a virgin area was provided by the sea lamprey, *Petromyzon marinus,* when it migrated through the Welland Canal to reach the western Great Lakes. The lamprey underwent a rapid population increase and decimated the native lake trout and whitefish populations. The damage to the commercial fisheries for the latter two species amounted to several million dollars and the United States and Canada had to spend additional millions in order to bring the lamprey under control.

There is no other place in the world where a single engineering project would be likely to have such drastic biological effects. Once a unique animal species disappears from the face of the earth it is gone forever and no amount of recrimination can replace it. Do we owe it to ourselves and our posterity to preserve as much of our natural heritage as possible? If so, let us consider very carefully the biological, as well as the economic, diplomatic, and national defense consequences of building a sea-level canal.

The following words, written by a distinguished biologist named George Gaylord Simpson, seem to be suitable for this occasion: "It is the capacity to predict the outcome of our own actions that makes us responsible for them and that therefore makes ethical judgment of them both possible and necessary."

CONCLUDING REMARKS BY CAPTAIN DUVAL

Members of the Society and Guests: You have just heard notable addresses by outstanding authorities on their respective subjects. If and when published, they will add materially to the cumulating literature on the matters discussed.

On behalf of this society, I express the fullest appreciation to our distinguished speakers and all others who contributed toward today's program, including those responsible for the musical prelude.

Our next annual meeting in 1972 will likely be in honor of John F. Stevens who served as Chief Engineer of the Isthmian Canal Commission during the designing period of the construction of the Panama Canal, 1905–1907. His great contributions were the development of the plan that was adopted by the President and the Congress and bringing the project to the point where its success was a certainty; thereby winning great fame as the basic architect of the canal.

To sponsor the election of Stevens to the Hall of Fame for Great Americans there has been formed the John F. Stevens Hall of Fame Committee of New York of distinguished membership, with Governor Thatcher as an honorary chairman. The next election for this great honor will be in 1973.

General Goethals, Stevens' successor as Chairman and Chief Engineer of the Isthmian Canal Commission, long after Stevens left the Isthmus, described the Panama Canal as Stevens' "greatest monument." The story of his work on the Isthmus was recently told by David G. McCullough in a major article in the June 1971 issue of *American Heritage* under this rare title, "A Man, a Plan, a Canal, Panama!"

Again and again, I thank you for your interest, presence and support.

GUN EDITORIALS AND ARTICLES

Mr. BAYH. Mr. President, I am indeed grateful for the editorial support of a number of the Nation's outstanding newspapers for the bill that I have introduced to curb the sale of "Saturday night special" handguns, the weapons which have no legitimate sporting use, and which are effectively nothing more than guns for crime.

Editorial backing for my bill has appeared in the Chicago Daily News, the Christian Science Monitor, the Miami Herald, the Minneapolis Star, the Washington Post, and the Washington Star.

In the last month, the Subcommittee on Juvenile Delinquency has conducted a series of hearings inquiring into the problem of the misuse of the "Saturday Night Special" handgun, and I, for one, believe that there is ample substantive data to call for a ban on their sale immediately.

I am confident that the vast majority of Americans share my concern. Furthermore, the witnesses who have appeared before the subcommittee in support of my bill only confirm my conviction that the "Saturday night special" handgun has no place in our present day society; it is nothing but a tool of violence.

I regret however, that the Nixon administration does not share my sense of urgency on this issue. On October 5, a representative of the Attorney General, Associate Deputy Attorney General Donald Santarelli, told the subcommittee that within 45 days the Nixon administration would have a bill to deal effectively with these deadly guns. Yet, as long ago as July 1969, the same witness stated concern about loopholes in the 1968 Gun Control Act; in fact, he predicted that since the importation of handguns was banned in the 1968 act, more than a million Saturday night specials would instead be produced or assembled domestically by 1970. In effect, the Nixon administration has taken a wait-and-see position, and too many lives have been sacrificed during the delay.

I believe that the Gun Control Act of 1968 should be expanded to include domestically produced "Saturday Night Special" handguns.

The administration and the sporting fraternity in testimony have contended that my bill is "subjective in nature" and that Congress should await their "objective" bill.

Mr. President, I believe that such rhetoric is just another smoke screen to cloud the issue of enacting gun control legislation. In fact, on June 3, 1971, Attorney General Mitchell stated that he saw no need for additional gun control legislation. The administration now insists, however, that its approach will be toward insuring the product safety and reliability of weapons, rather than to continue the sporting use test as established in my bill and in the existing law.

My answer is that such a weapon as the Saturday night special is only a death-dealing weapon regardless of its product reliability or cost and should be banned from this Nation's collection of 24 million handguns.

Mr. President, the issue is clear.

We must retain the sporting use test in the present law and apply that test—now applied to the importation of firearms—to domestically made guns. As my hearings indicated, the guns which have no sporting use are those small and easily concealed handguns which law enforcement officers throughout the land have urged we ban from sale to the public.

In addition to the editorials to which I previously referred, several pertinent articles have been written with regard

to the "Saturday Night Special" handgun and my proposal to prohibit their sale to the public.

I ask unanimous consent that the editorials and articles be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 30, 1971]

STRANGELY STILL

(By Alan L. Otten)

WASHINGTON.—The Nixon administration, as everyone well knows, is strong on law and order.

The President's hard-line talk helped elect him. One of his chief guides in selecting Justices of the Supreme Court and lower courts is to strengthen the "peace forces" over the "criminal forces." He and his top lieutenants issue monthly bulletins trumpeting their progress in curbing crime.

All the more surprising, then, that for the past two years, the Nixon administration has ducked taking any firm stand on legislation that more and more law enforcement officials view as an essential step toward cutting crime and killings: tight gun controls. The administration, in fact, has not only managed to sidestep the broad issue of registration and licensing of all handguns but even the narrower and far less controversial proposal to close a loophole in the 1968 federal gun law so as to crack down on the small, cheap, easily concealed handguns known as "Saturday-night specials."

Attorney General John Mitchell, the President's top law officer as well as campaign manager, is strangely silent on the gun issue. He does not respond to congressional committees seeking his gun control views. If he's cornered at a press conference, he simply asserts that more time is needed to study the workings of the 1968 law. Anyway, he adds, the Treasury Department, not the Justice Department, is the agency administering the gun laws and so it's the Treasury's business to speak up if any new laws are needed.

And what does the Treasury say? In July of 1969, it argued that there hadn't been enough experience with the 1968 law to warrant so costly and administratively difficult a departure as licensing and registration, but promised to submit "appropriate measures" for closing loopholes in the 1968 law. Now, two years later, it says a management study of the loopholes will be finished shortly. A broad citizens group will then be asked to study the study, and the Treasury hopes to have final recommendations ready by the year's end. These will, however, be aimed mainly at the Saturday night specials and won't be broader curbs.

Isn't three years long enough to study the need for tougher gun controls, a reporter asked Mr. Mitchell back in June, after a White House conference called to discuss the spate of cop killings. "Don't you know and can't you tell us what you think in light of these recent killings?"

"You are confusing two different subject matters," the Attorney General answered coldly.

It's hard, though, to see just why so much time and study are needed. The Saturday-night specials certainly present a clear-cut case. The 1968 law banned their importation as dangerous; unfortunately, it did nothing to prevent their manufacture or assembly here, and so hundreds of thousands of these cheap guns are now being made domestically or assembled here from imported parts. As Jerry Landauer reported in this newspaper back in June, well over one million of these cheap handguns will be produced this year, 20 times the number four years ago.

The facts on broader handgun controls are not much more debatable. Handguns are still a cinch to buy practically anywhere; some 25 million are already in the country, and 2.5 million more are made or imported each year. Two out of every three homicides are committed with firearms, almost always handguns. Since 1964, gun killings have doubled and gun robberies tripled. Of 633 policemen killed in the past decade, 95% were killed with guns, and three-fourths of these by handguns. All these trends are accelerating.

Local or even state laws simply don't do the job; guns can too easily be brought in from outside an area. FBI Director J. Edgar Hoover has long argued that "tough, comprehensive, uniform gun control legislation is imperative for the public's safety." Detroit Mayor Roman Gribbs wants to make all handguns illegal except for law enforcement officers; Detroit now has the highest homicide rate in the country, and 80% of the killers use guns.

"The plain fact," says New York City Police Commissioner Patrick Murphy, "is that there are too many handguns in circulation today, and instead of taking steps to dry up the flood, Congress has been content to let the torrent continue virtually unabated. And it is incontrovertible that these guns are a major factor in the reign of violent crimes that causes so much fear for our citizens."

Yet strong administration support is probably crucial to enactment of broader gun curbs. "I don't know if we can get tougher controls even with White House backing," one House Democrat declares, "but I know we certainly can't get them without it."

The most charitable explanation for the administration's non-profile in this area is that the White House believes the gun lobby is so strong in Congress that any reopening of the gun issue would merely produce new loopholes rather than new curbs. The National Rifle Association did in fact manage one major relaxation of the 1968 law in the last Congress, and now seeks a second one.

A less charitable construction sees the White House worried over the ballot-box fallout. Gun lobbyists boast of beating Sen. Clark of Pennsylvania in 1968 and Sens. Tydings of Maryland and Gore of Tenneseee last November; they have made Hubert Humphrey and Hugh Scott and many more squirm and waffle on their gun stands. Most gun lovers are probably the very middle Americans to whom Mr. Nixon addresses so many of his other political appeals—so why stir them on this issue.

That's surely an intelligible political position—and yet two things may be very wrong with it.

One is that it may no longer be as true as it once was; the political balance may be shifting in favor of gun controllers. As more police are gunned down and as guns are used more commonly in robberies and casual street encounters and family fracases, Americans may be ready to rally behind the man who comes out for, rather than against, tough gun controls.

The other flaw in the play-it-safe analysis is that even if it is a still-accurate assessment of the political realities, it is a poor prescription for presidential leadership. Gun control may well be the kind of issue where the public good requires leaders to speak out forthrightly, regardless of the political flak. This should be particularly true, one would think, for a law and order President.

[From the Washington Evening Star, Sept. 12, 1971]

HEARINGS TOMORROW ON BILL TO FORBID SALE OF HANDGUNS

(By Martha Angle)

Sen. Birch Bayh, D-Ind., opens two days of hearings tomorrow on legislation he is sponsoring to outlaw sales of domestically produced cheap handguns known as "Saturday-night specials."

The hearings, first in more than two years on the politically touchy subject of gun controls, are likely to be marked by clashes between Bayh, an undeclared Democratic presidential hopeful, and the Nixon administration.

Administration officials in the past opposed further restrictions on firearms sales, but have not indicated what stand they will take on Bayh's bill.

Bayh, as chairman of the Judiciary subcommittee on juvenile delinquency, wrote Atty. Gen. John N. Mitchell on Aug. 11 asking the Justice Department's views on his bill. He scheduled a department witness to testify on Tuesday.

JUSTICE SENDS REPLY

In a letter dated Sept. 3, Wallace H. Johnson, associate deputy attorney general, replied:

"Naturally the Department of Justice would be happy to testify regarding this legislation. However, our representative for this subject has made previous commitments for Sept. 13–14."

Johnson said the Treasury Department, which will send a spokesman to the hearings, will present the administration's position.

But Bayh regards this response as a brush-off from Mitchell, and is likely to make his displeasure evident.

Bayh also wrote Treasury Secretary John Connally on July 22 asking for an analysis of the effectiveness of the 1968 Gun Control Act and detailed information on the manufacture and sale of domestic small-caliber, inexpensive handguns.

NO DATA RECEIVED

As of Friday, Bayh's office had not received the requested data.

The Indiana senator's legislation, to be formally introduced tomorrow, would prohibit federally licensed gun dealers from selling any weapon other than rifles or shotguns to anyone except law-enforcement officers unless the Secretary of the Treasury determines that the gun purchase is suitable for sports.

The 1968 law, passed on a wave of public outrage following the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, outlawed importation of cheap foreign-made handguns, the original Saturday-night specials.

Since then, Bayh says domestic production and sales of such weapons have skyrocketed.

"Production of this domestic gun reached a staggering 630,000 in 1970," Bayh said. "If this trend continues, we can expect millions of these weapons to flood the market each year, and we can expect substantial numbers of these guns to be involved in crimes of violence."

GUN CRIMES SOAR

Gun crimes in the United States have soared over the past decade, the senator noted. Previous studies by this subcommittee have shown that the Saturday-night specials are used in one-third of gun murders.

Fourteen witnesses, most of them strong gun-control advocates, are scheduled to testify during the hearings.

They include Mayor John Lindsay of New York and his police commissioner Patrick Murphy, former public safety director for the District; a representative of D.C. Police Chief Jerry V. Wilson; attorney Lloyd Cutler, former executive director of the National Commission of Causes and Prevention of Violence, and James V. Bennett, president of the National Council for a Responsible Firearms Policy.

Eugene T. Rossides, assistant Treasury Department secretary for enforcement and operations, will present the Nixon administration's views. Officials of the National Rifle Association and National Shooting Sports

Foundation will testify in opposition to the bill.

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

BAYH GUNNING FOR PISTOL BAN

(By Robert Gruenberg)

WASHINGTON.—Sen. Birch Bayh (D-Ind.) wants to shoot it out with Nixon administration officials Monday over how effective they have been on gun control, but they won't draw, he says.

One month ago Bayh invited Atty. Gen. John N. Mitchell to testify before his juvenile delinquency subcommittee on the problem of the "Saturday night special", the small cheap handgun used in thousands of robberies and murders.

Bayh also asked Treasury Sec. John B. Connally to provide information on enforcement of the gun control act of 1968.

But Mitchell would not appear, says Bayh aides. And his chief aide and expert in such matters, Donald Santarelli, associate deputy attorney general, had "previous commitments."

Connally won't show either, but is sending Asst. Treasury Sec. Eugene T. Rossides, in charge of enforcement and operations. But the information that Bayh seeks from the Treasury Department won't be ready until after the hearings, Bayh's assistants said they were informed.

Bayh wants to prohibit the sale of the Saturday night special, which he calls "America's No. 1 murder gun."

His bill to prohibit their sale or transfer by U.S. licensed gun dealers to anyone except law enforcement officials is to be introduced Monday as an amendment to the Gun Control Act.

Among 14 witnesses to testify Monday and Tuesday will be spokesmen for the National Rifle Assn., the National Shooting Sports Foundation and the Sporting Arms and Ammunition Manufacturers' Institute of Riverside, Conn.

Bayh said the provision in the 1968 law prohibiting the importation of the foreign-made "specials" proved to be a loophole. The .22- and .25-caliber weapons, selling for less than $20, began to be produced in quantity domestically, with imported parts fitted to the gun frames, committee aides explained.

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

DEBATE OVER GUNS TO REOPEN TODAY; CAPITAL HEARINGS CENTER ON CURBS PROPOSED BY BAYH

(By Ben A. Franklin)

WASHINGTON, September 12.—The gun-law reformers in Congress begin a new campaign tomorrow to rid the country of the millions of cheap pistols that are being used to kill ever increasing numbers of Americans.

Two years ago, the reformers thought that, with the Gun Control Act of 1968, they had stopped the flow of the poorly made .22-caliber and .25-caliber handguns, which are manufactured abroad and sold here for from $9.95 to $20. The act supposedly prohibited such imports, chiefly from Germany, Italy, Spain and Brazil. Because no weapons could be made so cheaply in the United States, their proliferation was thought to have been halted.

The reformers were wrong then and the odds again seem clearly to be against the anti-gun group in this Congress. The Nixon Administration, its officials say, is certainly not for a flat prohibition on the sale of cheap pistols.

And, the firearms lobby which has shown itself capable of rousing fierce opposition to control legislation among the constituents back home, is ready to do battle. Administration spokesmen acknowledge that officials here are sympathetically listening to the critics of gun control.

The scene of the new gun control debate will be Room 2228 of the New Senate Office Building. At 10 A.M. tomorrow, Senator Birch Bayh's Subcommittee on Juvenile Delinquency, which has been the focus of all important efforts to enact firearms control legislation in recent years, opens two days of hearings on the Indiana Democrat's proposed antigun amendment to the Gun Control Act.

Among the scheduled witnesses expected to support the Bayh amendment are Mayor Lindsay of New York and his Police Commissioner, Patrick V. Murphy; police officials from Detroit and Cleveland, and a representative of the Fraternal Order of Police. Until recently, when policemen began to rank among the chief victims of cheap handguns, many police groups had not supported stringent gun controls.

CHANGE IN TACTICS

Senator Bayh, a possible candidate for the Democratic Presidential nomination next year, would prohibit with his amendment the sale or delivery to any person anywhere in the United States of cheap revolvers and automatic pistols, which gun users say have no sporting or target value but which are being used in thousands of killings and holdups each year.

The 1968 act was intended to have this effect. It forbade the importation into the United States of all handguns that the Secretary of the Treasury ruled were of no potential use to sportsmen.

The strict guidelines subsequently drawn up might have blocked their importation. But there is a brisk market in the United States for such guns, particularly in large cities. Estimates are that from 630,000 to 1.5 million of them are sold in the United States every year, at markups to manufacturers to 50 to 100 per cent.

According to the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, the Treasury Department's gun enforcement office, the former importers of foreign-made "Saturday night specials" simply stopped buying their pistol frames overseas.

Crudely made barrels, triggers, grips, firing pins, hammers, cylinders and springs still come in legally from abroad by the hundredweight. They are fitted by semiskilled workers to American frames at factories on Long Island and Miami, Nashville, Kingston, N.C., Los Angeles, and here in Washington.

AVOIDING A SHOWDOWN

The six-shot, 22-short-caliber product can be sold within the law to anyone with $9.95 who swears he is over 21 years of age, not a felon or a defective, and a resident of the state in which the purchase is made.

Such guns can no longer be bought by mail, as they were before the 1968 act. But, unlike larger, heavier and better-made American sidearms, which sell for $60 and up, the cheap weapons are available to millions of people for one-third the price of a pair of dress shoes.

The Juvenile Delinquency Subcommittee will be told this week that in more than 1,640 handgun killings in 1970—20 per cent of the 8,221 pistol murders—the weapon used was such a gun.

Some Government officials make it clear that the Treasury Department's position on the cheap guns has been calculated to avoid a confrontation with the nation's organized gun clubs, headed by the National Rifle Association.

The N.R.A. has been showing interest in what may be the Treasury Department's answer to Senator Bayh's proposal.

ABOUT 24,000,000 GUNS

On page 13 of the annual report of the FBI on "Crime in the US: 1970" is a chart on "forcible rape." This offense has increased 95 percent in 10 years, the report says. Other violent crimes—robbery, aggravated assault, murder—have skyrocketed in proportion in the decade. Their lines are almost vertical on the charts and look like trajectories of lethal missiles.

Violent crime last year alone increased 11 percent. The administration made a big play about bringing crime under control in the 1968 campaign, and seems a little uncomfortable about it now, but hopeful. This is one of the problems it is solving, like the economy. Attorney General Mitchell in releasing the FBI report said he found "encouragement" that the crime increase is at "a slower rate than in 1969." Inflation is going down, too.

The annual crime story is soon forgotten by the press. That is, by everybody but the women who don't dare walk the streets at night (and more and more men), by the poor folks in the ghetto where the crime is worse, by the police who are badgered by politicians to water down their crime figures so as not to give the town a bad name, by those who get robbed or shot or raped, and by the anguished observers of the native scene who believe that nothing so delights Commies, so humiliates friends, so debases the image of our beloved country as its unique pistol-packing lawlessness.

Sometimes I think Americans like crime. Of course they say not. But doesn't crime show a restless, energetic pioneer spirit? We don't take easily to authority, do we? Doesn't refusal by America alone among big nations to enact an effective gun law show a certain lively independence, a virility? Isn't the handgun a sex symbol among American males which makes them irrationally support the efforts of the National Rifle Association gun lobby to blackmail timid congressmen, who hope that perhaps political assassination is over for a while? Well, maybe it is. Or maybe we must kill two more Presidents before Congress controls the 24,000,000 handguns now loose in the nation.

It isn't that we haven't been told what to do about crime. For what it's worth, there have been four prestigious presidential commissions in the last few years—the Katzenbach, Kerner, Eisenhower and Scranton studies—dealing respectively with crime, riots, violence and unrest, and all four stressing the same thing, that the primary need in fighting crime is getting at the underlying roots of antisocial behavior, particularly poverty.

But Mr. Nixon doesn't believe in that. "We cannot explain away crime in this country by charging it off to poverty," he declared as a candidate in 1968. Looking around he said, "All over the country we see a rising tide of crime." He blamed it on Democratic laxity, coddling criminals, and the courts, from the Supreme Court down. He had a plan, he told voters: one should not "underestimate the impact that a few men of action can have upon the crime crisis in America."

Such a man, presumably, is the Attorney General. The FBI report shows that crime is rising and more cops are being killed. More than 560 were murdered in the past decade, three-quarters of them with handguns. Mayor Lindsay last month, citing the killing of nine New York City policemen so far in 1971, pleaded with Mitchell, America's top law enforcement officer, to back gun control. He didn't know his man.

Leaving a White House conference on crime control with city police chiefs the other day, Mitchell was hassled by reporters to state his position. He said he opposed new federal regulations on the sale of handguns. It's under the jurisdiction of the Treasury, he said; besides that, it's a local matter.

"We know many of the things that ought to be done, and yet they don't get done," testified former Attorney General Katzenbach (last May), who headed a crime commission under Lyndon Johnson: "Guns is one; there is no police official in the country who doesn't know that."

Well, Mitchell doesn't. He feels it's a local problem. Like New York City, maybe, which has one of the toughest gun laws in the country. Furthermore, the Federal Gun Control Act of 1968 is supposed to ban import of handguns, America's favorite murder weapon. But *The New York Times* last month quoted federal law officers as saying that the Criterion Die Machine Co. of New York City is turning out 50,000 pistols a year for itself, and another 50,000 for Valor Import Corp. of Hialeah, Florida. Imperial Metal Products Inc. of Islip, Long Island, turns out 500,000 handguns annually, the sources said. Firearms Import Export of Miami turns out another half million. All perfectly legal. It's unlawful to import guns, you see, but not parts, and these come in and are assembled and distributed for cheap "Saturday Night Specials," as the cops call them. More handguns are being turned out in the U.S. now than before the federal "control" law.

The 1968 Republican platform said that "lawlessness is crumbling the foundations of American society" and it urged the defeat of Democrats to stop it.

Well, one thing the administration could do would be to reform the Law Enforcement Assistance Administration (LEAA), started in 1968. This was to be the chosen arm of the federal government in aiding the states to fight crime. It has sent out $800 million so far. It is a form of revenue-sharing: the money is distributed with a minimum of bureaucratic reins from Washington. And it appears to be a gory mess. Back in 1970 *Reader's Digest* sent out an investigator who found it was largely a boondoggle. Rio Blanco county in Colorado used its $3,045 for a snowmobile, and Union parish in Louisiana $6,740 for a 20-foot outboard motorboat.

Now its work has just been reviewed again by the General Accounting Office; sample, the Indiana state police got $139,000 for an airplane, used occasionally to tote Governor Whitcomb around and to fly to Washington to pick up moon rocks for display at the state fair. Mr. Nixon didn't bother to fill the top post for a year. The new head, Jerris Leonard, doesn't like federal strings tied to handouts.

Many feel the American system of criminal justice is near breakdown, but this money doesn't go to modernize the courts, it goes for police cars and fingerprint kits. And crime increased 11 percent last year.

[From the Miami, Fla., Herald, Sept. 2, 1971]

A HANDGUN CONTROL LAW—NOW

Making page 1 news in the current issue of Gun Week is an upcoming move in Congress to prohibit the sale of cheap handguns made in this country. The 1968 Gun Control Act has been effective in preventing the importation of cheap foreign weapons, but there has been an increase in domestic manufacture of those "Saturday night specials" that are so frequently used in street crimes.

Though it would be difficult to trace and prove, there are reports that an extensive "cottage industry" in handgun assembly has sprung up in South Florida.

Sen. Birch Bayh wants to amend the 1968 law to outlaw the manufacture and sale of all handguns that do not meet the point system now applied to foreign imports. These points are based on safety tests, barrel length and weight of weapons. According to Gun Week, these restrictions are under attack by "U.S. sportsmen, many of whom use the cheap handguns for informal target practice." The article goes on to explain that "many competition target shooters were first introduced to handgun shooting by a cheap handgun."

There is another view as expressed by Sen. Bayh and representing the opinion of the nation's police officers and that is that small caliber handguns have no true sporting use. Indeed, they have been found to be used in one-third of all gun murders.

We stand with the warning from James V. Bennett, former director of the federal prison system: "All levels of government must move quickly and resolutely to protect police, the general public and responsible gun owners themselves against the possession of guns by those who lack the credentials for responsible gun ownership. Federal legislation is imperative to ensure minimum standards throughout the country."

We look to Congress to adopt such standards to stop or at least slow the traffic in weapons. This is no longer a frontier country where men live or die depending on their skill at the fast draw.

We are an urban people and our protection must rest with skilled and professional police officers. These men in uniform need a strong gun control law, and only Congress can provide one.

ANOTHER TRY AT GUN CONTROL

The gun law reformers are trying again. As always, the odds against them are heavy. As usual, a large number of congressmen, spurred on by their highly vocal supporters, are ready to stand foursquare for the rights of every American to carry a handgun.

The reformers' target is the Gun Control Act of 1968. At the time of its passage, they thought they had stopped, once and for all, the large flow into this country of cheap, foreign-made handguns. But they did not reckon with the ingenuity of American entrepreneurs. The importation of guns was stopped, but not of their parts. Cottage industries proliferated, with workers assembling cheap, small-caliber, easily-concealed pistols favored by lawbreakers. Last year, according to Senate investigators, 630,000 of these weapons came on the market, most selling for $10 or less.

The Senate subcommittee on juvenile delinquency has begun hearings on an amendment to the 1968 act that would ban sale of handguns unsuitable for lawful sporting or target purposes. The amendment is aimed at the "Saturday night specials," the cheaply made guns used in thousands of killings and holdups in recent years.

Sen. Birch Bayh, D-Ind., chairman of the subcommittee, and other backers of the amendment are facing an uphill fight. They are not getting any support from the Nixon administration, which has been cool to any gun control legislation. Some new support, however, has been coming from police organizations, whose members have been among the chief victims of the cheap handguns.

It is worth noting, again, that the legislation is aimed only at the production and sale of these small weapons. There is nothing in the amendment that would lead to the confiscation of any weapons. There is nothing to discourage the sale or ownership of guns for legitimate purposes—hunting, target shooting, hobby collections, or even protection. The only person it would discourage is the one who puts $10 on a counter and walks away with a weapon for the purpose of committing murder, assault, or burglary. For this reason, the amendment deserves full support.

[From the Chicago Daily News, Sept. 16, 1971]

CASE AGAINST HANDGUNS

Tougher federal laws to reduce the traffic in handguns have again been proposed by Chicago Police Supt. James B. Conlisk Jr. In testimony presented on his behalf before a Senate subcommittee, Conlisk noted the sharp rise in firearms deaths in Chicago between 1965 and 1970—from 201 to 528—and said effective measures must be taken to prevent an even more appalling toll. Conlisk's plea is unassailable, regardless of the contention of gun lobbyists that any gun laws unduly infringe on the right of the peaceful citizen to possess firearms.

The steady rise in gun deaths shows no sign of abating, and it probably will not until stricter laws are devised at all levels of government and are enforced in the same spirit.

One problem that must be dealt with is the proliferation of the cheap "Saturday night special," which accounts for an ever-increasing number of handgun deaths. Conlisk pointed out that in Chicago alone such weapons accounted for 170 of the 528 gunfire deaths last year. The 1968 federal control law sought to solve the problem of the small-caliber specials by banning their importation, since most of them came from abroad. The prohibition hasn't worked because American firms are now producing the specials from imported parts mounted on domestic gun frames.

Closing that loophole has properly been assigned a high priority by Sen. Birch Bayh, who is conducting the gun control hearings. We hope he will be able to enlist a majority of Congress behind such a measure. For as Conlisk said, every effort must be made to "curtail the increasing number of handguns being easily acquired by irresponsible, immature, violence-prone individuals."

But no matter how many additional laws or amendments to present statutes may be enacted, they cannot be effectively enforced without the understanding and co-operation of the courts. Though we are often in disagreement with State's Atty. Edward Hanrahan, we concur in his recent criticism of Cook County courts for treating violators of state and Chicago gun laws too leniently. The laws are weak enough as it is without vitiating them further by failing to make the punishment fit the crime. Though 846 persons were convicted of gun law violations during the first six months of this year, only 91 received jail sentences. Doubtless there were mitigating circumstances in some of the cases, but it is hard to believe that the overwhelming majority merited getting off with what Hanrahan aptly described as a "slap on the wrist."

[From the Washington, D.C., Star, Sept. 17, 1971]

PISTOL PACKIN' COUNTRY

In setting out to stop the country's runaway pistol proliferation, Senator Bayh of Indiana displays commendable daring. Not many legislators want to fiddle with this issue, because it produces more sacks of damning mail than anything else.

Americans by a ponderous majority favor strict handgun controls, but the supporters aren't nearly as excited as the opposing minority. Many of the latter seem to view the right to unlimited gun ownership as the bedrock of the republic, and bloc reprisals at the polls are feared by congressmen considering firearms restrictions.

But it's time, in this Congress, for a courageous showdown with the pistol, and those members who aren't up to it should stop orating about "crime in the streets." Bayh is putting Congress squarely on the spot, with the hearings his subcommittee is holding (the first on gun control in more than two years) and the handgun-control legislation he has introduced.

Actually the bill is of modest scope, considering the size of the gun-crime problem. It wouldn't intrude upon the ownership or require the registration of the 25 to 30 million pistols which citizens now possess. It would only stem the sales of new ones, which have quadrupled in recent years. What Bayh proposes is to prohibit federally licensed gun dealers from selling anyone other than a law-enforcement officer a handgun, unless the weapon has been designated by the Secretary of the Treasury as suitable for sport. So the intent isn't to penalize the target-shoot-

ing sportsman, but to stop the sale of snub-nosed pocket guns that are selling at a fantastic clip and taking a larger toll of life every year.

Sales actually have increased since the Gun Control Act of 1968 went into effect, largely because of a loophole in the law. The act prohibits the importation from other countries of the cheap ($9.95 up) small pistols that had been pouring in by the millions. But it failed to ban the inflow of foreign handgun parts, and these are now being imported in vast quantities and assembled by U.S. entrepreneurs. "Production of this domestic gun reached a staggering 630,000 in 1970," Bayh said the other day. "If this trend continues, we can expect millions of these weapons to flood the market each year, and we can expect substantial numbers of these guns to be used in crimes of violence."

His conclusions will be enthusiastically seconded by officials of cities in which citizens and policemen are being cut down at an accelerating rate by bargain-priced revolvers. Just last week the mayor of Detroit called almost in desperation for a statewide ban on handguns. About 550 people were murdered in his city last year, and six police officers already have been slain in the line of duty this year. Across the breadth of land, gun crimes now exceed 200,000 a year and are still climbing.

We agree with the gun lobby that automatic incremental sentences for crimes committed with guns would be a deterrent, and should be provided. But even with that, the concealable pistol would be a monstrous threat in its present plentitude. It is unmatched by any other weapon in psychological potency—as a source of personal power for the otherwise powerless, and sometimes the unstable. It is designed for use against people, and its removal from general circulation is imperative.

[From the Christian Science Monitor, Sept. 19, 1971]

TWO MURDERS A DAY

(By Richard L. Strout)

WASHINGTON.—A citizen of Michigan has a double right to bear arms, it is guaranteed to him under the United States Constitution (Article II), and under the Michigan constitution which says that "Every person has a right to keep and bear arms for the defense of himself and the state."

Meanwhile 500 people have been murdered so far this year in Detroit, or at the rate of two a day, which compares with 550 in the city for all last year. Handguns are used in most of the murders. Mayor Roman Gribbs calls for a statewide campaign to ban handguns, possibly through a petition to amend the constitution.

As to the legal aspect, the difficulty seems less than appears on the surface. The U.S. Constitution indicates that the authorized arms are for the military—"A well regulated militia, being necessary to the security of a free state. . . . " Courts have ruled that this does not prohibit local control and registration.

Also in Michigan, despite the provision in the constitution, there are already some state and city gun-control laws. The greater obstacle appears to be opposition from hunters, sporting groups, and right-wing organizations whose potent combined voice shapes up in the powerful lobby of the National Rifle Association here.

According to the FBI annual statistics serious crime rose another 11 percent last year, much of it done at gunpoint. Attorney General Mitchell draws a gleam of sunshine out of the gloomy business by hailing the fact that although things are getting worse (i.e. crime is rising) they are getting worse slower (i e. the crime rate rose less than the 12 percent in 1969). How this determinedly optimistic approach affects the reader depends on temperament; to some it recalls recent administration comments on the economy that inflation and unemployment, while still rising, were rising slower than before. Mr. Nixon suddenly ended all that by changing policy.

Prior to now three attorneys-general in succession urged federal gun control, but Mr. Mitchell's declines to commit himself. First of all, he says, it is a matter for the Treasury which is given tax authority under the 1968 law; and secondly, the new law should be given more time "to be implemented and tested (to) determine whether or not it is serving the best purposes of this country."

Mr. Mitchell sees a declining trend in the crime rate, attributing it to the efforts of the administration. "Fear is being swept from the streets," he says.

The FBI figures indicate that 10,000 Americans were murdered last year of which 65 percent were killed with a gun. In addition, of course, there was hundreds of thousands of armed assaults and robberies committed with guns or with the fear of guns.

The commission on violence under Dr. Milton Eisenhower estimated that 24 million handguns are loose in the United States. It strongly urged licensing and control. The 1968 law banned the import of handguns but that was easy enough to evade: the parts of cheap handguns are not banned and are flooding in and being assembled in this country. More handguns are being circulated than before the law.

Sen. Birch Bayh (D) of Indiana has a modest bill: he would ban the import of these handgun parts—small caliber, inexpensive and lethal—of which 600,000 were put together last year, it is estimated. Public opinion polls overwhelmingly endorse gun control; after all, if an automobile is licensed why shouldn't a handgun be or at any rate, registered?

Attorney General Mitchell was unable to testify at the Bayh hearings, and the associate deputy attorney general informed the Senator that "Our representative on this subject has made previous commitments for Sept. 13 and 14," and couldn't come.

If you feel that crime is still a big issue you may wonder why nobody from the Justice Department was able to testify on gun control. On the other hand, if you feel that Mr. Mitchell is correct that "fear is being swept from the streets" you will not object to his absence in spite of the appeal of Detroit Mayor Gribbs about those two murders a day.

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

MAKING MURDER CHEAP AND EASY

Police officers seem to be prejudiced against pistols, at least in civilian hands. Testifying last week on Senator Birch Bayh's bill to prohibit the production of cheap, low-caliber handguns in the United States—the so-called "Saturday Nights Specials"—Washington Police Chief Jerry V. Wilson said, "There seems to be no valid reason for the possession of this type of weapon by anyone." The Police Commissioner of the City of New York, Patrick V. Murphy, well known to Washington as an enlightened and effective crime fighter, told the Bayh subcommittee, "There is absolutely no legitimate reason to permit the importation, manufacture, or sale of these weapons, or their parts. They are sought only by people who have illicit motives, but who may have some difficulty securing a better gun. No policeman, no Army officer, no security guard, no businessman or merchant, and no sportsman would purchase one of these weapons for any lawful purpose."

The reason for this police prejudice is not hard to find. Policemen don't like to see one another killed. Pistols kill policemen. To gratify the sensibilities of the gun lobbyists who are very finicky fellows, let us modify that statement to say that criminals armed with pistols kill policemen. Very few criminals not armed with a pistol would dare to tackle a policeman. "The frightening ease with which criminals secure guns is especially critical for policemen," Commissioner Murphy told the subcommittee, "Ten times already this year I have had to witness the burial of one of my men, struck down in the line of duty by a killer. Nine of the ten were shot to death, and eight of the nine were murdered with illegal handguns . . . One hundred and fourteen other New York City policemen have been subjected to handgun assaults this year, some of them have been seriously injured, clinging tenuously to life at this very moment."

Senator Bayh's bill to forbid the sale of "Saturday Night Specials" would, no doubt, as he has said, "be helpful in curbing crimes of violence committed with these handguns." We applaud it, therefore, so far as it goes. But it does not go far enough. In effect, it "penalizes" the poor who may want to shoot a policeman or a friend, while suggesting that this sort of conduct is all right for those rich enough to afford more expensive weapons. Commissioner Murphy put the matter in perspective. "I begin," he said, "with the premise that very few people who now have access to handguns have a legitimate interest in possessing them." Nobody in America ought to possess a pistol without a permit. And permits ought to be issued very sparingly. There is no way to protect the general public from these deadly devices.

Local laws regulating the possession of guns will not do the job. They help. New York, which has very strict gun control laws has a far lower percentage of gun-related murders than cities where the gun laws are lax. But, Mr. Murphy testified, "Sixty-five per cent of the handguns we seized in New York are traceable to sources outside the city. Most of the others are not traceable at all." The only way to put a stop to this traffic is through strict federal legislation.

Let no one suppose that only policemen's lives are at stake. An overwhelming proportion of the murder so rampant in America today is committed not by common criminals but by ordinary people who are acquainted with their victims, and who happen to have a gun at hand when they lose their tempers. Last Sunday in Virginia, a young matron with all of life seemingly before her was shot to death at her family's McLean estate. Her estranged husband has been charged with murder. This kind of tragedy is recounted in the newspapers, with less or greater prominence, day after day after day.

The National Rifle Association, in its insensate concern for the pleasure of "sportsmen," told the Bayh subcommittee that it "urges that consideration of the question of handgun controls be delayed . . ." Are American sportsmen really men and women who put their pleasure ahead of a better chance of survival for the more than 20,000 Americans who will be shot to death inside the United States during the course of 1971?

[From the Wall Street Journal, Oct. 4, 1971]

WHAT PRICE GUN CONTROL?

Violent crime increased 11% in the first half of this year, the FBI has just reported—the kind of statistic that buttresses the case of the advocates of tougher gun-control laws. It's possible, though, that these people overestimate the amount of good that could realistically be expected to come from any tightening up.

Without doubt guns play a large and growing part in serious crime. As Alan L. Otten wrote on this page the other day, two out of every three homicides are committed with firearms, almost always handguns. And since 1964, gun killings have doubled and gun robberies have tripled. Mr. Otten quoted New York City Police Commissioner Patrick Murphy as saying "it is incontrovertible that

(handguns) are a major factor in the reign of violent crimes that causes so much fear for our citizens."

In talking about stricter legislation, it is customarily contended that the strengthening should be at the federal level; state and local laws are said to be inadequate because of the ease with which guns can be brought in from outside the area. True, there is a federal law, passed in 1968, but gun-control advocates consider it too weak. Thus it bans the importation of the cheap so-called Saturday-night specials but does not prevent their manufacture or assembly here.

Indeed, one of the somewhat ironic difficulties of achieving truly effective gun control is the sheer quantity of the weapons—some 25 million handguns alone—already in the nation. Would even an elaborate system of licensing and registration be guaranteed to cut significantly into their use?

The danger here is that effective gun control might come at too high a price, not so much in money as in liberty and privacy. It's like prohibition: to have really enforced that law you would practically have had to create a police state. Similarly, in the absence of draconian measures applied against the whole populace, it is all too probable that the possession and use of guns would be little diminished.

But let us assume for a moment that effective control could be had without unacceptable infringements on individual rights. Unquestionably many of the people prone to commit crimes with guns would simply turn to other weapons. We don't suggest there would be no lessening of the crime rate; only that it is a misreading of human nature to suppose that the availability of guns is the main reason men turn to crime.

Nor do we suggest that nothing can or should be done. For example, it would seem perfectly proper to ban the importation of the parts for those Saturday-night specials as well as the guns themselves. Perhaps other steps can be taken without undue risks to rights. So complex a matter, however, calls for considerable caution and a certain skepticism.

CLOSE AIR SUPPORT

Mr. THURMOND. Mr. President, Mr. Benjamin F. Schemmer, of the Armed Forces Journal, has written an article in the October 1971 issue of the Journal entitled, "Bum Dope and a Stacked Deck on Close Air Support."

This is a hard-hitting article on an important issue. The author finds great fault with the close air support study recently issued by the Members of Congress for Peace Through Law.

Mr. Schemmer also gives some facts and figures of his own which Congress should consider as it attempts to resolve this issue in the month ahead.

On one point Mr. Schemmer makes, we all ought to agree. He says there are too many soldiers and marines who will suffer and die in ground fighting if Congress starts to accept poorly structured reports using undisclosed sources of information.

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:

BUM DOPE AND A STACKED DECK ON CLOSE AIR SUPPORT

(By Benjamin F. Schemmer)

Bum decisions result from bad dope. We saw plenty of both during a three year Pentagon tour, 1965–1967, and we've seen more since. But never the combination of bum dope and stacked deck you'll find in the 33-page "Report on Close Air Support Aircraft: The A–X, Harrier, and Cheyenne" released to the press with much fanfare in mid-September by Senators Charles Mathias and William Proxmire and Representative John Seiberling.

To their credit, these Members of Congress for Peace Through Law (MCPL) have tried to slice through an onion which the Department of Defense consistently hasn't peeled very well: what kind of close support aircraft should DoD buy, and which Service—if only one—should be responsible?

In June, Deputy Defense Secretary Packard gave Congress his assessment in a six-page "interim report" of a study he personally headed for months.

To be kind, the Packard paper was "disappointing." Full of generalities and void of information, it avoided instead of crystallizing the issues. Notwithstanding Congress' insistence over the past two years that DoD face up to the hard choices involved in the pending procurement of three new aircraft, each by a different Service, for close air support, Packard said simply, "They offer sufficiently different capabilities for our future forces to justify continuing all three programs at the present time." His conclusion may have been valid. But its rationale wasn't convincing. The paucity of information behind his recommendation to stay with A–X, Cheyenne, and Harrier in the face of Congress' plea for better analysis amounts to something of an insult.

In contrast, the MCPL report is crammed with specific recommendations: cancel the Army's Cheyenne, don't buy any other new attack helicopters, stop buying USMC Harriers with the sixty aircraft available after the FY 72 buy is completed, and rely instead on the Air Force's fixed-wing A–X.

MCPL argues that buying a "triad" of new close support aircraft is "ridiculous," since they all serve the same purpose. On this basis, we expect MCPL's next major project to entail the "hard analytical work which the Department of Defense should have done long ago" on mess halls. It will undoubtedly conclude that soldiers, sailors, and airmen be issued only a spoon, since the knife and fork serve the same purpose—that of eating.

MCPL also argues for A–X and against Cheyenne (or the new King Cobra and Blackhawk as well) and against Harrier on the basis that the fixed-wing system has so much more loiter time: thus it will be more readily available and responsive. Its next study, we'll venture, will admit an error and recommend canceling A–X—just as it becomes hardware—because the B–52 and B–1 could hang around so much longer and with far bigger bomb loads.

The MCPL "research paper" hoists Mr. Packard on his own petard by going to the opposite extreme: it suffers from too much information—most of it undocumented and most of it bad.

The report reads like a stacked deck. To cite a typical example: "Like any helicopter, it (Cheyenne) is both fragile and unmaneuverable, and it will be a sitting duck for enemy fire." Elsewhere, the report amplifies on this conclusion as follows: "Helicopters are inherently complicated and fragile devices. . . . the Cheyenne will be no exception. It will have a number of very vulnerable components—such as rotor, rotor-heads, gearboxes, and shafts—which are almost impossible to adequately protect."

FAMILIAR WORDS

The statements sound strangely like ones made before an Assistant Secretary of Defense at a meeting on September 5, 1967, during a heated debate over whether or not the Army should be given a conditional go-ahead to buy Cheyenne *if* it believed in the system enough to pay for it by trading off other hardware of roughly equal cost. The statement went roughly as follows:

"Helicopters are inherently more vulnerable to the heavy densities of light automatic weapons fire encountered than fixed-wing aircraft designed for an equivalent close support mission over division forces. This is due to the larger amount of fuel necessary for a given payload/range/loiter; the presence of extra hydraulic control components and gearboxes (which cannot be perfectly protected against small arms projectiles), not present on fixed wing aircraft; and finally much more serious cost penalties for adding equivalent amounts of armor."

That assertion, it turns out, came from a DoD analyst known to many today as "the father of the A-X." And, it turns out, the analyst now has "a number of unclassified papers on close air support" floating around Capitol Hill.

Hopefully, the papers are better supported than his September 1967 statements. For the facts, when wrung out at the time, looked like this:

VERSUS THE FACTS

For a one-year period surveyed in depth (mid-1966 to mid-1967), armed helicopters had a per sortie loss rate about 1/34th that of tactical aircraft on attack missions, and about 1/17th that of tactical aircraft on a per flying hour basis.

At the time, about nine out of ten helicopters shot down were recovered and returned to flyable status; instead of autorotating after losing an engine or hydraulic system, fixed wing aircraft have a tendency to impact at high speed after the pilot bails out (and the little pieces are hard to find, recover, and glue back together.)

About 13% of all fixed-wing attack aircraft hit by fire in South Vietnam were shot down; only about 6% of the helicopters which took enemy fire were.

On roughly comparable missions, Marine Corps armed helo loss rates were about 1/11th those of USMC aircraft flying close air support missions. On a per sortie basis, the Viet Cong shot down about one of every 10 armed helos which were hit; against fighters on close support runs, they got one kill for every 5 aircraft hit.

Moreover, the fighters averaged only about 1.2 bullet holes per hit, compared with 1.6 for armed helicopters.

There were some other facts the analyst ignored in 1967 and apparently hasn't stressed—if he mentions them at all in the papers he writes today:

The dynamic components, pilots, and fuel systems in a helicopter are vulnerable to small arms fire. But so are hydraulic lines and control surfaces on and pilots in fixed-wing aircraft. For one relevant comparison, a current day armed helo has about 1/100th the "vulnerable area" of a current day jet attack aircraft, when taking fire from the front or rear, and about 1/5th the vulnerable area for fire taken from the side or bottom.

Comparing aircraft densities—how crowded the helicopter or aircraft is with black boxes, hydraulic lines, engine components, fuel tanks, and other items susceptible to damage—analysis will generally show that there are fewer pounds of things per cubic foot in an attack helicopter than in its fixed wing counterpart, by margins of roughly ten percent.

As for the penalty of adding equivalent amounts of armor—another problem laid against the helicopter by MCPL and, in years past, by our analyst—it turns out that a typical, real life attack helicopter, with 3.1% of its empty weight being armor, ended up with 1/20th the vulnerable area of its most modern, sister fixed-wing counterpart which had sacrificed about the same amount—2.9%—of its empty weight for armor. (We don't know how the A–X compares, since it's still a paper airplane.)

We could devote this entire issue to similar discrepancies between the facts and MCPL's stacked deck of cards on close air support. We won't. There are others far better quali-

fied than we are to set the record straight—although they'll have an admittedly hard time refuting an "analysis" which contains so many assertions and so little analysis.

What's really at issue, however, is more disturbing than MCPL's having swallowed so much bum dope.

For one thing, if a Congressional group is going to tackle so vital an issue, it really ought not to refuse—as MCPL's staff refused in a recent query from the Journal—to make known the names of the "outside unpaid consultants and advisers" on whom it relied so heavily. (Four of the five such consultants whom one staff member conferred with, he admits, were pro-fixed wing and critical of helicopters.)

Second, MCPL should publish—as the armed services and appropriations committees do—unclassified transcripts of their hearings: it's the only way we know of to hold consultants accountable for their pontifications, and Congressmen accountable for their conclusions.

Third, MCPL might get better dope if it asked its consultants to make available *all* the papers they've written on any particular program. That DoD analyst we mentioned for instance, the one who fathered A–X. Apparently MCPL hasn't seen some of the A–X papers he's been circulating in the Pentagon. Like the one which says:

"Source selection was reopened with a trimmed down program—one that unfortunately threw out the baby with the bath water. To bring the [gun] program down to $29-million, among other changes Eglin simply eliminated the hard core . . . penetrator AP round was dropped through the old bureaucratic expedient of burying a low priority item by placing it back in advanced development. The results are as follows: . . .

"We delay the introduction of a usable anti-tank AP round until at least a year after IOC [Initial Operational Capability] of the A–X—if the round gets developed at all. This reduces the credibility of the A–X program, to say the least. . . .

"There remains little chance of rolling out an A–X with a working CAS [close air support] gun. This would be a propaganda windfall for the A–X program critics, since so much of the aircraft's effectiveness is predicated on the gun."

And, in another such memo, critical of the Air Force's A–X engine choice: "This yields $750,000 for propulsion cost only . . . making it clearly impossible to meet a $1.4-million threshold."

Another MCPL conclusion argues against the Marine Corps V/STOL Harrier because "No such [amphibious assaults] have been conducted since the end of the Korean War, and no heavily defended beaches exist at this time which appear to be active candidates for invasion." Which made us recall the crisis in Lebanon and the Bay of Pigs—operations fairly relevant to what the Marine Corps case for Harrier is all about. It may be true that no heavily defended beaches exist at this time: but the thought haunts us that a similar assessment was made just months before the Cuban volunteer brigade got slaughtered in April of 1961.

Finally, MCPL argues against any all-weather or night attack capability (in Cheyenne, King Cobra, Blackhawk and A–X). Its only specific reasoning: "The 7th Army Air Cavalry field evaluations this year, which showed only 3.6% of one troop's total engagements and only 6% of total target acquisitions occurred after sunset, convincingly demonstrated the limited effectiveness of any aircraft, be it fixed or rotary-wing, operating at night in a European combat situation."

Simply to state MCPL's rationale exposes the folly of it. It's like saying that America won the Revolution and the War of 1812 without the Gatling Gun, so why buy it for the Indian Wars? The fact that we are able to pick up so few targets at night with today's systems forcefully illustrates the need for better ones in the future.

Add it all up and we think most Members of Congress will agree that the questions MCPL addresses on close air support are poorly answered. More important, however, are the questions MCPL might have raised (and asked DoD to consider), but didn't think of. We don't know the answers to them either—but if we enjoyed MCPL's and Senator Proxmire's clout in getting attention focused on them, here are the more fundamental kind of questions which we'd be asking:

Are we distributing our costly tactical air resources correctly when only ten percent of our South Vietnam air effort is flown against targets within five kilometers of U.S. troops in contact with the enemy? (To us ex-soldiers, a target five klicks away is somebody else's war.)

Are we giving *enough* emphasis to all-weather close air support when ninety percent of the close air support missions scheduled for Army winter field exercises in Europe are aborted—because of weather, to name just one problem—prior to successful execution?

Why do we get only about 45 flying hours per month out of a tactical aircraft, but close to 100 for Army helicopters?

Are we buying too much tac air (or too many armed helicopters, or enough artillery) when we consider that ground forces could have *ten times* as many 8-inch howitzer battalions supporting them, for less than a ten percent reduction in tactical air cover? Or ten more 155-mm. howitzer battalions for the cost of a single F–4 aircraft squadron?

Questions, that's what we need more of. Not another wild MCPL whack at a very difficult question. Too many soldiers and Marines have too much at stake to warrant the kind of "research" by well-meaning, but ill-informed Congressional staff members which is evident in MCPL's "hard analytical work" on close air support.

RACIAL BALANCE SCHOOL BUSING

Mr. BAKER. Mr. President, the Nashville Banner has published a six-part series on grant applications to HEW to prepare the community for massive busing of schoolchildren to achieve racial balance. The articles by Grady Gallant are extraordinary well researched and prepared and present many disquieting questions, particularly the question of the appropriateness of the efforts of the applicants and HEW, no matter how well intentioned, to approach and treat the most difficult social issue in Nashville at this time without full cooperation with local governmental authority. I have called these articles to the attention of Secretary Richardson expressing my concern in this respect and asked to be fully briefed.

I believe that at least the massive busing of schoolchildren to achieve racial balance as required in a recent order of the U.S. district court is an unconscionable burden on the children and parents involved. I think it is wrong and a wrong that must be rectified. In the meantime, however, I want to make sure that the Federal Government does not act in a way which may exacerbate this difficult situation instead of helping it, especially by failure to fully involve local school authorities in any such Federal activities.

I commend the Nashville Banner and Grady Gallant for their excellent work in this respect and ask unanimous consent that the articles be printed in the RECORD.

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

[From the Nashville Banner, Oct. 19, 1971]

BUSING, SOCIAL ADJUSTMENT PROJECTS TO COST $1.8 MILLION

(By Grady Gallant)

Eleven new "social adjustment" projects to attune public school children to massive busing and other "life experiences" encountered in the modern school environment are in the works for Tennessee at a cost to the federal government of $2,829,067.35.

Of this sum, the project budgets show that $1,230,795.40 would be dissipated in salaries for those laboring in the 11 adjustment projects, many of whom are open advocates of busing.

Travel expenses for these workers would eat up another $92,160.

Total cost for salaries and travel of the project workers is $1,322,955.40.

This leaves only $506,111.95 for child adjustment and to attune them to sociological development.

The budgets show that most of this $506,-111.95 would be devoured by telephone bills office rental and equipment.

Applications to implement the adjustment programs under the Emergency School Assistance Program (ESAP) have been sent to Gov. Winfield Dunn.

He approved seven of the proposals. The other four were neither approved nor disapproved by the governor. The Department of Health, Education and Welfare, which administers ESAP, will now approve or disapprove them.

A spokesman in the Governor's office said that Dunn relies on recommendations from the various communities involved as to what action he should take on these projects.

The spokesman said it was his personal belief that HEW will fund all 11 of the projects.

The projects present a community social problem and outline a plan designed to solve—or reduce—it.

For example, Memphis Community Education Project (MCEP) discloses that it is "a non-profit, tax-exempt, free-standing corporation of community-minded persons who are attempting to effectively improve the social conditions of Memphis and Shelby County."

To this end it has "four main foci of activity—housing, health, education and law."

"We have focused on these activities, not to provide separate service systems, but to help the black society become a true human community with the ability to relate to the white community as peers and, therefore, bring about the sine qua non (essential) condition for true friendship and a stable society."

To accomplish this and other things, MCEP needs $413,410 in federal funds under ESAP of which $251,100 will go for salaries and $37,800 for travel expenses.

The list of projects includes three to be conducted in Nashville:

1. Concerned Citizens for Improved Schools, 1922 Church Street, Second Floor Rear, requesting $259,626.35.

2. University Council for Educational Administration, 29 West Woodruff Avenue, with offices in Columbus, Ohio, requesting $78,741.

3. The Social Action Committee of Christians and Jews, Inc., 6401 Harding Road, requesting $60,000.

The Concerned Citizens for Improved Schools states it has "functioned successfully and uniquely for the last two and a half years as a bi-racial group dedicated to affirmative community involvement toward ending all

vestiges of a dual school system and the results of its accumulative patterns of discrimination."

The organization was "spontaneously created" in March 1969. Concerns in regard to "application of criteria for zoning the proposed attendance area for a newly created junior high school" and "racial isolation of all pupils in the Nashville-Davidson County schools" were the spurs which caused spontaneous organization of the group, according to the funding application.

Mrs. Kitty Smith, wife of Dr. William O. Smith of Nashville, is project director for Concerned Citizens. Dr. Joseph Yeakel, general secretary of the board of evangelism of the United Methodist Church, is listed as the authorized representative of Concerned Citizens, not to be confused with Concerned Parents Association, Inc.

The University Council for Educational Administration under Dr. Jack Culbertson, Columbus, Ohio, proposes to "develop and test a simulation program for urban administrators, particularly as related to education and race," according to Dr. Elbert Brooks, Metro school director, in a letter endorsing the project.

The proposed program "promises much in relation to the development of reality-oriented materials for the upgrading of in-service training, professional growth and development opportunities for practicing administrators, and for the training of new administrators," he observed in a letter to Culbertson dated Sept. 21, 1971.

The project proposes to help school leaders in Nashville "deal effectively with desegregation problems," Culbertson says.

The Social Action Committee of Christians and Jews, 6401 Harding Road, proposes to establish two early-morning, free child care centers to help take care of children of working mothers between the time when the mothers must go to work and the children must leave to go to schools opening at 10 a.m.

Charles B. Myers, an assistant professor of history and social science education at George Peabody College for Teachers, is the project contact person with HEW.

All 11 projects plan to spend their funds in a year or less.

The organizations requesting ESAP funds and their cities are:

1. Concerned Citizens for Improved Schools, 1922 Church Street, Second Floor Rear, Nashville. Request: $259,626.35.

2. University Council for Educational Administration, 29 West Woodruff St., Columbus, Ohio. Request: $78,741 for work in Nashville.

3. The Social Action Committee for Christians and Jews, Inc., 6401 Harding Road, Nashville. Request: $60,000.

4. The Unity Group Fund, Inc., 1348 Grove Street, Chattanooga. Request: $372,970.

5. Memphis Education Project, Inc., 740 Court, Memphis. Request: $413,410.

6. Memphis Urban League, 546 Beale Street, Memphis. Request: $236,242.

7. Community Youth Playhouse, Inc., 1185 South Bellevue, Memphis. Request: $61,580.

8. Memphis Panel of American Women, 5503 Gwynne Road, Memphis. Request: $19,971.

9. Williamson County Citizens for Human Dignity, P.O. Box 423, Franklin, Tenn. Request: $58,203.

10. The Civic Action Council of Jackson, P.O. Box 3002, Jackson, Tenn. Request: $89,725.

11. The General Board of Christian Education, Christian Methodist Episcopal Church, 1474 Humber Street, Memphis. This organization requested a total of $814,176, but proposes spending $17,599 on a Chattanooga, Tenn., project, with the remainder being spent in cities of states other than Tennessee.

The other communities included in the proposal are Tupelo, Miss.; Phenix City, Ala.; Savannah and Chatham County, Ga.; and Morehouse Parish, La.

[From the Nashville Banner, Oct. 20, 1971]

FEDERAL GRANT OF $259,626 SOUGHT FOR BUSING PROPAGANDA CAMPAIGN

(By Grady Gallant)

An intensive propaganda campaign using a "mobile van," week-end retreats, mass indoctrinational meetings and other devices is planned by Concerned Citizens for Improved Schools to attune public school children and their parents to "a new way of life" here.

To mount this "determined and creative campaign against negativism," and organization has applied for $259,626.35 in federal funds, of which $208,294.40, would be drained into employe salaries, services and benefits.

The mass media assault against "white ghetto mentalities" and for integrating the desegregated schools" would include $60,000-worth of monthly television specials and $25,000-worth of billboards, radio and television spot announcements, all to be paid for from taxpayers' money.

Workshop consultants would be brought in at $100-a-day and a "media consultant" would be hired at $100-a-day for 96 days, for a total expenditure of $9,600 for about 19 weeks of work, if he works a five-day-week.

A community newsletter to be distributed monthly as planned will cost $3,600 for circulation of its 5,000 copies. A monthly newsletter aimed at students would be circulated to 30,000 of them at an annual cost of $8,400.

Students texts and handbooks would cost $380 and students' workshop proceedings will dissipate if the plan is approved, another $1,250. The parents' workshop proceedings would cost another $500, and telephone and postage costs are forecast to be $3,275 for the year.

Application for the more than a quarter million dollars in federal tax money was made through the Emergency School Assistance Program (ESAP: Prounounced E-SAP).

ESAP is administered by the Department of Health, Education and Welfare. Funds are given to groups and organizations which wish to help in the busing and integration of public school children.

Concerned Citizens for Improved Schools (CCIS) has existed for 2½ years. It is a biracial group "dedicated to affirmative community involvement toward ending all vestiges of a dual school system and the results of its accumulative patterns of discrimination," the organization notes in its request for tax refunds.

It was "spontaneously created," according to a description of its origin in the project application. Its membership is 75 per cent white, and includes some open advocates of busing.

Following spontaneous creation, the group became active in promotion of "community action for social change."

With its help, Clergy United for School Integration (CUIE), College and University Professors United for Integrated Education (CUPUIE) and (White) Nashvillians for Integrated Education were organized.

The application has cleared Gov. Winfield Dunn's desk, without his approval or veto, and has been sent on to federal officials.

"Invited members of CCIS testified on behalf of the plaintiff in the case finally adjudicated before (U.S. District) Judge L. Clure Morton (Kelley vs. Board of Education)", it is noted by the tax funds applicant.

Last June, ESAP gave $39,581 for CCIS to form what it called Volunteers in Action (VIA), an activity which involves 26 high school students who "inform the students, their own peers, about the indispensability and justice of school integration."

In explaining the need for expansion and continuation of the VIA program, CCIS notes that the "tense atmosphere" resulting from the busing issue of the recent race for mayor and "the transfer of senior students" from schools from which they would have been graduated "will make it somewhat difficult to secure understanding and acceptance of an integrated, unitary school system."

Being the "main beneficiaries of the opportunities for quality integrated education" the students "must be reached on a one-to-one basis and must have the opportunity for input to diffuse the tensions and create more genuine interaction within their own schools."

Reaching students on a one-to-one basis with Volunteers in Action is expensive. In the second application for federal tax money in less than a year, CCIS wants $48,000 to pay 80 such volunteers $600 annually. A week-end retreat for 50 volunteer trainees will cost another $1,300. And a two-week training program for 50 VIAs at $5 a week will cost still another $500, according to CCIS figures.

"In an out-of-school atmosphere where students will feel free to express their ideas candidly and honestly, we will use the workshop format for a two-day (week-end) discussion (just as soon as possible . . . within 30 days) on racism led by experts in the field, from several frameworks of reference," the application for federal tax money states.

"We will reach for an attendance of 600 or at least 30 students from 20 high schools.

"The curriculum would include information on how to distinguish between individual prejudice and institutional racism; racism as it manifests itself in America, as well as European and Latin American history documents; other serious literature; information on ghetto life and culture (black); about black in a white society; about white ghetto mentalities and how our society has caused and perpetuated racist patterns, etc.," the proposal states.

Volunteers in Action use such methods in achieving objectives as developing materials to "establish rapport with their own peer groups," participating as speakers, bureau panels and "dialogue groups" and "low key mobilizing of students who are supportive of integration and those who believe in affirmative involvement in projects."

They also implement "buddy systems within the school in order to diffuse tensions and establish (long range) more genuine relationships among all the students."

The volunteers also serve as "communications links" in the Urban League sponsored Unitary School System Assistance Center Rumor Control Center (USSACRCC).

Under its plan for intensive propaganda activities for busing and elimination of the neighborhood school, there would be a project director paid $14,000 annually who would be assisted by an associate director making $10,000 annually. A "media specialist" would be paid $10,000.

A part-time "community organizer" would receive $6,000 based on an annual salary of $12,000, should he be full-time.

An administrative assistant would be paid $7,000 annually, a secretary would get $6,000 and a clerk typist would receive $4,800.

Staff travel expenses are set at $1,200 annually.

State-wide delegates to a workshop on Parents Organization—50 delegates—would cost $7,500.

CCIS has budgeted $5,000 for rental of four offices for a year, $600 for workshop site rental for two days and $450 for the week-end retreat site for VIA trainees.

The group also proposes to buy $8,276 worth of equipment such as a 16-mm projector ($353), an electrostatic copier ($1,345), a Polaroid camera and case ($280), projection table ($52.95), record player ($50) and mailing meter ($96). To lease and operate the mobile van for the community organizing teams will cost $4,000.

Another $2,100 would be spent for office equipment for three offices at $700 for each office. The organization now has only one office.

Five hundred dollars will be paid to contract services of an auditor.

The bi-racial advisory committee of Concerned Citizens for Improved Schools are listed in the request for tax money from HEW as Dr. Thomas Ogletree, 3212 West End; Mrs. W. A. O'Leary, 5334 Overton Road; Mrs. Carol C. O'Neill, 1809 Morena Street; Inman Otey, 905 Lischey Ave.; Mrs. Rice Pierce, 5013 Stillwood Drive; Mrs. Prince Rivers, 1803 Morena St.; Dr. J. Tarleton, 1714 Windover Drive; Dr. Eugene Teselle, 2007 Linden; Donna Vaughn, 1818 Beech Ave.

Mrs. Elmer West, 3515 Granny White Pike; William White Jr., 1107 Kellow St.; Mrs. E. L. Whitmore, 3613 Batavia; Dr. Joseph Yeakel, 1014 Woodmont Boulevard; Steve Barefirld, 540 Richman Drive; the Rev. William Barnes, 1503 16th Ave. S.

Don Beisswenger, 235 Lauderdale Road; Mrs. David A. Bergmark, 922 17th Ave. North; Mike Bonnell 4510 Granny White Pike; Isaac Crosby, 920 Marengo Lane; James Curry, 1003 Battlefield Drive; Mrs. Leslie A. Falk, 1417 Clairmont Place; Mrs. John M. Frase, 1015 Noelton Lane.

Dan Graves, 302 Elmington Ave.; Nancy Hollomon, 815 Ramsey; Julius Jones, 3906 Kings Lane; Amy Kurland, 1805 Kingsbury Drive; Theorore Lewis, 1400 Acklen Ave.; Joyce A. Long, 1409 Chester Ave.

Mrs. Johnella Martin, 1704 Villa Place; Warner L. McCreary, 1820A Delta Ave.; and Mrs. Richard M. Morin, 812 Clematis Drive.

Thursday's article will report project plans of other Nashville groups.)

EDUCATORS SEEK FUNDS FOR ADJUSTMENT, TOO

(By Grady Gallant)

Not only is adjustment necessary for parents and public school children involved in massive busing under the order of U.S. District Court Judge L. C. Morton, school administrators also feel acute adjustment needs as they face problems thrust upon them by radical school changes.

Tax money for sociological adjustment is obtained by various private groups and organizations wishing to help with public school children from the Emergency School Assistance Program (ESAP) of the Department of Health, Education and Welfare.

One of three ESAP project proposals for Nashville now pending before HEW has been submitted for funding by the University Council for Education Administration, with offices located at 29 West Woodruff Ave., Columbus, Ohio. Jack A. Culbertson is executive director of this organization.

With the help of several staff members of Nashville Metro school system, "who have been involved in its development at all stages," Culbertson has come up with a proposal to develop and test a simulation program for urban administrators, "particularly as related to education and race."

GAVE ENDORSEMENT

In a letter to Dr. Culbertson dated Sept. 21, 1971, Dr. Elbert Brooks, director of Nashville schools, noted his endorsement of the proposal.

Dr. Brooks then wrote that this project "promises much in relation to the development of reality-oriented materials for the upgrading of in-service training, professional growth and development opportunities for practicing administrators, and for the training of new administrators."

In plain language, the program intends to develop simulated (or imitation) situations and problems of the kind actually being experienced by school administrators and other leaders in Nashville.

Once these situations and problems are developed, they would be used in a series of workshops to illustrate incidents happening in the schools. Workshop participants would then discuss how they would handle such "problems of desegration."

"The problems which have major implications for training will be selected, classified and related to significant administrative functions central to the Emergency School Assistance Program (that is: developing community programs; giving leadership to special curriculum revision programs; undertaking special comprehensive planning, and so forth)," the project outline reveals.

TO COST $78,741

The creation of these artificial situations and problems in order to learn how to deal with the real things happening daily in the public schools will cost $78,741, according to the project request for federal tax funds.

Salaries, consultants, travel back and forth between consultants, honoraria for directors and personnel benefits dissipate more than $28,400 of the sum sought.

The heavy cost of administration of such a simple program as the one projected by the University Council for Educational Administration is reflected in employe salaries budgeted in the proposal to be paid by federal taxpayers:

"Director (1–5 time, 12 months at $36,000 annually), $7,200.

"Assistant director (1–3 time, 12 months at $14,000 annually), $4,700.

"Assistant (1–3 time, 12 months at $10,800 annually), $3,600.

"Assistant (1–4 time, 12 months at $11,200 annually), $2,800.

"Secretary (1–2 time, 12 months at $6,000 annually), $3,000.

This is a total of $21,300 for five part-time workers.

In addition to this, they are budgeted to cost an additional $3,608 for such personnel benefits as retirement, disability and hospital insurance—plus travel and per diem to Nashville and Columbus, Ohio, in the amount of $3,500.

Added to their total of $21,300 in salaries, the additional expenses just cited bring their cost up to $28,408.

They plan to use only $1,000-worth of office supplies and materials, however.

These workers would require the services of "consultants" to "plan design and block-out simulation materials." This consultant service will cost $3,500.

NEXT IN COST

The next most expensive item on the budget for this simulation program is the $11,250 required for the filming "of six critical incidents."

Three one-week workshops, which include "per diem for 75 participants, honoraria for directors, plus travel and other expenses," whatever these "other expenses" might be—for they are not specified—costs $8,000.

"Creation of 30 in-basket items" will drain off $2,000. An "in-basket item" is described by a school official as written material describing a problem or situation which is placed "in the basket" on an administrator's desk.

The administrator then removes it, reads it and gives his comment as to how he would have handled the problem described.

Production of 12 "audio-taped simulations" would cost $2,750, and another $5,000 is requested to produce "six problem-centered group exercises."

To plan and produce "support content" would cost $3,000, and another $3,000 tax dollars would be spent to "develop instructors manual, evaluation procedures and related materials."

Production of written materials and negatives for workshop use would require expenditure of $5,000 more.

INDIRECT COSTS

A mystery "indirect costs," which are not itemized, are given under "other costs" as $5,833. This heavy expenditure—more than that required for consultants to block-out and design simulation materials ($3,000) and for creation of 30 in-basket items ($2,000)—is just explained as being 8 per cent of $72,908.

The $72,908 figure is the cost of the project until 8 per cent (8% of $72,908) or $5,833, is added to it.

When $5,833 is added to $72,908, you get $78,741, which is the figure given as the total cost of the project.

The funds are scheduled to be spent and the project completed in a year.

The proposal gives 11 stages through which the project would advance to its completion. Events "associated with desegregation" will first be monitored to "identify major problems encountered by school administrators," if the project receives the funds.

Instructional objectives then would be decided and the simulated situations to be developed would be determined. Background facts needed for the simulations will be gathered and the simulated situations and problems will be developed, under the proposal.

TRIED OUT

The materials would then be tried out "with selected personnel" from Metro schools. The materials would be revised, plans would be completed for the workshops and materials would be packaged for use.

By Sept. 1, 1972, the project is designed to "conduct comprehensive continuing education programs" involving Metro school personnel and "community."

"An analysis of evaluation data" will follow "by Sept. 30, 1972," and by "Oct. 30, 1972, development of recommendations for refining the materials and for extending their use to other urban settings" will be done.

This appears to mean that the products of this year-long effort will be shown in other cities.

In its appeal for tax funds, the University Council for Educational Administration claims it has had "substantial experience in the development of simulated situations and other types of materials during the last 10 years."

MADE AVAILABLE

"It is estimated," the group states, "that during this period more than 30,000 practicing school administrators have experienced one or more of the 24 different simulations now made available for use for continuing education purposes.

"A number of professors have expressed an interest in developing the projected simulations bearing upon desegregation and equal learning opportunities.

"Since the University Council for Educational Administration is made up of 59 major universities, it is able to draw upon a wide range of training resources, not only in materials development, but also in the planning and implementation of workshops," the organization states.

FIRST GRANT

Local school officials say that this project was initially part of the $9,098,864.72 Metro school 1971–72 ESAP grant proposal. It, along with other proposals, was denied, and of the total sum sought only $1,418,368 was approved.

It has been resubmitted through the University Council for Educational Administration in a second try for the money.

The proposal lists the Biracial Advisory Committee of the Metro School System of the Emergency School Assistance Program here. This committee, unlike in other project proposals, is a committee which is a part of the Metro school system and functions as a committee in other Metro projects.

The committee membership is given as follows; along with the name of the organization which appointed them to the committee:

Mrs. Zenoch G. Adams, 1024 Kellow St., Metro PTA Council; Dr. Charles E. Kim-

brough, 2600 Walker Lane, NAACP; Frank Bailey, 1116 Eighth Ave. South, ESEA, Title 1, Advisory Committee; Mrs. James P. Carter, 1000 Gale Lane, League of Women Voters; Dr. Roy Clark, 2130 West End Ave., Ministerial Association; Mrs. Beverly Bass, 1314 Fifth Ave. North, Model Cities Agency; Phil Eakes, 2609 Crump Drive, Inter-Hight Council; Dr. Dana Swick, Box 514, Peabody College.

Lloyd H. Griffin, 401 Union St., Nashville Area Chamber of Commerce; Mrs. Alexander Heard, 211 Deer Park Drive, Council of Community Services; Robert Horton, 107 Metro Court House, Metro Government (Mayor's office); Julius Jacobs, 105 Leake Ave., Metro Action Commission.

Ted Martin, 1710 Hayes St., Metropolitan-Nashville Education Association; C. E. McGruder, 908 32nd Ave., North Nashville Citizens Coordinating Committee; Dr. Nicholas Sieviking, 300 Oxford House, Urban Observatory; William Stifler, 614 Lynnwood Blvd., Committee for Unitary School Plan; Dr. G. J. Tarleton Jr., 1714 Windover Drive; and Dr. M. D. Williams, Tennessee State University, Nashville Urban League.

[From the Nashville Banner, Oct. 22, 1971]

LEAGUE PLANS FORUMS, PAPER WITH U.S. FUNDS

(By Grady Gallant)

A request for federal tax money to start "forums" for "extreme and polarized views" concerning a unitary school system, to "work with" sociology and American history classes in Metro high schools, and to publish a biweekly newsletter for high school students has been made by the Nashville Urban League Unitary School System Assistance Center.

The request for $94,138 in public money has been made through the Emergency School Assistance Program (ESAP), which is administered by the U.S. Department of Health, Education, and Welfare.

It brings to four the number of private groups and organizations in Nashville seeking ESAP funds to help with the problems created by the massive busing order of U.S. District Court Judge L. C. Morton. There are now 12 proposals seeking ESAP grants of more than $1.8 million in tax funds for Tennessee private groups.

Unitary School System Assistance Center (USSAC) is located at 1922 Church St.

Under the section of its proposal entitled "Attitude Change Through Participation," the Unitary School System Assistance Center outlines a plan to place its members in the classroom "to help the teacher set up and run this program through helping the teacher devise his curriculum and through participating in the classroom itself."

The Center proposes to "work with sociology and American history classes in the Metropolitan high schools to formulate classroom situations in which students would examine the sociology and history of race relations in the U.S."

The proposal goes on to state that:

"This thirst for new race relations study in the schools would be set up as a system of consultation in which USSAC staff members would visit a high school teacher and talk to them (sic), informally, about the need for these type studies as a part of the teacher's yearly curriculum.

"Although the ESAP proposal of the Metropolitan school board contains plans for researching multi-ethnic textbooks and for classroom adjustment," the Unitary School System Assistance Center observes, "It is felt the proposed program is more directly agreed to the current needs of Nashville high school students as it is specifically designed to use a variety of existing resource materials and to involve the students in the determination of the directions the program will take in the classroom."

In addition to taking part in running American history and sociology classes, the Center members wish to bring "the message of equity and brotherhood" into the community and the schools "through presenting an entertainment which imparts a message through what it verbalizes and the spirit which it symbolizes."

To accomplish this adjustment, the Unitary School System Assistance Center proposes to use funds for "sing-out group."

"A sing-out group composed of black and white students visiting areas of tension within the Nashville community and its high schools could serve to ease hostility and provide a link of cooperation between reluctant persons and-or groups," the proposal observes.

The Center's proposal for tax funds claims "a newsletter would fill a communication need among those students involved in the desegregation process in Nashville and act as a valuable aid to changing modes of discriminatory thought."

To solve this problem and "meet this need," the USSAC proposal seeks to publish a biweekly newsletter financed by the federal government which would be "distributed to the students of Nashville's high schools."

"This newsletter would contain information about the concept of the unitary school system at work in Nashville, and parables, essays, and histories relevant in race relations in the U.S. The material published would be partly written by Unitary School System Assistance Center and partly collected from high school students."

Concerning the need it sees for a forum for the most extreme and/or polarized points of a year emanating from public and private debate concerning implementation of a unitary school system, the Center says such forums would "allow these diverse points of view to be expressed in a manner allowing for orderly opinion and idea sharing among attending groups."

There could possibly be trouble, however, the proposal states.

"The emotional factors involved in this type of meeting may initially lead to periods of disruptions, but with further communication on the level of this forum a meaningful appreciation of different persuasions could be initiated and sustained," the project proposal claims.

The individual group would not only contribute "its shared opinions to the white, but would obtain an awareness of the diversity of the urban and suburban community, and come to know each other as human beings rather than stereotypes."

The forums would function "as vehicles of information at the community level and at the high school level," it was noted.

"The method of exchange between the groups would follow the same pattern in either dichotomy but the community forums will be discussions between members of organized groups, whereas the high school forums would be an exchange between the students through either existing school groups or individual students," the Center's proposal states.

Employe salaries, services and benefits would cost $43,500 under this proposal, including $6,000 for fringe benefits for the five employes.

A full-time "assistant director" would be employed by the Center at $10,000 annually; a full-time "educator specialist" at $11,000 annually; a music teacher full-time at $5,000 annually, a typist and layout employe at $5,500 and a secretary at $6,000.

In addition, "administrative overhead" could cost $17,000.

The "newsletter and advertising" cost is given in the proposal as $3,000. Resource material would cost $5,000 and "pupil expense" would be $14,400.

"Pupil expense" is not $960 for the year and "conference and trips would cost another $900.

"Postage and shipping would require $500 and the telephone bills would amount to $1,000 for the year.

Office supplies would require expenditure of $600, equipment rental $600 and facilities rental $1,200.

The proposal claims that the Unitary School System Assistance Center "has the pledged formal cooperation of the Metropolitan Nashville Board of Education, and lines of communication are open between the USSAC office and the school administration."

But the project said that there is "unwillingness and/or inability of the school board to take a strong position of leadership in the processes companion to unifying the school system."

"Attitude change in education and integration is needed in Nashville community and USSAC must expand to meet this need," the Center states in its request for federal tax dollars.

The Metro school system has a written "statement of working relationship" with the Nashville Urban League's USSAC project, which was funded by ESAP earlier.

This project has three activities in its program: (1) Community Information and Rumor Control. (2) Ombudsman role concerning student-parent rights. (3) Change agent role.

In all these areas, officials of the school system for USSAC to contact are set out by name.

"In seeking to serve as change agent in any area of school system operation, USSAC should contact, inform, enter in a dialogue with and seek to positively involve and work with responsible individuals and groups" according to a plan set out which follows steps from contracting the administrator directly responsible for the specific activity through the levels of responsibility to the schoolboard.

School authorities would oppose private individuals helping with curriculum planning and the running of classrooms, Dr. Brooks, Metro school director, said.

The bi-racial advisory board is listed in the proposal as: Mrs. M. W. Booker, 408 Randy Rd.; Miss Annie S. Cooper, 2131 Sharondale Drive; Mrs. Elizabeth Depriest, 773 Brook Hollow Rd.; William H. Eason, 478 Westcrest Drive (who the Center says is no longer a board member); W. D. Hawkins, Fisk University.

Robert Holton, Room 107, Court House; Henry Hucles, 1722 23rd Ave.; Audrey Johnson, Mehary Medical College, 1005 18th Ave.; Donzell Johnson, 924 Bradford Ave.; Robert Keiley, 1710 Hayes St.; Randy Mills Jr., Apt. L–12, McMurray Minor Apartments.

Randy Mills Sr., Apt. L–12, McMurray Minor Apartments (sic) Mrs. Doris Overall, 246 South 14th E.; Paul Overall Jr., 246 South 4th St.; Malcolm (Bubba Ownby, 201 Garrett Drive; Les E. Pratt, Rt. 4, Flora Maxwell; Evelyn Sutton, Rt. 4, Holt Rd; Paul Sutton, Rt. 4, Holt Rd.; Wayne Thompson, 1464 Meharry Boulevard; and M. D. Williams, Tennessee State University.

FOR 200 STUDENTS: $60,000 CHILD CARE FUNDS ARE REQUESTED

(By Grady Gallant)

The Social Action Committee of Christians and Jews, Inc., 6401 Harding Road, has requested $60,000 in federal tax funds under the Emergency School Assistance Program (ESAP) to establish two "early morning, free child care centers" here.

These centers, which would be located at Howard United Church of Christ, Buchanan at 28th Ave. North, and at the Fifteenth Avenue Church of Christ, 2127 Fifteenth Avenue

North, would "help care for children of working mothers." Each would be designed to accommodate 100 children.

The children would be cared for between the time the mothers must leave home for work and when the children must leave for schools which open as late as 10 a.m. under Federal Judge L. Clure Morton's massive busing order.

During this time, the children will be served "a simple but nourishing breakfast: juice, milk, rolls, cereal" and will participate in "creative activity," study or reading, as well as indoor or outdoor play.

The program is planned for the period beginning Oct. 15, 1971 and ending June 15, 1972, eight months. However, the budget shows pay scales figured on a 9-month basis.

HEAVY COST

As in other ESAP proposals, this one reflects the heavy cost of operating any project involving children under the project planning of ESAP fund seekers.

Only $12,837, which is budgeted under "other costs," would be required for the "children's meals, insurance, etc."

On the other hand, employe salaries, services and benefits consume $37,901, or more than half, of the money requested.

A full-time executive director for the early morning centers will cost $7,500. His pay for the nine months is based on an annual salary of $10,000.

A typist-clerk (annual scale of $6,000) would get $4,500. There would be four food specialists (on an annual rate of $3,650 each) who would get $2,730 each for a total cost of $10,920.

There would be four "program specialists" at a cost of $2,730 each for the nine months, or a total of $10,920.

Personnel fringe benefits would require an additional $4,061.

The 36,000 "nourishing breakfasts" would cost only 36 cents each for a total of $11,520.

EQUIPMENT COSTS

To operate the office of the early morning day care centers would require such equipment as (secretary desk and chair ($198), IBM Selectric typewriter ($456), file cabinet ($55), executive desk and chair ($275) and two storage cabinets at $100 each ($200).

There would also be purchased two television sets at $150 each ($300), two record players at $50 each ($100), two 16-mm projectors at $353 each ($706), and two recorder cassettes at $46 each ($92).

Program materials for the children would be less expensive than the office equipment. Two hundred units at a unit charge of $3.75 would cost the taxpayers $750—or only $19 more than the combined cost of the IBM typewriter and the executive desk and chair.

These program materials include:

"Indoor play supplies, games, blocks, puzzles, construction toys, etc." at $1.50 per child.

"Outdoor play supplies: includes balls, ropes, etc." at 25 cents per child.

"Enrichment program supplies: Includes books, records, art and creative supplies, etc." at $2 per child.

The unit costs total $3.75 per child.

Travel would cost $900 and office supplies would cost $250. Postage and stationery are budgeted at $250 and telephones would cost $500.

Rental for the facilities located in the two churches would cost $2,400.

Equipment rental is given as $1,080 and contracted services would cost $1,500.

"Other expenditures," a mystery item in all ESAP project proposal budget projections, would require $367.

INNER CITY

The proposal notes that the two church buildings selected for the centers are "within the inner-city, largely black community served, under the desegregation plan, by three elementary (grades 1 to 4) schools, Westmeade, Parmer and H. G. Hill, all located in the general West Nashville suburban, white, area."

The center locations are easily accessible from all parts of the neighborhood served and "will serve as pick-up points for the buses taking the children to their assigned schools (details are being worked out by a member of the SACCJ and Mr. Carlisle Beasley, Metro transportation director."

The centers are also accessible "for suburban parents from the three elementary school areas driving to work in mid-town (being not far from 40)."

The proposal states that "a number of such parents expressed interest in using the service, no matter where it was located."

Personnel employed at the centers "will be selected on the basis of the qualifications required by the State Department of Public Welfare licensing standards," the proposal states.

ALSO VOLUNTEERS

A minimum of six volunteers per day would also serve in each center. These will be recruited by members of the Social Action Committee of Christians and Jews, Inc. through the social action committees of their churches. These churches include The Temple and West End Synagogues, St. Henry's and St. Ann's Catholic Churches, St. David's and St. George's Episcopal Churches, West End, Belmont and Edgehill United Methodist Churches, Brookmeade and Howard United Church of Christ-Congregational, Fifteenth Avenue Church of Christ and the Society of Friends. Volunteers would also be sought in the neighborhood.

Among those listed in the proposal as SACCJ members "having experience in the field of education or in that of race relations" are:

Mrs. Zensch G. (Bettye) Adams, member of Metro School Board ESAP advisory committee and co-chairman of Metro Council of PTA.

Larry S. Crist, associate professor at Vanderbilt University and member of the board of advisors of Fisk University Afro-American Research Center ESAP program.

The Rev. Charles N. Fulton III, associate priest at St. George's Episcopal Church and past director of an interracial camp program at Poughkeepsie, N.Y.

Attorney John Gannon, chairman of the Industrial Advisory Council, Nashville Opportunities Industrialization Center.

Rabbi Randall M. Falk, rabbi of The Temple and chairman of Metro Human Relations Commission. He is also listed as a member of Tennessee State University ESAP program.

The Rev. Wilson Q. Welch Jr., associate professor of religion and philosophy at Fisk University, member of the board of advisers of Afro-American Research Center's ESAP program.

Listed as members of the advisory committee of the proposed ESAP projected are:

Mrs. Bettye Adams, 1024 Kellow St., who is also listed on the bi-racial committee of the University Council for Educational Administration ESAP project described in Thursday's article.

Mrs. E. J. Miller, 118 Taggart Ave; Robert Moore, Box 834, Fisk University; Charles B. Myers, 1050 Percy Warner Boulevard; the Rev. Wilson Q. Welch Jr., 3959 King's Lane; John S. Gannon, 216 Jackson Boulevard; and Rabbi Falk, 1209 Canterbury Drive.

CHATTANOOGA UNITY GROUP SEEKS $372,970 FUNDING

(By Grady Gallant)

The Unity Group Fund, Inc., Chattanooga, has applied for $372,970 in federal tax funds "for counseling, negotiating and other activities" in the field of school integration and community race relations.

Almost all of the money requested—$320,080 of the total $372,970—will be used in payment of salaries, employe benefits and travel. Travel and per diem would cost $21,600 under the plan. Salaries and employe benefits would cost $290,480.

Application for tax money has been made to the Emergency School Assistance Program (ESAP), which is administered by the U.S. Department of Health, Education and Welfare. It is one of 12 such proposals by private groups and organizations in Tennessee. The four applications by Nashville groups were reported last week in The Nashville Banner.

Headquarters of The Unity Group Fund, Inc., is in the office of the pastor of Second Missionary Baptist Church, the Rev. Paul A. McDaniel.

NON-POLITICAL

The Rev. Mr. McDaniel said The Unity Group Fund, Inc., is a "non-political" organization and that he is "acting chairman."

The Unity Group Fund, Inc., according to the EASP proposal, grew out of The Unity Group, which was organized in the fall of 1970.

The primary purpose of The Unity Group, which was active politically, was "to get black representation on the City Commission of Chattanooga."

John P. Franklin, a Negro, was elected to the commission and assumed the post of commissioner of health, education and welfare last April.

"Being successful in this venture," the ESAP proposal for tax money states, "the group decided to continue its existence and broaden its concerns to include housing, education and inter-group relations.

"The Unity Group is composed of leaders of civil, civil rights, religious, social and political groups of the black community and other interested citizens."

BALANCED COMMITTEE

The proposal lists three white persons and five Negroes on the bi-racial committee, with "two additional white members" still to be selected.

On the bi-racial committee are James Williams, 5326 Dorsey St., (chairman of 19th Ward, 1st Precinct in Chattanooga) representing The Informers Club of Alton Park; Irvin Overton, 2712 Glenwood Parkway, (campaign manager for the successful Negro city commission candidate) John Franklin, representing Unity Group.

Richard J. Ramsey, 3124 Rose Terrace, chairman of the Clearinghouse on Public Education; Ben Miller, 2009 Kirby Ave., representing the Community Action Program.

Miss Willie L. McClendon, 4804 Oakland Ave., representing Action Coordinating Council; Mrs. B. T. Crombie, 2419 East 3rd St., representing the Orchard Knob-Glenwood Area Advisory Council.

Robert E. Brown, 424–B Gillespie Road, representing the NAACP; and William Harris, 514 Biltmore Drive, president of the Chattanooga Chapter of the Tennessee Council on Human Relations. He is also pastor of Fairview Presbyterian Church, 913 East 9th Street.

MESSAGE QUOTED

In a message accompanying the proposal entitled "Reactions to the ESAP Proposal Submitted by the Unity Group," The Rev. Mr. Harris writes:

"The people who oppose desegregation of the schools have much more ready access to the mass media than is the case in most communities. This makes it doubly hard for the school board and staff to act responsibly in this regard.

"The problem is so significant that the public relations component of the proposal should be expanded from a mere line in the budget into one of the major thrusts of the proposal.

With the $372,970 in tax funds, the group proposes to "identify those in-school youth leaders who are dedicated to working within the system," as well as "identify those out-of-school youth leaders who are protagonistic of the system."

"The out-of-school leaders will work with the hard core drop-outs, the isolationists who feel integration is a racial injustice."

Employe salaries, services and benefits are broken down on the proposed budget as $12,000 annually for the director and $8,000 for his assistant director. Two clerk-typists at $4,000 annually would cost $8,000. Fringe benefits for these employees would be $4,080.

There would be seven "coordinators" at $750 a month for 10 months, or a total of $52,500.

Twenty-five "community workers" at $500 a month for 10 months would cost a total of $125,000; 11 more community workers (designated as Community Workers II) at $500 would total $55,000. Fringe benefits for these workers would require an additional expense of $27,900.

Travel and per diem figured in the proposed budget at 1,200 miles at 9 cents a mile for 20 workers for 10 months equals a $2,000 expense.

An interesting budget item is "inter-com system in motor vehicles" at a cost of $3,000. A second interesting budget item is "6 typewriters at $500 for a total of $1,000" (sic.).

A calculator at the cost of $500 and a mimeograph machine at $500, as well as two "conference tables" at $100 each are budgeted.

The ever needed consultants, who are so often listed in ESAP proposals, have not been forgotten here, though they work cheaper than some, being budgeted at $25 a day, rather than the usual $100 daily. In any case, there are six of these on the proposed budget at $25 for a total of $150.

An expensive budget item, requiring $10,000 in tax funds, are "medical expenses at $100 per student times 100 students."

Legal fees at $10 per student for 100 students come out to the same $10,000 cost.

"Janitorial service at $100 per month times 12 months for $1,000" total appears to be $200 short of the amount of tax money needed to keep the office clean.

"Up Keep Contracts" cost $150 under the proposal of this group for ESAP funds.

"Release time payment and supportive pay for parents for 200 days at $20 a day" adds up to $4,000 under the proposal. Utilities at $100 a month for 12 months will cost $1,200.

Rental of a "portable loud speaker" at $5 daily for 120 days costs $600, whether it is needed or not.

Office space is to cost $200 a month for a year for a total of $2,400. Three desks at $100 each cost $300 and the 75 folding chairs budgeted cost $450.

The group plans to lease four station wagons at $150 a month for 10 months for a total cost of $6,000.

It is also planned to provide cost of ambulance service to students requiring it as the result "of school altercations."

In addition, it is proposed that cooperation of legal "personnel" be obtained "in the event that any student was accused of violating civil law."

The group proposes to work with school officials "in identifying low achievers" and to work to have an out-of-school tutorial program for them. A "special out-of-school counselling service to chronic problem students in cooperation with parents and teachers" would be provided.

The group also wants to help find students part-time work and to bring students and families "into contact with those community resources that can provide food, clothing and shelter on an emergency basis."

A bi-racial speakers' bureau is planned "to present the status of school integration at any period through the school year."

"After all," the minister writes, "the purpose of the proposal is to change public opinions and attitudes in order that desegregation may be carried out in a smooth and orderly manner. Any proposal having this purpose would be silly not to pay greater attention to the mass media.

"This component of the proposal should be expanded by at least 600 per cent, including a fulltime staff person and plans for specific use of FCC (Federal Communications Commission) public service time and press releases."

TO COST $4,500

Public relations, "TV, radio, newspaper" is listed under "Other Cost" in the proposal as to cost $4,500.

The Unity Fund Group, Inc., outlines numerous activities mainly consisting of identifying people and recording information about them and their problems, holding meetings, making talks and getting medical and legal aid for students.

"The possibility of an outbreak of violence will haunt the (school) system for several months to come. To meet this problem, the proposal for ESAP tax money plans to get cooperation of medical personnel "in the event that a school altercation would result in injury to any student" and to "provide medical services needed in the event that an injured student was not covered by accident insurance and/or his family was not able to cover the cost of medical treatment."

OUR PAKISTAN POLICY PUZZLE

Mr. BAYH. Mr. President, on August 12, 1971, I wrote a letter to Secretary of State William P. Rogers seeking an extensive clarification of the administration's policy toward the Government of Pakistan and the conflict in East Bengal. The State Department's response on August 26, 1971, was, in my estimation, grossly inadequate. I have delayed making this exchange public because of conversations on a staff level which I hoped might result in a more forthright, detailed, and candid response to my questions. Unfortunately, my staff has been informed that no further public response will be forthcoming.

The questions I asked cover the scope of our Pakistan policy—arms shipments, refugee aid, repatriation, the status of our relations with India, and the interplay of the great powers in this situation. Anyone comparing the questions in my letter and the State Department's responses would have to reach the conclusion that their letter deliberately ignored some of those questions and answered others in a way more intended to confuse or divert than to clarify. It is littered with inconsistencies and empty generalities.

Let me cite just a few of the more flagrant examples. I asked for an explanation of how it happened that the administration announced one arms shipment policy and then apparently followed another. Whoever wrote the State Department letter did not apparently regard such an inquiry into the way in which the executive and military bureaucracy misfunctioned worthy of an answer.

Instead he launched into a page-long discussion of the history of our military aid to Pakistan since 1965. To confuse matters further, in the course of two paragraphs of that discussion we were told first that we have provided no lethal end items since September 1965, then that some ammunition was also sold, and finally, that no military ammunition has been involved. Perhaps the nuances of those phrases have some special meaning to someone in the State Department but I doubt they are intelligible to anyone else.

Arguing that the arbitrary action of a full military embargo might limit our influence on the Pakistani Government, the letter ignores entirely the point that our continued arms shipments appear to publicly condone Pakistani policy in East Bengal. Instead the letter minimizes the effect of the military materiel as having little real military consequence in East Pakistan. To a Bengali on the lethal receiving end of those supplies, it must appear otherwise.

That the issue of U.S. arms shipments is far from dead—despite the supposed expiration of the export licenses—is dramatically demonstrated by the disclosure of my distinguished colleague, the junior Senator from Massachusetts (Mr. KENNEDY), of two arms deals, negotiated after the March 25 deadline and totaling nearly $10 million.

The matter of U.S. Government policy on economic aid, too, is dealt with in the letter in a manner designed to leave the reader more in doubt afterward than before. Authoritative reports that the United States was consistently the lone holdout for continued aid to Pakistan in the aid consortium meetings are entirely disregarded.

Instead, the letter boldly states without explanation or elucidation that our Government's position on present and future aid does not differ materially from that of most other donors.

Finally, with regard the grave political consequences of the East Bengal situation and of our reactions to it, the letter offers one paragraph, a paragraph drowning in phrases about encouraging reconciliation, maintaining cooperative relationships with both India and Pakistan and keeping a substantive relationship with each of them to be effective in counseling restraint. This paragraph seems to have been written in a diplomatic fairyland where China and Russia do not exist, where India-United States relations remain undamaged, where 7 million human beings seeking refuge from brutal repression are only a dimly seen reality, and where the immense chasm of passion that now separates the two halves of Pakistan can be trippingly bridged.

This passage and other portions of the letter are so coolly complacement that they seem more appropriate to a consideration of some protocol squabble between petty principalities rather than a human and political crisis of major proportions. That crisis has already cost thousands of lives, destroyed our good relations with the second most populous nation in the world and further undermined the credibility of our Government's public word.

In sum this exchange of correspondence is further proof that the Nixon administration either cannot or will not publicly explain its Pakistan policy. In the absence of such an explanation, I believe the Congress has no choice but

to take the initiative itself. Not only must it act to pass S. 2568, authorizing up to $400 million in refugee asistance, but it must also suspend all economic and military aid to Pakistan until there is convincing evidence that the Government of Pakistan is making a genuine effort to reach a peace of conciliation and compromise.

I ask unanimous consent that the exchange of letters be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE OF THE JUDICIARY,
Washington, D.C., August 12, 1971.

The Honorable WILLIAM P. ROGERS,
U.S. Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Recent events have underscored the growing domestic and international importance of the conflict in East Bengal. Our newspapers and national news magazines have brought home to the American people the horror of Pakistani atrocities, the tragedy of the refugees, and the probability of interminable bloodshed if events in East Bengal continue on the current path. Furthermore, the just announced treaty of friendship between the Soviet Union and India indicates the extent to which the East Pakistan crisis has stimulated heightened international rivalry and raised new prospects for great power confrontation. It is further evidence that the U.S. in its own self-interest cannot pursue a policy of more passivity in South Asia.

In light of the above, the failure of our government to explain clearly and forthrightly our policy in regard to the conflict in East Pakistan has become increasingly distressing. A clear statement explaining both the methods and the objectives of that policy would do much to dispel the ambiguities and doubts that exist in my mind and, I am sure, in the minds of many Americans.

First, the conditions underlying our policy regarding sales and shipments of military arms and equipment to the Government of Pakistan have been a source of considerable confusion and controversy. I now understand that the outstanding licenses for the export of "non-lethal" equipment cover the purchase of about $15 million worth of military goods and that about $10.8 million of these licenses will expire in the middle of this month.

While this expiration is welcome, an adequate explanation has not yet been made of why such confusion was allowed to exist or why a full embargo on military shipments to Pakistan (including the revocation of outstanding licenses) was not imposed in the first place. Such an explanation still seems very much in order. Furthermore, what is the exact nature of the arms and military supplies for which export licenses are outstanding and which have not as yet been shipped? What is your best estimate of the portion of Pakistani arms and military equipment that is of United States origin? Does the Executive Branch have evidence that equipment and arms supplied by the U.S. Government or by American manufacturers, have been employed by Pakistan armed forces against the people of East Pakistan? If so, what steps have been taken to prevent reoccurrence, and why has such evidence not been sufficient grounds to cut off all further military supply exports to Pakistan?

A second point of serious concern has been the position we have taken in the Pakistan Aid Consortium. According to persistent press reports, the United States has been the only consortium nation to oppose the immediate suspension of ongoing economic aid. The reasoning behind this position has not been explained in detail.

The House of Representatives has already acted to delete economic assistance to Pakistan from the pending foreign aid bill. The Senate will soon be considering the same legislation. Therefore, it would be appropriate for the Administration to explain now to the Senate and to the American people what evidence, if any, it has for believing that our continued aid will further a peaceful political settlement of the conflict in Pakistan. In short, what is the nature of the "influence" we have in Pakistan to which the President referred on August 4? What evidence is there that our influence has produced any positive results to date?

I certainly support wholeheartedly the efforts our government has thus far made to help clothe and feed the refugees in both India and Pakistan. I am, of course, satisfied that it is our Government's desire to see our relief supplies and commodity's aid used for their intended purposes. But what if any controls do we exercise over the movement of these supplies once they reach Pakistan? What guarantees do we have that they are not being commandeered by the Pakistan army? What evidence do we have that they have been thus diverted in the past?

There are currently estimated to be close to seven million refugees in India. How many refugees do you foresee by the end of 1971? What is your estimate of the capability of the Government of India to clothe and feed these people? What is your assessment of the prospects for the safe return of these refugees to their homes in East Bengal in the foreseeable future?

Beyond the question of relief and even repatriation of the refugees, is the question of the future of Pakistan and South Asia. What is your assessment of the possibilities for reconciliation between East and West Pakistan, and under what circumstances do you believe that reconciliation might best take place? How do you assess the increasing reports of the possibility of war between India and Pakistan? To what extent has our policy contributed to closer relations between Russia and India and further deterioration of U.S.-Indian relations? In the interest of maintaining leverage or influence on the Government of West Pakistan, are we not sacrificing other interests of even greater value?

The President said on August 4, "We are not going to engage in public pressure on the Government of West Pakistan," yet the State Department twice this week has publicly warned the Pakistan Government with regard to the trial of Sheikh Mujibur Rahman. As one of the signers of a letter to you about Shiekh Mujibur earlier this week, I fully support that action. However, it would be of interest to know whether you regard this step as a revision of the policy enunciated by the President. And if so, is our Government now willing to exert "public pressure" not only with regard to the fate of one individual but also with regard to the fate of a whole people?

I look forward to your response to these questions at your earliest possible convenience.

Sincerely,

BIRCH BAYH,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., August 26, 1971.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: The Secretary has asked me to reply to your letter of August 12, concerning United States policy in the current crisis in East Pakistan.

Your letter touches on numerous aspects of the crisis. The questions you raise are difficult ones, reflecting the exceedingly complex and serious policy issues that are involved. I think you will agree that the answers are also difficult, for all of us, as this Government seeks to pursue policies that will preserve both our own interests and help make a contribution toward relieving the great humanitarian aspects of the crisis.

Our approach to this difficult situation from the outset has been essentially threefold. First, to alleviate the suffering of the millions of people caught up in this great human tragedy, we have been in the forefront of humanitarian relief efforts, on both sides of the border. We intend to continue that role. Secondly, because of the obvious dangers of conflict between India and Pakistan which would so drastically worsen this crisis, we have counseled restraint with both countries. We are continuing to do so. Thirdly, recognizing the essential need to focus on the root cause of the problem, we have urged the Government of Pakistan to move as quickly as it can with steps that will begin the urgent task of a peaceful political accommodation. To the extent we can meaningfully contribute to this process, we will continue this effort.

We believe that this policy is the right one under the circumstances. We intend to persevere in the various efforts that make up this policy, conscious in doing so of both the limitations on what any outside power can do to influence the actions of sovereign powers in such a crisis and of the compulsions that rest on the entire world community to be responsive in a tragedy of such proportions and potential.

Let me now respond to your questions about the various elements that go into our policy.

There has been a widespread and erroneous belief that the United States has been a major supplier of arms to Pakistan since the critical days of March 1971. In fact, we have provided no lethal end-items of military equipment since our grant military program in Pakistan was suspended (later terminated) in September 1965. Since that time Pakistan has obtained equipment from several suppliers, including China, the USSR, and France. We must assume that some of this equipment has been used in East Pakistan, as well as equipment that we previously supplied, but we have no way of knowing the proportions of use in the present crisis. We regret that U.S. equipment has been so used and have so advised the Government of Pakistan, which however sees itself as within its sovereign right in using its military forces to preserve its internal security as it sees best.

What we have sold to Pakistan since 1965 has been limited to a very large degree to such end items as transport and communications equipment and spare parts for previously supplied U.S. equipment. Some ammunition was also sold. After fighting broke out in East Pakistan in late March of this year, we took action to suspend all further sales—except for those items in the pipeline where valid licenses were outstanding. What has gone to Pakistan since that time, under those valid licenses, has been almost entirely spare parts and, because many of the licenses either expired or were not utilized, has totalled no more than $3 to $4 million. No military ammunition has been involved. As of the present time what remains in the pipeline represents a figure considerably less than $4 million, and this figure will continue to decline as the few remaining licenses are utilized or expire.

Thus what we are talking about is not only a small figure but one with little real military consequence in East Pakistan. We have not felt we should apply a full embargo on these remaining shipments because of our

wish to avoid arbitrary actions with the Government of Pakistan that could limit the role we may be able to play in helping to restore peaceful conditions.

We have been similarly guided in our approach to economic aid. We have not provided any new bilateral economic aid (except for humanitarian assistance) since the fighting began, but we have felt that formally to terminate existing projects would not only be counterproductive for the flexibility we seek to retain in our overall relationship with Pakistan but would in the final analysis be detrimental to the people of Pakistan. This is the position of most, if not all, other aid donors to Pakistan. As for the future, we have said that we look forward to resuming our support for what was a promising development effort prior to the events in March, but that we could do so only in the context of a revised national development plan encompassing both wings. Any such revision by the Pakistanis must obviously take full account of the current political situation. We do not believe this position differs materially from that of most other donors.

You refer to our role in humanitarian relief. There our purpose is clear and, we hope, unquestioned—to support as effectively and strongly as we can the efforts of the international community led by the United Nations to relieve human suffering and to prevent future famine. Both the President and the Secretary of State have made clear our determination to provide all-out support for this effort. In doing so it would be difficult to guarantee, particularly under present conditions in East Pakistan, that our relief contributions will in every case be fully and effectively utilized, but we are reasonably confident that our contributions and those of others are in fact reaching the people concerned. That confidence will be strengthened as the United Nations establishes itself on the ground in East Pakistan, an operation to which we are giving full and material support.

It is our strong hope and belief that as this U.N.-led effort of relief and rehabilitation gets underway in East Pakistan it will help restore confidence among the people of East Pakistan, which in turn should contribute to conditions that will encourage a return flow of those refugees now in India. We are under no illusions on this score, however, since we recognize full well that there can be no significant return of the millions of refugees until there are political, economic, and social conditions in East Pakistan that will inspire confidence among the refugees themselves.

All of these issues relate to the two clearly fundamental points you raise in your letter, that is, the part we might be able to play to encourage reconciliation between the two wings of Pakistan and to contribute to the outlook for peace among the countries of South Asia. These purposes are fundamental to our policies in South Asia. We believe that any progress toward their accomplishment requires that we seek actively to maintain cooperative relationships with both India and Pakistan. We cannot dictate to either how they should solve their problems and we must recognize the limits on our influence. But we believe it is only through keeping a substantive relationship with each of them that we can be effective in counseling restraint and encouraging resolution of the great problems that have so often divided these two countries and endangered peace in the subcontinent.

I know that officers of the Department directly concerned would be happy to meet with you or your staff if you would want elaboration on any of these points. Please feel free to call on us to this effect whenever the Department can be of help.

Sincerely yours,

HARRISON M. SYMMES,
Acting Assistant Secretary for Congressional Relations.

JARGON AND RESEARCH—TWIN IDOLS IN WORK WITH THE BLIND

Mr. BROOKE. Mr. President, some time ago I was privileged to participate in a convention of the Associated Blind of Massachusetts. I was, as always, impressed with the courage, the creativity, and the fortitude of these wonderful people.

But I confess, I was not aware until that occasion of the extraordinary degrees of discrimination experienced by the hundreds of thousands of our citizens who happen to be blind. Blind people in this country encounter outright discrimination in housing, job opportunities, travel insurance, and a host of other areas. So deep is their concern that many of them suggested to me that the blind, and perhaps other handicapped persons, should be covered under the Equal Employment Opportunities Commission, and should be included in a new constitutional amendment forbidding discrimination against the handicapped. I intend to look into this matter closely, and to propose legislation where necessary to correct this intolerable condition.

The speech delivered at the convention by Kenneth Jernigan, president of the National Federation of the Blind, speaks to the insight and determination of our handicapped citizens. Mr. Jernigan gave a speech which surely applies to us all. It was by no means the standard inspirational speech. Rather it was the speech of a man possessed of a remarkably clear perception of one of our gravest national problems: the tendency to ignore the individual.

Jargon and research, as Mr. Jernigan so aptly demonstrates, is the symptom of a nationwide tendency toward dehumanization, a tendency to downplay the role of the individual, to consider only numbers to be important, to become lost in our own prose and bureaucratic formulations.

Mr. Jernigan obviously believes that learning can be fun. His speech is laced with wit and humor, making his observations and recommendations all the more memorable. For the edification of Senators and of all persons everywhere who are engaged in the research and application of social programs, I ask unanimous consent that Mr. Jernigan's speech be printed in the RECORD.

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

JARGON AND RESEARCH—TWIN IDOLS IN WORK WITH THE BLIND

(By Kenneth Jernigan)

It is written: "Thou shalt not make unto thee any graven images . . . Thou shalt not bow down thyself to them nor serve them." This Biblical injunction is as valid now as it was in ancient times. It is as valid in secular as eccelesiastical terms; and it is, perhaps, especially valid today in the field of work with the blind.

In fact, it seems to me that all of the gains we have made in improving the conditions of blind people are threatened by an ever growing worship of twin idols—false gods, if you will—the idols of jargon and research. The worshippers of these graven images are coming in increasing numbers, from the ranks of the professionals in our field—people who are placing technical means ahead of human ends—people who have become obsessed with techniques, with the tools and toys of their trade, and in so doing have forgotten the true purpose of their labors. That purpose, of course, is the improvement of the condition of blind people. More exactly, it is their elevation to productivity and dignity, to self-sufficiency and self-confidence.

Let us look, briefly, at each of these two objects of worship—before which so many of the professional experts in the fields of welfare and rehabilitation bow down today.

First, the idol of jargon. This is the verbal tendency to escalate the simple into the complex; to prefer the long-winded polysyllable to the short, clear word or phrase; to suppose that obscure and technical language is more professional and respectable than straight talk. This jargonizing tendency is the occupational hazard, not alone of the welfare and rehabilitation people, but of all others who make a fetish of technical expertise and specialism. The most heavy-handed jargonists of all are probably to be found in the universities and graduate schools, where apprentices in nearly every field are trained to write and speak "in tongues"—that is, in academic tongues, which none but their fellow converts can possibly understand.

Let me offer a homely example of how this process works. You all know the simple nursery rhyme which goes:

"Twinkle, twinkle, little star,
How I wonder what you are,
Up above the world so high,
Like a diamond in the sky."

Here is how one inspired wit has jargonized this familiar verse:

"Scintillate, scintillate, globule orifice
Fain would I know of your nature specific.
Loftily poised in ether capacious,
Strongly resembling a gem carbonaceous."

Here is another example, drawn from a masterwork of bureaucratic satire, entitled *Federal Prose*. The problem which the authors pose for themselves is how a bureaucrat would express the familiar maxim, "Too many cooks spoil the broth." Their formulation reals: "Undue multiplicity of personnel assigned either concurrently or consecutively to a single function involves deterioration of quality in the resultant product as compared with the product of the labor of an exact sufficiency of personnel."

A classic illustration of the jargonizing syndrome is the famous definition of evolution set forth by Herbert Spencer almost exactly a century ago. "Evolution," declared Spencer, "is an integration of matter and concomitant dissipation of motion; during which the matter passes from a relatively, indefinite incoherent homogeneity to a relatively definite coherent heterogeneity; and during which the retained motion undergoes a parallel transformation." Fortunately, we have a tongue-in-cheek translation of this overblown sentence, rendered by the philosopher William James. It reads: "Evolution is a change from a no-howish, untalkaboutable, all-alikeness to a somehowish and in general talkaboutable not-all-alikeness by continuous sticktogetherations and somethingelsifications."

In our time, and in our own field of work with the blind, as everywhere else, there are

a number of expressions which every speaker feels he has to use; although, they are almost never defined and rarely if ever quite understood. One such expression is "conceptual framework." Once, after I had heard an expert at a rehabilitation conference repeat that term several times over, I was moved to ask him whether it would be correct to say that a conceptual framework was just a long-winded term for a bed.

Now let me ask you to make a concerted effort, along with me, to find the point—or even the "conceptual framework"—of the following paragraph from a report of the Regional Rehabilitation Research Institute of the University of Utah:

"The counseling relationship [the report states] may be defined as a dyadic relationship which has special characteristics that tend to determine some of the aspects of the parameters of attraction, influence, and interaction. It should be noted that these parameters are not rigid structural entities, but are fluid systems which are interrelated and subject to the actions and reactions of the dyadic partners. As an example of the fluid nature of the parameters, an attractive person is more likely to wield influence in a dyadic situation and his co-communicator is more apt to interact with him. . . . While the counselor may be an attractive person and capable of influence in the dyad, if he is punitive in either his verbal or non-verbal communication his interactive capabilities may be inhibited."

Shall we try to unscramble this learned statement? In ordinary language it might sound something like this: "In counseling, two persons meet for a purpose and either get along well, or they don't. Other things being equal, a friendly counselor will do a better job, unless he loses his cool."

The danger posed by the idol of Jargon is more than that it clutters up the verbal landscape and makes it hard for the reader to plow his way through. It is the danger of losing altogether the needle point of the discourse under a haystack of wordage. It is the danger of confusing the issue—if indeed there is one—through confusing and torturing the language. It is the danger, to the reader or listener, of being seduced by resounding rhetoric into accepting loose logic.

Let us try another example of jargonism at work—this time from the field of welfare. In an article entitled "Social Nearness Among Welfare Institutions," the author states: "It was noticed in the preceding sections that the social welfare organizational milieu presents an interdependence, a formal solidarity, a coerced feeling of unity. However divergent the specific objectives of each organization, theoretically they all have a common purpose, the care of the so-called underprivileged. Whether they execute what they profess or not is a different question and one which does not fall within the confines of these pages."

Now what does this collection of heady phrases mean? Mostly nothing, as far as I can see. I suggest that any writer who can go so far out of his and the reader's way to avoid simple words and straightforward sentences might well be suspected of dressing up a weak case. It just might be that, if his case were to be put forward clearly and unadorned, it would not merely be revealed but exposed.

Let us go back for a moment into that office where the rehabilitation counselor sits behind his desk, pulling his parameters together and waiting for a client to walk in to make up a dyad. As he waits, he recites to himself some inspirational words from a leading theorist of counseling, Dr. Frederick C. Thorne, who holds a Ph.D. in psychology from Columbia and an M.D. from Cornell. The words are these: "The electric approach to scientific case handling basically depends upon adequate diagnosis as the cornerstone of all case handling in order to identify etiologic causes and apply appropriate therapeutic methods according to their indications and contraindications." Thus fortified by that heady draft, the counselor presses a button and calls for his first appointment.

And now, for my last (I almost said "penultimate") illustration of toxic jargonism at work in the field of rehabilitation. Here is a passage relating to work with the blind:

"The multi-disciplinary approach was a basic consideration, with the total range of services placed on the spectrum to deal with the problems in an isolated manner to the exclusion of broad perspective. . . . The blind of the nation have usually not had a full range of services available to them, thus limiting and blighting their innate potential and contributing to poverty and disadvantage—symbolized and exemplified by an informational and cultural gap. In the closed cycle where rehabilitation has often seemed contra-indicated, the difficulty has sometimes been one of resources rather than one of motivation. If funding is available so that we can expand our facility we hope to contribute to the alleviation of this condition."

While that chain of great thoughts still rings in your ears, let me make a confession. The author of the passage is none other than I. I received a letter from an official in Washington sometime ago, one of the higher-ups in federal rehabilitation, who demanded from me a "concise narrative," and couched his demand in such jargonized terms that I could not tell what he meant or wanted. So I responded in the style indicated. If you ask me what my words meant, I tell you frankly that I haven't the slightest idea. Incidentally, I presume they satisfied the Washington expert since I have not to this day heard from him again concerning the matter.

The second of the graven images to which I wish to call your attention is the idol of research. It is, as you will perceive, a close relative of the idol of jargon. For it is often an extreme case of research-itis which produces the verbal diarrhea we have been examining. Research-itis is a common affliction brought on, among other things, by the chilly atmosphere of would-be professional agencies and scientific laboratories. Among its early symptoms are the continual sharpening of what are called measuring rods and other research tools; an attraction to numerology, the mysterious science of numbers; and the habit of using directional and mathematical terms such as "vector", "valence", and "parameter". After the virus has had its full effect, the victim becomes delirious and talks in a code language, consisting mainly of initials and abbreviations like IBM, MMPI, HEW, and NIMH. Observe the following sample, obtained from the Regional Rehabilitation Institute of the University of Utah—that is, the RRRI of UU:

"One of the first scales developed by the Institute was the Social Vocabulary Index (SVI) which attempts to measure the self concept system of an individual. The SVI was patterned after the Bills Index of Adjustment and Values (IAV). The SVI is composed of six subscales which are the: Self Concept Scale, Self Acceptance Scale, Ideal Self Scale, Concept of Others Scale, Vocabulary Scale, and Marlow-Crowne Social Desirability Scale. . . .

"The research sample of 88 vocational rehabilitants was comprised of 57, or 65 percent, male clients, and 31, or 35 percent, female clients. The mean age at application for services for the male clients was 35.7 years and 33.2 years for the female clients. . . .

"The scoring of the IS also yields three different measures of concordance: (a) Intrapersonal Concordance, (b) Interpersonal Concordance, and (c) Reciprocal Concordance. . . . It is interesting to note that the SVI and Is scales were so constructed as not to be sensitive to differential response patterns of males and females. . . ."

The subject of this particular piece of research (you may be surprised to learn) is the professional relationship of the counselor and the client in rehabilitation. The purpose is ostensibly to improve counseling—that is, to help the counselor help the client to help himself. It is possible that such will, indeed, be the outcome of the numerous scales, tests, interviews, experiments, and statistical manipulations contained in the hundred printed pages of the study. But I doubt it. This research project seems to me almost a classic example of the reversal of means and ends—the error of becoming obsessed with mere means for their own sake, and thus converting them into ends—the mistake of getting caught up in the strategies and mechanisms of the methods themselves, at the cost of losing all sight of the goal.

Let us be clear, and fair, about the role of research in rehabilitation and related professional fields. It can be a valuable adjunct to the main business at hand— which is the business of getting people out of distress and dependency, and into employment and independence. Where efforts are plainly and sensibly geared to these ends, there cannot be too much research, or too many researchers, or too sophisticated a methodology. The quarrel is not with relevant research or with competent researchers doing material things: the quarrel is with so-called "research" that is irrelevant, incompetent, and immaterial.

No one in the field of vocational rehabilitation—and least of all a director of a state program—can fail to be gratified by the rapid growth of national interest and commitment to this area during the past 15 years. However, the emphasis is not always properly directed, and the word does not necessarily fit the deed. Since the federal program of research and demonstration was started by the "New Look" legislation of 1954, more than 1,000 separate projects have been sponsored by the Vocational Rehabilitation Administration (now the Rehabilitation Services Administration). Some few of these projects, of course, have undoubtedly proved out in terms of hard results—by which I mean primarily more efficient job placement and more effective counseling. All this is very much to the good.

While it is easy for those of us who labor in this expanding industry of human salvage and human engineering to congratulate ourselves on our progress, it is harder to be self-critical. It is still harder to be suspicious of the sheer volume of research materials; and it is hardest of all to be doubtful about the good effects of all that money.

But I am critical; I am suspicious; and I am doubtful. Take the matter of money, for example. In the first year of the research and demonstration grant program, 1955, eighteen new grants were sponsored and $298,000 was committed to support them. That was a pretty good beginning. But just eleven years later, in 1966, some 153 new grants were endorsed by federal rehabilitation and (note this) $20,568,000 was funded to support those projects. More than 20 million dollars, in one year—not for the ongoing work of administering the regular programs of rehabilitation, but for new projects of "research and demonstration."

What are the implications of this tremendous outlay of funds for purposes of research? It means, for one thing, that an awful lot of research gets done—and that, a lot of awful research gets done! It means that, with the vast number and variety of projects submitted to get at the gravy, the federal agency's standards for choosing among them become ever more arbitrary and technical. That project which looks respectably scientific, comfortably professional, and properly complex has a strong edge over the one which

looks relatively simple and uncomplicated and (worst of all) possibly original and ground breaking. All those human computers and numerologists whose main interest is in refining their conceptual frameworks are natural winners in the great federal game of grantsmanship. Not only are they winners, but they are fairly sure to have their grants continued and extended for as long as they can come up with graphs and tables and data which furnish what is known as "validation" and "confirmation" of the original findings in the initial project.

Here, for example, is a report entitled "Construct Validation Studies of the Minnesota Importance Questionnaire"—a bulletin in the University of Minnesota Studies in Vocational Rehabilitation (Number Eight). The object of the study, we are told, was to check on the Importance Questionnaire (MIQ) on the basis of Proposition III of the Theory of Work Adjustment, which states: "Satisfaction is a function of the correspondence between the reinforcer system of the work environment and the individual's set of needs, provided that the individual's abilities correspond with the ability requirements of the work environment."

Let me give you a sample of how the study goes:

"The MSQ, like the MIQ, consisted of 100 five-response-choice items scoring on 20 scales. The items of the MSQ were mainly items of the MIQ rewritten as satisfaction items. The MSQ was administered to 1,793 employed individuals. MSQ scales were generally found to have lower means and higher variabilities than the corresponding MIQ scales . . .

Like the MIQ, the scale intercorrelations of the MSQ were somewhat higher than desired but with sufficient reliable specific variance to be interpreted as relatively unique dimensions. Factor analysis of the MSQ scales yielded two factors interpretable as satisfaction with the 'job' and with the 'boss.' "

And that's not all: "The combined findings from the two analyses support the construct validity of ten of the sixteen scales studied: Ability Utilization, Achievement, Advancement, Authority, Compensation, Creativity, Independence, Responsibility, Social Service and Variety. Little evidence was obtained for the construct validity of the Activity, Moral Values, Recognition, Security, Social Status and Working Conditions scales of the MIQ."

Besides these great ideas, one more thing is interesting in the 75-page printed report of the Minnesota team. My hunch that a truck driver could lick a nursing assistant was (I think) confirmed and validated on Page 42 in this clear-cut manner: "The data were re-analyzed using truck drivers as the high-reinforcement group (median rank of 1, range of 7) and nursing assistants as the low-reinforcement group (median rank of 16, range of 6). The nursing assistants were used because no job groups obtained median ranks of 17, 18, or 19."

The university which carried out this research is one of 18 or more selected a few years back to serve as special research and training centers for rehabilitation purposes. It is noteworthy that (as of July 1967) 11 of these centers were medically oriented; three were vocationally oriented; three dealt with mental retardation; and one dealt with deafness. None dealt directly with the blind. (Under the circumstances I am not sure whether this fact makes me happy or sad.) Of course, the vocationally and medically oriented centers supposedly make contributions used in work with the blind; but they reflect the distinct biases of their researchers and technicians. Thus, it requires little wisdom to anticipate that the 11 medically focused centers will tend to interpret rehabilitation physically and organically and will perceive their goals in terms of motor coordination, health, emotional adjustment, and the like. Such rehabilitation research, constituting perhaps two-thirds of the total amount accomplished in the entire field, inevitably draws attention away from the basic vocational and social goals of rehabilitation in favor of medical and therapeutic solutions.

The point here is not that medical concepts and contributions are irrelevant to the work of rehabilitation. It is only that they are not *central* to the problem and the objective. The vital purpose, the overriding goal, of rehabilitation of the blind is to put the rehabilitant into society—not into the hospital. The first and fundamental requirement is to see him as a *client*, not as a *patient*. And when that is done, of course, the next requirement is to see him as a *person*, not merely as a client.

This emphasis on the person brings us to an issue which the recent escalation of research and demonstration has raised to the proportions of a crisis—which might well be labeled the "crisis of the individual." The dilemma I refer to is graphically symbolized by the congressional authorization in 1965 of a national data system in rehabilitation—under which computers are being developed to store, analyze, retrieve, and disseminate the vast amounts of scientific, industrial, professional, academic, technical, and other kinds of information cranked out for the supposed benefit of rehabilitation workers and administrators. The computerized data system is intended to be a national resource, available to all rehabilitation agencies and their staffs whenever they see fit to use it.

And it is, of course, a sure bet that they will see fit to use it often. Therein, exactly, lies the dilemma and the crisis. For the sheer mass of all this so-called technical and seemingly scientific material—the intimidating bulk of it—is certain to come down in an avalanche of print and a flood of figures upon the desk of the counselor, directly between him and his client. In the vernacular of the profession, the "visibility" of the blind person on the other side of the desk is likely to decline in direct ratio to the volume of intervening literature.

In fact, this is no mere future possibility but a reality of the present. It is not too much to say that the client of rehabilitation, the disabled or distressed or disadvantaged person, is already the *forgotten* man of the program. He is forgotten in several senses of the term. He is ignored by workers and administrators intent upon processing data, filing reports, staffing the case, using the team approach, finalizing yesterday's conference, and briefing for tomorrow's. The disabled person is overlooked (as well as overs*een*) by counselors who perceive their role in the so-called "professional" terms of standardized procedures and ritualized tasks—a trend which has led to the widespread notion, for example, that anyone who ventures to work "overtime" in a given week (that is, more than 35 to 40 hours) is guilty of "nonprofessional conduct," regardless of the human need or distress which tempted him to serve beyond the call of official duty.

There is yet another and more basic sense in which the person undergoing rehabilitation has become the forgotten man of the program. It is not only the sheer quantity of research which tends to bury the individual and drop him out of sight. It is also the quality of the research which contributes to that result. For the more technically elaborate, the more jargonized and obsessed with trivia the research becomes, the greater is the threat it presents to the visibility, the identity, and the dignity of the disabled individual it is supposed to serve. At the hands of the pseudo-scientific fraternity of testers, computers, and idolators of research, the client of rehabilitation comes to be regarded not as a person but a case (or, worse, a case history). He begins to be defined not as a whole human being but as an assembly of drives, roles, mechanisms, symptoms, and intervening variables. He is no longer a man or a woman, but one-half of a dyad. He is not a unique person, one of a kind, with his own sorrows and yearnings; he has become an interchangeable unit, a member of a class, differing only slightly in the valence of his parameters, with a median rank of seven and a range of three.

Along with the neglect of the person in rehabilitation, and closely related to it, has gone the neglect of the original and paramount purpose of the program. It is not without significance that the Office of Vocational Rehabilitation, as it used to be called, has now become the Rehabilitation Services Administration. What has been conveniently discarded in the shift of titles, you will note, is the term vocational. The omission is deliberate, and it is sinful.

Meanwhile (with the amendments of 1943, 1954, 1965, 1968, and 1969) so-called "services" of every variety run rampant through the federal statute, and the idol of Research rears its stapled head in section after section of the law. The Act itself has now become so interminable, so complicated, and so jargonized that only an expert at cryptography and linguistics could make sense of it. Everything, it seems, is embraced and subsidized in the program of rehabilitation—everything, that is, except the first and foremost reason for its being. With the disappearance of the term "vocational" has occurred the disembodiment of the substance. The forgotten purpose of the program—that of placement in remunerative and meaningful employment—has gone to join the forgotten client in limbo of betrayed ideals.

No blind person—and no friend of the blind—can view without concern and alarm the trends in rehabilitation and welfare today. As the professional jargon, the so-called "research," and the federal funds increase, the actual help for the individual seems to decrease. It is problems like this that have compelled us as blind people to organize and take a hand in our own programs. We can expect improvements in those programs only to the extent that we exert ourselves to make those improvements happen.

We are not children, and we are not helpless. We know our needs, and we know the means of achieving those needs. I, for one, believe we have the guts and the good sense to turn our dreams into realities. One way to do that is to insist that the public programs established to give us help do what they were intended to do. The increasing worship of the idols of professional jargon and pseudo-research will not contribute to the solution of our problems. The time is at an end when we are willing to allow our road to hell to be paved with the good intentions and misdirected activities of people who would be our keepers and custodians.

Let me be clearly understood. We do not condemn all of the professionals in work with the blind. Far from it. Many of them have done yeoman service, and continue to do it. They march side by side with us and help us achieve our goals. Further, we do not condemn true professionalism or meaningful research. These are essential in our struggle for self-realization. What we do condemn, what we do decry, and what we do not intend forever to tolerate are the Mickey Mouse tactics of self-proclaimed "professionals" who waste the public's money and our lives in childish prattle and foolish games, masquerading as scientists and humanitarians. Let the high-flown jargon and the pseudo-research go the way of the dinosaur, and let us as blind people move forward with determination and vigor to our rightful place in the mainstream of social and vocational achievement. This is the challenge we must face and the destiny we must go to meet. Let us meet it with confidence and conviction—but above all, let us meet it *now*!

TRANSFER OF RITALIN AND PRELUDIN TO SCHEDULE II

Mr. BAYH. Mr. President, I am pleased to announce that the Nixon administration has finally, though belatedly, endorsed the view of a majority of the Members of this body, including this Senator and other members of the Subcommittee To Investigate Juvenile Delinquency, that unrestricted production and distribution of all amphetamine-like stimulants presents a threat to public safety and to the welfare of the citizens of this country, particularly its youth.

Recently, John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, moved administratively to impose production and distribution controls on methylphenidate—Ritalin—and phenmetrazine—Preludin. The Director's order subjects these stimulants to schedule II controls, only recently imposed on all amphetamines and methamphetamines—"speed." Attorney General Mitchell characterized this move as "part of the Nixon administration's continuing program to strengthen controls on drugs with a high potential for abuse." Such a statement brings to mind Mr. Mitchell's enjoinder to watch what this administration does, not what its representatives say. In the light of that admonition, the administration's past year performance regarding these drugs is in order.

Last October, this body passed, as an amendment to the Comprehensive Drug Abuse Prevention and Control Act, a provision which would have imposed tighter controls over the manufacture and distribution of amphetamines and amphetamine-like substances. Following intensive lobbying by representatives of the drug industry and bolstered by White House opposition to this measure, it was deleted by our colleagues in conference. In February of this year, Senator EAGLETON and I with 36 cosponsors introduced S. 674, an identical bill.

Then on May 26, under immense pressure from a public alerted to the destructive nature of "speed" drugs, the administration shifted some of these stimulants from schedule III to the more stringent schedule II imposing production, marketing and export quotas as well as stricter prescription controls. The Attorney General's order provided for the rescheduling of amphetamines and methamphetamines but not methylphenidate and phenmetrazine, popularly known respectively as Ritalin and Preludin.

RITALIN AND PRELUDIN

As chairman of the Senate Juvenile Delinquency Subcommittee, I, like others who are concerned about the overproduction, diversion, and abuse of this class of drugs, was amazed at the insensitivity or naiveté of the Department of Justice in this matter. If Ritalin and Preludin remained in schedule III, while similar drugs were shifted to schedule II, it was clear to us that these two stimulants would become the subject of increasing abuse and might in fact become abusers' drugs of choice.

The track record and abuse potential of these two drugs is no mystery to students of stimulant abuse. While not abused in every region of this country, they have the same abuse potential as amphetamines and methamphetamines. Dr. Jerome Jaffe, now Director of President Nixon's Special Action Office for Drug Abuse Prevention, recognized the similarity of these amphetamine equivalents and their potential for abuse when the commented in 1969:

> A number of other CNS (central nervous stimulants) can produce subjective effects that are almost indistinguishable from those of amphetamines. These include dextroamphetamine, methamphetamine, and phenmetrazine (Preludin). Drugs such as . . . methylphenidates (Ritalin) are sufficiently similar in their subjective effects, toxicity, and patterns of abuse to justify inclusion in this class.

While Preludin and Ritalin, are less familiar to the American public than others in this class, such as the plain amphetamines, their serious abuse abroad has brought them to the forefront.

Sweden, a highly industrial country not unlike our own, experienced a pandemic of Preludin abuse. Youths were the ones most often victimized by the availability of this stimulant and Ritalin as well. Abuse of both drugs began on the average at age 16—somewhat earlier in girls than in boys. Initially the amphetamines were the starting drugs, but as these were more strictly controlled and their distribution restricted, the drugs of choice in the stimulant class became almost exclusively Preludin. A 1967 study of abuse patterns among Swedish juvenile abusers of stimulants revealed that 81 percent abused Preludin, 36 percent abused Ritalin, and 6 percent abused amphetamines. Today all central nervous stimulants are banned in Sweden.

The Swedes were well advised to prohibit the distribution of these dangerous stimulants. According to Dr. John D. Griffith, assistant professor of psychiatry and instructor in pharmacology at Vanderbilt University School of Medicine, observations of amphetamine addicts now make it clear that amphetamine addiction is more widespread, more incapacitating, more dangerous and socially disruptive than narcotic addiction.

An equally important consideration is the relationship of amphetamine-type central nervous system stimulant abuse to the commission of criminal acts by the abuser. The Select Committee on Crime's report "Amphetamines" notes that relationship and cites a study by Swedish phychiatrist Prof. Goasta Rylander, in which he commented as follows:

> The crime-causing influence of central stimulants . . . can be studied in the light of three different types of mental states.
>
> First, the increased self-assurance which can give a feeling of omnipotence, the stimulation of energy and heightened activity, the ignoring of difficulties and consequences, involve disposition to crime. This was expressed in the same words by two girls who did not know each other: 'I always turn "criminal" after Preludin (phenmetrazine) shots,' they said. An addict with long experience of the drug declared that crime was a natural outlet for the drug-induced overactivity, without any thought being given to the nature of the act committed. When caught red-handed, the addict may be astonished at the action of the (arresting) policeman. Of course, the addicts need money to buy tablets illegally, but even if that need is not acute, they may still commit crimes. 'I would never have committed such a clumsy and stupid crime, if I hadn't been high,' the addicts often say.
>
> Two of my patients with no crimes of violence in their records committed robberies when high on Preludin. One of them, a man, knocked down a jeweler in his shop, the other, a girl, inspired two foreigners, whom she met by chance, to a robbery and a holdup. She helped them in both cases. The crimes mentioned were quite ruthless, and from the criminals' point of view, very stupid. They committed the crimes without bothering about the obvious risks of being caught; in fact, they were caught.
>
> Two of my addicts who had not been sentenced for crimes of violence before, committed murder under the influence of Preludin and a small amount of alcohol. This seems to be a very dangerous combination . . .
>
> In states of acute paranoid psychosis, panic-filled addicts can commit dangerous acts of different types. One of my addicts killed another addict because he felt sure this man was sent out by a gang to kill him. In a similar state, another of my patients drove through the central part of Stockholm at high speed against red lights and through a one-way street in the wrong direction until he ran into another car at a street corner, badly injuring both the passengers of this car and himself. Another one tried to force his way into the police headquarters in Stockholm with a knife in his hand, crying for help from the Swedish Secret Service against his prosecutors.
>
> Finally, addicts who intravenously inject large doses of central stimulants decline socially more quickly than alcoholics. They become parasites, living on relatives, friends, or sometimes on sickness benefits, peddling alcohol or narcotics. They are inclined to all sorts of petty crimes and anti-social acts by which they can get some money with which to buy drugs.

Furthermore, several laboratory experiments have verified the ease with which Ritalin and Preludin can substitute for the more traditionally abused amphetamines. For example, Dr. Maurice H. Seevers, Ph. D., M.D., professor and chairman of the University of Michigan Department of Pharmacology, has demonstrated that monkeys, under self-administration, readily substitute doses of amphetamine, methamphetamine, Ritalin, and Preludin.

Thus, to permit these two drugs to remain in schedule II with lesser controls, with no production quotas, lower accountability, and relaxed controls seemed folly—a patent invitation to further stimulant abuse and more ruined lives.

In light of our knowledge of the actual abuse of these two drugs and their high potential for abuse, as well as the rescheduling of the plain amphetamines, I announced hearings on June 17, 1971, on S. 674 which would place all central nervous stimulants including Ritalin and Preludin in schedule II where they belong.

During 2 full days of hearings July 15 and 16, we heard testimony from 29 witnesses, including testimony from Senator EAGLETON, medical authorities, major drug producers, Government officials, and young people who were formerly a part of the "speed scene."

The Task Force on Drug Abuse, a privately funded nonprofit "Nader-like"

group, reported that Ritalin abuse had reached "epidemic proportions" in Seattle, Wash., area, and its abuse was noticeably increasing in at least a half dozen other areas in the country. Robert Brandon, project director of the task force, told the subcommittee that the intravenous administration of Ritalin had been identified as the cause of 12 Seattle deaths in the first 6 months of 1971. He also testified that there had been at least 22 Ritalin deaths during the combined years of 1968 and 1971. Brandon revealed that four 1970 deaths in Portland, Oreg., were attributed to Ritalin abuses and that there are as many as 2,500 "regular Ritalin abusers" in Seattle alone.

Brandon concluded his statement as follows:

There is every reason to believe that if amphetamines themselves are effectively controlled, then the drug abuser will turn to similar, less carefully controlled drugs. Tighter controls should be placed on Ritalin and Preludin immediately. By moving them to Schedule II this can be accomplished. The problem is here with us, and it is growing. We urge you not to await further studies and statistics. One need only speak to people on the street—police officers, doctors, abusers, and victims—to see the urgency of the problem. We cannot afford to wait until today's potential victim becomes tomorrow's statistic.

Further documentation of the Seattle epidemic is found in a letter from Mr. Al Weese, coordinator of drug and alcohol program for the city of Seattle. He states:

For reasons as yet unknown, Seattle has for some time had the dubious distinction of being known as the "Ritalin Capital". Historically, its use has been largely confined to the older, hard drug-using black community. More recently (within about the past year) its use has moved into the younger, white, "hip" drug-using community. Its reputation as a drug of choice in conjunction with Methadone is increasing. (Perhaps, an updated version of the old "speed ball"—heroin used with amphetamine and/or cocaine.)

The feeling is common locally that Ritalin is largely obtained through loose pharmaceutical dispensing, although some may be bled off through hospitals.

Dr. Richard Jaffe, a radiologist in the Clinics Division of the National Institutes of Health, reported the findings of his study of 20 chronic Ritalin abusers in the Seattle area. He prefaced his remarks with the comment that heroin and Ritalin were, far and away, the most commonly abused drugs in the Seattle area. He reviewed for the subcommittee's benefit the serious medical complications related to intravenous Ritalin abuse. Referring to a series of slides indicating the destructive effects of Ritalin abuse, he commented:

This is not a very pretty picture, but this is a young Ritalin addict who had lost almost all his veins and was forced to use the vein near his ankle. You can see this is a festering abscess related to the site of injection of Ritalin. You can see also several other abscesses adjacent to it, one here on top, a blister on the bottom and one in the center.

Now, what is the importance of this? The infection spreads to the underlying vein and causes thrombophlebitis or to the heart valve, resulting in severe complications. Infected blood clots from these veins can break off and travel to the lung where they cause multiple lung abscesses, as in these three patients.

I call your attention to these two large infected abscesses in his right lung. This left lung is normal and clear as it should be. This is a 41-year old addict with a 13-year history of intravenous Ritalin and heroin abuse. I call your attention to the large abscess in the lung here, and a larger one in this lung here. This gentleman is now dead.

In summary, Ritalin has a high propensity for serious medical complication when used intravenously by addicts. This is due to its frequent association with infection about the injection site and the passage of the Ritalin talc particles to the lung and the blockage of pulmonary vessels.

In addition to the vivid documentation of lives wrecked by Ritalin abuse, Dr. Jaffe offered his opinion that Ritalin currently constitutes a significant drug abuse problem, and that as amphetamine production declines and distribution is more stringently controlled, Ritalin abuse would be on the rise.

In view of this evidence of actual and potential abuse of these stimulant drugs the Nixon administration's position was startling.

The spokesman for the Attorney General, Mr. John Finlator, Deputy Director of the Bureau of Narcotics and Dangerous Drugs, agreed that Ritalin and Preludin are drugs with a potential for abuse but stated:

We do not feel that we have seen sufficient evidence of abuse to justify the serious step of placing these drugs into a higher schedule.

He continued:

For example, if we find that drug abusers swtich from amphetamine or methamphetamine to these other stimulant compounds, we are prepared to take rapid action to place the more stringent controls into effect. However, we do not feel that such action is indicated at present. These drugs are currently controlled in Schedule III, and the controls of III appear to be adequate to safeguard the public health and safety.

Mr. Finlator acknowledged, however, that much of the evidence of Ritalin abuse assembled by the Brandon task force was unknown to his office. It is incredible that the BNDD and other Federal agencies responsible for enforcing drug abuse laws enacted by Congress could be so grossly underinformed. I strongly recommend that the monitoring procedures of BNDD be reviewed immediately and altered drastically. Our citizens deserve far better performance from those responsible for responding to the drug abuse crisis engulfing this country.

Nor was the Food and Drug Administration persuaded that these drugs should be subject to more stringent controls. Dr. Henry Simmons, testifying on behalf of FDA Commissioner Dr. Charles Edwards, indicated that as of May 31, 1971, the Department of Health, Education, and Welfare was not prepared to recommend the rescheduling of Ritalin and Preludin. Dr. Simmons expressed the "hope" that these drugs would be rescheduled soon.

However, in the light of the evidence adduced by the subcommittee, it is my belief that it is better to err on the side of safety. This administration by its opposition to a comparable measure in 1970 chose to overlook the lesson learned abroad, the studies indicating a probable shift of abuse to these stimulants, as well as the evidence of the growing incidence of actual abuse in this country. I take strong exception to this "wait and see" approach—a body count.

ESKATROL

In addition to the demonstrated need for the rescheduling of Ritalin and Preludin, our attention had also been directed to several amphetamine combination drugs whose manufacturers had formally objected to being moved to schedule II. Three drug firms sought exemption from the stricter controls for some of their products:

Smith Kline & French for its amphetamine combination, Eskatrol;

Pennwalt Corp. for its amphetamine combinations, Biphetamine and Biphetamine-T; and

Mission Pharmacal Co. for its methamphetamine combination, Fetamin.

Representatives from each of these firms were invited to testify before our subcommittee. Two days before our first day of hearing; both the Pennwalt and Mission firms withdrew their requests for special exceptions for their products. This resulted in an automatic transfer of these products to schedule II. Smith Kline & French, however, insisted that its drug, Eskatrol, did not have a significant potential for abuse.

Our hearings revealed substantial evidence of the abuse potential of Eskatrol. Several witnesses, one, formerly a heavy abuser of amphetamines—a so-called speed freak—spoke of frequent abuse of Eskatrol. Testimony revealed that Eskatrol was water soluble, and that with little difficulty the liquid amphetamine can be separated and administered intravenously. This characteristic, coupled with the fact that the amphetamine particles in Eskatrol were color-coded, made clear the abuse potential of this drug, which constitutes at least 20 percent of the diet pill market. If Eskatrol were excepted from schedule II controls, it was apparent that it would capture a sizable portion of the market, licit and illicit, resulting from the rescheduling of plain amphetamines.

ADMINISTRATIVE ACTIONS SINCE THE HEARINGS

Since the adjournment of our hearings July 16, 1971, two significant events have occurred. On August 9, 1971, Smith Kline & French withdrew its request for special classification of its amphetamine combination, Eskatrol. Contrary to claims made by Smith Kline & French before our subcommittee, a Justice Department spokesman indicated that substantial amounts of Eskatrol had been diverted by thefts for illicit purposes. This, coupled with the evidence presented during our hearings regarding the ease with which the water soluble amphetamine could be extracted from the amphetamine combination, clearly supported the BNDD August 18, 1971, order transferring Eskatrol to schedule II.

A more dramatic turn of events was the recent announcement, on September 17, 1971, in the Federal Register that BNDD had moved Ritalin and Preludin to schedule II status. Since the appearance of the administration spokesman

before our subcommittee barely 2 months ago, the administration has taken an about face and accepted my long held belief that the public health and safety demand that these two drugs be subject to the strict production and distribution controls of schedule II. The BNDD relied almost exclusively on our contention that persons disposed to abuse amphetamines were likely to switch to abuse of Ritalin and Preludin as the basis for its order.

Ciba-Geigy Corp., the manufacturer of methylphenidate—Ritalin—and phenmetrazine—Preludin—and the Boehringer Ingeljeim, G.m.b.h., the owner of the U.S. patent on Preludin, both consented to the transfer without a hearing. Thus, clearing the way for the expeditious rescheduling of these two stimulants.

I am gratified that the administration relented and finally recognized the clear abuse potential of Ritalin and Preludin and decided to shift any risk involved to the manufacturers of these products rather than to the youth of this country.

The next step in the rescheduling process is the establishment of production quotas to meet the legitimate medical, scientific, research, and industrial needs for all of the amphetamine and amphetamine-like substances. It is essential that the quotas set by the Attorney General reflect actual need. The medical community should play an important role in this regard.

In addition to the overproduction of all amphetamines and similar substances, a significant factor in the availability of these drugs, is the rather casual manner in which far too many of our physicians prescribe amphetamines. If production quotas reflecting true medical needs are to be established the medical community must check these practices. Voluntary efforts by several medical associations have met with striking success.

During the series of hearings held by the Juvenile Delinquency Subcommittee in July, Dr. James M. Blake, testifying on behalf of the Suffolk County, N.Y. Medical Society, explained the measures taken which made his county the first community in the Nation to organize a voluntary ban on prescribing and dispensing of amphetamines. A substantial majority of their physicians have pledged to restrict the prescription of amphetamines. It was Dr. Blake's view that such voluntary programs would cut down the base that the Justice Department would use in determining production quotas for stimulant drugs and would therefore further limit the supply available.

In my own State of Indiana 96 percent of the La Porte County Medical Society, took similar action after learning that stimulants taken from home medicine cabinets were being sold in the corridors of local schools. This program has drawn favorable responses from the general public, pharmacists and law enforcement authorities. Law enforcement officials believe that the embargo makes it easier for them to concentrate on prime illegal distributors, instead of "kids who were selling their mothers' amphetamines at school."

Similar programs have been initiated by medical societies in Utah, South Carolina, and Texas. This type of voluntary action is a credit to the medical profession and a service to the public.

As chairman of the Juvenile Delinquency Subcommittee, I intend to continue a vigilant review of the procedures followed by BNDD in establishing these quotas and other regulatory controls provided in schedule II. In this manner we will be able to assure that this administration truly acts in accord with its current policy regarding these dangerous stimulant drugs.

METHADONE POISONING IN CHILDREN—A GROWING CRISIS

Mr. GRIFFIN. Mr. President, the growing use of methadone as a means of treatment for narcotics addiction has greatly increased the incidence of accidental methadone poisoning among children.

Prior to 1969, only one case of methadone poisoning of a child had been reported in the entire United States. However, in the last 18 months, over 40 cases have been reported in a single hospital in Detroit's inner city.

I ask unanimous consent that a letter which I have sent to Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration, and a thought-provoking analysis of the problem, entitled "Detroit's New Epidemic: Methadone Poisoning in Children," prepared by Dr. Sheldon L. Brenner and Dr. Regine Aronow, be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., October 27, 1971.

Dr. CHARLES C. EDWARDS,
Commissioner, Food and Drug Administration, Washington, D.C.

DEAR DR. EDWARDS: Accidental methadone poisoning among children has reached epidemic proportions. In one hospital alone, in Detroit's inner city, 40 cases were reported in the last 18 months.

As you may know, only 10% of Detroit's estimated 30,000 addicts are on methadone maintenance programs. Using only the figure reported from one hospital, there appears to be an incidence of at least one child poisoning for every 77 addicts on therapy.

Unless prompt action is taken, the problem could grow even worse. As the number of addicts who are put on the methadone maintenance therapy increases, the incidence of poisoning among children will rise proportionately.

Enclosed is a thought-provoking paper on the problem entitled "Detroit's New Epidemic: Methadone Poisoning in Children," prepared by Dr. Sheldon L. Brenner and Dr. Regine Aronow, and presented recently to the National Association of Poison Control Centers. I shall appreciate it if you will carefully review this paper and if you will advise me promptly as to what steps the FDA is taking to curb this serious problem.

With best wishes, I am

Sincerely,

ROBERT P. GRIFFIN.

DETROIT'S NEW EPIDEMIC: METHADONE POISONING IN CHILDREN

(By Sheldon L. Brenner, D.O., and Regine Aronow, M.D.)

As heroin addiction is recognized as an increasing public health problem in the United States, attention has focused on the only treatment that has been reported effective for a large number of selected patients, that of methadone blockade as outlined by Nyswanger and Dole. Approximately thirty thousand addicts are receiving methadone in the United States of which an estimated three thousand are in Detroit. The public, through the efforts of the communication media, have embraced the concept of methadone substitution as a socially acceptable therapy without stigmata. The danger inherent in methadone to the non-addict and small child has not been adequately brought to the public's attention.

The first public sponsored methadone clinic was opened in the City of Detroit in March 1970. Two months later the first case of methadone poisoning in a child was seen at the Children's Hospital of Michigan. In the next nine months, seventeen more children were treated as reported in a previous study. Since then, seven months have elapsed and twenty two additional patients have been treated for methadone poisoning. This adds up to forty cases in a single institution. There are other pediatric services in the city that have also treated such cases. This is impressive when you consider that prior to 1969 only one case of methadone toxicity in a child had been reported in the United States.

The pharmacology of methadone has been reviewed in several recent articles and may be found in standard pharmacology texts.

Analyses of our cases may be reviewed in the following charts:

1st slide—The mean age of the patients was 24 months; the youngest, 7 months old and the oldest, a 13 year old girl who obtained her drug from a boy across the street and overdosed as a suicide gesture.

2d SLIDE

	Number of patients	Percent of total
Eyes:		
Miosis	32	80
Normoreactive	7	18
Fixed and dilated	1	2
Sensorium:		
Coma	16	40
Drowsy	19	48
Asymptomatic	5	12
Respiration: Apnea	7	18

3d SLIDE

Form and amount of methadone ingested (when known):		
5 mg. tablets	1	2
10 mg. tablets	26	65
Liquid	2	5
40 mg. diskets	5	13
Unknown	6	15
Source of drug:		
One or both parents	22	55
Relative (aunt or uncle)	11	28
Family friend, babysitter	6	15
Unknown	1	2

Over half the cases involved prescribed methadone. None were from the public clinics in the first nine months but there were two in the second group. It is apparent that methadone is easily available on the street, the Lilly J72 being most often identified and the Disket J53 recently has been showing up more often.

4TH SLIDE

	Number of patients	Percent of total
Gastric emptying:		
Spontaneous	6	15
Syrup of Ipecac	10	25
Lavage	15	38
Not done	14	35

Syrup of Ipecac is an effective emetic. It produced vomiting in all ten patients. It

must, however, be used with extreme caution if at all in the asymptomatic patient as his level of consciousness may change at any time leading to the aspiration of gastric contents. Since methadone inhibits gastronintestinal motility, gastric lavage is probably beneficial in the depressed patient after ventilation and airway have been established. The discrepancy in the figures projected represents patients who became depressed while waiting for the action of Syrup of Ipecac so gastric lavage was instituted or those where spontaneous vomiting was not considered to be sufficient and some other means of gastric emptying was also employed.

5TH SLIDE

	Number of patients	Percent of total
Disposition:		
Hospitalized (1 transferred)	36	85
Observed in E.R.	6	15
Average hospital stay, 3.9 days.		
Outcome:		
Recovery (2 lobar pneumonias and 1 lead poisoning, as concomitant complications)	39	98
Death (pneumonia, severe anemia, old subdural hematoma on autopsy)	1	2

There were no cases with pulmonary edema as has recently been reported.

The suspicion of methadone ingestion is of paramount importance in recognizing its occurrence in children. Immediate action must be taken to ensure a successful outcome. A child aged 2 to 6 years old who takes an overdose will become progressively comatose over a period of one-half to three hours and if untreated will die to respiratory arrest. The triad of coma, respiratory depression and pinpoint pupils are the classic criteria for diagnosis of narcotic toxicity, however, patients in profound coma may present with dilated pupils as seen in one of our patients.

If breathing has stopped or its rate or depth is too low to maintain adequate ventilation, artificial respiration by any effective means should be instituted immediately. Then a narcotic antagonist such as nalorphine hydrochloride should be administered and will produce marked rapid improvement. It is most effective when the narcotic induced respiratory depression for which it is administrated is greatest and should not be administered on the basis of unresponsiveness or pinpoint pupils. This drug can produce respiratory depression in the absence of narcotic overdosage.

Patients who are known or suspected to have methadone intoxication must be hospitalized. The drug can exert its effects for as long as 48 hours after ingestion. A child who is successfully resuscitated with a narcotic antagonist may later relapse into respiratory arrest if the waning effect of the narcotic antagonist which has a maximum duration of 1½ to 2 hours goes unrecognized.

Although obtaining a history of methadone ingestion has not usually been difficult, a social service consultation is requested before the child is discharged home. Because in our experience there has been such a variety of street drugs involved in childhood poisoning, urine specimens on a number of the patients were submitted for screening and only one did not confirm the history given. This may explain why a few cases in this series did not present symptoms.

Only 10% of Detroit's estimated heroin addicts are on methadone substitution therapy. With just the cases presented there is an incidence of one childhood poisoning for every 77 patients on therapy. We already have an increasing incidence of methadone poisoning in childhood as proof of an epidemic. What will happen with greater distribution of the drug? The recognition and evaluation of the factors essential to or contributing to the epidemic must be acknowledged by the public, the medical profession, and all agencies involved. Action must be taken to control it. The problem of accidental poisoning in children generally is of such magnitude that the United States Congress enacted The Federal Hazardous Substance Labelling Act, the Child Protection Act and the Poison Prevention Packaging Act. Why do they not apply to a drug as supposedly controlled as methadone?

It is suggested that: (1) Methadone should be recalled and redistributed only to specially licensed clinics and (2) the quantity of drug per tablet should be reduced to levels of little or no toxicity to the non tolerant patient, (3) it should be mandatory that all patients who have reached the point where they are to have home treatment be thoroughly indoctrinated as to the toxicity of methadone before they can have possession of the drug. (This information should come from the patient's counselor who can determine if the hazards are fully understood. (4) All methadone clinics should be required to dispense their medication in adequately labelled childproof packaging.

If these procedures are adopted, the epidemic of accidental methadone poisoning in children may be interrupted.

EQUAL RIGHTS IN THE SENATE

Mr. BAYH. Mr. President, last week we saw a great victory for equality in the House. House Joint Resolution 208—the equal rights amendment—was passed by the overwhelming majority of 354 to 23. And I was especially happy to see that the Wiggins amendment—which would have rendered the amendment a nullity—were decisively rejected. I applaud the Members of the other body for their quick and positive action in passing this much-needed measure.

The House-passed joint resolution has been brought over to the Senate. I seriously debated whether I ought to exercise my right to object to its being referred to committee, thus having it put directly on the Senate Calendar. After much consideration, I decided not to interpose an objection. I decided to allow this measure to go to committee. I did this for several reasons.

First—and most importantly—there is now on the Senate Calendar an equal rights amendment absolutely identical to the one passed by the House yesterday. Together with several other Senators, I placed that measure, Senate Joint Resolution 150, on the calendar just before the August recess. I acted despite my great reluctance to bypass the committee structure, but I felt such a step was necessary to overcome the delay and obstruction being caused by a few Senators. Now that I have taken that step, I do not see any value to be gained by avoiding the committee process with the House-passed resolution. If there should be undue committee delay, I will immediately push for action on the identical measure now on the calendar.

Second, I am not objecting to committee consideration of this measure because there is no doubt that thorough and complete committee debate will strengthen the amendments chances of passage in this body. The committee system—when it is not abused—is essential to the proper functioning of the the Senate. As a political matter, I would prefer to have a floor debate on the amendment after it had been considered and reported out of the Judiciary Committee.

There is one final reason I am agreeing to this procedure. It is no secret that the Senator from North Carolina has been the most ardent, outspoken, and effective opponent of this bill. But he has now given his word, on the floor of the Senate, that he will help to get a quorum of the Subcommittee on Constitutional Amendments and that he will not prevent progress on this bill. As he said on August 6, 1971, "I will offer my amendment and agree to a limitation of 20 minutes for my viewpoint on each of them." The Senator from North Carolina is a most honorable man, and I respect his word completely. Because he has given his personal assurances that he will not delay this bill, I am willing to make one more try for committee consideration.

I wholeheartedly support the Equal Rights amendment and will continue to do everything in my power to push for its immediate passage by the Congress and ratification by the States, in its original form. It is absolutely essential that we take action—and that we take action soon—to make all our citizens truly equal. It is not morally justifiable—and it should not be constitutionally permissible—to subject the majority of our population to second class status.

I am afraid that too few Members of this body are fully aware of the toll taken by sex discrimination. Sex discrimination is a massive affront to our fundamental concepts of equality. It imposes a massive psychological and economic burden on American society. In those areas in which the costs can be documented—for example, average annual income—and in its immeasurable impact on personal dignity, sex discrimination may well take an even greater toll than racial discrimination.

Only the Equal Rights amendment can effectively put an end to such discrimination. A good deal of this discrimination stems directly from State employment practices and laws. State action in the area of education shows a clear and persistent pattern of discrimination against women, both in admissions and in access to teaching and supervisory position. Some States continue to discriminate against women in their criminal laws. The vast majority of States continue to enforce archaic laws—"protective" labor legislation, limitations on the right to contract and the right to enter business, and so forth—which severely restrict women who wish to advance and earn promotions in their work. All these laws and practices would be overturned by the amendment.

However, as I have said before, I would enthusiastically support the amendment even if it made no changes in existing State laws and practices. It is worth supporting for its symbolic value alone. It is high time that we made it explicitly clear in our most basic political document that women are fully the equal of men.

TEXTILES: NEW STRENGTH FOR A VITAL INDUSTRY

Mr. BROOKE. Mr. President, many millions of Americans stand to benefit enormously from the textile agreement which was reached last week with our four largest Asian trading partners: Japan, Hong Kong, Taiwan, and Korea.

Nearly 2.3 million people are employed by the textile and apparel industry—one out of every eight Americans working in manufacturing industries. The industry is the chief customer of 675,000 cotton farmers, the sole customer of 200,000 wool growers, and an important customer for producers of machinery, plastics, synthetic materials, dyestuffs, and chemicals.

Import penetration of the U.S. market increased over the last 5 years by almost 200 percent for man-made fiber products, and 32 percent for woolen products. During that time over 700 textile and apparel firms closed, and capital expenditures for new plant and equipment for the textile industry declined from $820 million in 1966 to $580 million in 1971. Employment in the industry declined by over 100,000 workers during the last two and a half years and the Federal Government estimates that without import restraints, industry jobs lost might have reached a quarter of a million.

The agreements which we have reached with our trading partners will substantially reduce the growth of man-made fiber and woolen imports to annual rates ranging between 5 and 7.5 percent from the high 70 percent growth level achieved in the first 8 months of 1971 for man-made fiber textile imports from these four Asian suppliers. As imports are effectively limited, our textile and apparel industry will be able to improve its competitiveness and thereby expand production and employment.

But more than the textile industry stands to benefit. Every American will gain from the balance-of-payments implications of these agreements. The current textile and apparel trade deficit is the largest deficit for any industrial sector. It is estimated at $2.15 billion for 1971, which is greater than the expected annual overall trade deficit of $2 billion. 1971 will in fact see the first trade deficit for this country since 1893. A trade deficit means loss of jobs, lack of competitiveness of American products abroad, and a generally weakened economy. The correction of a situation which has contributed heavily to this deficit will help to strengthen our economy, and consequently will benefit us all.

The implications of these textile agreements for the American people are explained more fully in a speech recently delivered by Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, at the annual convention of the Defense Supply Association in Washington. I ask unanimous consent that the complete text of his remarks be printed in the RECORD.

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

REMARKS BY STANLEY NEHMER, DEPUTY ASSISTANT SECRETARY OF COMMERCE FOR RESOURCES, PREPARED FOR DELIVERY AT THE ANNUAL CONVENTION OF THE DEFENSE SUPPLY ASSOCIATION, WASHINGTON HILTON HOTEL, WASHINGTON, D.C., TUESDAY, OCT. 26, 1971

I: TEXTILES—NEW STRENGTH FOR A VITAL INDUSTRY

I'm honored at being asked to join the distinguished panelists this morning to discuss a question you correctly place among the critical issues of this decade.

Could the U.S. textile and apparel industry, as it exists today, meet the vast and complex needs of our country in the event of a national emergency?

Like most of you, I am sure, I might be tempted to answer with a quick "Yes," if for no other reason than to recognize the accomplishments of an industry that has performed so well in past emergencies.

But much has happened over the past decade. The industry has been faced with major increases in imports which were affecting its strength and its capability to produce large quantities of goods quickly in all areas.

What I wish to do today is to discuss this import problem and some of the ways generally in which the industry has been affected.

The greatest surge in imports has occurred over the last five years. Between 1966 and 1971 imports of man-made fiber textiles and apparel increased

157% from Japan
1521% from Taiwan
1238% from Korea
466% from Hong Kong

I do not know whether in fact the industry is still capable of meeting every single need that might ever arise in any future emergency. There may have been recent changes not yet recorded in our statistics of the industry's capability to produce products in some specific lines. In the more general sense, however, the overall capability of the industry to produce in an emergency lies in the recent success of the Administration's efforts to secure reasonable limitations on uncontrolled and skyrocketed imports of wool and man-made fiber textiles and apparel. These efforts of the last two and a half years culminated on October 15 with the signing of government-to-government understandings with Japan, the Republic of China, the Republic of Korea, and Hong Kong.

The story I am about to tell you is real.

II

The United States has been the only major import market with no quantitative restrictions on imports of wool and man-made fiber textiles and apparel. This has made us the prime target for exporting countries, particularly those whose labor costs are low in relation to ours. Our market is so vast, we can, of course, accept substantial volumes of imports, and we can allow imports to grow in the future. But we were confronted with a situation we could not accept in which all growth of this trade was directed at the United States and crippled the largest employer of all U.S. manufacturing industries. The U.S. textile and apparel industry was taking it on the chin from imports for a long time. The result has been a direct and damaging effect on the health of the industry, and consequently on the economic health and well being of communities throughout our 50 states.

We are not the only country with a textile import problem, of course. Other countries have confronted the same issues and, while their reactions have differed in some respects from country to country, they have responded in a singular way—with restraints on imports.

For example, ten European countries and Canada have had agreements with Japan, and some with Korea, Taiwan and Hong Kong, restricting imports of wool and/or man-made fiber textiles and apparel from these countries. Many countries also have resorted to quotas and administrative devices to restrict imports. In some cases their markets have been protected by industry restraint arrangements not officially enforced by their governments. Government-industry price boards in some countries impose restrictions on imports whose prices are below certain levels.

The cumulative impact of these measures is obvious. United Nations figures for 1969, the latest available, show that the United States took 72 percent of Taiwan's apparel exports that year, and the Common Market countries took only 6 percent. We took 62 percent of Korea's apparel exports, compared again with 6 percent for the European Community. We took 58 percent of Japan's apparel exports, and the Common Market took only 5 percent.

A large portion of Japan's textile mill product exports goes to Hong Kong to be made into apparel. We took 40 percent of Hong Kong's apparel exports in 1969 while the Common Market took 17 percent.

The U.S. market for textiles and apparel literally has been flooded with imports in recent years, particularly imports of man-made fiber products. In 1964, our imports of cotton, wool and man-made fiber textile products amounted to 1.5 billion equivalent square yards. In 1970, imports of these three amounted to 4.5 billion yards—with an increase of more than 700 percent for man-mades alone.

This fantastic growth has continued throughout 1971. Overall imports of textiles this year are expected to reach 6.3 billion square yards, an increase of 42 percent, with imports of man-mades going to a record 4.7 billion square yards—up 72 percent from last year and exceeding all of last year's textile imports put together.

This growth in imports of wool and man-made fiber textiles and apparel has been in marked contrast to orderly growth which has been achieved in cotton textiles. This phenomenon has resulted from the existence over the last decade of the Long Term Cotton Textile Arrangement (LTA), a multilateral agreement in which the governments of some 30 importing and exporting countries participate. Under the LTA we have negotiated bilateral cotton textile agreements with 28 governments covering 80–85 percent of our total cotton textile imports.

The significance of the LTA lies in the fact that the penetration of the U.S. market by cotton textile imports has increased in an orderly fashion over the last five years, while the import penetration for wool products has increased by about one-third and has almost tripled for man-made fiber products.

Japan, Taiwan, Hong Kong and Korea have emerged over the last few years as the principal sources of U.S. textile and apparel imports, accounting for almost 60 percent of total imports of these products. Their importance can be seen in the fact that our imports of man-made fiber textiles and apparel from these four countries in the first eight months of this year were up 70 percent over the same period last year.

Japan, of course, is the largest supplier and, as such, has shown phenomenal growth. Our imports of cotton, wool and man-made fiber textile products from Japan increased 117 percent between 1964 and 1970, from 531 million yards to 1,152 million yards. For the first eight months of 1971, imports of these products from Japan were 41 percent higher

than in the corresponding period of 1970. There was a particularly alarming jump in imports of man-mades which were up 75 percent from the same period a year earlier—more than twice the annual rate of growth of such imports from Japan since 1964. And the growth in imports of man-mades from Taiwan, Korea and Hong Kong has been equally impressive.

This flood of imports has contributed significantly to the U.S. balance of payments problems. In 1961, we enjoyed a modest favorable balance of $54 million in textiles and apparel made from cotton, wool and man-made fibers. By 1964 we had a deficit of $153 million. Last year the deficit climbed to $1.3 billion, and this year it is expected to exceed $1.9 billion. The trade deficit in man-made fiber products alone likely will more than double from 1970 to 1971, reaching almost $1.4 billion. Indeed our overall textile trade deficit in 1971 is expected to reach $2.15 billion, larger than that for any other major sector facing serious import impact. It is larger than our overall trade deficit, which is estimated to reach $2 billion this year, the first year since 1893 that the U.S. will experience a trade deficit.

III

Even a cursory examination shows that the rapid build-up of imports of this magnitude has brought severe hardship to an industry that is vitally important to the U.S. economy. Over the last two and half years, fiber products grew at an annual rate of only 3.3 percent, imports were growing at an annual rate of 77 percent.

U.S. textile and apparel production employs approximately 2.3 million workers—four times more than the American steel industry and five times more than the automobile industry—yet textile industry employment as of August 1971 was the lowest in six years. Employment in the industry has declined by over 100,000 jobs over the last two and a half years. In the absence of restraints on imports, this figure could have been expected to rise to as high as a quarter of a million jobs lost by the end of next year.

Textile and apparel plants are located in all 50 states, with the majority of the jobs in non-metropolitan areas, and the industry is unique in the increasing opportunities it offers for the unskilled and semi-skilled, youthful workers and minority-group members to find an entree to the industrial economy. But in an industry where the system is based on seniority, these employees are the first to be laid off.

Many other industries are significantly dependent on the textile and apparel industry. It is the chief customer of 675,000 cotton farmers; sole customer of 200,000 wool growers; principal customer of man-made fiber producers; primary customer of textile machinery and industrial sewing machines, and a major customer for U.S.-produced plastics, synthetic materials, dyestuffs and chemicals. Obviously, the U.S. textile problem affects all of these.

The U.S. textile industry prides itself on the growing role of automation and modernization, pointing out that it is the most efficient in the world in an operating sense. This can be attributed not only to technological inputs but also to the billions of dollars invested by the industry over the last decade to make it the most modern and efficient.

Yet, at a time when investment in modern plant and production facilities is required to stay competitive, the industry has not been able to maintain its previous capital expenditures for new plant and equipment. These expenditures dropped 11 percent in 1970, showed a slight rise to $580 million this year, but remain significantly below the $820 million level of 1966.

Accompanying this decline has been a drop in the number of textile and apparel firms in operation. In the period 1969–70, 550 of these firms failed. Another 170 failed in the first eight months of 1971, bringing the total to over 700 in two and a half years.

IV

The rapidly rising tide of imports unmistakably is the chief cause of the depressed condition of the textile and apparel sector of the U.S. economy today. Given such a fact, no government could permit the tide to continue to rise without taking steps to moderate the rate of import growth.

The history of our efforts to achieve this moderation is fully documented, beginning with the first full presentation of the issues to eleven countries by Secretary of Commerce Stans during his trips to Europe and the Far East in April and May 1969.

We suggested that the most appropriate solution would be a multilateral agreement on trade in wool and man-made fiber textiles and apparel, perhaps similar to the existing multilateral agreement on cotton textiles. Unfortunately, this suggestion was not favorably received.

Deciding that our preference for a multilateral solution should not be a bar to any progress at all, and eager to explore every reasonable avenue, we turned to the concept of bilateral talks, and began a long series of textile discussions with the Japanese Government in July 1969. In June 1970, these discussions broke down.

In the period of these talks, there was growing sentiment in the United States that the ultimate solution would have to be textile quota legislation, and such legislation was in fact introduced in the 92nd Congress. It passed the House in November 1970 but time ran out on that session of Congress before the Senate could act, and has been reintroduced and is now pending in the 93rd Congress. The Administration supported these textile quota provisions reluctantly, always emphasizing our preference for a negotiated settlement.

The Japanese Government, no doubt prompted in some small way by this movement toward quotas, asked to resume negotiations in October 1970. The U.S. Government agreed, but after three more months of negotiations the Japanese terminated the talks last March 8—at the same time the Japanese textile industry announced its own unilateral program of restraints on textile and apparel exports to the United States.

The Japanese industry program, which went into effect July 1, was clearly deficient and unacceptable. It provided no assurance of effective administration and nothing to prevent the Japanese industry from concentrating on exports of particular products in the sensitive categories.

Rejecting the Japanese industry program as not an acceptable solution, President Nixon on March 11 said the United States must "give the fullest consideration to the other alternative solutions to the textile problem." Clearly, it was time for action—and now we have acted.

The four major textile-producing countries of the Far East again were invited to negotiate a government-to-government solution to the textile problem. The negotiations that followed this renewed initiative on the part of the United States were both long and difficult, but were conducted in a spirit of mutual respect and cooperation. The results, I am sure, are well known to all of you.

On October 15, the White House announced that Ambasador-at-Large David Kennedy had that morning on behalf of the United States signed a memorandum of understanding with the Government of Japan with respect to limiting man-made fiber and wool textile exports to the United States. Similar understandings were signed later the same day with Hong Kong and on the following day with the Republic of Korea. An understanding with the Republic of China was signed earlier in the month. The undertakings are for five years in the case of Taiwan, Korea, and Hong Kong, and for three years in the case of Japan, subject to extension.

The growth rates of man-made fiber and textile apparel exports to the United States that will be permitted under these understandings range from about 5 to 7½ percent annually. Although larger than the recent rate of increase in the growth in the U.S. market, it represents only one-tenth of the abnormally high growth rates which these countries have experienced in our market this year. The growth rate for wool textile and apparel exports will be only 1 percent annually. Thus these understandings provide other countries with fair and orderly access to our market.

Of major importance will be specific limitations on trade in the most sensitive wool and man-made fiber textile and apparel categories in our market, and procedures to establish limits on categories not subject to specific ceilings if they should increase to the point of threatening to disrupt the U.S. market. Together these procedures provide for comprehensive controls on textile imports from the four major supplying countries.

Finally, it should be noted that the solution to the problem achieved by the Administration has been on the basis of negotiated mutually satisfactory agreements without risk of retaliation or confrontation. At the same time, the groundwork has been laid for even more positive contributions toward friendly cooperation in the future.

V

What does this all mean for the domestic textile and apparel industry? What does it tell us, to come back to the question I first posed, about the industry's future ability to meet the nation's needs if an emergency should arise?

My considered opinion, having lived with the textile import problem for so many years, is that the industry is in a new "ball game"—the same kind of new "ball game" that has epitomized the Administration's New Economic Policy since it was first announced by President Nixon on August 15. The agreements, which will be effectively administered, should provide the industry with new hope and confidence for the future. The substantial slowing down in the rate of growth of imports will mean increased domestic output and increased employment. Strength will be restored to this essential sector of our economy—strength which will permit this industry to continue to serve our country with the wide range of products essential to our needs at all times.

THE U.N. MEMBERSHIP OF CHINA

Mr. PELL. Mr. President, the action of the United Nations, in voting to expel the Republic of China from membership was, I believe, distasteful and wrong in principle.

The question that now arises is what our Government should do to make known its extreme displeasure. We have heard suggestions that, in retaliation, the United States should drastically reduce our financial support of the United Nations. But, it was not the United Nations as an institution that opposed the United States on this issue—it was a large number of individual nations—nations that have been and are receiving direct foreign aid from the United States. In fact,

the foreign aid bill now before the Senate would provide a total of $2.3 billion to aid those countries that opposed the United States or abstained on this question—and that is about nine times our total proposed contribution to the United Nations. If we want to let those countries know we are unhappy, we have before us a direct way of doing so.

I think we should, indeed, take a long hard look at the aid we are giving to nations that could not see fit to support our country in maintaining a seat for Nationalist China at the United Nations.

DOCK STRIKE INQUIRY NEEDED

Mr. BELLMON. Mr. President, many elements of our Nation's economy have suffered as a result of the prolonged dock strike. Nowhere has the damage been greater than in agriculture, which relies heavily on a growing export trade.

Over the past 10 years, various kinds of transportation strikes have occurred, and eight times during that period Congress has had to take urgent action to bring about a settlement.

It is obvious that this piecemeal, one-shot, crisis approach is not in the best interests of the country. Our Nation's food producers and their customers should not be subjected to the economic hardships produced by the inability to get their products to market.

Therefore, it is essential that congressional action be taken to seek a lasting solution to such strikes. I have written the chairman of the Subcommittee on Agricultural Exports, Mr. CHILES, urging that hearings be held on this matter at the earliest possible date.

A strong case for elimination of this persistently disruptive threat to the economy has been made by Roderick Turnbull, director of public affairs for the Kansas City Board of Trade.

Mr. President, I ask unanimous consent that my letter and a recent statement by Mr. Turnbull be printed in the RECORD.

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

COMMITTEE ON
AGRICULTURE AND FORESTRY,
Washington, D.C., October 27, 1971.

Hon. LAWTON CHILES,
Chairman, Subcommittee on Agricultural Exports, Committee on Agriculture and Forestry, Washington, D.C.

DEAR SENATOR CHILES: As you are well aware, the long and costly dock strike has had adverse effects on the nation's economy as a whole. It has been especially harmful to agriculture because of the paralysis that resulted on the export of farm products.

A vast amount of effort has been put forth by this country to develop its farm export trade. Last year farm exports reached a record total of $7.8 billion, and by the end of this decade the total value is expected to amount to $10 billion.

In order to continue this successful trend, however, the United States must be a dependable supplier to the countries that have come to depend on us for soybeans, wheat, feed grains and other food products. Our customers cannot be expected to allow their citizens to go hungry. They must receive their food from dependable sources.

The periodic strikes that occur in the transportation industry are detrimental and disruptive to our farm export trade. A lasting solution must be found to eliminate the economic handicap posed by these recurring work stoppages.

Because of the serious threat caused by the dock strike to our nation's food producers and the millions whose lives depend upon American food, I urge that the Subcommittee on Agricultural Exports hold hearings on this matter at the earliest possible date. As a concerned member of this subcommittee, I will be glad to assist in any way to conduct a bi-partisan inquiry into all aspects of this serious problem.

Sincerely,

HENRY BELLMON.

STATEMENT BY RODERICK TURNBULL

KANSAS CITY.—Within the grain trade, there is a consensus that probably nothing the government could do that would be in the nature of "farm aid" could be more important in the long run than finding or developing a way to prevent transportation strikes, particularly dock strikes.

The grain trade has taken no vote on this subject or developed a specific policy. Other than use of the general term, "compulsory arbitration," grain men on the Kansas City Board of Trade have not agreed upon any method that might be suggested to the government in eliminating the strikes. But they are adamant in the opinion that such strikes, which have been occurring periodically over the years, are tremendously damaging to the farm export trade. This is a subject that is talked about daily in the grain trade, and one that is commented on in virtually every market letter written by grain marketing analysts the country over.

The grain trade obviously has a selfish interest in wanting a free-flowing export business. Strikes disrupt this business. But farmers have an even greater stake—they lose business, both temporarily and permanently. Not only that, the nation loses business which is highly important in its balance of payments situation.

The United States has spent literally billions of dollars building up the farm export trade. The success of these efforts was typified in the last fiscal year, when such exports reached a record total value of 7.8 billion dollars. Clifford M. Hardin, Secretary of Agriculture, and others have projected farm exports at 10 billion dollars by the end of this decade.

This nation's investment in boosting the farm export trade includes the billions of the Marshall Plan which helped to rehabilitate Europe after World War II. Growing prosperity in Europe and many other countries around the world has been one of the great contributing factors to increasing U.S. farm sales overseas.

This country's P.L. 480 program which began in 1954, not only has fed millions of people in underdeveloped nations, but has helped these countries get on their feet where they could buy more of what they needed.

The U.S. Department of Agriculture has joined with growers of wheat, feed grains, soybeans and poultry in sending teams of experts around the world to promote the use of these products. Methods of mass production of poultry have been introduced in many nations, and this has built up business for U.S. feed grains and soybean meal. Japan has learned to like milo in its poultry rations, and has provided a huge market for the U.S. crop. People who used to think they had to have olive or palm oils now are among the best customers for soybean oil. Rice-eating peoples have turned to wheat and have helped to boost our wheat exports to record levels.

The value of U.S. agricultural exports has tripled since 1930, and doubled since 1950. The production of nearly one out of four harvested acres now is going into overseas commerce. The nation's farm plant is geared to supplying this business. It is difficult to imagine how immense the U.S. "farm problem" would be if this trade were lost or even curtailed drastically. As one example, the wheat acreage would have to be cut in half.

On the other side of the coin is the fact that in building up our farm export trade, the United States has made other countries dependent on greater imports. People in other countries like to eat three times a day, just as people in the United States.

This brings up one of the most important aspects of the export trade. To keep and expand business, the United States must be a dependable supplier. The poultry feeder in Japan cannot let his chickens starve even one day when his source of supply of milo in the United States is cut off. The housewife in Colombia is not going to let her children go hungry because U.S. wheat is not arriving. Obviously, importers in these and other countries turn to other suppliers who are more than happy to fill their orders, now and for all time to come.

Yet, periodically U.S. exports are halted because one facet of the flow of food from farm to consumer, the shipping industry, becomes tied up in contract disputes.

In a year when U.S. crops are at record levels, when farmers need the export business more than ever before, when competition on world markets is extremely keen, it seems incredible to the grain trade that this country should have its hands tied by strikes. Thus, the prevailing feeling is that the time has come to find some method of eliminating this economic handicap.

EXTENSION OF ECONOMIC STABILIZATION ACT

Mr. BENNETT. Mr. President, I rise in support of the legislation requested by President Nixon which would grant an extension of the Economic Stabilization Act to insure that he will have the necessary powers to continue his new economic policy.

All of us have witnessed the overwhelming public support for the President's economic program. Despite the fact that there have been some unavoidable inequities during the 90-day wage-price freeze, the attitude of the American people toward phase I has been one of support and encouragement. As we are all aware, phase I was imposed under the authority of the Economic Stabilization Act of 1970, which will expire April 30, 1972.

Phase II will likewise rely on the authority contained in the Stabilization Act. For this reason, the President has requested a 1-year extension of the act to April 1973. In addition to this extension the President has requested a broadening of authority to include control on interest and dividends consonant with the economic growth; requests for subpena powers; reestablishment of an emergency court of appeals to expedite the review of legal problems. Also requested in the President's message was the clarification of the authority to act on a selective basis in individual industries exemption from conflict of interest provisions for members of the price commission and the pay board; additional sanctions and funds for pay provisions for top personal, and authorization of the necessary funding.

Mr. President, when President Nixon announced the broad outlines of phase

II, he stated that he was seeking the interim goal of an inflation rate of 2 to 3 percent by the end of 1972. This would be about one-half the pre-freeze rate which would be a great step toward price stability. There is no doubt that in order to achieve this goal, a great deal will depend upon the continued voluntary compliance by the American people. I believe that the President will have that support from the American people; and certainly we as Members of Congress and representatives of the American people have an obligation to give the President those powers necessary for him to effectively reach the goals which he has outlined. The necessity for the extension is evident. Mr. President, there is no reason why the legislative process cannot be completed on this extension before the start of phase II on November 14.

BITUMINOUS SANDS

Mr. MOSS. Mr. President, in 1967, 1969, and 1971 I introduced bills to amend the Mineral Leasing Act of February 25, 1920, so that the development and production of bituminous sands, also known as tar sands could go forward. Extensive hearings were conducted by the Subcommittee on Minerals, Materials, and Fuels of which I am chairman. I am delighted to note that the administration in the last several weeks has incorporated my suggestions into its bill, S. 2726, to reform the mineral leasing laws, and that my good friend Rogers Morton in sending the bill up to the Hill has stated that one of the reasons for the reform bill is to avoid a difficulty in the present law of distinguishing between tar sands and oil and gas. Sometimes it takes a long time for a prophet crying in the wilderness to be heard.

Very substantial deposits of these sands are found in my State and elsewhere in the United States. These deposits are an important potential source of additional supplies of oil and gas the country very gravely needs. I would hope that the Senate can move speedily to assist in bringing these resources of Utah and other States into production to meet our increasing energy requirements.

JAY G. HAYDEN

Mr. GRIFFIN. Mr. President, the British historian Macauley once paid tribute to the power and influence of the press in these words:

> The gallery where the reporters sit has become the fourth estate of the realm.

During a career spanning three-quarters of a century, Jay G. Hayden of the Detroit News gave abundant meaning to Macauley's words. When he died last Saturday at the age of 86, the profession of journalism lost one of its most distinguished members.

Since 1916, starting with Woodrow Wilson, Jay Hayden covered and reported on the administrations of nine Presidents. He carried out a number of assignments in foreign countries with great distinction.

Jay Hayden was one of only three American newspaper correspondents who were accredited to cover the signing of the Versailles Peace Treaty, which ended World War I. With a keen insight and understanding that always marked his work, Hayden wrote a dispatch from Paris and assessed the treaty as a "likely breeder of future wars."

In 1918, Hayden became chief of the Washington Bureau of the Detroit News. Over the years he came to know, on a personal basis, most of the leading figures in Washington's political, governmental, and diplomatic life.

Jay Hayden began his newspaper career in 1900 at the age of 14 as a $2-a-week printer's devil in his hometown of Cassopolis, Mich. After attending the University of Michigan and working on various newspapers as a printer and reporter, he joined the Detroit News in 1910. His first major political assignment was the Bull Moose Convention which nominated Theodore Roosevelt for President in 1912.

For many years, Jay Hayden wrote a syndicated column for the North American Newspaper Alliance which ended with his retirement in 1965. Thereafter, he wrote only an occasional article or feature story.

Both Jay Hayden and his son, Martin, have represented the Detroit News in Washington. Martin carries on the long family connection with the same newspaper as vice president and editor of the News.

Jay Hayden's lively interest in all things concerning the business of reporting made him a favorite among countless newspapermen, young and old. He belonged to the National Press Club and was a former president of the prestigious Gridiron Club.

In 1945, George Washington University awarded him an honorary degree of doctor of law in recognition of his many accomplishments in the field of journalism.

Jay Hayden was a great statesman jounalist. He will be sorely missed but long remembered by all who were fortunate enough to know him.

Mrs. Griffin joins me in extending deepest sympathy to Jay Hayden's lovely wife, Ruth, and to the rest of the Hayden family.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, withdrawing the nomination of George A. Smathers, of Florida, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, was communicated to the Senate by Mr. Leonard, one of his secretaries.

FOREIGN ASSISTANCE ACT OF 1971

The PRESIDENT pro tempore. The time for morning business having expired, under the previous order the Chair lays before the Senate the unfinished business, which the clerk will state.

The second assistant legislative clerk read as follows:

> A bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR DOLE ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that after the two leaders have been recognized on Friday next under the standing order, the distinguished Senator from Kansas (Mr. DOLE) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. 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.

STRANGE INCONSISTENCIES IN MR. NIXON'S ECONOMIC AND FOREIGN POLICIES, SOME OF WHICH BEAR DIRECTLY ON THIS PROPOSED FOREIGN AID BILL

Mr. SYMINGTON. Mr. President, for some 8 years I have warned on the floor of the Senate that the steady drain of dollars outside of this country, coupled not only with the multibillion-dollar purchases of weapons systems we do need for national security, but also those we do not need, would ultimately create serious, if not disastrous, conditions in our economy.

This Nation has now arrived at that condition.

Our budget deficits are currently at an alltime peacetime high—and are going higher.

Unemployment over the last 12 months has averaged 5.9 percent.

For the first time in our history the United States is running a deficit in its private trade balance as well as in its Government balance of payments.

The stock markets continue to fall, along with a steady decline in the purchasing power of the dollar.

In other words, and again for the first time in our history, the United States is experiencing inflation simultaneously with recession.

One of our foremost practical authorities on matters pertaining to the economy, Chairman WILBUR MILLS of the House Ways and Means Committee, states without reservation that the econ-

omy of this Nation is now in deep trouble.

A principal reason for this tragic condition lies in the inconsistent economic policies now being pursued by the Nixon administration.

On the one hand, we have adopted a policy of alienating those countries American taxpayers have built back, with tens of billions of dollars, to a basic prosperity actually greater than their own.

At the same time, however, in Congress during this session, and under heavy White House pressure, we continue to put up billions of dollars annually, which in some cases can only result in the creation of more countries to compete against American industry and American agriculture.

Only last week, again with White House pressure, the Senate approved over $5 billion for just that purpose.

The details of these approvals follow:

[In millions]

Foreign aid	$3,200
Soft loans for the Inter-American Development Bank (IDB) (2 years)	900
Soft loans for the Asian Development Bank	100
Soft loans for the Inter-American Development Association (IDA) (3 years)	960
Total	5,160

In connection with some of these soft loans, everyone knows that a loan for 50 years, no interest, and no repayment of principal for 10 years, is actually no loan at all.

The most serious result of this double-faced approach to our increasing economic problems could well lie in the further loss of jobs and trade in the United States, and in themselves these policies can only continue to increase the welfare rolls, because our already high unemployment is going higher.

Speaking of this continuing loss of jobs, how many people realize that, already, one out of every five automobiles sold in this country comes from abroad, as do seven out of 10 sweaters, nine out of 10 radios and baseball gloves, and 19 out of 20 motorcycles?

This development in the automobile industry is especially unfortunate, because the loss of the production of a single American car is estimated to represent a loss of $2,400 in wages and benefits to the working people of this country.

It is true that many large private American corporations are now taking advantage of that prosperity American tax dollars have created in foreign countries by building foreign branches of their business in some of these countries; and in many cases this action has resulted in increased profits to the company in question. No one can deny, however, that, net, this policy on the part of these large corporations has increased unemployment in the United States, therefore has increased the welfare roles at the same time it has reduced the tax base in our city, State and Federal governments.

Of the many unfortunate aspects in which we now find ourselves as a result of these policies, perhaps most unfortunate of all is the fact that today millions of Americans who are ready and willing to work nevertheless cannot find jobs.

Is there not a strange dichotomy in this economic policy, because, at the same time these domestic problems continue to grow, nevertheless, when any new catastrophe develops in a foreign land—whether military, economic or social—this administration would seem to express greater interest in those foreign problems than in the lot of these tens of millions of Americans who live in poverty at home; and the $5.1 billion referred to above is ample proof of that assertion.

Today, 25 million American citizens currently live below the acknowledged poverty line. Millions of these unfortunate citizens live in our cities; millions more in our rural areas.

Growing unemployment, however, is not the only problem America faces today. Nearly all of our large cities are bankrupt, which the mayors of those cities are the first to so verify.

Nor is there any remote possibility that these financial problems can be handled by means of appropriations from our State Legislatures.

This leaves the Federal Government as the sole remaining hope of these people; but this administration would appear to be giving a higher priority to those in other lands.

Consider conditions at home incident to the education of our youth, in whose minds lies the future of our Nation.

Testimony last month before the Senate Select Committee on Equal Education demonstrated that in one of our large cities, 65 percent of the students in the hard core center of that city scored below the 16 percentile in the Iowa Test of Basic Skills.

As one Senator observed after listening to that testimony, "They are simply not learning enough to function in society."

This sad condition goes further.

In the same area of said city, 18,000 high school students, constituting 30 percent of the total enrollment, were absent each and every day.

The superintendent of the school system in question cited as some of the reasons: bad environment, no basic skills, lack of adequate teacher training, failure of communication with students, lack of discipline, and gang disturbances.

In the face of the Federal Government being the only source for funds to correct this tragic situation, it would appear that this administration has expressed little concern. It reduced the school lunch program for the Nation's needy children, established farm policies which clearly are wrecking many of our rural communities, and has held up as unnecessary over $10 billion Congress has passed to aid the environment of our people as well as the people themselves.

If such programs are consistent, one has the right to ask, "What is a true definition of consistency?"

In addition to the above, which could be considered the social aspect of the problem, major economic problems are looming up for the future.

American corporations which may be profiting temporarily from their heavy foreign investments could well find in the future that such investments were of temporary value only.

Leaving aside the consistent history of ultimate political expropriation of American properties in all parts of the world, what will happen to these overseas investments if the value of all dollars, including Eurodollars, continues to decline to the point where the Bank of International Settlement members—the so-called Basel boys—supplant the International Monetary Fund as controllers of the world monetary market?

Perhaps what this administration continues to refuse to recognize is the fact that any true security for a nation requires a sound economy, plus a society which has faith in its government, just as much as it requires an adequate military posture.

With that premise, surely the time has come to establish new and different priorities as we continue to distribute around our steadily diminishing resources.

Without a reorganization in the not-too-distant future by this administration of its present concept of relative values, every citizen now has the right to question whether American society, as we have known it in the past, can continue to exist and prosper in the future.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Missouri yield?

Mr. SYMINGTON. I am glad to yield to the majority leader.

Mr. MANSFIELD. The Senator has been talking about investments overseas, especially in relation to the bill now pending. Is it not true that these investments have tended to take away industries and jobs from the United States itself?

Mr. SYMINGTON. The able majority leader is right.

Mr. MANSFIELD. Is it not true that the President in his economic speech to the Nation on August 15, made the statement that this Nation had spent $143 billion in the field of foreign aid since the end of World War II?

Mr. SYMINGTON. That is correct.

Mr. MANSFIELD. Is it not true that so far as the NATO countries are concerned, over the past 20 years collectively we have all spent $1 trillion, 500 billion, and that of that $1 trillion, 500 billion, the United States has spent approximately $1 trillion and 95 billion?

Mr. SYMINGTON. To the best of my knowledge the able majority leader is correct on those figures. May I add that if we take the money we have put into the Far East in recent years, and add it to the military aid we have placed into Europe since the end of World War II, the total is well above our national debt.

Mr. MANSFIELD. Yes; and I would point out that included in that $1 trillion and 95 billion, roughly, which the United States has spent, approximately $130 billion of that has been spent in and around Vietnam in Southeast Asia.

I wonder how long this country can continue to be so profligate in the field of defense, where we have lost a lot of money in building prototype exotic weapons which were never produced or

never came to fruition. The figure placed in the RECORD last year by the distinguished Senator from Wisconsin (Mr. PROXMIRE), who is a keen student of the economic situation which confronts this country, was in excess of $28 billion.

Thus, when we figure what we have spent in defense, which was wasted, and what we have spent in aid, a good deal of which was wasted because it went to dubious governments rather than to people and, thereby, negated the results which we hoped to achieve, I think these expenditures of ours, as the distinguished Senator from Missouri has indicated, show that what we have done ourselves is primarily responsible for the economic situation in which we find ourselves at the present time.

Would the Senator agree with that?

Mr. SYMINGTON. Yes, Mr. President, I would agree with the able majority leader. His thought constitutes the basic thrust of this talk today. It is time for the people of this country to stop putting so much of their resources outside of the country, and start concentrating on problems which need solution here at home.

Mr. MANSFIELD. Would the distinguished Senator yield further?

Mr. SYMINGTON. I am glad to yield.

Mr. MANSFIELD. Is it not true that the present foreign aid bill before the Senate amounts to, roughly, something more than $3 billion?

Mr. SYMINGTON. That is the straight aid bill.

Mr. MANSFIELD. Yes.

Mr. SYMINGTON. Counting the soft loan banks, it is over $5 billion.

Mr. MANSFIELD. That is right. As the Senator has pointed out, it is about $5.5 billion, the total which we have considered last week and are considering this week.

Does the Senator know how much is in the foreign aid pipeline at the present time? Does he have any approximate estimate?

Mr. SYMINGTON. Not exactly, but one of the most incredible figures comes out of a recent study made by the Library of Congress. The total amount in the pipeline, money authorized and appropriated but not expended by the Federal Government demonstrates that it has the capacity to run the printing presses at all times. The total authorized and appropriated but not expended is $259 billion, over a quarter of a trillion dollars.

Mr. MANSFIELD. All I can say is that I am delighted the distinguished Senator from Missouri has made his speech today and that he has laid his facts before the Senate.

I wonder when this is going to stop, when Pandora's box is going to be closed, and when we are going to pay attention to the needs of this country. I think one can do that without raising the hue and cry of isolationism or neoisolationism. We need to do what we can to pull ourselves together, rather than continue on a profligate basis to dispose of funds, here, there, and everywhere, and in return find that what we have created is, in effect, a series of client states who are dependent upon us and who expect annually to be the recipients of continued appropriations from this country. This country does not have that kind of resources to dispose of any longer.

Mr. SYMINGTON. The able majority leader is so correct. I am grateful for his interest and his constructive remarks. Twenty-five years ago, when this program started, even 20 years ago, this Nation had $24.5 billion in gold; and we owed in current liabilities redeemable in gold, $7 billion. Today, from a corporate standpoint, the Government of the United States is completely insolvent, because where as we now have between $10.5 billion to $11 billion in gold, we also have current obligations outstanding, redeemable in gold, of some $35 billion; and that latter figure continues to go up.

I now have the pipeline figure the able majority leader asked about. In addition to the $5,160,000,000, counting the soft loans, this bill is considering, $4.7 billion is still in the foreign aid pipeline.

That is straight aid, no loans.

There has been much stated recently about the China situation. The five countries, perhaps more than five, to whom we have given the most aid to be of service to them in reconstruction of their economies, all voted against the United States earlier this week in our effort to keep Taiwan in the United Nations.

Mr. MANSFIELD. Mr. President, I think I recall that the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT), had printed in the RECORD a list of the countries in addition to the five or six just mentioned. So, it is a matter of record. However, aside from what the U.N. did on the night before last, I think that what we ought to do is to take a closer look and a more intensive look at the foreign aid program and start paring and scraping and pruning and saving wherever we can, because while Providence may have had her arms around us since the beginning of the Republic, I think that perhaps the days of our luck are beginning to run out. It is time for us to do some thinking and to do it on a mature basis.

I thank the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I do thank the able Senator.

This morning I had the privilege of listening to the Secretary of State testify before the Foreign Relations Committee, and suggested to him, with great respect, that this country should try to establish leadership in other fields in addition to the military field. For example, we should so try with respect to the growing lack of energy, electric power. Electric shortage is now an international problem, one for the entire world today. The question of air and water pollution is also international. So is the question of an adequate supply of fresh water. It is very possible that our knowledge of the force that lies in the atom could handle them all.

It is significant to me, as a member of the Joint Atomic Energy Committee, to note that our peacetime efforts to handle such grave problems prevalent in nearly all countries, pollution, lack of power resources and fresh water, waste disposal, is less than 10 percent of the amount of money we are asking for research and development on additional weaponry; $7.9 billion for additional weaponry, whereas the total for additional knowledge of the force contained for peacetime purposes is some $780 million.

Mr. President, again my thanks to the distinguished majority leader.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 266 Leg.]

Aiken	Cranston	Symington
Bible	Gurney	Talmadge
Buckley	Mansfield	
Chiles	Randolph	

The PRESIDING OFFICER (Mr. CHILES). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allen	Fannin	Mondale
Allott	Fong	Montoya
Anderson	Fulbright	Muskie
Baker	Gambrell	Nelson
Bayh	Goldwater	Pastore
Beall	Gravel	Pearson
Bellmon	Griffin	Pell
Bennett	Hansen	Percy
Boggs	Harris	Proxmire
Brock	Hart	Ribicoff
Brooke	Hartke	Roth
Burdick	Hatfield	Saxbe
Byrd, Va.	Hollings	Schweiker
Byrd, W. Va.	Hruska	Scott
Cannon	Hughes	Smith
Case	Jackson	Sparkman
Church	Javits	Spong
Cook	Jordan, N.C.	Stafford
Cooper	Jordan, Idaho	Stennis
Cotton	Kennedy	Stevens
Curtis	Long	Stevenson
Dole	Magnuson	Taft
Dominick	Mathias	Thurmond
Eagleton	McClellan	Tower
Eastland	McGovern	Tunney
Ellender	Metcalf	Weicker
Ervin	Miller	Young

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Utah (Mr. Moss), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is present.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BYRD of West Virginia. Mr. President, the majority leader asked for the live quorum hoping that Senators would be prepared to call up their amendments. It was indicated yesterday by the distinguished minority leader that certain amendments would be ready for action today, and therefore the majority leader had hoped that Senators would come to the floor and offer their amendments at this time.

It is certainly hoped, Mr. President, that the Senate may be able to adjourn sine die by Thanksgiving; but if the Senate is to do that, action is going to have to be completed on this bill soon. We met yesterday and had no rollcall votes. No amendments were ready. No amendments were called up. We have now been in session today for more than an hour and a half, and no amendments have yet been called up.

I would assume that the leadership, after some further reasonable delay, will be ready to ask for third reading if amendments are not called up by Senators who are ready to have them disposed of. There are many other important bills awaiting action, including the so-called consumer bill dealing with product warranties, the water quality bill, the Equal Employment Opportunities Commission bill, and four appropriations bills which should be acted upon as soon as the other body gets them over to the Senate. So, if the Senate is going to complete its work by Thanksgiving, Senators are on notice that there is a good bit of work yet to be done here, and that they should be prepared to call up their amendments. Otherwise, the leadership, in due time, if amendments are not pending, will ask for third reading.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I am constrained to suggest the absence of a quorum, unless some Senator is ready to take the floor.

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

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Nevada.

AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS AMENDMENTS OF 1971

Mr. CANNON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7072.

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7072) to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. CANNON, Mr. HARTKE, Mr. HART, Mr. PEARSON, and Mr. BAKER conferees on the part of the Senate.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAVEL. Mr. President, a number of statements have been made by my colleagues in this Chamber relative to the possibility of submitting an amendment to this bill to cut funds for the United Nations.

I should like to go on record now as opposing that, and calling that kind of tactic what it is—"a cheap shot."

As the activities of the Members of this body who are suggesting this sort of action, I contend they will undermine our position, will undermine the strength of the United Nations. And as to the statement by the Secretary of State, himself, though he stated that he did not think anything should be done at the U.N., he stated it in such a way that sort of implied it would be OK if Congress did do something to cut funds. I call the activities of my colleagues in this regard, and the innuendo of the Secretary of State, a cheap shot.

Certainly, in a democracy things do not always go our way, and things did not go our way in the United Nations on Monday. I was astounded to see how far askew the judgment of this administration was in that regard, because they were predicting victory, and what actually came about was a real debacle.

I was astounded to learn that this administration does not seem to count votes very accurately in the U.N.

I was even more astounded to see the reactions in this body. This is a democratic body. We are used to winning and losing; and when we lose, we accept the defeat in a democratic spirit. But to see what is being said in this Nation today, with respect to the United Nations, grieves me because, although we lost, we lost fair and square.

I think there are some serious ramifications to this defeat. But to turn around and take the attitude that we are going to punish this world organization, which seems to be the only body yet advanced by mankind to raise the world from the shambles it finds itself in, I think is really sad.

Let me state that I think there are several reasons why the United States was dealt the humiliating defeat it suffered on Monday, not the smallest part of which is the loss of our credibility in the world. For 20 years we have jammed down the throats of the small nations of the United Nations our policy of refusing to recognize the existence of 700 to 800 million people. Then, all of a sudden, these people get a chance to revolt against us, and they do. And they did not just vote against us, but also, you can tell by their exuberance, they were happy with the way they voted.

I think the other thing that occasioned this exuberant voting against us was this administration's action of August 15 in unilaterally enforcing a surcharge which really did violent harm to the economies of most of the small nations dealing with us. We saw our friends—our supposed friends, our would-be friends—reacting to the isolationist, imperialistic economic policies of this administration, reacting in a most violent way. This is how they could strike back at us. They cannot strike back at us through their economies. All they can do is knuckle under, under the force we have used.

Back in 1959, one of the major issues of the presidential campaign was the credibility, the standing, that this Nation enjoyed in the world of nations. I think we now hear the first bell in the development of a very important issue in the forthcoming 1972 presidential election, and it is, very simply, that this Nation has fallen to a low ebb of credibility, not to speak of leadership, with the rest of the world.

We have fallen to this low ebb because of our efforts to force our decisions, our foreign policy; and I think our attitude brings into question our sincerity, because we hear it said, "My God, we have given foreign aid to these various countries. They should vote our way."

Do we give foreign aid to buy their loyalty, or do we give foreign aid because these people really need help and because we sincerely want to help them and want to do it in a charitable fashion? I think the statements made by my colleagues to the contrary seem to indicate that what we have been doing with foreign aid is buying nations to vote our way, and that policy is bankrupt. I would hope our foreign aid could be based upon a much surer footing than that.

Mr. President, because of the rule of germaneness, I will not discuss the recent announcement of the President with respect to Cannikin, but will have ex-

tensive remarks to make on that subject tomorrow.

Let me just say that if an amendment is forthcoming to the Foreign Aid bill to cut funds for the United Nations, not only will I be present to debate and fight it, but also, I will use every ounce of influence I have in this body to thwart what I consider an archaic, poor attitude, certainly demeaning to the quality of our democracy.

The attitude of some Senators reminds me of another vote, the one on the Cannikin test which we lost. Maybe Alaskan citizens should have decided not to pay their taxes because it did not quite go their way. Maybe many States that would have been the recipients of accelerated public works benefits as a result of what had passed Congress, maybe they should not pay their taxes because the Chief Executive as a matter of policy decided to veto that legislation. However, that, in my opinion, is using crass and destructive tactics which will be not only divisive in the structure itself, but also divisive as to what can be accomplished with respect to the United Nations.

We give away millions upon millions of dollars. To think that we are talking about an appropriation of $250 million to the United Nations, which is a world organization which has done yeoman service for the benefit of mankind, and we talk about cutting those funds when we stand here prepared to vote $250 million, a like sum, to the small nation of Cambodia so that it can prosecute a war through a government which has ridiculed any semblance of democratic government.

To see such a schizoid attitude in this body is something to be ashamed of.

I hope that my colleagues who have thought of cutting the United Nations appropriation will reflect, and after they have had an opportunity to cool their attitude toward what has been a national slight, will think differently about offering such an amendment.

As I characterized it initially, I think it is a cheap shot which panders to the chauvinistic tendencies of this Nation. I would hope that this body would have a maturity that would refuse to use that kind of tactic.

Mr. RANDOLPH. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. I have not had the privilege of hearing all the remarks of the distinguished Senator from Alaska (Mr. GRAVEL) who is a personal friend and colleague. I came into the Chamber as the Senator commented with reference to the expressions of Members of this body on the reduction of funds or the elimination of our participation in the United Nations.

I believe there are a considerable number of Senators who think as do I, that even though we are keenly disappointed over the action of the United Nations in expelling Taiwan, this should not be the overriding issue in determining reasonable and equitable participation by the United States in the costs of running the United Nations.

Mr. GRAVEL. I share the disappointment of my colleague, too.

Mr. RANDOLPH. I say frankly, as I read the list of countries which have received substantial assistance from the United States of America—huge sums of money individually, not through the United Nations itself—my disappointment increases. As I read the name of Great Britain, as I read the name of France, as I read the name of The Netherlands, and as I read the name of Belgium, I was saddened. I wondered quietly, yet earnestly—and I only give these four countries as an illustration of my feelings—why they did it and I am still questioning why they did it. This is, I think, the question in the minds and hearts of millions of Americans.

While realizing the very real disagreement our Nation has with the policies of the Peking government, I publicly expressed the belief nearly 10 years ago that we could not ignore that government and that we should strive to change the policies of mutual hostility. I have advocated increased contacts with China. And while I support Communist China's admission to the U.N., I believe the expulsion of another segment of the Chinese population that encompasses 14 million persons was a tragic mistake.

I think it is well for the Senator from Alaska to reason with his colleagues in the Senate on this matter, as it is for all Senators, during the coming days, to try to be well reasoned in what we do with reference to the participation of this country in the U.N., to which we have given so much financial strength, and leadership. I trust, in a sense, we can continue to do both in the years ahead.

Mr. GRAVEL. I want to thank my colleague from West Virginia for adding his words to this colloquy. I agree. I personally am distressed with the expulsion of a nation which has a population larger than many other members in the United Nations. It is a mistake. However, I think that mistake could be compounded to an unbelievable degree were this Nation to take retribution in what I think would be an undemocratic way.

I know, and the Senator from West Virginia knows, that in the democratic sense we win and lose votes all the time. It hurts to lose. Certainly, on this one, our pride has been hurt to have been dealt such an humiliating defeat.

But as I outlined, in answer to my colleague's question, why would these nations, which are friendly nations—in fact, I understand every member of NATO save two, Portugal and Greece, voted against us—and here we station 310,000 troops for the defense of NATO—why would they turn around against us?

What has happened is that we forced the U.N. not to permit the admission of the Peoples Republic of China for 20 years and then, when the tide turned on us it turned against us, since we had not been a leader on that side. We could not take such a position. That was unfortunate. But as happens in this body, the membership of the United Nations used a device—the Albanian resolution—and that device was one which, for a number of years, had been opposed to our position. They offered it as the only vehicle to take affirmative action on the other side.

I hope to have an amendment or resolution to offer in this body, to permit this Nation to assume some leadership on the principle of universality in the United Nations. That is a position we rejected over these past 20 years, the position that the People's Republic of China should not be admitted to the United Nations.

We have not done anything to enhance the admission of North Vietnam, East and West Germany, North and South Korea. If this Nation took the leadership today to seek the establishment of trust, then we could see all these countries becoming members under our leadership in the United Nations, along with Taiwan. I would hope that that would be the answer.

Mr. RANDOLPH. I think there is an element of gratification in the proposal which the Senator plans to present in the form of an amendment. I can see that the other governments that have been constituted should have the opportunity to participate in the framework of the United Nations.

I stress also, so that my position will be made clear my belief that we must in a sense separate the issue of funding for the United Nations. Even though we may be very sensitive—we must not be overly sensitive to what has happened—this must be separate and apart from the problems of foreign aid and foreign assistance to other nations of the world.

Mr. President, I state this for the reason that on many occasions I have voted to reduce appropriations for foreign aid. And I have done so on a country-by-country basis when there has been occasion to make such judgments.

In the foreign aid bill that is now pending, there will perhaps be occasions when I will vote for a lesser sum of money. However, that will have no connection whatsoever with my judgment regarding our country's participation in the United Nations.

Mr. GRAVEL. Mr. President, I thank my friend, the distinguished senior Senator from West Virginia. I think we are all of a like mind on this subject. I would hope that Senators who have indicated an intention to offer such an amendment would not pursue such effort. I give notice that if such an amendment is offered, I will endeavor within the rules of the Senate to thwart the passage of such an amendment.

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

The PRESIDING OFFICER (Mr. EAGLETON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, if I may have the attention of the acting minority leader and of the Members of the Senate who are present, including the

chairman of the Committee on Foreign Relations and the distinguished senior Member on the Republican side, I would like to make a unanimous-consent request, because there seems to be no action in the offing at this moment on the pending business.

To the best of my knowledge, there are three amendments at the desk, and none of those amendments, in my opinion, should take very long to consider.

I ask unanimous consent that there be a time limitation of 2 hours on each amendment, and 10 hours on the bill, the time on amendments to be equally divided between the sponsor of the amendment and the manager of the bill or whomever he may designate and the time on the bill itself to be divided between the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT) and the distinguished minority leader or whomever he may designate, with the further provision that time from the bill can be allocated and made additional to time on amendments.

Mr. GRIFFIN. Mr. President, reserving the right to object, I can understand why the distinguished majority leader is making his request at this time. In many respects I would say, as a Senator from Michigan, apart from my leadership responsibilities, that it seems like a rather reasonable request, particularly in view of the fact that Senators who have indicated they will offer amendments are not stepping forward to present their amendments.

It is too bad that the Senate cannot get along with its business. However, the fact is that a number of Senators have indicated that, for the time being, they are not willing to agree to a time limitation.

There are certain amendments—some I would vote for and some I would vote against—that are going to be offered.

While I can make a commitment to the distinguished majority leader that I will go back to each of these Senators to see if we can reach some agreement, but for the time being I have to object, and, Mr. President, I do object.

Mr. MANSFIELD. I understand the position in which the distinguished acting minority leader finds himself, but it does not help solve the problem which confronts the Senate at this time.

We do have two other pieces of legislation on the calendar which we will try to clear as soon as possible, but according to the latest information at my disposal it is not possible to bring them up at this time. However, I will try again to see if we can at least move one of them. I appreciate very much what the distinguished acting minority leader has said, that he will meet with those on his side who would like to be given consideration and who may agree to a proposal of this kind or some other.

I would point out, though, that we are wasting a lot of time, that there are three amendments at the desk, and if we go too long it may be necessary to ask for third reading, not in the immediate future, of course, but sometime in the offing. I would hope that that could be avoided until every Senator who has an amendment to offer would have had a chance to offer that amendment and have it debated and disposed of one way or the other.

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

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. The ranking Republican member of the committee has an amendment.

Mr. AIKEN. I have an amendment, and I ask that it be made the pending business.

Mr. MANSFIELD. I am delighted.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 23, line 20, after "1973", strike out "$30,000,000" and insert "$15,000,000".

Mr. AIKEN. Mr. President, I have introduced this amendment to the foreign aid bill.

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

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, I have introduced an amendment to the foreign aid bill (H.R. 9910) to cut back on the amount authorized by the committee for American-supported schools and hospitals abroad which are funded under section 214(c) of the act.

For these overseas school and hospital projects, the committee authorized $30 million for each of the fiscal years 1972 and 1973.

The amendment which I am offering would reduce this amount by half, or to $15 million for each of these fiscal years.

The amount which has been expended or appropriated for this purpose over the last few years, including last year, had been $10 million, and that is the amount the administration is asking for at this time. I would go so far as to increase it 50 percent to make it $15 million.

I offer this amendment in an effort to underscore the committee's efforts to focus attention on domestic versus foreign needs: Who among us doubts our own school and hospital needs.

Who among us could get $2 or $3 million for a school or hospital or library project in his own State without even appearing before the authorizing and appropriating committees in the Congress and convincing them of the need for this kind of project.

I daresay that none of us could secure such funds with similar ease.

I am hopeful that the Senate will approve this reduction as it would give the State Department and the Agency for International Development a reason to clamp down on these outlays of taxpayers' dollars to schools and hospitals abroad, some of which I am sure would not qualify for help in our country.

I feel sure that we would not be permitted to make some of these appropriations to schools in this country under our State laws. I know there is a great desire for each Member of Congress to have a school in some foreign country and to get a couple of million dollars appropriated to support that school, but I think it is absolutely ridiculous to continue at a great rate of expansion with this when we have an even greater need today in the United States.

I do not want to deprecate the work that some of these foreign schools have done over past years, but we have a host of new foreign schools proposed now and some of them are located in countries which are not very cooperative with our efforts to make this a better world.

Mr. President, I have nothing further to say. I think we should agree to this amendment.

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

Mr. AIKEN. I yield.

Mr. FULBRIGHT. This matter, of course, was discussed at length in committee. The administration asked for only $10 million. I am in favor of the Senator's amendment and I shall support it.

Between the House and the Senate any number of projects have been proposed. But there is not one iota of evidence in support of them, other than the individual Senator's statement.

Mr. AIKEN. We do not even know where the schools are or what they are but we do know that some Member of Congress has an interest in each of them.

Mr. FULBRIGHT. That is correct. The Senator is entirely correct. I shall support his amendment. It is still $5 million more than the administration asked for for this item. I think the Senator is quite generous.

Mr. AIKEN. The House bill increased this amount 300 percent in a single year and designated something like 20 new schools we never heard of before.

Mr. FULBRIGHT. And there is nothing to indicate what is going to be done with this money.

Mr. AIKEN. We do not have the slightest idea. It may go to pay the principal of the school for all I know. There is nothing we know of to prevent it although I would hope the money would all be spent fairly and constructively.

Mr. FULBRIGHT. There is no testimony on all of these projects.

Mr. AIKEN. It is a reflection on those established schools we have supported in foreign countries and which have done good work. I can think of one in Mexico, another in Lebanon, one in Israel, and possibly others that have done excellent work. We ought not to add a large number of new schools without knowing what we are doing. It hurts those established schools when we come up with proposals to dump millions of dollars into schools we never heard of, when we have no idea where they are, and know nothing about them except that each one is somebody's personal project.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont. 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 Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Oklahoma (Mr. HARRIS), the Senator from

Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. ALLOTT), and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

The result was announced—yeas 51, nays 34, as follows:

[No. 267 Leg.]

YEAS—51

Aiken	Dole	Magnuson
Allen	Dominick	Mansfield
Anderson	Eagleton	McClellan
Baker	Eastland	Metcalf
Bellmon	Ellender	Miller
Bennett	Ervin	Nelson
Bible	Fannin	Proxmire
Brock	Fong	Randolph
Buckley	Fulbright	Roth
Burdick	Gambrell	Saxbe
Byrd, Va.	Gravel	Stafford
Byrd, W. Va.	Griffin	Stennis
Cannon	Gurney	Symington
Chiles	Hansen	Talmadge
Cook	Hruska	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Young

NAYS—34

Bayh	Javits	Schweiker
Beall	Kennedy	Scott
Boggs	Long	Smith
Brooke	Mathias	Sparkman
Case	McGovern	Spong
Cooper	Mondale	Stevens
Cranston	Montoya	Stevenson
Hartke	Pastore	Taft
Hatfield	Pearson	Tunney
Hollings	Pell	Weicker
Hughes	Percy	
Jackson	Ribicoff	

NOT VOTING—15

Allott	Hart	Moss
Bentsen	Humphrey	Mundt
Church	Inouye	Muskie
Goldwater	McGee	Packwood
Harris	McIntyre	Williams

So Mr. AIKEN's amendment was agreed to.

Mr. AIKEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have again been talking with the distinguished minority leader. In an effort to expedite the business at hand, keeping in mind the possibility of an adjournment sine die no later than December 1—on which I would not bet at this moment—I would like to again propose a unanimous-consent request, as follows:

That there be a limitation of 2 hours on each amendment, to be equally divided between the sponsor of the amendment and the manager of the bill.

That there be a limitation of 10 hours on the bill, the time to be equally divided between the manager of the bill and the distinguished minority leader, or whomever he may designate, with the proviso that time on the bill can be allocated to the amendments, in addition to the 2 hours requested at this time.

Mr. JAVITS. Mr. President, reserving the right to object, do we have any provision for amendments to amendments?

Mr. MANSFIELD. That would be on the basis of 30 minutes for amendments to amendments, the time to be equally divided on the same basis as on the amendment itself.

Mr. JAVITS. And do we have any provision, Mr. President, for motions to table, motions to recommit, or other motions?

Mr. MANSFIELD. They would always be in order.

Mr. JAVITS. And under what time limitation?

Mr. MANSFIELD. A motion to table would be in order, I would assume, at the end of an agreement, although it is eligible to be taken up at any time.

Mr. JAVITS. The other question, Mr. President, is this, on this situation—the question of germaneness. Does the Senate—and it should do so with its eyes wide open, because this opens the whole foreign policy issue—desire to restrict itself as to the nature of the amendments submitted, or will it be understood that any amendments which are normally eligible may continue to be eligible notwithstanding the unanimous-consent request, though the time limitation will cover such amendments?

Mr. MANSFIELD. If the Senator will pardon me, I did not hear the last part of his statement.

Mr. JAVITS. I was raising the question of germaneness. Normally, when a unanimous-consent agreement is entered, when it relates to the whole bill and every amendment, every door is locked; all amendments have to be germane to the bill.

Mr. MANSFIELD. That is correct.

Mr. JAVITS. I raise the question in view of the enormous range of foreign policy issues which come within the purview of this bill, whether we wish to lock ourselves in that much by the application of the rule of germaneness at this stage.

I would think—though this may be against my own interest, because I am with the bill—that both leaders ought to think over carefully whether at this stage they would wish to shut out amendments which would otherwise be in order but which, with the rule of germaneness, would not be in order so long as the time limitation applied to any amendment which was submitted.

The PRESIDING OFFICER. The Chair points out that germaneness has not as yet been incorporated in the unanimous-consent request by the Senator from Montana.

Mr. JAVITS. But I also raise this question: I have seen unanimous-consent agreements entered into in which the rule of germaneness was never mentioned, as it has not been mentioned here; but when we read it in the order the next day, the rule of germaneness was there. So if the intention of the leadership is that the rule of germaneness will not be applied at this stage, I am entirely agreeable to the unanimous-consent request.

Mr. MANSFIELD. Mr. President, it was my intention to ask the Senate to apply the rule of germaneness. However, in view of the fact that it does not seem possible to achieve this unanimous-consent request at this time with that application, I will remove for the time being, if I may, the rule of germaneness from the unanimous-consent agreement. Hopefully, after certain Senators, whom I do not know, have made their own positions clear, the matter will be up for consideration on a germaneness basis at that time.

Mr. BAKER. Mr. President, reserving the right to object, I do not plan to object to the unanimous-consent request in this form. I am glad to hear that the distinguished majority leader has not included the request for germaneness in his request at this time. But in view of the statements he made in explanation, I wonder whether the majority leader and the minority leader would agree further that if there is to be a subsequent unanimous-consent request for germaneness, we might be fully notified of the intention to make it well before it is made.

Mr. MANSFIELD. If that would happen, I would notify the Senate; but I would remove that implication at this time. If it does come up, the Senate will, of course, receive plenty of notice.

Mr. BAKER. I thank the distinguished majority leader.

I wish to note now that on more than one occasion I have found the will of the Senate, in my judgment, severely circumvented by the growing practice of asking for unanimous consent for germaneness of amendments. I do not think it is a good practice; and if it is offered, I intend to object.

Mr. MANSFIELD. Does the Senator object?

Mr. BAKER. I do not object. I say that if it is offered, I intend to object.

Mr. SCOTT. Mr. President, reserving the right to object—and I will not object—I am waiting only until we can hear the views of one more Senator who asked to be notified. The request has not been made directly to me—I did not know about it until this moment—but the Senator from Colorado (Mr. DOMINICK) wishes to be heard on the question of the time on his amendment and perhaps the question of germaneness. I do not know. We have sent for him, and perhaps we can have a short quorum call. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, what is the will of the Senate on the basis of the unanimous-consent request?

The PRESIDING OFFICER. The request is pending.

Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield me 1 minute?

Mr. MANSFIELD. The Senator can now have the floor.

The PRESIDING OFFICER. Time is now under control.

Mr. BYRD of West Virginia. Mr. President, the distinguished Senator from New York rightly referred a moment ago to unanimous-consent requests which, while not specificating a limitation on amendments not germane, when read in the RECORD indicated that such was agreed to, and I think an explanation is called for.

When unanimous-consent agreements are entered into in the so-called usual form, such a provision with respect to germaneness is automatically included. So, quite often when the request is put, the request with respect to germaneness is not specifically referred to, but it is suggested that the agreement be in the usual form, which includes the provision against nongermane amendments. Then, when it is read in the RECORD, of course, it is clear that such a provision was included.

Mr. BAKER. Mr. President, will the Senator yield 30 seconds, so that I might make an inquiry?

Mr. BYRD of West Virginia. I yield.

Mr. BAKER. I wonder if it might be agreed to now that in the future—in view of the impression concerning this matter which has been raised by the Senator from New York and by me—the usual form agreements would not include the nongermane prohibition.

Mr. MANSFIELD. Would the Senator allow the joint leadership some time to think that over?

Mr. BAKER. I would be glad to.

In the meantime, I request that if there are future requests for restriction as to germaneness, I might be notified before the unanimous-consent request is made.

Mr. MANSFIELD. Yes; of course.

Mr. BYRD of West Virginia subsequently said: Mr. President, the distinguished majority leader has asked me to request unanimous consent that, anent the agreement entered into earlier today concerning limited time on the Foreign Assistance Act of 1971, time on any motion or appeal, with the exception of a motion to lay on the table, be limited to 30 minutes, to be equally divided between the mover of such motion or appeal and the manager of the bill, and that if the manager of the bill supports such motion or appeal, then the time in opposition thereto be allotted to the distinguished minority leader or his designee.

This request has been cleared with the minority leadership.

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

The unanimous-consent agreement is as follows:

Ordered, That, during the further consideration of H.R. 9910, an act to amend the Foreign Assistance Act of 1961, and for other purposes, debate on any amendment shall be limited to 2 hours to be equally divided and controlled by the mover of any such amendment and the manager of the bill: *Provided,* That debate on any amendment to an amendment (an amendment in the second degree), motions or appeals (except a motion to lay on the table) shall be limited to 30 minutes to be equally divided and controlled between the mover of any such amendment or motion and the manager of the bill.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 10 hours, to be equally divided and controlled, respectively, by the manager of the bill and the Minority Leader or their designees: *Provided,* That, the manager of the bill or the Minority Leader, from the time under their control on the passage of said bill, may allot additional time to any Senator during the consideration of any amendment, motion or appeal. (October 27, 1971)

The PRESIDING OFFICER (Mr. EAGLETON). Who yields time?

Several Senators addressed the Chair.

Mr. STEVENS. Mr. President, I have an amendment at the desk which I now call up and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 61, line 14, after "effective", strike out all through line 15 and insert in lieu thereof "June 30, 1972."

Mr. STEVENS. Mr. President——

Mr. DOMINICK. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. DOMINICK. Would the Senator be kind enough to add me as a cosponsor of his amendment?

Mr. STEVENS. I shall be happy to do so and, Mr. President, I ask unanimous consent to make that same request.

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

Mr. SCOTT. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. SCOTT. Mr. President, I rise only to say that under the time limitation I designate the distinguished ranking member of the Committee on Foreign Relations, the Senator from Vermont (Mr. AIKEN), to be in charge of the time on this side.

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

Mr. STEVENS. I yield.

Mr. MANSFIELD. Does the Senator intend to ask for the yeas and nays?

Mr. STEVENS. Not at this time.

Mr. MANSFIELD. I ask that question because it is an important amendment and we have enough Senators in the Chamber. I believe that all Members should be placed on notice if this is going to be a rollcall vote.

Mr. STEVENS. If the distinguished majority leader decides to do so, I will be happy to ask for the yeas and nays, but after an explanation of my amendment I would think that the chairman of the committee might agree to accept it.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, this is the subject we discussed yesterday on the floor. So that we are certain we are talking solely about timing and not about the question of whether the Formosa resolution shall be repealed, the pending amendment clearly makes effective the date of June 30, 1972. I feel, Mr. President, that there is a great deal of emotional reaction that will take place if the President is in——

Mr. FULBRIGHT. Mr. President, may we have order in the Senate. I cannot hear what the Senator is saying.

The PRESIDING OFFICER. The Senator from Alaska will suspend. Will Senators please take their seats and aides withdraw to the rear of the Chamber. Will all personal business be transacted other than on the floor of the Senate, so that we may all hear the Senator from Alaska.

May we have order, please?

The Senator from Alaska may proceed.

Mr. STEVENS. Mr. President, if I may commence again, I agree with the concept that the Formosa resolution should be repealed. I believe, as a result of what happened in the United Nations, that to establish the effective date at the close of this session of Congress would be wrong.

We can anticipate that the President will be in China some time during our recess. This Formosa resolution has, in fact, been an authorization of Congress to the President for a substantial period of time. As I understand the situation, with repeal of the Formosa resolution, we would be relying on the pact of 1954 which would require, as I believe we should, using the constitutional processes after that.

I have taken the occasion to discuss this with the distinguished Senator from Maryland (Mr. MATHIAS) who sponsored the primary resolution on the calendar. As this is a question of timing, and the provision in the bill refers to repeal of the resolution after the adjournment of the first session of Congress, I see no reason, if we are going to put it off, not to make it the effective date of the bill and why we cannot do so until June 30 or some period into next year where the President could call upon Congress, because Congress will be in session, if anything occurs.

But the major purpose is the timing of the repeal of the resolution. Coming so quickly on the heels of the action of the United Nations, I feel that while I support repeal of the resolution, as I did support the repeal of the Gulf of Tonkin resolution, we should be wary of the timing factor involved here.

Mr. JAVITS. Mr. President, I should like to ask a question here. I am rather puzzled why the Senator from Alaska picked June 30 as the date, as I am puzzled that they felt they had to make it the adjournment of Congress. May I ex-

plain to the Senator why. The adjournment of the Congress sine die, that comes at the end of this year. The President says he will be in China by March 15. Once we repeal the resolution, even if we just set the date, we have repealed the resolution so far as the world is concerned.

I am sympathetic to getting this done, but I do not think the date makes it yes or no; but I do think we should have at least some rational reason for whatever date we set. If we announce to the world the date, we are, in effect, repealing it now. So why set any date? If we do set a date, what has the relation of June 30 got to do with it? Why is it better than December 1, which is the optimum date for our adjournment?

Mr. STEVENS. The date is similar to the 6-month provision in here concerning actions in Southeast Asia. In my discussion with the Senator from Maryland, he indicated he would have no objection, on a personal basis, if it were June 30. He was willing to make it March 15, in the next session of Congress, when it will certainly be in session; but June 30 was suggested and I think that is a reasonable date in view of the other provisions in the bill.

Mr. FULBRIGHT. Mr. President, I am relying on the administration's own statement: That they do not look upon the resolution as legal or constitutional authority for contingency planning. Therefore, they have no objection. If the Senator feels strongly about June, I am willing to accept that. What the Senator from New York has said, if we take this action, for all practical purposes it is effective when we act. I do not want to delay the Senate over this matter, whether it is June 15—whatever it is—or the 30th—why that is all right with me. But, in my opinion, whatever the psychological effect would be if it took place before the President went to China, it would not be adverse to what his purposes are, so that I do not think we should make a great deal out of it. All we are doing, as we did with the Tonkin Gulf resolution, is to try to clean up a little of the debris of history.

This resolution was passed at the height of the cold war. It has been lying around ever since. The President does not rely on it. This is one of the several things we have in mind to clean the slate. The date does not make that much difference, but if the Senator feels strongly about it, I am perfectly willing to accept the date as far as that goes.

Mr. AIKEN. Mr. President, I yield 3 minutes to the distinguished Senator from Kentucky (Mr. COOPER).

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

Mr. COOPER. Mr. President, I would agree with the distinguished Senator from Alaska that I think it is ill-timed, following the vote in the United Nations and should have been presented to the Senate as a separate matter. But as a matter of substance, I must vote against it, and I will tell the Senator my reasons.

First, the administration and the Secretary of State, notified the Committee on Foreign Relations and the Senate last May that while they did not take a position as to what action the Congress should take on the resolution, the administration stated that it did not intend to rely on the Formosa resolution in the future, stating it was approved at a special time for a special contingency and would not rely on it in the future.

This morning, when Secretary of State Rogers testified before the Committee on Foreign Relations, he was asked if the administration had changed its position. His answer was "No."

Further, we have been debating in this body for over 2 years the question of whether the executive, any executive, should engage our country in hostilities without authority of Congress.

The Formosa resolution was passed almost unanimously by the Senate in 1955 and delegated to the President authority to take such action as he deemed necessary for the specific purpose of securing the protection of Formosa and the Pescadores against armed attack. It says nothing about "constitutional processes." It has nothing in it which would require the President to come to Congress for authority.

We had great trust in President Eisenhower. That was the reason it was passed without the wording "according to constitutional processes." This administration has said it does not need the resolution, that it is relying wholly upon the bilateral security treaty which was entered into later between Formosa and the United States. The bilateral treaty covers any action which the United States might take if it were to determine it necessary to go to the assistance and to the defense of Formosa.

The important difference between the Formosa resolution and the bilateral treaty is very important. The bilateral treaty requires, in the event of an act of aggression against Formosa, consultations with the United States, and that the United States shall then take such action as it deems necessary through its "constitutional processes."

We have been arguing in this body that "constitutional processes" requires the President, while he has authority to protect our forces against danger, to secure the approval of Congress before engaging our forces in war.

In summary, the administration has said that it would not use the Formosa resolution in the future, but would rely wholly upon the bilateral treaty. Second, we should expunge from the law these resolutions which do not carry the language "constitutional processes."

I feel very bad over the vote in the U.N. I think it was a great mistake and difficult to explain.

I applaud the President, the Secretary of State, and Ambassador Bush and honor them for their positions and what they did. However, this is a separate matter. For that reason, I shall have to vote against the amendment.

Mr. STEVENS. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Alaska is recognized for an additional 5 minutes.

Mr. STEVENS. Mr. President, I agree with the Senator from Kentucky. I think the repeal of the Formosa resolution is absolutely necessary.

Mr. President, it is a matter of timing. Since the committee has determined that it is not going to be repealed until the end of Congress, I think it entered into the question of the timing of the repeal. It seems to me that we have made some grievous errors in the past in terms of drawing lines.

At the present time the President is preparing to go to mainland China. The United Nations has taken very drastic action with regard to the free Chinese on Taiwan.

I think it should be absolutely clear to the whole world that we are in effect doing what the chairman of the committee has said, clearing up some deadwood. However, there is no great rush about it. The committee's position puts us in no great rush about it. We want to make certain that the repeal of this provision takes place substantially in the future so that there is no question whatsoever concerning the intent of Congress, since it does repeal the Formosa resolution in terms of the commitment of the United States to provide the assistance necessary to the free Chinese on Taiwan consistent with the intent of both the Mutual Defense Treaty of 1954 and the original intent of Congress as expressed in the Formosa resolution. Again, to me, it is just a matter really of the psychological impact of what we are doing. I would like to see, if nothing else, the amendment agreed to from the point of view that we should not indicate to anybody in the world in any way or leave even the inference of an indication to anybody in the world that we are of a mind to abandon those on Taiwan to whom we have provided protection. In fact, I believe that the free Chinese have been our allies.

I do not think the action of the United Nations in recognizing mainland China means that we should look upon the Red Chinese as allies of this country.

I regard the free Chinese on Taiwan as being a great ally of this country. We should make it very clear that the repeal, as the report says, clears away the obstacles to the new China policy and that the policy will be formulated not only by our action, but also by our President's visit to China, and it must also be taken by the action of the United Nations.

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

Mr. STEVENS. Mr. President, I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I support the amendment. I think it is particularly unfortunate that it would be before the Senate at this particular time with reference to the repeal of the Formosa resolution. I have pending before the Foreign Relations Committee a resolution which would in effect repeal the Formosa resolution and a number of other resolutions relating to the power of the President in connection with the use of Armed Forces in the conduct of our foreign policy.

Even with the passage of the Senator's amendment, which I hope will occur, I think there is bound to be some reflection

in the press that the Senate is taking the attitude of endorsing this concept at a particular time when there has been a so-called reversal of policy so far as the U.N. is concerned.

I point out the lack of relationship of the resolution over this long period of time, even though it is being considered at the present time in view of the recent occurrence in the United Nations.

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

VISIT TO THE SENATE BY MEMBERS OF THE EAST ASIAN PARLIAMENTARY GROUP

Mr. SPARKMAN. Mr. President, we are honored today with a visit by parliamentarians from a number of different countries. We have had a very nice discussion with them.

Mr. President, I would like to present them at this time. They are:

Eric Sidney Fostyn Holland of New Zealand.

Paul John Keating of Australia.

Jose Paredes Leviste, Jr., of the Philippines.

Lim Cho Hock of Malaysia.

Na Sok-Ho of Korea.

Gordon Siama of British Solomon Islands.

Souvanh Sanaikhom of Laos.

Colonel Sukardi of Indonesia.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of these distinguished visitors and a very brief biographical sketch on each of them.

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

MEMBERS OF PARLIAMENT

ERIC SIDNEY FOSTYN HOLLAND, NEW ZEALAND

Present position: Government Member of Parliament for Riccarton (Christchurch); Chairman, Labor and Mining Select Committee; Member of Social Services and Statutes Revision Committeee. Past positions: Managing Director, McLaren Motors Ltd. (motor vehicles dealers); Trustee, Canterbury Trustee Savings Bank; past-President, Associated Trustee Savings Banks Association of New Zealand. Academic training: Qualified Accountant. Born: 1921 in Christchurch, New Zealand. Address: P.O.B. 8100, Riccarton, Christchurch, New Zealand. Travels: United Kingdom; World War II service in Pacific and Italy.

PAUL JOHN KEATING, AUSTRALIA

Present position: Federal Labor Party Member of Parliament for Seat of Blaxland, New South Wales. Past positions: Research officer and industrial advocate, Federated Municipal and Shire Council Employees Union; State President, North Council, New South Wales Branch of the Australian Labor Party. Academic training: High School; one year Electrical Engineering study. Born: 1944 in Paddington, N.S.W., Australia. Address: 8 Gerard Avenue, Condell Park, New South Wales, Australia.

JOSE PAREDES LEVISTE, JR., PHILIPPINES

Present position: Delegate, Constitutional Convention, 2nd District, Batangas; Chairman, Committee on Community Development. Past positions: Faculty Member, Ateneo and De La Salle Graduate School of Business; Member, Batangas Development Foundation. Academic training: Ateneo de Manila University (A.B. in Economics in 1965); Fordham University, New York (M.A. in Economics in 1967); Columbia University, New York (M.B.A. in 1968). Organizations: Philippine Constitutional Association; Manila Overseas Press Club. Publications: "National Unity and the CC" and "Views on the CC". Born: 1945 in Pasay City, Philippines. Travels: U.S., Europe, Thailand, Indonesia, Singapore.

LIM CHO HOCK, MALAYSIA

Present position: Member of Parliament from Perak; Member, Executive Committee of DAP; Legal Advisor to various associations. Organizations: Member, Society for the Prevention of Cruelty to Animals. Address: 17 Jalan Canning Estate, Canning Gardens, Ipoh Malaysia.

NA SOK-HO, KOREA

Present position: Member of National Assembly. Past positions: Army Staff Judge Advocate; Judge, Seoul Higher Court. Academic training: B.A. in Law, College of Law, Seoul National University; Passed National Examination for high-ranking official in Administration and Jurisprudence. Organizations: Member of Korean Bar Association. Born: 1934 in Kwangju, Cholla Namdo, Korea. Address: 1344–16, 3–ka, Kumho-dong, Sungdong-ku, Seol, Korea.

GORDON SIAMA, BRITISH SOLOMON ISLANDS

Present position: Elected Member of North Western Solomons; Member, Executive Council for Social Services. Past position: Teacher; Boys Brigade Organizer for the Western Solomons and Bougainville. Academic training: Sasamungga School, Goldie College, Methodist Theological College in Auckland. Born: 1937 in Nabusasa, Choiseue, British Solomon Islands. Address: c/o The Secretariat, Honiara, British Solomon Islands.

SOUVANH SANANIKHOM, LAOS

Present position: Congressman from Attopeu Province; Member of Standing Committee in National Assembly. Past positions: Private Secretary to Minister of Interior; Member of Lao Delegation to United Nations General Assembly. Academic training: Study at Royal Institute of Law and Administration, Vientiane; Training in Public Administration as United States Specialist at the University of Pittsburgh; Study at Institute des Hautes Etudes d'Outre-Mer in Paris. Born: 1932 in Thakhek, Khamm-Ouane Province, Laos.

COLONEL SUKARDI, INDONESIA

Present position: Member of Parliament; Colonel in the Army. Past positions: Deputy Minister for Basic Industry and Mining. Academic training: Graduate of Army Command and staff School, Bandung. Born: 1920 in Lombok. Address: Djalan Tjut Nja Din No. 9A, Djakarta, Indonesia. Travels: South and Southeast Asia, the Middle East, and Europe. Dietary restrictions: No pork.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate recess for 3 minutes in order that Senators may greet our distinguished visitors.

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

Thereupon (at 2:19 p.m.) the Senate took a recess until 2:22 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. STAFFORD).

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to have the attention of the Senate briefly on this seemingly innocuous amendment. I believe it is something of very serious importance and we should give it our full attention. I would hope other Senators can be called in to hear these remarks.

This resolution, the Formosa resolution, has been regarded or stated by the State Department to be a dead letter. Now, when we pass on it in the way we are passing on it now, what do we do to it? Question: Do we revive it? There is no such thing as a commitment by the State Department that the power to the President is a dead letter. We have seen many cases where people in the Attorney General's office—and one has just been nominated to be a Supreme Court Justice and we assume he is a special "legal eagle" because of that—when we are told the President is looking for power to do so and so, they generally find it.

We may think it to be a dead letter, but if it is on the books he can use it and will. I will give my colleagues some examples. The President said he did not want to use the Economic Stabilization Act. He said he would not use it. Yet it was invoked, with my great approval, and the approval of most of us, in connection with the greatest freeze on prices and wages this country has ever known. The same is true with the recent threat to use an obscure provision of the Trading With The Enemy Act to secure concessions in the textile import area.

Do not overlook the fact that someone could get real mad about what was just done in the United Nations and there could be some kind of change in the world situation. I cannot predict what it would be, and neither could other Senators, but it could occur, and the President may be looking through the books for power to use the Armed Forces of the United States in the China Sea or the Formosa Straits, and here it is.

Normally, to my mind, what we should have done would have been to repeal the Formosa resolution in this bill or not do it at all. We are much better off not doing it at all than setting a date. When we set a date, we show a clear congressional intention to reactivate the Formosa resolution.

I, like the Senator from Ohio (Mr. TAFT), and others, am deeply dedicated to ending this power of the President to wage undeclared war. I am concerned about all resolutions, even if the State Department considers them to be dead letters, if they transfer the warmaking power to the President.

I appreciate the sentiment and the feeling which may be moving us in these directions. I think we should realize that the Senator from Alaska (Mr. STEVENS) coming from Alaska is right there on the threshold of whatever actions may take place in the Pacific. Too few of us realize that. They are closer than any of us to the problems of the Pacific.

If we want to leave the President with this power, do not put the date in at a time when he is going to visit Peking and negotiate with them. Rather leave his armor intact when he is going to make a decision on China policy. Give him everything with which to try to negotiate.

My point in speaking is to advise the Senate that this is not a sterile act, that this is doing something that is important. I hope our judgment will be thoughtful about this matter. It is not just fixing a date. It does not make a difference if it is December or June, but I believe by reactivating this power, which we do by fixing a date, we are confirming to the President that if he has to use it he may and that we will not accept the fact that the State Department said it is a dead letter. Therefore, my advice is to forget about it or repeal it to take some barnacle off the door.

So I believe what the Senator proposed, and I know it comes from the deepest feelings about the security of our country, especially as it is so deeply involved in his area, should be more thoughtfully considered here than we are considering it. It is not immaterial.

If I were the lawyer over in the Office of the Attorney General and the President turned to me tomorrow and said, "Have I got the power to send forces into Quemoy, or Matsu, or Taiwan, or whatever because I think there is a threat," if we set a June 30 date it confirms the fact that he has that power.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator yield to me for 5 additional minutes?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. I may be wrong. In other words, maybe Congress thinks differently but I would use it as a lawyer to buttress the argument that the President has continuing power.

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

Mr. JAVITS. I yield.

Mr. TAFT. I thank the Senator for yielding I observe that the distinguished Senator from New York, and I, and other Senators have resolutions pending to repeal this resolution, which is the strong argument legally that the power is there. Whether the State Department said it is a dead letter with or without the Stevens amendment is totally irrelevant. The fact is, the power is there. The State Department may not intend to use it, but there is no question about it being there.

Mr. JAVITS. The Senator and I agree.

Mr. President, my purpose in rising is twofold. First, I hope, consistent with the intention of the Senator from Alaska, which our chairman indicates he is willing to go along with, we can hold the date to the time bracket within which the President has to operate. The President is going to China—and while many disagree with his going—before March 15. I would, therefore, hope the Senator from Alaska might hold the time bracket which he has in mind to April 15, rather than June 30.

The second point, Mr. President, is that the vote on this particular proposition is a serious vote, and that it is not a "throwaway" and it is not just legislating for the love and affection we have for the wishes of other Senators, but the fact is, that we are again giving away the war power. We have to adopt such a resolution affirmatively to give this power. We are giving it by this vote.

So I hope Senators will consider the implications of the vote. I hope all Senators, and the Senator from Alaska (Mr. STEVENS), will be persuaded, for the reasons I have stated, that it is a common cause to change the date from June 30 to April 15, which will give the President the parameter to deal with the situation, leaving him free to have the resolution in his pocket when he goes there, but, at the same time, not extending it beyond those particular necessities.

Mr. DOMINICK. Mr. President, will the Senator yield me about 4 minutes?

Mr. STEVENS. Mr. President, I yield 4 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I was anxious to see some action taken by Congress with regard to this particular amendment. It seems to me most unfortunate that the Foreign Relations Committee has to bring up the bill at this time, right after the United Nations action with respect to the Republic of China, which had been a long-time, dues-paying, peaceful member of the United Nations and a strong friend of this country.

I think to heap, on top of what the United Nations did, the passage of the provision of the Foreign Relations Committee would be really adding insult to the Republic of China. Granted that they do not necessarily rely upon the United States for its defense, granted that they have a bilateral treaty, the Formosa resolution still has a great deal of psychological meaning in the Far East.

I listened to my very distinguished friend from New York. He said that in the process of it Presidents had gotten us into undeclared wars and had put men into hostilities. That is very true, but that is not true of this President. He has not only not done that, but he has been taking men out. The idea or inference, or whatever it may be, that we are about to engage in another undeclared war without the advice and consent of the Congress or the Senate of the United States I think is totally wrong.

President Nixon probably has done more to try to insure world peace than any President we have had in many, many years, and I would very much doubt that he is going to leap into something and get us involved before we know what is happening.

That fact, however, does not remove the problem we have facing us here. As the Senator from New York has said, the power exists, and would continue to exist until the end of this session, at least, under the Foreign Relations Committee proposal, and the power will continue to exist, under the Stevens amendment, until June 30 next year. This will give the time interval so that we can determine what our relationship is going to be with the People's Republic of China and with the Republic of China. It will determine during that time what is going to happen between those two branches of China themselves in the process of whether or not they can get together.

So it seems to me that we would be very ill-advised to say that we are going to simply cut this power off at the end of this session, thereby risking another deep psychological blow in a very sensitive area. I think it is far better to go the way the Stevens amendment goes, or alternatively, not to repeal the resolution at all.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I said a moment ago that the main thing was to wipe the slate clean of the old remnants of the cold war. This resolution was passed, I believe, in 1955.

I think the Senator from New York has made a very persuasive case. He is much more conscious of this particular problem, as a result of the sponsorship of the war powers legislation by him and other Senators, and he has testified on it.

I did not realize, when I said I would accept it, that a rollcall vote had been ordered. I would hope, if it appeals to the Senator from Alaska, that we could dispose of this amendment without a rollcall. If he would change the date to April 15, I think, by unanimous consent, we could accept it, and I think we could keep this date in conference. The Senator from New York has stated that there is opposition, and for the reasons he gave very clearly, I think there will be a division.

I wonder if the Senator from Alaska would feel it would accomplish the purpose if he did accept the suggestion of the Senator from New York, and then we could accept the amendment without a rollcall vote.

Mr. STEVENS. Mr. President, I shall be most happy to meet the request of the Senator from New York and do away with the rollcall. It was my hope that we would be able to do without a rollcall. I shall be happy to do that.

Mr. FULBRIGHT. Then, Mr. President, I ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. And that the date in the amendment be revised to April 15, 1972.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be revised so that the date is April 15, 1972.

The PRESIDING OFFICER. The Senator may now modify his amendment as a matter of right. The order for the yeas and nays has been rescinded.

Mr. STEVENS. Mr. President, I ask unanimous consent that the date in my amendment be changed to "April 15, 1972," and I ask for the adoption of the amendment.

The PRESIDING OFFICER. The amendment is so modified. Do Senators yield back their time?

Mr. STEVENS. I yield back my time.

Mr. FULBRIGHT. I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the

amendment of the Senator from Alaska, as modified.

The amendment, as modified, was agreed to.

Mr. SPARKMAN. Mr. President, I have pending at the desk two amendments. Unfortunately, I do not have copies of them in front of me. I ask to call up the one relating to the advisory groups.

The PRESIDING OFFICER. The amendment of the Senator from Alabama will be stated.

The assistant legislative clerk read the amendment, as follows:

On Page 33, strike out lines 19 through 25 and insert the following:

"(b) The Congress commends the President for the substantial reductions already made over the past few years in the number of United States military personnel assigned to military assistance advisory groups and military aid missions and recommends that such further reductions be made as are compatible with the foreign policy and national security of the United States."

Mr. SPARKMAN. Mr. President, the bill as reported by the Senate Foreign Relations Committee has a requirement that by September 25, 1972, all military missions, military groups, and military advisory groups in various foreign countries be reduced by 25 percent. What I am trying to do in this amendment is to remove that 25-percent requirement, and I do that based on the fact that actually such groups and such missions are being reduced now. In fact, in August of this year such forces in Latin America—I think I am correct in this figure—were reduced by 41 percent.

In the last 4 years, throughout the world, the strength has been reduced 51 percent. In other words, they are carrying out a reduction, and what I do is follow up the bill in pointing out that the Peterson group, I believe was the name of it, the Peterson study group, had recommended that there be a reduction. I do not believe that they recommended any particular percentage reduction, but that the forces could be reduced.

I accept that fact, and go along with it, but I do say that instead of setting a definite number that they must reduce by a certain time, let us commend them for what they have been doing, for the substantial reductions that they have already made, and ask them to continue those reductions and make further reductions just as fast as they are compatible with the foreign policy of the national security of the United States.

Mr. President, I feel that that is a much better way to handle this proposition than to direct them to make a 25-percent reduction by a certain date.

These group strengths are currently at the minimum level, we are told, for effective operation, and further reduction, unless it is made according to the degree that such reductions can safely be made, could produce serious results, and could seriously affect the security assistance that we want to have.

In the determination of military end item requirements, and the procurement of military equipment in a manner which permits its integration with service programs, with the supervision of the end item use of materiel furnished to allied nations, the supervision of training of foreign military personnel, the movement and delivery of military end items, the impairment of the performance of these responsibilities could reduce the value to overall U.S. security of the moneys that Congress dedicates to security assistance worldwide. The ability of the United States to influence an allied country's military strategic doctrine and force structure in a direction favorable to U.S. security obviously could be seriously diminished. Assistance to allies and the conduct of U.S. military export sales, both commercial and foreign military sales and international logistics efforts, would be seriously curtailed, with a resultant loss of U.S. exports.

In sum, the military assistance groups constitute the primary means for implementing, in the security structure of friendly countries concerned, the stated U.S. policy objective of accelerating the attainment of self-reliance. The proposed reduction would run counter to that objective, and would retard the implementation of the announced Nixon doctrine.

As to the issue of consolidating military assistance groups and missions with other governmental agencies, several considerations come to bear.

First, the mission of the military assistance groups and missions is sufficiently large and unique to disallow the suggested integration.

Second, defense requirements of an in-country organization responsive to its authority and direction to carry out the defensive responsibility.

Third, consolidation of military assistance groups and missions with different attachés would be counterproductive to security assistance objectives, since in cloaking or associating the security assistance function with an intelligence purpose, the free exchange of information and essential dialog necessary to accomplish the security assistance function would be denied.

Mr. President, I believe the plan that I propose in this amendment is a much more reasonable plan, and one that will serve the purpose that we are aiming at better than the provision that the committee wrote into the bill. I hope that the Senate will accept the amendment, I hope, as a matter of fact, that the chairman will agree to accept this amendment, because I think he must recognize that it is a reasonable solution to the problem.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

While I appreciate very much the views of the Senator from Alabama and his confidence that the administration, or any administration, does not need any advice from Congress, I think it is our responsibility to express ourselves on matters of this kind.

The report clearly gives the basic facts about this issue. There were, as of June 30, 1971, 2,808 military personnel serving abroad in 48 military aid missions. In some of these missions, the cost of this personnel in the mission is more than the military assistance program in the country. In other words, merely the maintenance cost of the personnel is larger than the total grant program for some of these countries.

I think this is somewhat similar to the last amendment. These large military missions were built up during the height of the cold war, when we were so apprehensive that there would be an outbreak of hostilities; that there was an international conspiracy about to envelop country after country.

Again, I think there are several reasons for supporting the committee's action. One is strictly, we might say, financial, that is, to try to cut back the expense of the maintenance of large military establishments in many countries in which there is a very minimal military danger or threat.

In some of these countries, our military aid missions are larger than the State Department contingent. For example, why would we have these military missions—this is as of 1971—in countries like Denmark, France, Germany, Iran, Italy, and The Netherlands? I do not think we need any of them at all, other than possibly a military attaché, which is a customary matter in all embassies—simply a single representative of each branch of our Armed Forces.

But to have these military and missions in Western Europe, it seems to me, is superfluous. They may have been justified in the old days, when there was either a war going on or a real threat of war in Western Europe.

All that the Senator from Alabama is saying is, "Leave it to the administration to do as they please, commend them for what they have done, and say, 'Do as you have been doing.'"

We could say that about everything in the bill, I suppose, that there is no need for any participation by the Senate.

All we are saying is, by this time next year, to cut the personnel in these missions back 25 percent. The Senator from Alabama says he is confident they will do it anyway. Then I do not know why he should object if it is in the bill. Congress has a responsibility in this matter. The Constitution gives Congress the direct responsibility for the management of the Military Establishment and the Armed Forces, financing it and so on. Whatever Armed Forces we supply, it is then the President's duty, as Commander in Chief, to direct them. But I cannot see any serious objection to this requirement that there be a 25-percent cut. It would bring it into line, I think, with the overall movement of reducing our military posture abroad.

Of course, I cannot prove this, but I suspect that the military presence in many of the countries might well have had some relationship to the vote we experienced in the United Nations. The fact is that under the influence of Vietnam, plus all these military missions, the United States has achieved an image of overemphasis upon military affairs and underemphasis upon civilian affairs.

This, I think, aside from the financial results of cutting back, would have a beneficial effect upon the general attitude that people have toward us as a country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 3 additional minutes.

Mr. AIKEN. Is my recollection correct that the administration gave us to understand that they hoped to reduce the number of these posts in foreign countries by 25 percent within the next year?

Mr. FULBRIGHT. I believe that is correct.

Mr. AIKEN. As I recall, a proposal was made which would have required very strict reduction of posts in the Western Hemisphere, in Latin America. I, for one, objected to that.

Mr. FULBRIGHT. That is right.

Mr. AIKEN. Then we revised this so that we would permit them to make that 25-percent reduction anywhere in the world and not take it all out of South America. That is my recollection, and until this amendment was offered, I had heard of no opposition to it from anyone downtown. But, of course, we do not know from hour to hour just what position they are going to take on some of these proposals. I did not know that this was contrary to the intent of our own military forces.

Mr. FULBRIGHT. I do not think it is.

Mr. AIKEN. But that was yesterday. I do not know what it is today, and I do not know what the position will be tomorrow.

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

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. With reference to the position downtown, of course, I have no way of knowing it, except as they talk with me, and I can say that considerable concern was expressed to me from downtown—our security agencies—on the form that this takes; in other words, a strict requirement of 25 percent by September of 1972. They point out that during the last 4 years they have made a 51-percent reduction and that in Latin America alone they have made a 41-percent reduction.

Mr. AIKEN. That is right.

Mr. SPARKMAN. And they tell me that they will continue to make those reductions as fast as conditions will permit. It seems to me that they are entitled to be commended for the reductions they have made.

Mr. AIKEN. They are.

Mr. SPARKMAN. For the effort they are making to carry out the Peterson report, which is cited in the committee bill. They have done very well with it. Why should we step in and have Congress tell them how far to go by a certain time, as long as they are making satisfactory progress?

Mr. FULBRIGHT. I would be willing to commend them, but I think we ought to maintain the provision. We can commend them and say, "Go on, and we will commend you more when you cut 25 percent more." Fundamentally, this is not a question of condemning or commending. Rather, it is a question of the responsibility of Congress to do these things.

Mr. AIKEN. It seems to me that we ought to be willing to help them realize their hopes in this reduction. But it is unfortunate that one of us will get our advice from one agency downtown, as we say, and another agency takes it upon itself to pull the rug out from under the first agency. I have been dealing with the AID agency. I think Dr. John Hanna has done an excellent job with what he has had to do with, but we realize that there are other agencies that may have ideas somewhat at variance with those of AID or the State Department.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 5 additional minutes.

Mr. AIKEN. There are other departments that delight in pulling the rug out from under the State Department or any segment of it, and I am afraid that is what we may have here, although I do not know where the Senator from Alabama got his latest advice. I have heard nothing since we approved this amendment in committee to indicate that the State Department disapproves of it.

Mr. FULBRIGHT. It strikes me that it is reasonable to say that it is the responsibility of the Senate to take a position. I do not know why we should be here and draw a salary as Senators and have no function, other than to repeat what the administration wants. I do not know why the Senate cannot take the responsibility of saying that this should be done. It is not inconsistent with what the administration has said. I do not see anything wrong with this provision. I think it ought to be passed.

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

Mr. FULBRIGHT. I yield.

Mr. CASE. It seems to me that if we adopt the committee language, we are then in a position to meet specific questions that the administration may present to us about other areas where they may need some relief from the decision in conference. We can do it then in a way that will be intelligent and a way that will keep it with us, as I think it should be kept—the chief decision as to how to do it.

Mr. FULBRIGHT. They can cut anywhere they want, anywhere in the world. They have a great deal of leeway.

Mr. CASE. They do have plenty of leeway.

Mr. FULBRIGHT. As I have said, there are 2,808, and we are trying to cut down. As I recall, in the arguments about appropriations, when we say that we want to cut an appropriation, we are met with the argument, "You have to limit your commitments first."

If we cut down on this, we can then make some progress on appropriations. The way it is, we keep it up and continue the same old program.

I am not criticizing them for what they have done in the past. It simply seems to me that it is the responsibility of the Senate to say that we would like to see this cut further.

Mr. AIKEN. If I had felt that a 10-percent reduction was all they could take gracefully, I would have supported a 10-percent reduction. But I understand that they hope to have a 25-percent reduction.

As I have said, I have dealt through the AID agency—or, at least, I have had my advice from the AID agency—and apparently the ideas of the AID agency are not in favor with those of some other agencies of Government.

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

Mr. FULBRIGHT. I yield.

Mr. SPARKMAN. I will say that I have had no word from the AID agency, as such. In fact, I do not consider this as being primarily an AID project. I realize that it comes in connection with the AID legislation; but this matter was brought to my attention through our International Security Agency, and, of course, their concern in this.

I may say that the State Department people have talked with me about it, also, and I presume that they were representing the AID agency.

Mr. AIKEN. Some do and some do not.

I would like to join the Senator from Alabama in commending the military on the progress which has been made in this direction so far, and I would like to have the record show it. I believe that would be fully as effective as approving the amendment, because they have made progress and President Nixon has made progress in the Vietnam war, but other people——

Mr. SPARKMAN. Have other ideas——

Mr. AIKEN. Yes; some have other ideas but others have the same ideas——

Mr. SPARKMAN. I agree. I happen to agree with the distinguished Senator from Vermont.

Mr. AIKEN. They have withdrawn these unneeded military posts——

Mr. SPARKMAN. Yes.

Mr. AIKEN. I do not believe they should withdraw all of them—not now. But as fast as possible they should withdraw all which are not essential to our national security.

Mr. SPARKMAN. I invite the attention of the Senator from Vermont to the fact that I have supported him throughout and he has done a very good job.

Mr. FULBRIGHT. Mr. President, if there are no other comments to be made, I am prepared to yield back my time.

Mr. SPARKMAN. I am likewise, Mr. President.

The PRESIDING OFFICER (Mr. STAFFORD). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Alabama (Mr. SPARKMAN).

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments——

Mr. STEVENS. Mr. President, I have an amendment at the desk which I would be glad to call up right now, although I understand that the Senator from Alabama has another amendment and I did not wish to intrude.

Mr. SPARKMAN. I do have another amendment and unless——

Mr. STEVENS. I shall be happy to wait until the Senator has called up his.

Mr. SPARKMAN. If the Senator wants to proceed with his now, or I will be glad to proceed with mine as I do not think it will take much time.

Mr. STEVENS. However the Senator

wishes to proceed is quite all right with me.

Mr. SPARKMAN. Then, Mr. President, I call up my other amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On Page 52, line 19, strike out "$100,000,000" and insert "$150,000,000."

On Page 52, line 21, strike out "repealed" and insert "amended to read as follows:

"(c) The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the expenditures proposed to be made in excess of the geographical limitation applicable under this section. Notwithstanding the foregoing provisions of this subsection, in no event shall the aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, exceed the geographical ceiling applicable under this section by more than an amount equal to 50 per centum of such ceiling.".

Mr. SPARKMAN. Mr. President, under the bill as reported by the committee, there would be an aggregate ceiling of grant aid from military sales excluding the grant of $100 million. It also eliminates the Presidential waiver authority of this limitation.

For fiscal year 1972 the congressional presentation document indicated that the foreign military sales credit requirements for Latin America were $70 million and an estimated $74 million in cash sales, for a total of $144 million.

The impact of third country sales to Latin America is of concern to the administration. That portion of the proposed legislation concerning the ceiling on the materiel grants and sales to Latin America—this is the amendment now before us—would increase the annual ceiling from $75 million in 1971 to $100 million in 1972, as against $150 million in the House bill.

It would repeal the present Presidential waiver authority.

What I have been giving to you, Mr. President, has not been my amendment. It is the congressional presentation document.

The executive branch opposes the proposed legislation for the following reasons:

Much of the equipment used by Latin American armed forces is obsolete; many of the countries are determined to modernize such equipment. U.S. inability to respond to legitimate requests for equipment sales would turn the countries to European suppliers as they have done in recent years. By allowing the United States to sell at a rate considered reasonable, less costly and more suitable U.S. equipment can be furnished in a manner that will not contribute toward an arms race and will consider the limited resources of Latin American countries.

The introduction of U.S. military equipment into Latin American countries enhances the provisions for mutual defense and reinforces the fundamental relationship between our countries. U.S. grant assistance to Latin America has declined; therefore, we must promote a shift from grant to sales.

The Presidential waiver authority is necessary to provide the flexibility required to prevent a loss of U.S. sales, minimize opportunity for European competitors and preclude resentment of Latin American military and civilian leaders.

The United States has been the dominant arms supplier to Latin America since World War II. In the late 1960's, however, foreign policy, domestic budgetary considerations and congressional restrictions on sales resulted in a U.S. cutback in its military aid and sales programs to Latin America. This occurred at a time when Latin American countries were increasing their demands to replace obsolescent military inventories.

Unable to obtain modern weapons they required from the United States, Latin American countries turned to other Western countries for this equipment. Aggressive sales campaign, availability of late-model equipment, and favorable prices and credit terms have enabled Western Europe suppliers to obtain a rapidly increasing share of the Latin America arms market.

During the period 1965–70, Western European arms suppliers and those in Canada sold over $1 billion worth of military equipment to countries in Latin America. The bulk of this equipment represented replacements for obsolete and worn out equipment of World War II and Korean war vintage. More than 70 percent of this volume of business was transacted during the past 2 years alone with the overwhelming majority of the equipment being purchased by the seven larger countries in Latin America. In 1970, when Congress did not authorize a U.S. foreign military credit sales program, Western European suppliers negotiated orders for a total of $760 million in military equipment.

While United States grant materiel assistance and foreign military sales to Latin America were limited by a $75 million ceiling during the period 1966–70, the value in millions of U.S. dollars of arms purchased by Latin American countries from Western Europe and Canada dramatically increased as follows:

1966	79
1967	87
1968	290
1969	395
1970	760
Total	1,611

Our inability to respond to legitimate force modernization requests is often interpreted by Latin American leaders as evidence of U.S. disinterest in the region as well as of paternalistic judgments concerning their legitimate defense needs.

Increasing Latin America dependence on third country equipment carries with it additional expenditures associated with establishing new and often separate logistics and training facilities from those traditionally provided by the United States. Thus, U.S. refusal or inability to be responsive to Latin America military requests does not prevent military purchases, but results in acquisitions of more advanced and costly equipment than that originally sought from the United States.

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

Mr. SPARKMAN. I yield.

Mr. AIKEN. Mr. President, the bill as passed by the House contains $150 million authorization as requested by the administration.

Mr. SPARKMAN. The Senator is correct.

Mr. AIKEN. Therefore the amount will be in conference. The Senate committee has increased it $25 to $100 million, while the House doubled it from $75 to $150 million. So, it will be in conference. I hope that the bill reaches the conference stage.

Mr. SPARKMAN. Mr. President, I agree with the Senator. If the Senate finishes the bill, there will be a conference.

Mr. SYMINGTON. Is that only for Latin America?

Mr. SPARKMAN. The Senator is correct.

Mr. SYMINGTON. Mr. President, I ask with great respect, does the Senator think the countries in South America could have purchased that much military equipment if we were not supplying them heavily with economic aid?

Mr. SPARKMAN. The Senator might be correct in that statement. I do not think that aid at the rate of $1.7 billion went to the other countries. That could have been part of our trade. We did not keep them from building up armaments. They built them up with arms from other countries. That means technicians and parts and all the other things. So, where did we profit? I am not dealing with the overall AID program, but just with the ceiling on military arms.

Mr. SYMINGTON. Would the Senator tell us what type and character of arms he is talking about?

Mr. SPARKMAN. I cannot tell.

Mr. SYMINGTON. We talk a lot about arms control out of one side of our mouth, but then do our best to sell arms out of the other side. At times it is perplexing.

This is one of the reasons it would appear we have the situation now existing between Pakistan and India in another part of the world. We have been supplying arms heavily to one of those countries.

Mr. SPARKMAN. I guess at times, perhaps, to both.

Mr. SYMINGTON. I do not think we have to India, but we gave them much economic aid so they could buy arms from other countries.

I would hope we would give them all

the extra food we have. That is another matter.

Mr. SPARKMAN. If we could induce all of the countries to reduce their armaments, it would be a good thing. I suppose that the motivation for some of the actions we have taken in the past was that we would discourage them from building up armaments. However, it did not do that. I read the figures a few minutes ago which show the amount of purchases they have made in the sophisticated arms field from other nations of the world. So, we have not achieved the objective of having them reduce their armaments. They are still in the market. I do not know of any group of countries in the world that we would prefer more to be lined up with than the Latin American countries.

Mr. SYMINGTON. Mr. President, the Senator mentions the Latin American countries. We have a problem, as we know, from the standpoint of the expropriation of American property in Chile. We also have had the same problem in other countries in that area.

When the Senator says line up, if we line up on one side, we automatically are against the other side.

It appears they often want arms to settle longstanding disputes among themselves.

Mr. SPARKMAN. The point is that they will get the arms. So, if we are going to engage in foreign arms sales, all I was trying to do was to restore the ceiling and give the President the right to use it or not to use it.

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

Mr. SPARKMAN. I yield.

Mr. GURNEY. Mr. President, I was interested in the Senator's statement that a number of Latin American countries are turning to Western European countries to buy their arms, and particularly that they are more expensive. Is that not especially true in the case of airplanes, that Latin American countries are now turning to France for jet planes and are buying sophisticated weapons systems and the Mirage planes at an increased cost over what they could buy F–4's for in this country? When it comes to keeping them in repair, it is also an added expense.

So, the very fact that we have put on a ceiling forces them to buy weapons systems from European nations, and especially so with respect to jet airplanes, and this has completely defeated the purpose of the ceiling.

Mr. SPARKMAN. The Senator is absolutely right. If the Senator looks over the amount of their purchases over the last 5 years, which I read a few moments ago, I think he will see a clear indication of that.

In 1966, their purchase of all armaments from foreign countries, other than the United States, or at least from Western Europe and Canada—I do not know whether they bought them anywhere else—was $79 million.

In 1967, it was $87 million.

In 1968, it was $290 million.

In 1969, it was $395 million.

In 1970, it was $760 million.

That is an investment of $1,611 million in the Western European countries and Canada over the last 5 years. I think that is a clear indication that they are steadily moving into the more costly and more sophisticated arms systems. If they bought from us, I do not think we would be selling them that kind of equipment.

Mr. GURNEY. Mr. President, I thank the Senator. I think he is eminently correct. Certainly the figures speak loudly for themselves and they are proof positive.

I support the Senator's amendment. I think it gives the President the flexibility he needs and will help to accomplish the very things we set out to do when we set a ceiling, to permit these countries to spend smaller sums of money on weapons.

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

Mr. SPARKMAN. I yield.

Mr. SYMINGTON. Mr. President, could I ask, where did the Senator get those figures and what countries do they involve?

Mr. SPARKMAN. Western European nations and Canada.

Mr. SYMINGTON. The $1,611,000,000 adds up to a lot of money, even for modern equipment. It is a new figure to me. I did not realize it was that high. Are these airplanes, ships, missiles?

Mr. SPARKMAN. I have it set out right here. The bulk of this equipment over those 5 years—and it amounts to $1,700,000,000—represents the replacement for obsolete and worn out equipment of World War II and Korean vintage.

More than 70 percent of this volume of business was transacted during the past 2 years alone, with the overwhelming majority of the equipment being purchased by the seven larger countries in Latin America.

Mr. President, when you break it down as to the planes and the kinds of weapons they were buying, I do not know. I did hear the distinguished Senator from Florida say that they were buying Mirages from France, and other sophisticated weaponry from other countries.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, according to the figures from the administration, for 1966, 1967, 1968, 1969, 1970, the credit sales did not come close to the ceiling $75 million. The real reason, I think, for the Latin countries turning to other military suppliers is that their prices are much cheaper than ours. The Mirage aircraft, which the Senator referred to, is substantially below the price of similar planes in this country.

What this is all about is an effort on the part of the administration to improve our balance of payments by the sale of arms. These countries do not need these arms, as Senators know. The Senator from Missouri made that clear. I refer especially to the sophisticated arms mentioned by the Senator from Missouri. Also, I refer to an article which I read published in the New York Times on May 19 of this year. It mentions howitzers, tanks, armed personnel carriers to Brazil, two destroyers to Argentina, ground and air equipment to Colombia, Uruguay, and Guatemala. No one pretends they are threatened by any foreign country from across the sea. We give them economic aid to try to help the development of their economies. Why we should sell them and give them money for arms is beyond my comprehension. I believe it will not be an inducement to do what needs to be done.

I also point out that this is not a restriction on commercial sales. They can buy as many arms as they wish to buy from this country. Because of inflation and our prices they have not bought as many here, because they can get as good or better weapons at cheaper prices from other countries. I do not know what we can do about that until we stabilize our economy, but I do not believe this country wants to be the purveyor of arms to correct our balance of payments problem. I think there are other items we can trade, exports of construction materials, machine tools, and so forth, all the various components of legitimate private trade. I believe it is bad policy for us to encourage these countries, which are underdeveloped, to spend their scarce resources on more arms which they do not need and cannot afford.

It is true we train them and cultivate in some of their leaders a desire for our most sophisticated planes and equipment. But that, again, is a very dubious policy. The fact of the matter is that what Latin America needs, as much as anything else, is economic and social development.

The history of this issue over the last 3 or 4 years has been to decrease these military credit sales. We established the ceiling of $75 million in 1968. Prior to that time there was no ceiling. In 1966 we sold much less than the ceiling. It was not the ceiling that was the obstacle to our selling more arms in those years, because they did not reach the ceiling. In my opinion they bought them, because they could find a cheaper price. It was typical not only of arms but steel, radios, and television. The people in those areas can buy these materials at a cheaper price and one of the reasons has been our overemphasis on military affairs, of which this is a relatively small part.

The Senator said we reduced the ceiling. As a matter of fact, the pressure from the administration has been to increase it. It is $75 million and what the Senator wants to do is double the ceiling to $150 million for 1 year. This is not in our interest and it is not in the interest of the countries of Latin America.

Mr. President, I hope the amendment is rejected.

Mr. GURNEY. Mr. President, it is important that we do not lose sight of our overall policy objectives in Latin America when we address the question of restricting the President's options with regard to military sales in the area.

The administration's request for authority to waive the ceiling on military sales and grants to Latin America comes at a critical stage in the development of

our relations with our hemispheric neighbors. For too long, as the Members will surely agree, the United States demonstrated a paternal attitude toward the nations of Latin America. Although this attitude derived from benevolent motives, it nonetheless served to irritate and sometimes to anger the nations toward whom it was directed.

For the last 2 years, U.S. policy has been to eliminate that paternalistic attitude from our dealings with Latin America. The theme of our new Latin American policy has been a "mature partnership." Its essence has been a new appreciation of the dramatic changes taking place throughout the area. The Members, of course, are familiar with those changes and most particularly with the growing spirit of national pride within the countries of the hemisphere.

As a result of these changes, Latin American leaders are disinclined to accept unilaterally imposed limitations on what they may wish to purchase to modernize their armed forces. Such limitations represent—to them—an attempt by the United States to decide for them how their armed forces should be equipped and what they need for their security. And quite frankly they resent it.

I have no doubt that the motives which lead some Members to support inflexible limitations on this Government's authority to sell arms to Latin America are sincere and well-intentioned. But I also have no doubt that these motives will not be understood by the people and leaders of Latin America. In the long run, therefore, it is difficult to see how restricting the President's options in this area will contribute other than negatively to United States-Latin American relations.

A decision by one nation to tie the procurement of its military equipment to another nation is one of the most important decisions a government can take. It is an act of trust. Such trust ought to be repaid at the least by confidence on our part that the country seeking to purchase our equipment is capable of managing its own destiny.

The decisions which the United States takes officially in regard to responsible Latin American requests for the purchase of military equipment cannot be isolated from the decisions we make on our overall Latin American policy. Certainly the Latin Americans see our attitude on this issue as a reflection of our attitude and policy intentions in general. Thus, when we make a decision that could result in our rejecting reasonable requests for military purchases, we raise a question in the minds of the leaders and the people as to whether fundamental relationships between our countries are being reconsidered.

For this reason I believe that we should not tie the President's hands in this area as he continues to build a policy of mutual respect between the United States and Latin America. I am confident that the administration—which is so obviously seeking to build a peaceful world—will not abuse its waiver authority in cases where the requests are unreasonable or would encourage an arms race in Latin America. In fact, the evidence of the record is that a refusal by the United States to sell arms to Latin America may well result in the nations of the area seeking out other suppliers who often sell more sophisticated and more expensive equipment than what was originally requested from us. This results in higher expenditures than necessary, and is damaging rather than helpful to our goal of maintaining and improving our traditionally close relations with our neighbors.

For these reasons I urge the Senate to concur with the House of Representatives and extend the President's authority to waive the ceiling contained in this bill when he determines that it is important to national security to do so.

Mr. SPARKMAN. Mr. President, I am willing to yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Alabama. (Putting the question.)

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

The PRESIDING OFFICER (Mr. GURNEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. 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 Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE) would vote "yea."

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Idaho (Mr. CHURCH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 38, nays 48, as follows:

[No. 268 Leg.]

YEAS—38

Allott	Fong	Percy
Baker	Gambrell	Roth
Beall	Goldwater	Schweiker
Bellmon	Griffin	Scott
Bennett	Gurney	Smith
Boggs	Hansen	Sparkman
Brock	Hartke	Stennis
Buckley	Hruska	Stevens
Cotton	Jackson	Taft
Curtis	Javits	Thurmond
Dole	Jordan, Idaho	Tower
Eastland	Miller	Young
Fannin	Moss	

NAYS—48

Aiken	Ellender	Montoya
Allen	Ervin	Nelson
Anderson	Fulbright	Pastore
Bayh	Hart	Pearson
Bible	Hatfield	Pell
Brooke	Hollings	Proxmire
Burdick	Hughes	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Byrd, W. Va.	Long	Saxbe
Cannon	Magnuson	Spong
Case	Mansfield	Stafford
Chiles	Mathias	Stevenson
Cook	McClellan	Symington
Cooper	McGovern	Talmadge
Cranston	Metcalf	Tunney
Eagleton	Mondale	Weicker

NOT VOTING—14

Bentsen	Humphrey	Mundt
Church	Inouye	Muskie
Dominick	Kennedy	Packwood
Gravel	McGee	Williams
Harris	McIntyre	

So Mr. SPARKMAN's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ESTABLISHMENT OF THE CAPITOL REEF NATIONAL PARK, UTAH

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 29.

The PRESIDING OFFICER (Mr. GURNEY) laid before the Senate the amendment of the House of Representatives to the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah which was to strike out all after the enacting clause, and insert:

That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158–91, 002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise, the

lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

SEC. 4. Nothing in this Act shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided,* that the Secretary may designate driveways and promulgate reasonable regulations providing for the use of such driveways.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area only if he finds that such easements and rights-of-way:

(1) would be compatible with the purposes of the park, and

(2) would not have significant adverse effects on the administration of the park pursuant to this Act.

(c) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (a) and (d)), his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

SEC. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alinements within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $423,000 for the acquisition of lands and interests in lands and not to exceed $1,052,700 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

Mr. BIBLE. Mr. President, I move that the Senate disagree to the amendment of the House to S. 29 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BIBLE, Mr. MOSS, and Mr. HANSEN conferees on the part of the Senate.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 137) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. STEVENS. Mr. President, I call up my amendment at the desk, which is cosponsored by myself and the Senators from Washington and Oregon.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 20, line 20, delete the quotation marks and the semi-colon and insert in lieu thereof the following: "; provided that none of these funds shall be available for use by the Republic of Korea in connection with the construction and operation of commercial fishing vessels, fish processing, or the marketing of fish products."

Mr. STEVENS. I yield myself 10 minutes, and I yield 30 seconds to the Senator from Ohio.

Mr. President, at the request of the Senator from Oregon, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, the purpose of this amendment is to prevent the use of any loan moneys in the economic assistance development loan fund by the Republic of Korea—they are earmarked $20 million under this fund—for the purpose of building up an additional commercial fishing fleet, for their fish processing or marketing facilities.

On page 18 of the committee report, it is pointed out that recipient countries can use this money almost any way they want—for schools, clinics, roads, dams, factories. We have no objection to that. We do object to the fact that the Republic of Korea would take this money, the 2- and 3-percent money, soft loan money, and build up additional facilities to compete with the North Pacific fishing fleet that operates out of Oregon, Washington, and Alaska.

I particularly invite attention to the fact that this is 40-year money. It is money that goes out at the rate of 2 percent during a grace period of 10 years, and then 3 percent in the balance of the period. Our fishing fleets do not have available long-term money; and even if they do, under our fishery loan fund money—we reported a bill from the Committee on Commerce this morning to make available such money—even if we are successful in increasing the amount of money to the American fishing fleet, it would still be at a much higher rate.

Last year when the bill was before this body, the Koreans were fishing in a closed area, and this body adopted an amendment that provided that if the Koreans kept fishing for salmon on the high seas in this closed area, they would receive no money under the bill. The Senators from Washington and Oregon—particularly the chairman of our committee—cosponsored that amendment, and I told the Senate that they got out of there the next day. It was a very effective mechanism.

I do not have any objection to the money in this economic assistance development loan fund being made available to Korea so that they can build irrigation facilities or dams or factories, so long as they are not getting into the fishing business. I flew for a full hour over the Korean fleet last January, and every one of those vessels is larger than the vessels we have in our fleet. There is no reason for us to make available this cheap money to their Government to subsidize any further competition with our fleet.

I yield to the Senator from Kentucky.

Mr. COOK. Is it not also true that these fleets are fishing off the coast of Alaska, off the west coast of the United States, and that they are depleting the reserves on those coasts and refused to enter into a treaty with the United States relative to territories?

Mr. STEVENS. That is correct. They are not a party to our North Pacific fishery treaty. They have refused to come into this treaty. As a consequence of their operations, I think the fisheries resources of the North Pacific are in dire distress.

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

Mr. STEVENS. I yield.

Mr. FULBRIGHT. Could not the same argument be made if it was a textile mill? Money is in here for agriculture. They are going to compete with rice, which is grown in my State, and in Louisiana, Texas.

Just because there are fisheries in the Senator's State does not mean that is the only thing with which they compete. Practically everything that is done under these aid programs potentially competes with somebody in this country. This may be one reason for the decline in our exports.

But to pick out just this one item and put a prohibition on it seems to me to be very discriminatory. If the Senator wants to get to the heart of the matter, why does he not move to strike out the entire item of $320 million for development loans? He might pick up some additional votes.

The Senator wants to protect only the

industry in his State. But it is no different from industry in any other State that might be affected by the programs authorized in this bill, whether it is fishing, steel, textiles, tobacco, television, or radios. It seems to me that the Senator's argument is directly contrary to the purpose of this bill.

Personally, I think we have overdone it. I voted in committee to cut the overall amount, but I must say that his approach does not seem to me to be a very proper one.

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

Mr. STEVENS. I yield.

Mr. MAGNUSON. May I suggest to the Senator from Arkansas that I thoroughly agree with him so far as textiles are concerned. I voted consistently here to try to solve that problem.

The Senator asks, "What is the difference?" The difference is that we have entered into treaties—Japan, Canada, and the United States—to conserve our fishery resources. It is a conservation treaty. We allow them to fish only at certain times. There is a quota on it. The Japanese do not come beyond the 185th meridian and we do not go the other way. There is a little difference in fishing. If we allow Communist China and the Koreans and the others to come in there, they will completely wreck the conservation of salmon in the North Pacific. That is the difference. All we suggest to them is that they do not build boats to come in and violate the basic tenets of the treaties we have made.

I have talked to the Korean Ambassador not once but five, six, 10 times, and the Senator from Alaska has done that and also the Senator from Oregon. They piously say, "We do not intend to fish salmon over there. We license the boats." Incidentally, we pay for it.

All right, what do they do? They fished off the Alaskan grounds last year. Two years ago they did not do as much as 3 years ago, but 4 years ago they tried it. There is a monopoly of fishing in Korea run by a fellow that—I forget his Korean name——

Mr. STEVENS. Lang.

Mr. MAGNUSON. And he says, "Oh if they come in with salmon, the Korean Government says we fine them or we penalize them." But they do not do anything about it. Then we never know how much he dumps on the way in to Japan and other places to can the salmon we are trying to preserve. Our fishermen cannot go out and fish because we want to preserve the run. That is the difference. We penalize our own fishermen. We try to conserve. We talk about conservation but if we allow them to come in and do this and they do not do something about it, we will find ourselves in the same position that the Atlantic Ocean is now in, where the game and commercial species are disappearing. We are going to try to protect that area. That is the story of the difference.

I hope that the Korean Ambassador will read what I had to say this afternoon. I am sure that he will. There may be someone up there that will put it down for him. But, oh, we do not intend to do any of these things and we do not do them, but the Senator has just said, and I have experienced it, that they have taken everything they can. They have long nets that, when they break loose in a storm, they float around the Pacific with the catch of salmon in them every day until they rot. Then they go out and catch some more. That is what we have been trying to protect. We have a treaty with Japan, Canada, and the United States. If the Koreans want to come into the North Pacific and fish, I suggest to them that they respectfully ask to become partners to the treaty and when they do that then we will not have to do what the Senator from Alaska, the Senator from Oregon and I have been suggesting for a long time.

Mr. STEVENS. I am very grateful to the chairman of the committee for his remarks. If they do not take note of his remarks, I will see that they get them because this is the message we have been trying to get across. We have not been able to get it across yet.

The Senator from Arkansas says why an amendment like this on fish instead of on textiles or agriculture. I must tell you, Mr. President, that fish do not vote but farmers do. More Senators represent farmers than fishermen. We are simply here trying to let those people know that if they want to become economic partners in the North Pacific, they should do it right.

Pending that, I see no reason why we should help them to build up competition, to come in with their vacuum cleaners and get into more and more of our fishing grounds.

To this day, we go out to fish for one species, but I can show the Senate pictures that show 12 to 14 species on the top of the floating factories that they bring into our waters. We have to fish in one kind of fleet that does not compare to the size of the average Korean vessels that they send over.

Mr. President, I yield myself another 5 minutes and yield that time to the Senator from Kentucky (Mr. COOK).

The PRESIDING OFFICER (Mr. COTTON). The Senator from Kentucky is recognized for 5 minutes.

Mr. COOK. Mr. President, may I say to the distinguished Senator from Arkansas that if there are any salmon in the Commonwealth of Kentucky, it has got to be in a can. But I would say, in relation to his argument, that he is talking about the difference between manufactured goods and natural resources—the resources of the sea which belong to the United States or at least belong to those countries willing to enter into a treaty and see to the logical and necessary depletion of those species, or the process of seeing to it that the species stay in existence.

The other thing I might remind the Senator from Arkansas is that when a fleet comes in, they have no treaty with the United States that would take the salmon and ship it back to the United States, whereby they become competitive. Unlike the manufactured goods that the Senator is talking about, they use it for their own purposes in Japan and Korea, or whatever the case may be. I would suggest that when they take natural resources and do not send them back, there is no 10 percent border duty as there presently is on rice that may come in and compete with rice from Arkansas. So there is a distinct difference. We are talking about the difference between manufactured goods and natural resources that lie along the borders of countries.

I think that there is a big, big difference.

Mr. FULBRIGHT. Here is the case of Korea to which we are giving enormous amounts of money in different ways—this year a total of $771 million. Now the Senator suggests putting in a special provision directed solely at this country. If we go after Korea in this instance, then others will do the same, whenever a special interest is involved.

The Senator is correct about the terms of these loans. But no factory owner here or anywhere else can get the kind of terms given under this bill. But this goes to the bill itself. So what we are doing is building up bad feeling with Korea. This is the kind of thing we have done in many cases before. It helps to account, I think, for the vote taken yesterday in the United Nations. We give them money with one hand and take it away with something else.

The Senator reminds us that Korea is not a member of the United Nations and does not vote with us because she is not a member. He is correct, but there are many examples of vast amounts of aid given to a country and then we do this kind of thing to alienate them. It is a bad practice to single out this or that country. If this is done at all, it should be done by the administration in its negotiations with countries. That's the way to do it. But if we begin such a practice, specific provisions directed at specific countries, we really are going to have a Christmas tree bill because every State has some interest it wishes to protect. Competition is just as detrimental in other business as it is in the fishing business. I do not see any real difference.

Mr. MAGNUSON. The Senator from Arkansas mentioned that we are creating some bad feeling with Korea——

The PRESIDING OFFICER (Mr. COTTON). The time of the Senator from Alaska has expired. How much more time does the Senator require?

Mr. STEVENS. Two minutes, which I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. MAGNUSON. The Senator says it may create some bad feeling with Korea. That is the first time I ever heard the suggestion that if we try to stop poachers of our own natural resources, we are creating bad feeling. We do not do that at home. If one of our fishermen does wrong, we take him out right here. The Korean government should recognize that but they have not done it. Why allow these people to poach on our developing natural resources? It has cost this country and Canada hundreds of millions of dollars to preserve them. But we are to let them come in and that creates bad feeling with the government of Korea.

Our whole approach to this thing is

wrong. They are poachers. That is what they are.

Mr. FULBRIGHT. This amendment does not say that it is poaching. It says——

Mr. MAGNUSON. I will add that word if it is of any use.

Mr. FULBRIGHT. It says, construction and operation of fishing vessels, fish processing, or marketing of fish products.

These are legitimate activities, as legitimate as any.

If the Senator wishes to modify the amendment so as to provide that none of this money should be used to finance poachers, it might be useful. I would not have any objection if the Senator wishes it so as to read that none of this money should be used to finance poachers anywhere.

This is a bad principle to establish in this kind of legislation. I submit that it is certainly directed at a country that will get $771 million in this fiscal year. Yet, we put in a little amendment of this kind. I should think they would resent it very much.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 3 minutes.

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

Mr. STEVENS. I respect the statement of the chairman of the committee. However, I point out that we have no other way to keep these people out. One thing we can do is to make certain that none of our funds are used to finance the construction of these vessels that violate our waters, particularly when they refuse to become a part of the community of nations that have entered into an agreement.

As the chairman of the committee knows, they use a line that the fish cannot see. They use nets that are so much deeper than ours. They use trawling gear, and fish on the high seas where we do not fish and have agreed not to fish.

There is no reason to finance the loan of funds for long terms at low interest rates.

I sincerely tell the chairman that if there is any other way to demonstrate to the Republic of Korea that we are serious, I am sure that the Senators from Alaska, Hawaii, Washington, and Orgeon will try. However, this is the only way to point out that the Senators from the Northwest do not agree with what they are doing and will do anything to prevent a violation of the national agreement.

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

Mr. STEVENS. I yield.

Mr. GOLDWATER. Mr. President, am I correct in understanding that we are talking about 2-percent and 3-percent loans?

Mr. STEVENS. The Senator is correct. In most development loans, the recipient countries have 40-year terms, including a 10-year grace period, and interest rates of 2 percent during the grace period and 3 percent thereafter.

Mr. GOLDWATER. Does the Senator have any idea of what the fishermen in Alaska are paying for money?

Mr. STEVENS. They are paying at least 10 percent and they cannot get any.

We reported this morning from our committee an additional authorization to make the money available. I hope that Congress will enact that measure this year. The bill would increase the loan funds for American fishermen, including this type of facility.

Mr. GOLDWATER. At these prices?

Mr. STEVENS. No. That is the amount the United States pays for its long-term indebtedness. It would be above 5 percent, I assume.

Mr. GOLDWATER. Mr. President, if the Senator will yield further, I would like to ask the Senator from Arkansas a question. I ask the Senator from Arkansas if there is any legal reason why we give these people money at rates that are far below what we ourselves can get money for in this country?

Mr. FULBRIGHT. Mr. President, that is a provision of the law. I am not sold on it, but it happens to be a provision of law. This does create the kind of competition in this area and in other areas that the Senators are very familiar with. I think we have overdone it and that it has gone too far for too long. This is not the right way to approach it. We ought to cut back on this kind of activity. I supported that effort in the committee. However, we did not have the votes.

Mr. GOLDWATER. I could not agree more. If it is not too late, if the bill has not already gone through, we could do it next year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, I yield myself 5 additional minutes.

Mr. GOLDWATER. Mr. President, I think we ought to put a stop to this ridiculous business of the United States paying 5, 6, and 7 percent for money and lending it to other countries for 2 and 3 percent. I would like to get Arizona in on the act.

Mr. FULBRIGHT. Why does the Senator not offer an amendment to cover it across the board instead of dealing with just one country? If the Senator offered such an amendment, I think he would receive considerable support.

Mr. GOLDWATER. Would that have any effect on the Development Loan Fund?

Mr. FULBRIGHT. We are authorizing money in this bill to make the loans that he is talking about.

Mr. GOLDWATER. But the Senator stated that the legal reason for this was the Development Fund. I understand that does not come under the pending bill.

Mr. FULBRIGHT. No; the Development Loan Fund is contained in this bill. This is an authorization for the Development Loan Fund. The Senator from Alaska wants to put a limitation on the use of these loans.

Mr. STEVENS. Mr. President, as the chairman suggested, I would like to add a provision to say in effect that all loans made under the provisions of this act should be made in that manner. I would be most willing to add that. I am interested in making certain that we have no more subsidized competition with our fishing fleets from countries that are not parties to the international agreement. Even then, I would object to the 2-percent money. The principle we are trying to establish now is that we want to prevent these people from coming into an area covered by a national agreement. We certainly do not want to give them money at low rates of interest.

Mr. FULBRIGHT. Would the Senator offer an amendment that no development loans be made at lower than the present rate?

Mr. STEVENS. I might consider that. However, I voted against the whole bill. In the event the bill might pass, we want to make certain the limitation is in.

Mr. FULBRIGHT. While I have no great brief for Korea, I do not think we ought to pick out a particular country and say that it cannot engage in a legitimate business activity, if that is the case.

The Senator's amendment does not say poaching. The idea of the Senator from Washington is that they cannot fish any longer. Obviously they can fish and will continue to fish.

I have grave reservations about the bill as a whole. I voted against it the last time it was before the Senate. It has been overdone. I think it has contributed to many of our internal and domestic difficulties.

Mr. STEVENS. Mr. President, I find myself in agreement with the chairman of the committee. I want to make certain this is taken care of. I am sure the Senator from Arizona has a good idea. I will make certain that whatever money goes to a country, none of it can be used to build fishing fleets or facilities, because we want these people to understand that they must join the community of nations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, if the Senator wishes to withdraw his request for the yeas and nays, I will take the amendment to conference in order to save time. We are getting along late in the day.

Mr. STEVENS. Mr. President, with the consent of the other cosponsors, I would be most happy to ask unanimous consent to withdraw the yeas and nays.

Mr. MAGNUSON. Mr. President, I would be glad to do that to save time. However, I want the RECORD to show that if we had the yeas and nays, we would carry the amendment overwhelmingly.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. Mr. President, reserving the right to object, and I will not object, I want to discuss the matter briefly with the chairman of the committee. Would the chairman of the committee smile favorably upon an amendment to accomplish an abolishment of money loaned to other countries below the rate of interest that we are paying for it?

Mr. FULBRIGHT. I think I would agree.

Mr. GOLDWATER. I will give the chairman a chance to smile sometime later today or tomorrow.

Mr. STEVENS. I would be most happy to sponsor that amendment but I would like to get this one agreed to. I hope this amendment survives in conference. I

would join the Senator from Washington. This is not the same amendment we agreed to last year with the idea of warning the Republic of Korea if they did not get out we would take drastic action. This is the time for action, regardless of the amount of the interest rate. We hope this amendment survives.

The PRESIDING OFFICER. Is there objection to withdrawing the order for the yeas and nays?

Without objection, the yeas and nays are withdrawn.

Mr. HATFIELD. Mr. President, while this amendment deals with Korean fishing alone, I wish to call to the attention of my colleagues the situation in my State of Oregon. Russian fishing violations receive more publicity than do Korean ones, but both contribute to the ruination of Oregon's fishing industry.

I ask unanimous consent that my statement concerning the fish inspection bills be printed in the RECORD at the end of these remarks. We must remember that recent years have seen increased Korean violations, as well as Russian ones.

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

PROTECTION OF AMERICA'S DOMESTIC FISHING INDUSTRY

STATEMENT OF SENATOR MARK HATFIELD

As our committee reviews various bills relating to fish inspection legislation, I think we should examine the more basic question of preserving the very industry that the bills would regulate. As a Senator from the Northwest, I know firsthand the decline our fishing industry has experienced, due in large part to the increased Russian fishing off the coast of Oregon, Washington, and Alaska.

I believe fish protection should be just as important as fish inspection. There will be no fish to inspect, if past trends continue. There will be nothing but fishing ghost towns left along our coasts unless the Federal government takes strong steps to preserve what is left of this once valuable industry.

Yesterday, I checked with my home state, Oregon, to ascertain the latest report. I call attention to these dramatic statistics: at one plant, production is down 80% from last year; at a second it is down 75%; at a third, 63%. At a fourth, production is only half of what it was last year at this time. The annual Oregon trawl landings of fish have decreased from 33 million pounds in 1965 to 18 million pounds in 1970. I also call attention to the attached statistics. While Oregon is known as a lumber state, our fishing industry has played a historic role in the life of our state's economy.

Unemployment in Oregon statewide was 7.6% in February, but was higher along our coast, where Russian fishing has cut into Oregon jobs as indicated above. In Clatsop County, at the mouth of the Columbia River, unemployment was 18% in January and 12.2% in February. It was over 9% in the other coastal counties. As another example, I have been advised that the Oregon catch of ocean perch was about 13 million pounds before the Russians moved in, and last year it had fallen to one million.

In my home town of Newport, I was told that if the trends of the past years continue, there will be no groundfish industry in two or three years. While I recognize that fish imports also contribute to this decline, I know from discussions with Oregonians just how much the Russians have eaten into the traditional catch.

As I speak today, I am advised that 50 Russian fishing vessels are operating just outside the twelve mile limit off the Northwest coast. I know that other states have experienced similar reductions in the catch by American boats.

The same interest shown toward establishing laws for Federal fish inspection must be shown to establish protection for the fish resource. If strong action is not taken soon by the Federal government, these inspectors we are talking about will not have anything to inspect, because foreign fishing boats will have effectively eliminated one of this country's oldest industries.

RECENT OREGON FISHING STATISTICS

Type of fish	1965	1966	1967	1968	1969	1970
Pacific Ocean perch (in millions of lbs.)	13.5	3.8	1.6	0.8	0.6	0.6
Catch per hour unit of effort	1,200	1,000	700	400	400	300
Other rock fish	4.0	4.8	4.0	3.6	4.6	3.1
Arrow tooth flounder	2.3	2.2	2.1	1.0	0.9	0.4
Total of all specimen, Otter Trawl Fisheries	32.5	24.2	20.3	18.2	19.8	18.7
Catch per unit of effort (in hours)	1,100	1,100	1,000	800	800	700
Total efforts in thousands of hours	28.5	22.6	19.6	22.4	24.2	25.9

Note.—Intensive Russian fishing began in April 1966, so 1965 serves as base year. Arrow tooth flounder used mainly as mink food—found in deeper water.

Mr. STEVENS. Mr. President, is the chairman willing to yield back the remainder of his time?

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska (putting the question).

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, let the Record show there were no nays.

The PRESIDING OFFICER. The bill is open to further amendment.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, will the Senator from Arkansas yield to me for 1 minute?

Mr. FULBRIGHT. I yield to the Senator from Alabama for 1 minute.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

COMMUNICABLE DISEASES OF ANIMALS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 10458.

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

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 10458. This matter has been cleared with the chairman of the committee and the ranking members of the committee.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (H.R. 10458) to broaden and expand the powers of the Secretary of Agriculture to cooperate with Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLEN. Mr. President, H.R. 10458 is identical in effect to S. 2395 and S. 2396, which passed the Senate on October 6, except that it would also extend the Secretary's authority to two additional countries—Colombia and Canada. Like the Senate bills, it would extend to any communicable disease of animals the authority which the Secretary now has to cooperate with the Governments of Mexico and the Central American countries in the suppression of certain named diseases. In addition, as I have just mentioned, it would extend this authority to provide for cooperation with Canada and Colombia. The House bill passed by a vote of 342 to 0 and we know of no objection to it. The Department of Agriculture advises informally that it favors the House bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 10458) was ordered to a third reading, was read the third time, and passed.

ORDER OF BUSINESS

Mr. BAKER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. BAKER. I yield to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

CORRECTION OF ENROLLED BILL, S. 137

Mr. MANSFIELD. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be read.

The concurrent resolution was read as follows:

S. CON. RES. 46

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives in signing the enrolled bill (S. 137) to provide for the conveyance of certain public lands in Wyoming to the occupants of the land, be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the bill with the following change, namely: in the second sentence of section one strike out the word "modification" and insert in lieu thereof "notification".

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 46) was considered and agreed to.

GLOVER PACKING CO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 297, S. 79.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The bill was read by title as follows:

A bill (S. 79) for the relief of the Glover Packing Co.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, 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 Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Glover Packing Company of Roswell, New Mexico, the sum of $66,488.80, representing the amount of loss sustained by such company as a result of a determination by the Department of Agriculture that, through no fault of such company, certain hogs purchased by such company were contaminated by the consumption of feed grain which had been treated with a mercury-based fungicide, such company having undertaken extraordinary measures to avoid the possibility of injury to any of its consumers pending such determination, and having cooperated with and assisted the Department of Agriculture in making such determination.

SEC. 2. No part of any amount appropriated in this Act in excess of 20 per centum shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–303), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the Glover Packing Company of Roswell, New Mexico, the sum of $66,488.80, representing the amount of loss sustained by such company as a result of a determination by the Department of Agriculture that, through no fault of such company, certain hogs purchased by such company were contaminated by their consumption of feed grain which had been treated with a mercury-based fungicide, such company having undertaken extraordinary measures to avoid the possibility of injury to any of its consumers pending such determination, and having cooperated with and assisted the Department of Agriculture in making such determination.

STATEMENT

An ad hoc subcommittee of the Committee on the Judiciary under the chairmanship of the Honorable Marlow W. Cook of Kentucky held a hearing on this legislation on July 9, 1971. The subcommittee's conclusions are as follows:

In December of 1969 three children in Alamogordo, New Mexico were hospitalized. Two of the children were in a coma and one was conscious, but speechless.

In January, 1970, the Environmental Services Division of the Department of Health and Social Services, State of New Mexico with the assistance of the Communicable Disease Center, Atlanta, Georgia (Food and Drug Administration), determined that the children were suffering from the ingestion of pork contaminated with a methyl mercury compound. The pork contamination originated from hogs fed grain that had been treated with a methyl mercury based fungicide.

On January 19, 1970 the Glover Packing Company, hereinafter referred to as Glover, was notified by the State of New Mexico of the possibility that 14 hogs sold to Glover might have been fed mercury tainted grain.

The 14 suspected contaminated hogs had been shipped by the Clovis Hog Company mixed in a truckload of 84 hogs. To further complicate identification of the suspected hogs, they had been slaughtered the morning of January 19th, along with 248 additional hogs. The 248 hogs had been hung in a cooler with 10 additional hogs from a previous day's kill. Some of the hearts, livers, and other edible portions of the 248 hogs had been processed into luncheon meats. All of the edible portions of these 248 hogs, however, could be accounted for. On January 20th, the USDA officer in charge of Glover meat inspection, placed all 258 hogs and the edible offal therefrom, along with the luncheon meats containing edible offal, in U.S. Government retention until tests, could be conducted to determine if, in fact, any of the hogs were contaminated. In consultation with USDA Consumer and Marketing Service personnel in Washington, it was agreed that the C&MS Washington Laboratory would be the laboratory most nearly qualified to conduct the testing. Consequently, at noon on January 21st, samples as directed by the C&MS were delivered to the Washington Laboratory by personnel of Glover. On January 21, the State Health and Social Services Department informed Glover Packing Company personnel that 11 hogs delivered by the Clovis Hog Company on the 12th of January had been purchased from the Alamogordo family and possibly were mercury contaminated. These 11 hogs had been slaughtered on the 13th of January, along with 227 others.

On the 23rd of January the USDA retained all the pork and products containing pork that was slaughtered and processed during the period of January 13–January 15. These samples were then delivered to the laboratory on January 25th.

At this time, the USDA and the FDA were making plans to assemble a task force of approximately 50 men to go and withdraw all of Glover's products containing pork from the markets. Although time consuming legal action could have been taken by the Federal Government, the President of Glover Packing Company, of his own volition, instructed the company's sales force to withdraw all pork products from the customer markets and give the customers full credit for the merchandise. These instructions were carried out and the products were returned to the Roswell plant. Underlying the decision to withdraw all of the pork products from the markets of the trade area was the concern of Glover for the health and welfare of the consuming public. When the USDA and the FDA were advised of the action being taken by Glover Packing Company and the effectiveness of the actions, plans were cancelled to amass the task force.

According to testimony not disputed by the USDA, the Department was not prepared to perform the necessary testing to determine whether or not the pork from Glover was contaminated with mercury thereby contributing to unnecessary delay. Although the USDA was lacking the necessary glassware for the mercury analysis tests, this was the first time in the United States that human illness was known to be caused by eating meat from livestock that had been fed mercury-treated grain.

Also, although the USDA said in an October 9, 1970 letter to Senator Eastland that about 1,200 pounds of Glover pork products were condemned because they were found to contain mercury residue, the testimony and exhibits indicated only a trace of mercury. In fact, only one carcass out of 248 were found to contain mercury. The three sample testings of that one carcass indicated a mercury level of 0.29 parts per million, 0.16 parts per million and 0.17 parts per million. It should be noted that the sample carcass causing mercury poisoning of the three children was 21.6 parts per million or over 200 times the amount of mercury found in one out of 258 Glover carcasses.

On February 5, 1970 at 3:00 p.m., the USDA released all of the hogs except one and all of the product except the pork livers, pork lungs, and liver loaf killed or made from the kill of January 19, 1970. The next day the inedible product retained by the FDA was released for sale as animal food.

The 258 hog carcasses were thawed and processed for shipment to customers in the trade area along with other pork products that remained wholesale during the long period of retention. Pork, due to its nature, does not freeze well. On thawing, it becomes dark and damp. Accurate records were maintained to determine the amounts of the credits that were given to customers who returned the product to the plant due to age and appearance a few days after delivery.

On January 29th, the USDA released a news statement in Washington that stated that Glover Parking Company was involved "due to no fault of their own", and the company's action in assisting the authorities "indicated a deep concern for their customers and the consuming public." In addition, tests conducted by the Washington Laboratory of the C&MS revealed that only one hog had traces of mercury contamination above the limits established by the World Health Organization (there are no limits established by the USDA or the Food and Drug Administration of the Department of Health, Education, and Welfare. Since the incident, the USDA has withdrawn approval of the mercury-based fungicides for use in treating seed grain).

Testimony—the hearing developed the facts as follows:

(A) Although Glover voluntarily withdrew its products from the marketplace it had no alternative—and would have been legally proceeded against had it not taken such a course.

Senator COOK. Doctor Berry, I asked you this for a reason. Do you under the statute have the authority to walk into that plant if you so desire and close that plant down if you suspect that products are coming out of that plant that are conceivably poisonous or subject to containing contaminants that could seriously endanger the life of an individual?

Doctor BERRY. Yes, sir, we do.

Senator COOK. All right.

Doctor BERRY. If it is under Federal inspection.

Senator COOK. All right. Then if you have that authority, the fact that Doctor Harris or the fact that Mr. Barrett asked them to voluntarily comply is pretty stiff language, isn't it, when the department really has the authority to close the whole plant down if it wants to.

Doctor BERRY. Certainly, because as one alternative, as General Bacon pointed out, we would have taken the legal route to detain that product and to remove it from food channels.

Senator COOK. Were you prepared in this instance to take legal action?

Doctor BERRY. Yes, sir.

Senator COOK. You were?

Doctor BERRY. Yes, sir. I might add that is

part of the authority of the wholesome meat act.

(B) The Department of Agriculture was the sole cause in the delay necessitating spoilage of manufactured meat products due to their complete failure to expeditiously run the required tests.

Senator COOK. What does AOAC mean?

Doctor BERRY. The American Agricultural Chemists Association which are the official methods that we are bound to use, they are the legal methods.

Senator COOK. But these are not the ones that you used at first. You were not prepared to use those at first.

Doctor BERRY. No, sir to be very frank with you, at the very first we were short some of the glassware. It takes a very special glassware to run these tests. These are very time consuming tests. We were short of the glassware and the company that makes it happened to be out of the glassware and they immediately then made the glassware especially for us.

(C) The statement contained in a letter to the Honorable James Eastland from the USDA under date of October 9, 1970 (filed as an exhibit herein) stating:

"In addition about 1200 pounds of pork products were condemned and destroyed for food purposes *because these products were found to contain mercury residue.*"

is not only totally without fact, but the testimony shows no tests whatever were run on the residue.

Senator COOK. Can you say affirmatively that the 400 pounds that you asked the company to destroy or the 1200 pounds as you contend, absolutely without any equivocation contained mercury poisoning?

Doctor BERRY. No, sir. We went on the basis that we had found mercury in the animals.

Senator COOK. One carcass.

Doctor BERRY. In the one carcass, and that these were the offal from those animals, and products from them, and these were not identified with the carcass. Now here again we have a different problem but these were all mixed.

Senator COOK. But no tests were really made of all of those?

Doctor BERRY. No, sir; I think here it was a practical situation of the time involved and the expense of testing each one of the products.

(D) The record shows, pursuant to exhibits, that tests were performed on all samples from January 20, 1970 through February 2, 1970. The typewritten report unequivocally states:

"There were No antemortem or postmortem signs." This was signed by J. S. Conrey who is Chemist in Charge, J.S.D. Laboratory, Washington, D.C.

This report was apparently changed at a later time with a handwritten exception as follows: "789—90=0.16 part per million mercury all others below detectability."

The above statement is in complete contradiction of the typewritten final report.

To further complicate the matter, when delay was totally detrimental to Glover, a letter in the form of a memo from J. S. Conrey to Mr. O. L. Bennett, Chemistry Groups Lead—was dated February 19, 1970, 17 days after the final report—stated one carcass was tested and found to have 0.29 part per million mercury, 0.16 part per million mercury and 0.17 part per million mercury respectively in three different tests.

The Department did not see fit to average the respective findings but merely designated the carcass as containing 0.16 part per million mercury, again totally inconsistent with the typewritten report of February 2, 1970.

Conclusion—Recovery of this type is not uncommon—reference is made to Sec. 32, 7 U.S.C. 612(c), 49 Stat. 775, indemnity for cranberry farmers; 7 U.S.C. 135(b), 84 Stat. 1382, Public Law 91-524, indemnity to beekeepers; 7 U.S.C. 450(j), and indemnity to dairy farmers.

For the reasons stated above and facts established from the hearing, S. 79 should be approved by the Committee in its present form.

Attached hereto and made a part hereof are the report of the Department of Agriculture on an identical bill (S. 3896) of the 91st Congress and a staff memorandum made from the hearings.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 9, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: We appreciate this opportunity to respond to your request of June 9, 1970, for a report on the bill S. 3896, for the relief of the Glover Packing Company.

This Department recommends that the bill not be enacted.

The Glover Packing Company purchased hogs for slaughter from an auction market, not knowing that some of these hogs had been fed seed grains treated with the fungicide (methylmercury dicyandiamide) or that the animals' tissues might contain harmful residues. Subsequently, this Department received information regarding some children who were hospitalized after eating pork from hogs raised by their family. From our investigation it was learned that other hogs raised by this family had been fed seed treated with the fungicide, and had been included among those hogs purchased by Glover Packing Company from the auction market. Hog carcasses remaining at Glover Packing Company at that time were sampled by our inspectors and tested in our laboratories. As a result of this sampling and testing of 258 hog carcasses, only one was found to contain the mercury residue. This hog was condemned and destroyed for food purposes. The other 257 were released back to the firm. In addition, about 1200 pounds of pork products were condemned and destroyed for food purposes because these products were found to contain mercury residue.

Throughout the episode the Glover Packing Company was fully cooperative and supported all efforts to detect and remove from food channels any pork which may have contained mercury residues. On the premise that the products might contain mercury residue, the company voluntarily recalled products processed and sold before the problem was detected.

Existing provisions of general law administered by this Department do not provide for compensation for packers and processors required to destroy meat and poultry and their products determined to be a threat to public health. In addition, while we are not aware of any fault on the part of the Glover Packing Company in this matter, neither did this Department nor any agent of the Federal government contribute to the monetary loss experienced by that firm. Indeed, the Government has specific requirements that warn against the use of grain treated with a fungicide or insecticide, such as mercuric compounds, being fed to livestock or poultry. Under these circumstances, therefore, we do not find any legal or equitable basis for compensation by the Federal government for the losses incurred.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

MEMORANDUM

To: Senator Marlow W. Cook
From: Staff
Re: Glover Packing—Points in Favor of Enactment Developed at Hearing.

1. The precedents of the dairy farmers, beekeepers and cranberries. In these cases the federal government paid for losses due to its condemnations. The argument is: If you pay them, why not Glover Packing? The Department of Agriculture responds to this by pointing out the precedents cited were all general legislation whereas this bill is private legislation. The Department claims a private bill is discriminatory against other claimants similarly situated. This is perhaps true but Glover has a very fair argument to distinguish itself from others similarly situated in that it, Glover, is in fact *not* so similarly situated. The reason is that the Glover case was the first condemnation based on human mercury poisoning from eating mercury contaminated meat.

2. The strongest point in favor of Glover is the negligence of the Department which was the direct cause of the damage. At the time it was known by the Department that Glover had processed suspected hogs, the Department was not equipped to test the hogs. The Department admits it did not have the specialized glass to perform the tests, that the plant making the glass was out of stock, that glass for the test was ordered made, that the test itself was unusually time-consuming, and that this caused an unusual delay. Glover's losses stem from three sources: (1) disease of one hog; (2) offal by-products destroyed because their source could not be traced and individual testing too expensive; and (3) most important, hog products that became unmarketable because of lapse of time awaiting results of tests. It took Agriculture 24 days to release Glover's meat as free of contamination, and hog products are unmarketable after that time.

3. Glover saved the government the amount of this bill by voluntarily recalling its products from the retail and wholesale trade channels by its own personnel. Agriculture had planned a 50-man task force to do this work. Travel, per diem expenses of 50 men would cost the government more than the amount in the bill.

4. Glover was the innocent victim of unfair adverse publicity which with the value of products under embargo ($150,000) almost wrecked the company customer wise and financially. Two examples in the hearings: stores with signs ("We do not handle Glover's meat") and a Texas judge embargoing with marshals Glover trucks on the highways.

5. The Department informed Glover its only relief was a private bill which the Department promptly opposed.

6. Glover pleads that the public should stand the loss in unusual cases such as this and not the individual processor who cannot afford it.

7. Glover was free of fault all the way through. If a hog does not appear ill, mercury poisoning cannot be detected by vets at the plant either before or after slaughter. Thus packing plants are, in effect, unable to protect themselves and the public in cases such as this. The mercury test is too expensive and difficult for use on all meats. The only protection is not to feed hogs mercury treated seed.

FOREIGN ASSISTANCE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. BAKER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. WEICKER). The amendment will be stated.

The amendment was read as follows:

On page 31, beginning in line 18, strike out "for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed $250,000,000" and insert in lieu

thereof ", in addition to funds otherwise available for such purpose, $250,000,000 for the fiscal year 1972 and $200,000,000 for the fiscal year 1973".

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, the purpose of this amendment is to extend the authorization for relief to India and East Pakistan for an additional year. The authorization currently calls for $250 million for fiscal year 1972 and my amendment would extend that authorization to include $200 million for fiscal year 1973. It occurs to me that this is the only 1 year authorization in the bill and I believe that should be changed.

My particular interest in this comes by virtue of the fact that in my capacity as chairman of the Secretary of State's Advisory Committee on the 1972 U.N. Conference on the Human Environment, I undertook during the August recess to visit the capitals of several developing nations for the purpose of discussing with appropriate officials of those countries environmental concerns common to all nations, regardless of their size or stage of development. I was deeply impressed by the enlightened determination of these countries to protect the natural environment as they struggle to meet the material needs of their people.

Following discussions with foreign ministry officials in New Delhi about the U.N. conference and the plight of the 9 million East Pakistanis who fled their country to seek sanctuary on the Indian border, I decided to travel to Calcutta and see first-hand one of the several hundred camps hastily set up along the border following the outbreak of violence last March 25.

Although I had read a great deal in the American press about the magnitude of the refugee problem, and although I had seen a number of televised reports from the refugee camps, I will readily confess that I was not prepared for the kind of human suffering that I found. Other Members of the Congress have visited these camps; I wish that each Member of both bodies could do so. I know of no words or pictures that could adequately convey the sense of immediacy that one feels during a personal visit.

In spite of an extraordinary effort that has been made by the Government of India to provide shelter, nourishment, and medical care for the Pakistani refugees, conditions in the camps remain bleak indeed. Although a cholera epidemic that claimed some 10,000 lives during the early days of the massive imigration has been effectively controlled, the health of the refugees—and especially that of the children—is precarious. Many of the refugees traveled for distances as great as 100 miles to reach the Indian border, and many arrived suffering from severe malnutrition and respiratory diseases, such as pneumonia. Most immediately threatening is the lack of sufficient nourishment for the children in the camps. Gross protein deficiency is commonplace. One British physician suggested to me that unless the children's diet was radically improved, many of the children would perish and those who survive will suffer irreparable damage. The arrival of winter will only compound the existing difficulties.

Although these dangers exist in large quantities, I must commend the Indian officials who have done an unbelieveable job of minimizing the suffering and hardships for these people. The distribution of food has been regular, though insufficient in quantity and quality. But the Indians are not to blame for the insufficient supply of materials and food. The response of the international community has been good, but not good enough, and I fear that conditions will get worse before they get better.

In March, when the conflict began, crops in East Pakistan were ripe and ready to be harvested, but the fighting caused many to either stay at home or flee their villages and the crops were left in the fields unharvested and gradually ruined by the floods of the monsoon season. In addition, communication and transportation in the East have deteriorated to the point where many have predicted widespread famine, producing a whole new wave of refugees to India. One estimate I heard was to the tune of 8 million additional evacuees, thus doubling the existing refugee population.

The distinguished committee has recognized, as have the Senate and the House, the vital role the United States plays in the world by responding to humanitarian needs such as now exist in South Asia. We have already provided over $180 million in foreign exchange, food, and local currency assistance. Other donors have done similarly.

However, this need is not going to end in the next 8 months or in the next 18 months. It is imperative that this Nation be able to continue its help without delay in meeting this need in fiscal year 1973. Since the Senate Foreign Relations Committee has wisely recommended that there be a 2-year authorization for all other economic assistance, it would be equally wise for this body to authorize a second year of relief assistance to South Asia.

Therefore, I propose this amendment, not to increase the amount of the authorization, but, rather, to extend the authorization for a second year, as the committee has recommended be done in every other situation of human assistance.

One has only to read the newspapers and to watch the television news reports of the difficulties between India and Pakistan to know by these accounts of the enormous human suffering in India and Pakistan and to know that there is an enormous need.

It seems to me that now in this time of stress and in this time of tension between India and Pakistan, in this time of great need before winter begins to take its toll, we should show our concern by doing what we have done in every other instance of human assistance, and that is to authorize the assistance for 2 years, the second year for $50 million less, but still for 2 years, to help in this most delicate and massive problem of human suffering I have ever witnessed in my life.

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

Mr. BAKER. I am happy to yield to the distinguished Senator from New York.

Mr. JAVITS. The Senator has spoken very eloquently, and the situation deserves every word of his eloquence.

It will be of interest to the Senator to know that it was a struggle in the committee to get the $250 million so that it was additional to the totality of the bill. Otherwise it would have been put into the pot with every other kind of aid.

I feel that when we authorized the economic and humanitarian aid—and it was on the motion of the Senator from Vermont (Mr. AIKEN)—for 2 years rather than 1 year, we should have included this matter. I feel, personally, that the Senator is helping us to correct something which we would have done if we had been "right on the ball" as we should have been. Those of us who are for extending the authorization for economic and humanitarian aid for 2 years certainly would think that Pakistan relief ought to be available for 2 years.

I hope very much the amendment succeeds.

Mr. BAKER. I thank my colleague from New York.

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

Mr. BAKER. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. It will take me a moment to find the language. Is it on page 31?

Mr. BAKER. Page 31, line 18.

Mr. COOPER. I understand the meaning of the Senator's amendment as far as the proposal to authorize $250 million for the fiscal year 1972 is concerned, but what is the purpose of striking out the language beginning on line 20, after "1972," "in addition to funds otherwise available for such purpose"?

Mr. BAKER. Mr. President, the amendment does strike that language, but it also inserts the language in the last three lines, so that the language would read:

In addition to funds otherwise available for such purpose, $250,000,000 for the fiscal year 1972 and $200,000,000 for the fiscal year 1973.

Mr. COOPER. Does the Senator's amendment strike the words I have just quoted, "in addition to funds otherwise available for such purpose"?

Mr. BAKER. It would strike that language, but it would reinsert it in the amendment, so the net effect would be that the language would remain in the bill as it is.

Mr. COOPER. So that language would not be stricken?

Mr. BAKER. That language would not be stricken.

Mr. COOPER. That is very important I have been told that the Senator's amendment would strike that language. I assume the language "funds otherwise available for such purpose" would relate to commodities available under Public Law 480. So the Senator's amendment would not strike that language?

Mr. BAKER. It certainly was not my intention to strike that language. It was this Senator's intention that the words "in addition to funds otherwise available" would remain in the bill.

Mr. COOPER. Then, the only addition is the authorization of $200 million for fiscal year 1973?

Mr. BAKER. Yes. The Senator from Kentucky is entirely correct.

I yield myself 2 additional minutes.

The purpose of this amendment is simply to provide what we have provided in every other assistance program, and that is an authorization of 2 years instead of 1, and to reduce the authorization for the second year by $50 million, in the fond hope that the refugee problem might subside. However, I can say firsthand, having seen this problem in India and around Calcutta, that those refugees do not intend to, nor do they think they can, return to East Pakistan in the near future. So I feel we should, as a matter of good conscience and as a matter of showing our concern for the greatest problem of human suffering I have ever known or witnessed, provide as we have provided for every other kind of human assistance in this bill.

The PRESIDING OFFICER. Does the Senator from Tennessee wish to have his amendment modified?

Mr. BAKER. Mr. President, it is my understanding that no modification is necessary; that the amendment as reported by the clerk is as I just expressed.

I am glad to yield now to the distinguished Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Has the administration asked for this change in the bill?

Mr. BAKER. That is sort of like the chicken and the egg. This is a matter of personal concern to me because, as with most of us, when one sees a situation firsthand he develops a keen interest in it. I was there last month. I discussed this matter with the State Department. I inquired of the State Department if they would oppose or if they had any opposition to this proposal, but for me to say I was offering the amendment on behalf of the State Department would not be correct.

Mr. AIKEN. But does not the State Department hope to convey this whole responsibility to the United Nations? Have they asked for more than 1 year's authorization?

Mr. BAKER. The Senator from Vermont asks me a question that is beyond any competence and knowledge that I possess. I cannot state that the State Department has that in mind.

Mr. AIKEN. I have talked with the State Department since the Senator from Tennessee has. While I do not recall every word of the conversation, I get the feeling that the amendment proposed by the Senator from Tennessee is not fully in accord with the Department's desires. I suggest he might call them and find out.

Mr. BAKER. I would be greatly surprised if the State Department objected to this amendment. I talked with the State Department very recently, meaning today, and once again, I do not represent that this is an administration or State Department amendment. It is not; it is my amendment.

It is a matter on which I feel keenly.

Mr. AIKEN. I thank the Senator from Tennessee.

Mr. BAKER. It would not be a matter of great surprise to me if there was opposition to it. Of course, if there is, I would like to know.

I reserve the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I would like to read one paragraph from the committee report.

Mr. BAKER. Mr. President, would the Senator let me ask for the yeas and nays before he proceeds, while we have enough Senators in the Chamber?

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FULBRIGHT. I want to read one paragraph:

> In authorizing $250 million for relief activities the Committee expects that executive Branch officials will exert every effort to get other countries, including the Soviet Union and other Communist nations, to pay a fair share of the costs of this tragedy. The Executive Branch estimates that countries other than the United States have, thus far, contributed $159 million in goods and services for the refugee relief effort. The Committee does not intend that the United States, in any way, assume primary responsibility for the refugee problem. This is an international disaster and the responsibility must be shared by the entire world community under the leadership of the United Nations.

I agree with that. I do not wish to create the idea that this country is assuming responsibility for this great tragedy. We already have enough client states around the world and it is about to break us.

The Senator is asking for another year. The President himself did not ask for but 1 year. He did not ask for 2 years, and the committee did not cut him back from 2 years. The committee gave him 1 year and $250 million, which is exactly what the President asked for.

I think it is a very substantial amount, and I think it would be improvident for us now to commit ourselves to another year in advance, and $200 million more.

I anticipate that some of the items in this bill, though perhaps not this particular one, will be cut back because of the situation in our own country. I do not wish to bore Senators by reciting a list of our problems here at home. This is a great tragedy, it is true, but people who cry over every ill they encounter always end up going blind. It is a matter that can be overdone.

The amount the committee has recommended is a respectable amount. It is what the President asked for. I cannot support an authorization for an additional $200 million, for another year in advance. There is plenty of time next year to reconsider the question, to see what the situation is then, and whether or not other countries are going to assume their responsibility as well. If we step out in front with the assurance that we are going to take the whole burden, we can be sure other countries will not assume their part of the responsibility.

This is one tragedy in the world which we did not create. You can make a case for other countries which are in about the same miserable condition, such as South Vietnam, which did contribute to; but this is one to which we did not contribute, other than perhaps through our aid program, and it was certainly not our purpose in doing that to contribute to this tragedy. I do not think it is incumbent upon us to authorize an additional amount of $200 million for fiscal 1973, and I certainly cannot support the Senator's amendment.

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

Mr. FULBRIGHT. I yield.

Mr. SAXBE. I have been greatly interested in this problem. The Senator from Idaho and I proposed the amendment which was accepted by the Committee on Foreign Relations and is now in the bill.

I am afraid that if we go ahead with a 2-year program on this proposal, it could very well mean that we could lose some of our control. At the present time, the relief going to Pakistan is, because of necessity, as I understand it, going through the military; they have so few United Nations people there that it is handled primarily through the military.

The serious problems is, How much of that is getting to the refugees and how much of it is sustaining an oppressive force that started all the trouble in the first place?

With the increasing number of people going to India, it seems to be that the problem is in India today, rather than Pakistan.

I heard a report yesterday that there is now a combine of nations working in London, I believe, trying to arrange a cooperative effort and establish amounts, with six other western nations, for the purpose of working out an allocation of amounts to handle this relief.

That seems to me to be the proper way to do this. If we go ahead and make 2-year allocations, I do not think it is going to work in harmony with or in conjunction with that effort. I believe if anything we should wait and see next year just how much of this relief got to the refugees. If it was getting to the refugees now, I do not think they would be pouring over the line as they still are.

Mr. FULBRIGHT. I agree with the Senator exactly, that we should wait until next year. There is no reason why we cannot make a judgement about it then.

The Senator alluded to the World Bank consortium, agreeing to try to work up an estimated $700 million in order to help pay for this matter.

This is why I think we ought not to be in a position of assuming primary responsibility and not go out in front this way; if we do then we will be considered to have assumed the responsibility. There ought to be an international effort to take care of these people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I yield myself 2 minutes.

We ought to be a part of it, but not responsible for all of it. I think it would be a mistake to authorize, for fiscal 1973, another $200 million.

That is all I have to say; I am ready to vote if the Senator is.

Mr. BAKER. Mr. President, I yield myself 5 minutes.

I hope none of my colleagues suggest this is an authorization for the relief of Pakistan only. It is in fact for the relief of the refugees in South Asia. The hard core of the fact is that virtually all of the refugees are in India, not in Pakistan, and the relief as such would be administered by the Indian Government, and not the Government of Pakistan.

Mr. FULBRIGHT. According to the bill itself, this money may be used either in India or Pakistan.

Mr. BAKER. That is the point I am making. I gathered from comments in the colloquy between the chairman and the Senator from Ohio that this was considered to be for relief in Pakistan.

Mr. FULBRIGHT. No, it is for Pakistani refugees, where they are.

Mr. BAKER. It is my estimation that as far as the total cost of refugee relief in Pakistan is concerned, that would run to approximately $300 million—not for us to pay for, but the total estimated cost—and the estimated cost for refugee relief in India, on the contrary, would run to something in the nature of $830 million.

So I respond to two points made a moment ago in the colloquy in opposition: First, that this is not Pakistani relief, it is South Asia relief, and as a practical matter most of it would go to India; and second, that we are not buying a client nation; we are not shouldering the whole burden. We are talking about probably $1 billion in total cost of relief as a result of this terrible wave of human suffering—as a matter of fact, something well over a billion dollars: $300 million in Pakistan and $800 million in India.

It seems to me, now, when the fires of conflict are raging between Pakistan and India, and we stand on the brink of massive armed conflict over the refugee problem, that now, not a year from now, is the time to say we want to do our part; and our part consists of authorizing 2 years, in my judgment, and not just 1 year, for this item just as we have done in the case of every other relief item in this bill. Why should we single this one out, and say we are not going to do as much here as we have in every other instance?

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

Mr. BAKER. I yield.

Mr. JAVITS. One point the Senator has made I think is very strong, and I am going to interrupt the Senator to make it myself. That is this question of a possible war between India and Pakistan. Such a war could conceivably be based on economic factors, due to a weakening of India's position as a result of the refugee problem.

The views of the Senator from Arkansas (Mr. FULBRIGHT) are very strong in that regard, and I think we have to listen to them very carefully. Would the Senator consider cranking into his amendment—he can do it now or later—some requirement that the President of the United States endeavor to put together a consortium of nations for relief, having wide discretion in the utilization of these resources, to fit the United States into a pattern of relief which would be multinational in character. He can withhold funds. He does not have to ask for appropriations. He has very wide discretion, anyway.

But it seems to me that by cranking that into the amendment, the Senator might go far to answer the argument that it is an uncertain situation; it is open-ended; perhaps we are going beyond where we ought to go in prudence, which I think is the strong point Senator FULBRIGHT has made.

Mr. BAKER. I would be delighted to do that as a modification of this amendment or a more far-reaching and more universal amendment, because I believe the multinational approach made here and elsewhere is superior to the risk we run in direct 1-to-1 aid from the United States.

Mr. JAVITS. Would the Senator see any reason at all, as the author of this amendment, why the Soviet Union or other Communist countries might not be welcomed into a consortium to give this type of multilateral relief?

Mr. BAKER. I think that is entirely possible. If it were to occur, I think it might have a very salutary political effect, as well as an economic effect.

One other thing on the cost and its relationship to this authorization: The senior Senator from New York pointed out very properly, that India is a very large country, but a very weak country economically. It has been brought to my attention that just through December 1971, it is estimated that India will spend, of her own resources, more than we are authorizing for 1 year here—$260 million.

While I was in New Delhi last month and while I was in Calcutta last month, I heard substantial Indian citizens who are educated and aware frankly discuss whether it would be economically better to continue supporting 9 million refugees or to have war with Pakistan. Mr. President, that is an additional reason for our show of strength at this time.

The PRESIDING OFFICER. Who yields time?

Mr. SAXBE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr SAXBE. I know that this kind of talk goes on, to which the Senator from Tennessee has referred. But I do not think that is the simple choice. I think the choice is whether they have war and the refugees, because having a war is just going to increase the number of refugees.

These are persons who have been displaced by the breakdown of the jute industry in East Bengal. They are caused by the typhoon which struck there 18 months ago. It is caused by the repression of the militaristic regime. These are all problems that have accumulated.

Many of these people are there because even if there were no civil unrest, there is no livelihood for them, because the jute industry has collapsed, and they came where they can get a free meal. India has welcomed them and has done a very humanitarian thing, and I think we must applaud the action that India has taken.

We certainly want to do everything to discourage war between India and Pakistan. But, at the same time, I think it is important that we look to where the alliances are, the alliances of India and Russia. I want to be a friend to India. Certainly, they are the only nation that I would regard as operating under democratic process on the Continent of Asia. I admire their desire to better themselves.

But I must remind the Senator that they are going to have this problem whether they have war or do not have war. They are going to have this problem continuing until the jute industry is replaced by some type of industry that can soak up these workers previously employed there. They are going to have this problem as long as Pakistan thinks it can rule the major part of its nation by the army.

The amendment that is in there is put in with the hope that it will bring some pressure to bear on Pakistan to recognize that they cannot continue in the present situation. I hope it works. But I think the only way we can do this part of it is to say, "All right, we will go in with a consortium. We want to help and to do our part, as we have many times. All over the world we have demonstrated our compassion, our altruism, and we want to do this." But I do not think we should do it for more than 1 year. We have to see how this works. We want to see if the refugee problem is solved or if it is a phenomenon that is going to continue until there is some resettlement, some plan. I do not think it is a problem that will be solved by relief. I think that 1 year is sufficient.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 40 minutes remaining.

Mr. BAKER. I yield myself 5 minutes. After that, I will be willing to yield back the remainder of my time and proceed to a vote.

Mr. JAVITS. Before the Senator starts, will he yield to me so that we can complete the thought we had before?

Mr. BAKER. I yield to the Senator from New York.

Mr. JAVITS. I thought that if the Senator's amendment were adopted, we could add at the end of the paragraph—because the paragraph reads appropriately for it—the following. As it stands now, it reads at the end of the paragraph:

> Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies.

Add:

> and/or under the auspices of an international consortium or consortia organized for the purpose.

The Senator does not have to do that now.

Mr. BAKER. Mr. President, as I stated earlier, I have no objection to that being added. I would prefer to proceed with the amendment as we have debated it, and I would certainly support the suggestion by the Senator from New York, after the amendment is acted on, to add that. I understand that it would come after the last word on line 3, page 32.

Mr. JAVITS. That is right.

Mr. BAKER. That would be entirely appropriate.

Mr. President, once again, I want to say that I do not visualize this authorization as a way of settling the internal problems of Pakistan, nor do I, for that matter, think it is going to settle the problems between India and Pakistan.

I think we ought to keep in mind that, wholly aside from the reasons and the cause for the conflict and the situation as we find it, there are 9 million East Pakistanis in East India, in the State of East Bengal. I think it is clear that many of them are going to die unless they are properly taken care of, and this authorization represents only a small fraction of the total relief effort by India and by many other countries, including the Soviet Union.

I think it ought to be borne in mind—as I am sure all my colleagues do—that by the time we get this bill passed, and certainly by the time it is signed, probably 5 months of this fiscal year will have elapsed and we will have only 7 months of the authorization remaining.

I think it is imperative that now, at this time, when probably the greatest crisis the international community has before it is at its height, the United States should exercise its maximum effort to alleviate the human suffering and the misery that goes with it.

I am entirely in accord with the point made by the distinguished chairman of the Committee on Foreign Relations that we ought not arrange a situation to acquire a client state. But, my goodness, after all the relations we have had with and the economic assistance we have given to India and to Pakistan, if we now have to face the prospect of creating a client state, it is a little late in the game. I am trying to respond to human suffering, and I think we have never seen human suffering in recent years on the scale and of the scope we find now in India.

Mr. FULBRIGHT. I did not mean a client state in the sense of a national problem. We did take considerable responsibility for the refugees in the Middle East, and we still do, after these many years. It is on a small scale. I suppose we can afford it. But this is on such an enormous scale that I submit it is just unreasonable for us now to assume the same relationship to this problem as we did with the refugee problem in the Middle East.

The House authorized only $100 million. We authorized $250 million. We have more than doubled what the House authorized, which I think is very generous. Of course you can always come in, for more. I suppose if you asked for $800 million, they can find somebody to use it. I really think the $250 million is a reasonable amount.

If the United States assumed the responsibility for the refugee problem in India, just as we did in the Middle East, then we would be saddled with it. That is the thought I was trying to convey.

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

Mr. BAKER. I yield.

Mr. AIKEN. As the chairman has stated, the House authorized $100 million for 1 year. Then the administration requested that the amount be raised to $250 million. I understood that that was for 1 year. An employee of the State Department says it was wanted for 2 years. That was not my understanding. Anyway, at no time have they requested more than $250 million for the refugee program.

I understand there may be some other developments: that other countries may come in and make larger contributions than they have made so far. The United States has been bearing the load for the most part up to now; but in the coming year, it is hoped to get some agreements from other countries in connection with the relief programs. So I think the Senate bill is all right, and I cannot support the amendment, because it is quite contrary to my understanding.

Mr. BAKER. I think we ought to do our part; and our part is to treat the AID program as we have in the last 2 years.

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

Mr. SAXBE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. SAXBE. I have one other remark to make. I understand that the Senator from Tennessee has seen the situation firsthand. If we want to keep the refugees in camps and provide more money for them—because horrible as their conditions are, they are probably better than their living conditions at home——

Mr. BAKER. There is no doubt that the refugees are probably better off in the camps than they were in Pakistan. There is also no doubt that they are better off there than they were in Calcutta.

As a matter of fact, I saw barbed wire being put around refugee camps in Calcutta, not to keep the refugees in, but to keep the residents of Calcutta out.

I can detect no evidence that they are going to leave. I know of no basis on which we can think they are going to leave, and I do not see how we are going to let them stay there, 9 million strong, while we fuss about it.

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

Mr. BAKER. I yield.

Mr. AIKEN. I should like to read a letter.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I yield 2 minutes to the Senator from Vermont.

Mr. AIKEN. The letter reads:

THE WHITE HOUSE,
Washington, September 30, 1971.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: I ask the Congress to consider an amendment to the request for appropriations transmitted in the budget for the fiscal year 1972 in the amount of $250 million for foreign assistance.

The details of this proposal are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments and observations I concur.

Respectfully yours,

RICHARD NIXON.

Mr. President, I ask unanimous consent to include also the letter of Mr. George Shultz regarding the $250 million request for fiscal 1972.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 30, 1971.

The PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration an amendment to the request for appropriations transmitted in the budget for the fiscal year 1972 involving an increase in the amount of $250 million for international development assistance, as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

GRANTS AND OTHER PROGRAMS

Budget appendix page	Heading	Request pending	Proposed amendments	Revised request
18	"Refugee relief" (After the last paragraph under the heading "Grants and other programs," insert the above new heading and the following paragraph thereunder:) "For the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan, $250,000,000, to remain available until expended."	0	$250,000,000	$250,000,000

The amendment to the budget for refugee relief will provide $250 million for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan under the leadership and coordination of the United Nations. The United States has already provided $70.5 million in relief assistance for refugees in India through the United Nations High Commissioner for Refugees and $9.7 million in dollar assistance to East Pakistan. Food Resources under Public Law 480 will supplement the funds now requested.

Respectfully yours,

GEORGE P. SHULTZ, *Director.*

Mr. BAKER. Mr. President, I am happy to have that information. As I stated earlier, it is not an administration amendment. This is an amendment by the senior Senator from Tennessee to accomplish a purpose that, I believe, is very, very urgent and is based on my personal observations. I do not profess to speak on behalf of the administration. As I have stated to the distinguished Senator from Vermont, I have no idea what the reaction will be if the amendment should be adopted.

Mr. AIKEN. The letter was sent only a few weeks ago.

Mr. BAKER. This is a moderate amendment and has nothing to do with what the administration may have submitted; I want that understood.

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

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

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STENNIS (when his name was called). 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 at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

On this vote, the Senator from Wyoming (Mr. MCGEE) is paired with the Senator from California (Mr. TUNNEY).

If present and voting, the Senator from Wyoming would vote "yea" and the Senator from California would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also the Senator from New York (Mr. BUCKLEY), the Senator from Colorado (Mr. DOMINICK), the Senator from Idaho (Mr. JORDAN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The result was announced—yeas 18, nays 61, as follows:

[No. 269 Leg.]

YEAS—18

Baker	Cook	McGovern
Beall	Cooper	Moss
Bellmon	Cranston	Pell
Boggs	Fong	Schweiker
Brock	Hatfield	Weicker
Brooke	Javits	Young

NAYS—61

Aiken	Byrd, Va.	Eagleton
Allen	Byrd, W. Va.	Eastland
Allott	Cannon	Ellender
Anderson	Case	Ervin
Bayh	Chiles	Fannin
Bennett	Cotton	Fulbright
Bible	Curtis	Gambrell
Burdick	Dole	Goldwater
Griffin	McClellan	Scott
Gurney	Metcalf	Smith
Hansen	Miller	Sparkman
Hart	Mondale	Spong
Hartke	Montoya	Stafford
Hollings	Nelson	Stevens
Hruska	Pastore	Stevenson
Hughes	Pearson	Symington
Jordan, N.C.	Percy	Taft
Long	Proxmire	Talmadge
Magnuson	Ribicoff	Thurmond
Mansfield	Roth	
Mathias	Saxbe	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Stennis, against.

NOT VOTING—20

Bentsen	Inouye	Muskie
Buckley	Jackson	Packwood
Church	Jordan, Idaho	Randolph
Dominick	Kennedy	Tower
Gravel	McGee	Tunney
Harris	McIntyre	Williams
Humphrey	Mundt	

So Mr. BAKER'S amendment was rejected.

Mr. GRIFFIN. Mr. President, on behalf of the distinguished junior Senator from Tennessee (Mr. BROCK), I call up his amendment which is at the desk, and which is cosponsored by the junior Senator from New York (Mr. BUCKLEY). I ask that the amendment be stated and made the pending business.

The PRESIDING OFFICER (Mr. STEVENSON). The amendment will be stated.

The amendment was read as follows:

AMENDMENT NO. 538

On page 61, line 8, strike out all through line 15, and renumber succeeding sessions accordingly.

PROGRAM

Mr. GRIFFIN. Mr. President, I now ask the distinguished majority leader if he can advise the Senate concerning business for the remainder of the day and perhaps the remainder of the week.

Mr. TALMADGE. Mr. President, we cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, we will come in at 10 o'clock tomorrow morning. There will be a brief period for the conduct of morning business and then the Brock-Buckley amendment will be pending.

It is anticipated we will have a number of amendments tomorrow and it is also anticipated that in an effort to get along with this bill the Senate may well stay in late tomorrow evening. We will come in early on Friday. The Senate will stay in late that evening in an attempt to avoid a Saturday session. So it will call for the cooperation of the entire Senate.

Mr. President, we anticipate that we will bring up the Alaskan Claims bill on Monday. As of now, I do not know when the bill on warranties will be brought up, but we are working with the interested parties. That bill is S. 986. It looks now as if it might be Monday afternoon. Following that we will have the Water Quality Act which should be reported to the calendar shortly, and it is anticipated that sometime in the next week or so it might be possible to report the tax bill.

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

Mr. MANSFIELD. I yield.

Mr. TALMADGE. We are working two sessions a day on the tax bill. We have made good progress. If the Senate maintains a quorum through Saturday, there is a possibility we could report the bill by the end of the week and I feel sure if it is not reported by the end of the week, it will be reported the early part of next week.

Mr. MANSFIELD. I thank the distinguished Senator. Also, the bill having to do with the EEOC will be reported today or tomorrow, so there is a heavy schedule ahead for the Senate. I urge all Senators to remain on the job and to be close at hand because tomorrow and Friday will be extremely difficult days and if we do not complete this bill Friday night it is the intention of the joint leadership to come in on Saturday, a fate which I would like to avoid, at least this weekend.

THE CONSUMER PRODUCTION WARRANTIES AND FEDERAL TRADE COMMISSION IMPROVEMENT ACT OF 1971

Mr. MAGNUSON. Mr. President, we will soon take up consideration of S. 986, the Consumer Product Warranties and Federal Trade Commission Improvement Act of 1971 which was unanimously reported out by the Senate Commerce Committee. We worked long and hard in fashioning this bill which would provide the public with the kind of consumer protection it needs in this area, and simultaneously eliminate additional burdens on businessmen offering warranties.

The results of this labor have been significant. We have achieved significant acceptance of the measure from all segments. Of particular interest is a poll conducted by the National Federation of Independent Business. Now usually these independent businessmen are somewhat hesitant about accepting new consumer proposals. They frequently fear that onerous burdens will be placed upon them. But I am very pleased to note that this is not the case with S. 986. The poll found that 72 percent of business people are in favor of the bill, 24 percent oppose it and 4 percent do not have an opinion. When we can come out with a bill supported by 72 percent of the business people in the United States, I think we have a good bill.

I ask unanimous consent that an article on the poll which appeared in the Frederick, Md. Post be printed in the RECORD.

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

FULL WARRANTY

The nation's independent business owners, who are outspoken in opposition to some of the proposals made under the banner of "consumer protection," do however favor making the words "full warranty" mean exactly what the consumer thinks they mean.

In a nationwide poll, the National Federation of Independent Business finds business owners, by a 3-1 margin, favoring legislation by Senator Warren Magnuson of Washington which would require manufacturers to stand behind their full warranties by making good on repair or relacement of defective products . . . with no "outs" in the fine print.

The average consumer is confused or mis-

led by many warranties and guaranties, and probably needs a legal opinion to understand the limits of protection offered by the manufacturer.

The Federation's poll found 72 per cent of the business people in favor of Senator Magnuson's legislation, only 24 per cent opposing it, and the remaining 4 per cent on the fence.

Responses of Maryland independents add up to 73 per cent in favor, 23 per cent against the measure, and 4 per cent undecided.

Senator Magnuson hopes to make the term "full warranty" really meaningful by requiring the manufacturer to comply with some 14 disclosure requirements which would leave no doubt as to the scope of warranty coverage. Warranties not meeting these Federal standards could be called "partial warranties," but not "full warranties."

The bill sets as minimum Federal standards of a full warranty the manufacturer's responsibility of repairing or replacing any malfunctioning or defective product within a reasonable time after purchase with no charge to the consumer.

For years, many independent retailers have complained that they are in the "hot seat" in dealing with dissatisfied customers seeking warranty services. The retailer is the one who usually explains that the warranty is limited, that the manufacturer will not replace the defective part, that labor charges are not covered, etc.

The Federation has received many complaints from retailers on this problem, and on the general level of workmanship in products which result in consumer complaints to the retailers.

If manufacturers had to stand behind their full warranties and make good on defective products, it's assumed by business people that manufacturers would be more diligent about seeing that products were made to last for the full length of the warranty period.

An earlier poll of independents showed 43 per cent are in favor and 49 per cent opposed to another Congressional bill which would set up government machinery to tag durable consumer products with statements of "lifetime expectancy."

Perhaps the Magnuson bill engenders more support because it gets to the heart of the problem of warranties, and manufacturers' devious use of these documents, without creating new government bureaucracy, but simply beefing up the responsibilities of the Federal Trade Commission in this area.

YOUTH MOVEMENT FOR SAFE HIGHWAYS

Mr. MAGNUSON. Mr. President, the first national youth traffic safety conference was held last week, October 8–11, in Oakland, Calif., for the purpose of establishing a nationwide youth movement aimed at reducing the senseless slaughter of Americans on our highways. The conference, sponsored by an Advisory Committee of the Department of Transportation known as YOUTHS—Youth Order United Toward Highway Safety—included some 123 delegates representing every State, the District of Columbia, and Puerto Rico.

The concern of the delegates centered primarily around the unusually high proportion of fatalities among drivers under the age of 25. Highway accidents in 1969 claimed the lives of 17,700 youths, approximately half of all deaths of those between the ages of 15–24. Youthful drivers are involved in 60 percent more fatal accidents than their proportion of the driving population.

Armed with this data, the delegates assembled a three-pronged action program aimed at minimizing deaths on the highway. Part I of the program was directed toward the driver himself: his driving skills, attitudes, and state of physical and mental health. But realizing that it is often difficult to change people and that people are not the sole cause of traffic accidents, the delegates aimed part II and III of their program at insuring that the autos we drive and the roads we drive on are well constructed and designed.

I ask unanimous consent that the resolutions adopted at the youth conference be printed in the RECORD following my remarks. I ask for its printing with the urgent hope that young people throughout the United States will work in their communities for better highway safety.

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

SURVIVAL 1971—ADOPTED PESOLUTIONS FROM "HOW TO CRASH" WORKSHOP

I

Whereas, currently available crash protection devices (i.e. seat belts) have proven to be ineffective in the prevention of personal injury in auto crashes due to lack of use; and,

Whereas, passive restraint systems offer satisfactory protection in crash situation because of the automatic nature of their operation as well as because of their proven structural advantages; and,

Whereas, we, the members of Survival '71 believe that manufacturers are indeed capable of producing such devices immediately at a reasonable cost.

Be it resolved that the 1971 *Youths* Conference fully approves the Crash Survivability Standards set forth by the Department of Transportation Federal Motor Vehicle Standard 208; and,

Be it also resolved that this Youths Survival Conference censures the Department of Transportation for postponing the effecting of these regulations; and,

Be it finally resolved that this Youths Survival Conference requests the Department of Transportation to re-establish August 15, 1973 as the date for the operationalization of Federal Motor Vehicle Standard 208.

II

Whereas, we the members of Survival '71 have received information regarding effective passive restraint systems; and,

Whereas, we see the necessity for the public to receive similar information.

Be it resolved, that the automotive industry not present misinformation in advertising; that the Department of Transportation provide information regarding airbags as an effective passive restraint system; that the Federal Trade Commission require substantiation of all publicized facts regarding passive restraint systems.

III

Whereas, we, the members of Survival '71 have seen the need for safe highway design and the removal of highway hazards; and

Whereas, young people can be a vigorous force to assist in detecting and helping to eradicate such hazards.

Be it resolved, that local committees set up the necessary channels to generate interest and action on the part of youths to eliminate these hazards.

SURVIVAL 1971—ADOPTED RESOLUTIONS

I

The delegates of Survival '71 strongly recommend to President Nixon and Congress that the Highway Safety Act become a top priority issue in the national mind, and that significantly additional funds be made available to support the highway safety effort.

II

Survival '71 recommends to Secretary of Transportation John A. Volpe that separate funds be set aside for Youth Highway Safety Action Programs, which will be coordinated through the Youth Highway Safety Advisory Committee.

SURVIVAL 1971—ADOPTED RESOLUTIONS FROM "ROLLING STONED" WORKSHOP

I

Due to the critical lack of data concerning the effects of drugs on driving, Survival '71 notes with interest and fully supports the Department of Transportation's upcoming studies on drugs and driving.

II

Since it is extremely difficult for individuals to determine their approximate blood alcohol content, Survival '71 recommends that inexpensive balloon breath test equipment be available for purchase in all businesses licensed to sell alcoholic beverages.

It appears that certain drinking laws encourage young people to combine their drinking and their driving,

(1) To stop 18–21 year olds driving long distances to obtain alcohol from states with lower drinking ages, and,

(2) To help prevent consumption of alcohol in motor vehicles due to inability to drink elsewhere,

III

Survival '71 recommends that a legal drinking age of 18 years be made uniform throughout the nation.

IV

Survival '71 feels that ignorance of the effects of alcohol and drugs on the driving abilities of young people is a significant obstruction to reducing their excessive accident fatality rate.

1. Survival '71 therefore recommends that driver education courses be required to realistically deal with:

(a) the effects of alcohol on the human body;

(b) the effects of alcohol on the human body as related to driver performance; and

(c) the effects of both prescription and nonprescription drugs on driver performance, where such are known.

Materials used in such instruction should be updated periodically.

2. It is further recommended that any driver licensing standard proposed by the National Highway Traffic Safety Administration or promulgated by any state be required to include a significant number of examination questions relating to:

(a) the effects of alcohol on the human body;

(b) the effects of alcohol on the body as related to driver performance;

(c) the effects of both prescription and non-prescription drugs on driver performance *where such are known.*

Subsequent or periodic license re-examination, if any, should include materials and questions related to the above subject matter and all such materials and questions should be updated periodically.

3. Finally, mass advertising campaigns related to the problem of drinking and driving should be geared toward the particular problems of the 15–24 year age group in an amount proportionate to this group's involvement in alcohol related fatalities.

V

Survival '71 recommends that the use of driver rehabilitation clinics and driver re-education schools be made an integral part of the sentencing of drivers convicted of driving while intoxicated and that such sen-

tencing procedures be established by law in every state and be included in the Alcohol safety standard.

VI

Survival '71 strongly recommends that the Office of Alcohol Countermeasures undertake a detailed study of the penalties now in existence in every state for all offenses of driving while under the influence in order to:

(1) evaluate their overall effect in reducing the incidence of drunk driving;

(2) eliminate ineffective or unreasonable penal provisions;

(3) establish a model criteria for the penalties that may be invoked upon conviction for first, second, or third offenses of driving while intoxicated.

VII

The Committee recommends to the youth conference the following proposal for immediate action on the state level:

Action program I—Drunk Driver Interlock

The Committee Recommends:

(1) that Youths explore the possibility of insurance rate reductions upon voluntary installation of an approved drunk driving interlock device—and

(2) that Youths support action which would make the installation of an interlock system after a DWI conviction a voluntary alternative to all or part of a fine or jail sentence.

The Committee is in agreement that such interlock devices could, in addition to the drunk driving function, serve as significant deterrents to auto theft, and that knowledge of this by the public might significantly lessen possible public opposition to such devices.

Action program II—.10% BAC and Quantitative Testing

1. In view of the established relationship of a .10% Blood Alcohol concentration to low levels of driver performance, and

In view of the congested dockets of our criminal court systems and traffic courts.

The Committee recommends action by youth delegates to win both public and legislative support for making operation of a motor vehicle by persons with blood alcohol concentrations of .10% or more *illegal per se.*

2. Furthermore, in view of the overwhelming need for precise statistical information on the exact extent of the relationship of alcohol to traffic fatalities, the Committee further urges that the youth delegates work to win both public and legislative support for legislation requiring *quantitative* tests for alcohol and other drugs on the bodies of all persons fatally injured in motor vehicle crashes.

Action program III—Drunk Patrols

In view of the fact of high concentrations of drunken drivers operating their vehicles within certain time periods and in certain areas, the committee recommends that the Youths delegates, both by individual contact and organized groups, attempt to have Governor's Representatives for Highway Safety, as well as local authorities, establish special "drunk patrols" at the times and areas in which there is a high probability of the presence of intoxicated drivers.

VIII

Survival '71 strongly recommends that the Department of Health, Education & Welfare, in conjunction with the Office of Alcohol Countermeasures, immediately undertake an in depth analysis of social and cultural pressures that have been used to emphasize the social irresponsibility of those who contribute in any form to the occurrence of such deviate activity in other countries.

SURVIVAL 1971—ADOPTED RESOLUTIONS FROM "HOW DO YOU RATE" WORKSHOP

As Delegates of the *National Youth Traffic Safety Conference,* we see a need for driver education and one major goal for this course:

This Goal Being: The development of an awareness of other drivers and potentially hazardous situations, evaluation of these situations and the ability to handle the aforementioned correctly.

We recognize certain problems need to be investigated and resolved; these problems being:

A. Instructor qualification and certification; and

B. Material and curriculum of the course.

In order to overcome these problems, we resolve the following:

In the area of Instructor Improvement:

1. Urge colleges and educative institutions to offer a greater quantity and quality of safety education curricula.

2. More extensive training.

3. Periodic re-evaluation of instructors.

4. More extensive knowledge of respective state traffic laws.

5. Regional gathering or meeting of instructors to correlate resources of individual instructors.

6. Instructor must maintain an excellent driving record.

7. Raise minimal certification requirements.

In the area of the course, we resolve:

1. Enlarge the scope of the course.

A. The Classroom Phase Through:

1. State laws and regulations;

2. Basic operation and maintenance;

3. Use of Resource Personnel;

4. Improvement of audio visual aids;

5. Operation and information of safety equipment;

6. Safety Technology;

7. Drugs and driving with an emphasis on alcohol.

B. The Simulator phase:

The simulator should be maintained as a tool beneficial as introduction to driving, and as a means to reduce the load on instructors.

C. The Driving phase:

A two phase system with driver able to receive permit after first phase and license after second phase;

(a) the first phase including handling the car under normal conditions;

(b) the second phase should include: skid control, blow-out control, panic stop control and throttle control, and related driving skills need in emergency realistic driving.

D. (1) The Driver's Education Program should first be made available to everyone in the hope of an eventual compulsory or mandatory course.

(2) The Driver's Education program should be made a part of a K–12 (Kindergarten—12th grade system of safety education).

In the area of state driver licensing:

(1) testing should be made more strenuous and comprehensive;

(2) re-testing should be made mandatory.

As responsible delegates, we should contact:

(1) The other youth in a survey to get an honest reaction to this resolution;

(2) State officials in order to get these programs implemented.

SURVIVAL 1971—ADOPTED RESOLUTIONS FROM "GETTING IT TOGETHER" WORKSHOP

We, the members of Youth Order United Toward Highway Safety, meeting at our first National Convention, do hereby,

I

Resolve, that Youth, nationwide, must be made aware of the magnitude of the tragedy of highway deaths afflicting their group and must be motivated by us, the aforesaid members, and others to act to alleviate and end that tragedy . . .

To this end, let a theme for our movement and appropriate symbols be devised and let appropriate media contacts be made with our fellow youths.

We do hereby commit to our Youth Order United Toward Highway Safety Advisory Committee the task of organizing this work and of disseminating to our membership those specific ideas which have been raised at our convention.

We, the members of Youth Order United Toward Highway Safety, meeting at our first national convention do hereby,

II

Resolve, that the financial support, ideas and services of various existing groups be used to further our cause where possible and advisable; toward this end, we specifically call the attention of the Federal government in all its branches, the State governments, local governments, private industry—especially, small businesses—law enforcement agencies, organized youth groups—existing now and those which will come into being, to our movement and its concerns and advise them of the supporting role with which we charge them.

We, the members of Youth Order United Toward Highway Safety Advisory Committee, meeting at our first national convention, do hereby,

III

Resolve, that the continuing existence of Youths and our Advisory Committee and of our membership here gathered today with those who will join us are organized together to stop the outrage of our slaughter at the hands of those who would take our lives with the abuse of alcohol and other drugs, with inadequate educational programs, with poorly built cars and poorly designed and maintained highways—to this end, let a network of Youth Groups be formed locally, statewide and nationally, to serve as a formal communication chain for us and to aid us financially and organizationally. Let this network and its component parts relate to the issues of this outrage as they find them and serve the youth of our country by attempting to better their lot, especially as to this crisis of highway fatalities. We do hereby authorize and charge our Advisory Committee to take appropriate action to meet the goals and plans herein named and to do so based partially on a review of the activities of this convention and on a follow-up and evaluation of those activities which our members are involved as we accept and act upon the challenge of this meeting.

FOREIGN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. GRIFFIN. Mr. President, for the benefit of the Senate the amendment which is pending, offered by the Senator from Tennessee (Mr. BROCK) and the Senator from New York (Mr. BUCKLEY), would strike section 410 relating to the Formosa resolution. It will be recalled that the amendment offered by the Senator from Alaska made a change so far as the date is concerned but this would strike the whole section. I have made this statement so that Senators will know what the pending amendment is about.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR SENATE TO CONVENE AT 9 A.M. MONDAY, NOVEMBER 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate meets on Monday next it convene at 9 a.m.

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

LAND CLAIMS OF ALASKAN NATIVES—A UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, with the approval of the distinguished majority leader, and having cleared this matter with the distinguished Senator from Washington (Mr. JACKSON), the distinguished Senator from Massachusetts (Mr. KENNEDY), the distinguished Senator from Oklahoma (Mr. HARRIS) and the distinguished minority leader, I propose the following unanimous-consent agreement:

That on Monday, at 10 o'clock a.m., the Senate proceed to the consideration of S. 35, a bill to provide for settlement of certain land claims of Alaska Natives, and for other purposes; that time on the bill be limited to 4 hours, that time on any amendment thereto be limited to 1 hour, that time on any amendment to an amendment be limited to 30 minutes, that time on any motion or appeal, with the exception of a motion to lay on the table, be limited to 30 minutes, and that the foregoing times be equally divided between the mover of such amendment, motion, or appeal, and the manager of the bill; that in the event the manager of the bill supports such amendment, motion, or appeal, then the time in opposition thereto be under the control of the minority leader or his designee; that no amendment not germane be in order; and that Senators in control of the time on the bill may allot time therefrom to any Senator on any amendment, motion, or appeal.

I have cleared this agreement with the distinguished Senator from Tennessee (Mr. BAKER) with respect to germaneness.

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

ORDER OF BUSINESS

Mr. MAGNUSON. Mr. President, may I ask the acting majority leader and the acting minority leader a question? I notice on the executive calendar, under "Treaties," the International Convention on Civil Liability for Oil Pollution Damage. I do not know how long it has been on the calendar, but I wanted to inquire whether there is a "hold" on it or why it has not been brought up.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the Senate is awaiting the negotiation of another international agreement. This is the advice that has been delivered to me by the distinguished Senator from Rhode Island (Mr. PELL) through a member of the Policy Committee staff.

Mr. MAGNUSON. We will have, out of the Public Works Committee and the Committee on Commerce, probably the first part of next week, an ocean dumping bill which is involved in this subject matter. My understanding is that they are working on some other portions of the oil pollution damage problem in international waters and that, logically, the civil liability matter would come up after we see what happens in that particular negotiation. All of us are anxious to get at this job and get it done.

Mr. BYRD of West Virginia. The response I was given was based on the information supplied to me by the Senator from Rhode Island (Mr. PELL).

Mr. MAGNUSON. I hope they can work both of them out.

Mr. BYRD of West Virginia. Yes. I hope so.

ORDERS FOR RECOGNITION OF SENATOR NELSON, TRANSACTION OF ROUTINE MORNING BUSINESS, AND LAYING THE BROOK-BUCKLEY AMENDMENT BEFORE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders under the standing order, the distinguished junior Senator from Wisconsin (Mr. NELSON) be recognized for not to exceed 15 minutes, following which there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, and that at the conclusion of which the Chair lay before the Senate the unfinished business, and the pending question, the amendment by the distinguished Senator from Tennessee (Mr. BROCK) in cosponsorship with the distinguished Senator from New York (Mr. BUCKLEY).

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. 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.

FISCAL CONDITION OF THF UNITED STATES

Mr. BYRD of Virginia. Mr. President, I want to express again my deep concern as to the Nation's fiscal condition. I have prepared three tables. One gives U.S. gold holdings, total assets, and liquid liabilities to foreigners for selective periods. The second table shows the deficits in Federal funds and interest on the national debt, 1963 through 1972, inclusive. Table No. 3 shows the Federal finances for the fiscal year 1971.

I ask unanimous consent that at the conclusion of my remarks these three tables be inserted in the RECORD.

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

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, these tables show that for the fiscal year which just ended, 1971, the Federal Government had a Federal funds deficit of $30.2 billion, and the estimated deficit for the current fiscal year is $35 billion. Thus, in this 2-year period there will be back-to-back deficits totaling at least $65 billion. I submit that this is a very dangerous and serious position for the United States to be in.

EXHIBIT 1

FISCAL TABLES—OCTOBER 1971

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

[Selected periods, in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1970	10.7	14.5	43.3
August 1971	10.1	12.1	[1] 46.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1963–72 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972[1]	143.0	178.0	−35.0	21.2
10-year total	1,152.7	1,304.0	151.3	150.2

[1] Estimated figures.

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

TABLE 3.—FEDERAL FINANCES, FISCAL YEAR 1971

[Billions of dollars]

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

Source: U.S. Treasury Department.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the recognition of the two leaders under the standing order, the distinguished junior Senator from Wisconsin (Mr. NELSON) will be recognized for not to exceed 15 minutes, following which 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, at

the conclusion of which the Chair will lay before the Senate the unfinished business, H.R. 9910, a bill to amend the Foreign Assistance Act of 1961. The pending question at that time will be the amendment which was called up a few minutes ago by the distinguished assistant Republican leader, an amendment by Mr. BROCK and Mr. BUCKLEY.

I ask unanimous consent that the time on the amendment not start running until tomorrow.

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

Mr. BYRD of West Virginia. Mr. President, under the agreement, time on any amendment to the bill is limited to 2 hours. Time on any amendment to an amendment is limited to 30 minutes. Time on any motion or appeal, with the exception of a motion to lay on the table, is limited to 30 minutes.

Rollcall votes will be held tomorrow.

The distinguished majority leader indicated a few minutes ago that the Senate will work late tomorrow and, if necessary, on Friday, in order to complete action on the bill, without having a Saturday session.

ADJOURNMENT UNTIL 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 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 28, 1971, at 10 a.m.

WITHDRAWAL

Executive nomination withdrawn from the Senate October 27, 1971:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

George A. Smathers, of Florida, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice Peter G. Peterson, resigned, which was sent to the Senate on September 30, 1971.

HOUSE OF REPRESENTATIVES—*Wednesday, October 27, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He that would love life and see good days, let him turn away from evil and do right, let him seek peace and pursue it.—I Peter 3: 10, 11.

Almighty and merciful God, who hast called us into the service of our country, open our eyes to see Thy wonderful works about us and stimulate our minds to proclaim Thy laws of justice and good will to our people and to all the nations of the world.

Help us as a Republic to learn to live together according to the Golden Rule and to make our contribution to life and liberty on our planet.

Bless Thou our prisoners of war, our veterans, and all who work for our country. Hasten the time when wars shall cease and peace shall reign in the hearts of all.

In the spirit of Him who brings peace to men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 167. Joint resolution to extend the authority conferred by the Export Administration Act of 1969.

DOWN WITH THE U.N.? HOW ABOUT NATO?

(Mr. BINGHAM asked and was given permission to address the House for 1 minute.)

Mr. BINGHAM. Mr. Speaker, does the China voting at the United Nations put in question the value of that organization? If so, it puts in question at least equally the value of NATO, for only three of our NATO allies—Greece, Portugal, and Luxembourg—voted with us, four of our allies abstained, and the remaining six including our closest friends—Canada, France, and the United Kingdom—opposed us.

Does this not say something, Mr. Speaker, about the viability of the "two Chinas" position the administration tried so hard to sell?

SOME QUESTIONS ABOUT OUR ALLIES

(Mr. STRATTON asked and was given permission to address the House for 1 minute.)

Mr. STRATTON. Mr. Speaker, my colleague the gentleman from New York (Mr. BINGHAM) recounted just a moment ago the fact that six of our NATO allies deserted us on the crucial China vote in the U.N. and four others abstained, which under such circumstances is about the same thing. He said he wondered if this did not raise some questions about the validity of our policy.

I wonder if it does not raise some questions about our allies to whom we have been contributing so generously of our resources and our manpower for so many years. When we really needed them, where were they?

THE UNITED NATIONS VOTE AND FOREIGN ASSISTANCE

(Mr. PELLY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, no one ever suggested that U.S. foreign aid was supposed to buy friendship, but surely many of us have hoped that allocations would indirectly at least be an investment in good will.

Mr. Speaker, the vote in the United Nations earlier this week to expel our friend Taiwan and seat Communist Red China is a reflection of how little we gain from the foreign aid program.

Here is a list of the recipients of U.S. foreign assistance in 1970 who voted against the U.S. two-China proposal:

Afghanistan, Algeria, Austria, Belgium, Botswana, Britain, Burma, Burundi, Cameroon, Canada, Ceylon, Chile, Ecuador.

Ethiopia, Finland, France, Ghana, Guinea, Guyana, Hungary, India, Iran, Iraq, Israel, Italy, Kenya.

Laos, Libya, Malaysia, Mali, Mexico, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, South Yemen, Republic of the Congo.

Peru, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan.

Syria, Tanzania, Togo, Trinidad and Tobaga, Tunisia, Turkey, Uganda, Yugoslavia, Zambia.

Earlier this year the bill to extend foreign assistance passed the House by a narrow margin of only eight votes of which one was mine. Today the bill, on the basis of the record of the United Nations' vote, could easily be defeated. Perhaps the United States should not punish its enemies, but I do not see the logic in rewarding them.

SHALL WE CONTINUE TO SUBSIDIZE "DEADBEAT DEMOCRACY"?

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, there has been much talk about being realistic regarding the United Nations and its action in ousting Formosa from membership. I believe fully that this is, indeed, a time for realism. It is time for this Congress to take a realistic look at just what the U.N. is, what it does, and what our role has been and should be.

Is it realistic that the Maldive Islands with 96,000 people or Qatar with 60,000 have the same vote in determining the status of world nations that we do with 200 million people? Yet many of those who preach one-man, one-vote in the United States are supporting this lopsided voting system in the U.N. It is significant that Taiwan, which was let out, has a larger population at 14 million than more than half of the U.N. member countries. There are 41 African "states" which in reality are little more than aggrandized principalities, all carrying full voting rights in the U.N.