functioning in isolated units of two's and three's.

In sharp counterpoint to this is Newton's new plan to cash in on the lucrative college lecture circuit after an unsuccessful tour last fall. Arrangements for the new tour are being handled by a new Black Panther front incorporated under New York law in September as Stronghold Consolidated Productions, Inc. Thus, a university can write a check for a Newton lecture to a seemingly respectable front without the onus of a canceled check transferring student activity funds to the Black Panthers.

Stronghold Consolidated's corporate headquarters is the law firm of Lubell, Lubell, Fine & Schaap at 103 Park Ave. in New York. Running the show is lawyer David G. Lubell, identified in sworn 1958 congressional testimony as a Communist Party organizer at Boston area colleges and since then active in the National Lawyers Guild, often cited as a Communist front.

The present road show that Lubell is trying to book does not come cheap: a standard lecture fee for Newton of $2,500 plus expenses for Newton and two Black Panther traveling companions, David Hilliard and Connie Matthews.

Apart from a date at Cuyahoga Community College in Cleveland, Newton's winter bookings are predominantly at white eastern colleges: Princeton, Columbia and Syracuse. In addition, he will engage in a discussion early next month at Yale, where he also hopes to land a lecture. Surprisingly, Newton's ersatz Marxism and incoherent delivery in last fall's lectures have not greatly diminished his popularity on fashionable college campuses.

Yet, the $2,500 lecture fee amid the halls of ivy looks like the last vestige of the radical chic phenomenon which brightly blazed until the Leonard Bernstein affair. The lecture tour, therefore, may be only a temporary expedient. The future of the Panthers lies in its new underground organization in the inner city, where fund-raising is conducted through the barrel of a gun.

CONGRESSMAN GONZALEZ REINTRODUCES THE MILITARY RETIREE'S RECOMPUTATION BILL

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. GONZALEZ. Mr. Speaker, in reintroducing today legislation to reestablish the recomputation principle in the payment of military retirement benefits, I am asking the Congress to rectify an injustice imposed on our career military personnel in 1958.

Before 1958, increases in retired pay for commissioned and noncommissioned officers corresponded to active duty increases. But that system was suspended and replaced in 1963 by cost-of-living increases that have proven so clumsy and inequitable as to create eight different pay rates for servicemen with identical ranks and years of service who simply retired on different dates.

President Nixon's campaign promise to reestablish the recomputation method was forgotten in the last Congress when the administration announced that retirement increases were out of the question because of a rockbottom Department of Defense budget.

There is no doubt we have betrayed a trust to many of our military men. The career servicemen we have retired to date served in the Armed Forces at pay rates inferior to comparable civilian jobs. They did so out of love and dedication to their country, because of the several unique aspects of military life, and also because they expected decent retired pay. They joined the service at a time when retirement programs in private industry were generally nonexistent and when social security benefits were small, and now, it seems, they are being punished for their foresight.

The legislation I originally sponsored provided for recomputation of retired pay on the traditional formula for all members of the Armed Forces. After consulting with the Retired Officers Association, however, I amended my original proposal to include only military personnel who joined the service prior to 1958 Although I would have preferred the recomputation formula for all servicemen, the limitation on eligibility seems more feasible in light of the administration's contention that the cost of my original proposal would be prohibitively high.

It would benefit all servicemen, who, upon joining the Armed Forces, expected to receive retired pay on the basis of current active duty rates.

I hope and trust that Congress will act on this matter in a way that will keep faith with our Nation's servicemen who served in the belief that they would receive equitable treatment when they retired from service to their country.

CARLISLE FLOYD'S OWN "HIT PARADE"

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1971

Mr. FUQUA. Mr. Speaker, Floridians are proud of the tremendous achievements of Carlisle Floyd, professor of music at the Florida State University in Tallahassee, Fla.

There are very few American-born opera composers, and Carlisle Floyd is, in my opinion, the best.

The Florida Times-Union of Jacksonville, Fla., denoted his achievements in an editorial on February 9, 1971. I commend their comments to the Members of the Congress as a fitting tribute to an outstanding American:

CARLISLE FLOYD'S OWN "HIT PARADE"

Carlisle Floyd, professor of music and composer in residence at Florida State University, last week set a record roughly comparable to a baseball pitcher turning in two consecutive no-hit games, a playwright having two simultaneous hits on Broadway, or a novelist having two works on the best seller list.

Floyd, one of the most successful and prolific of American-born opera composers, was so busy in Tallahassee supervising the Eastern premiere of his latest work, "Of Mice and Men," based on the Steinbeck novel, that he could not find time to go to Sarasota to attend a performance at the Asolo Theatre of an earlier work, "Susannah," already rated as a solid hit on the grand opera charts.

The number of active American-born opera composers is extremely small. The number that has even a single work produced is even smaller. The odds against having two produced in the same week in the same vicinity are incalculable.

In additon to these two, Floyd has several other performed operas, as well as compositions in other fields, to his credit.

The week's record is not only a tremendous personal achievement for the composer, but a testimonial to the level of fine arts appreciation in Florida.

SENATE—*Tuesday, February 23, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

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

Great God, we thank Thee for this land so fair and free, for its worthy aims and generous charities. We are grateful for people who have come to our shores, with varied customs and accents to enrich our lives. As Thou hast led us in the past and covered our sins with Thy forgiveness, so lead us now and in the time to come. Give us a voice to praise Thy name in the land of living men under the divine dispensation of freedom.

Almighty God, Judge of Nations, forgive the pride that overlooks national wrong or justifies injustice. Forgive divisions caused by prejudice or greed. Make us brave to seek Thy will in the land Thou hast given us, lest in our actions we neglect those things which belong to Thy glory, through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, February 22, 1971, be approved.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Sergeant at Arms be instructed to clear the floor and the lobby of all clerks to Senators when the yea-and-nay vote begins today on the motion to invoke cloture, throughout the vote, and until the vote is announced.

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

MINORITY MEMBERSHIP ASSIGNMENTS TO SELECT COMMITTEE ON SMALL BUSINESS

Mr. SCOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

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

The legislative clerk read, as follows:

S. RES. 55

Resolved, that the following Senators shall constitute the Minority Party's membership on the Select Committee on Small Business for the 92d Congress: Senator Jacob Javits, Senator Peter Dominick, Senator Mark Hatfield, Senator Robert Dole, Senator Edward J. Gurney, Senator William B. Saxbe, Senator J. Glenn Beall, Jr., Senator Robert Taft, Jr.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period, not to exceed 15 minutes, for the transaction of routine morning business, with speeches limited to 3 minutes therein.

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 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.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

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

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

MASSACHUSETTS RESOLUTION ON PRISONERS OF WAR

Mr. BROOKE. Mr. President, all Americans share a deep concern over the continued imprisonment, under uncertain conditions, of American fighting men in Southeast Asia.

Repeated attempts to secure their release, and to insure humane treatment including adequate communication with families and loved ones, have met with little if any real success.

Recently, the General Court of the Commonwealth of Massachusetts passed a resolution calling upon the Congress of the United States to protest to North Vietnam the treatment of American prisoners of war who are now being held by that country.

I fully concur in the findings and recommendations of the Massachusetts Legislature, and ask unanimous consent that the full text of this resolution be printed at this point in the RECORD.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROTEST TO NORTH VIETNAM THE MISTREATMENT OF AMERICAN PRISONERS OF WAR

Whereas, There are over sixteen hundred members of the armed forces of the United States listed as prisoners of war or missing in action and many missing in action may be in prison camps, and more than two hundred of them have been held more than three and one half years, longer than any United States serviceman was held prisoner in World War II; and

Whereas, North Vietnam has shown itself to be very sensitive to public opinion in the United States. It would be very useful to let North Vietnam see something of the unity and the impatience of the American people over the long standing proven mistreatment of said servicemen in North Vietnamese prison camps; therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to protest to North Vietnam the mistreatment of United States prisoners of war held in North Vietnam; and be it further

Resolved, That a copy of these resolutions be sent forthwith by the State Secretary to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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. McCLELLAN (for himself, Mr. ALLEN, Mr. BELLMON, Mr. BENNETT, Mr. BIBLE, Mr. BROCK, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CRANSTON, Mr. CHILES, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. ELLENDER, Mr. ERVIN, Mr. GAMBRELL, Mr. GOLDWATER, Mr. HARRIS, Mr. INOUYE, Mr. JACKSON, Mr. McGEE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STENNIS, Mr. STEVENS, Mr. TOWER, and Mr. YOUNG):

S. 907. A bill to consent to the interstate environment compact. Referred to the Committee on the Judiciary and subsequently to the Committee on Public Works for not to exceed 45 days.

Mr. McCLELLAN. Mr. President, many of us were born and spent our early life in a rural America where the natural environment might today be regarded by a city dweller as an earthly paradise. There was little pollution—the air and water were clean and pure. In my region most of the people were too poor to accumulate much litter. We had few worldly possessions and the thought never occurred to us that such a thing as large-scale waste of resources would someday be a problem. Our concerns largely were with making the land produce sufficient food and fiber to feed and clothe the family.

Today we have built a greater America. We have built a society which each year consumes something approaching 60 percent of the resources used by the world. We have only recently awakened to the fact that our greater America carries with it dirty air, dirty water, and mountains of waste. We have further discovered that our environmental pollution is not only unsightly and odiferous, it also is injuring us.

Our Nation has acted over the years to combat its environmental problems. Theodore Roosevelt's most lasting contribution to his country may well have been his commitment to conservation of our wildlife and natural resources. For many years following the depression the Congress has done much to prevent erosion and damaging floods through public works and soil conservation services. Recently, preservation and enhancement of natural wildlife habitat and other environmental considerations have played an increasing role in the manner in which these public works have been constructed. For example, last year Congress authorized the acquisition of some 35,000 additional acres above the originally proposed 15,000 in conjunction with the Felsanthal project on the Ouachita River in Arkansas. The great majority of these additional acres will be operated by the U.S. Bureau of Sport Fisheries and Wildlife and the State of Arkansas as a wildlife refuge and sport fishery subject to periodic flooding which will inure to the benefit of waterfowl and provide an outstanding sports fishery while preserving forests of bottom land hardwoods and cyprus for future generations.

A series of recent efforts directly combating our polluted environment have been made at the Federal level.

First, in 1964 Congress passed the Water Resources Research Act which authorized Federal assistance in the establishment of State water resources research centers.

Second, in 1965 the Water Resources Planning Act was adopted, which set up the Water Resources Council to help establish river basin commissions.

Third, a solid waste disposal program was enacted in 1965, along with a Water Quality Act. And, in 1966, the Clean Water Restoration Act was passed, establishing a national policy of improved water quality, requiring the development of State water quality standards, and authorizing a multibillion-dollar grant program for municipal sewage treatment plant construction.

Fourth, the Clean Air Act of 1965 and the Air Quality Act of 1966 required the establishment of State air quality standards and Federal automobile emission standards.

Fifth, the Highway Beautification Act of 1965 and the Highway Act of 1968, controlling junkyards, requiring that social and environmental factors be considered in public hearings on locations and designs in Federal-aid highway projects.

Sixth, the National Environmental Policy Act of 1969, declared as a national policy, the use of all practicable means to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans. This act also established a Presidential Council on Environmental Quality.

Seventh, Public Law 91-604 established a legal deadline for the reduction of certain hazardous automobile emis-

sions, established primary air quality standards, which affect public health, to be administered by the States.

Eighth, the Water Quality Improvement Act of 1970 established liability for cleanup costs for oil spills, and authorized extensive research on water pollution questions.

Ninth, the Resource Recovery Act of 1970 increased emphasis on recycling and recovery of materials and energy from solid waste.

Tenth, the Environmental Protection Agency and the National Oceanic and Atmospheric Administration came into existence during 1970, combining pollution programs which had been scattered throughout existing agencies.

This year, on February 8, 1971, the President sent a message on pollution control to the U.S. Senate. This program contained an enlargement of scope of activity by the Federal Government as well as higher standards and penalties for polluters of the environment.

The States also have been active in the environmental field, both in complying with Federal requirements and in independent efforts to protect their own environment. However, to this day, States cannot effectively combat pollution problems that cross State lines.

The interstate environment compact bill which I introduce today, is the product of almost a year's work by the groups of States associated as the Southern Governors' Conference, which also includes Puerto Rico and the Virgin Islands. They began their efforts under the leadership of Gov. Winthrop Rockefeller of Arkansas shortly after the President's environmental message to Congress in February 1970. I became aware of their efforts during the summer of 1970, was interested in their proposal, and followed their progress by sending a representative to meetings and attempting to be helpful when asked as to methods of proceeding.

Recently I was asked by the Southern Governors' Conference to introduce this measure. It, of course, like any other proposal is doubtless open to possible improvements. However, I do wish for this body to be aware that this is not a haphazard, nor hastily prepared proposal. Activities leading up to the introduction of this bill included coordinated 2½-hour hearings for each of the States and Puerto Rico and the Virgin Islands presenting for the record each State's extensive research of its pollution problems.

These hearings were held for the purpose of establishing the needs of each State with regard to action against pollutants. On the basis of these hearing records and their personal expertise, various subcommittees of the Southern Regional Environmental Conservation Council—SRECC—produced reports on air quality control, land use, solid waste disposal, recreation, interstate fresh water, and interstate salt water. These subcommittees pooled their experience and findings, and recommended a regional compact with supplementary agreements. Further study led to the determination that the best policy would be to make such a compact national in scope in order that its benefits would be available to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

This bill represents the collective views of the chief executives composing the Southern Governors' Conference that States must play a vital role in environmental control and improvement. The compact approach recognizes that environmental problems do not respect State boundaries. Ordinarily, problems which cross State boundaries are subject to exclusive Federal control and jurisdiction. However, the problems of a polluted river which only affect Missouri and Arkansas, for example, would not logically appear to be the major responsibility of the Federal Government. It is primarily one for the two States to solve, possibly with supplemental Federal assistance. Similarly, many pollution problems are regional in scope. The several States in a region have the initial obligation to control their own environment. A hallmark of Federal regulations is that they are uniform throughout the United States.

There are areas in our country which of necessity will have to tolerate higher pollution levels than presently exist in many parts of the Nation. I personally will be very displeased if the pollution levels in Arkansas rivers are ever allowed to be as high as those of our present industrial regions. Numerous recent Federal antipollution enactments have encouraged States to form compacts on a reigonal level and recognize the fact that the primary enforcement effort must be made at the State level. I want Arkansas to work directly and cooperatively with other States which share with her air quality control reigons, rivers, and land areas which should be controlled and developed as a single unit and develop them in the best possible manner. This compact bill will authorize such State cooperation.

There is no intention that the Federal Government be in any way preempted by State action under these proposed agreements. However, in the traditional pattern of the last 40 years the Federal Government is ever increasing its jurisdiction and preempting State action because the States are unable or unwilling to act in a concerted fashion.

President Nixon's message to the Senate of February 8 contemplates Federal permits for industrial discharges into navigable waters. My State, and many other States already have discharge permits. It makes no sense to require a user to secure two permits. Certainly the Federal Government can set standards in any event. However, we do not need duplication of enforcement procedures. Either the Federal Government or the States should issue permits—but both should not issue permits for the same purpose. Unfortunately, however, it appears that the general thrust in pollution matters is toward greater Federal control, in spite of lipservice paid to State efforts.

There are several bills in the Senate at the present time dealing with development of seashore and estuarine areas. These bills would also encourage the States to act individually and in conjunction with each other to solve common environmental problems. However, without the authority such as proposed in this measure there is no way that States can effectively coordinate their efforts. With a compact they can solve these problems pursuant to agreements between and among the States, without the necessity of involving a jurisdictional body unaffected by the proposal.

One of President Nixon's proposals contemplates a "national land-use policy" in which States would be encouraged to plan for the development of "critical land areas." Without a compact the States cannot agree with each other on pollution abating land-use policies that are enforceable throughout the region affected.

If we do not enact a measure such as this, and thus fail to empower States to cooperatively develop and provide pollution control by compact agreements, then we have before us the real specter of Washington officials completely determining pollution-related land-use policy; that is, on the Connecticut-Massachusetts border—an area which should be controlled by the two States involved if possible.

Big government in the United States yearly increases its cost—both to the taxpayer and in the alienation of the decisionmaking individual from the affected portions of our population. Pollution control and pollution-related land-use planning can be most effectively done at a State level. Everyone talks about this principle, yet at the present time there is no provision allowing States to cooperate in the manner envisioned by this compact. Some may say that if we give this power to the States it may be that they will default in the responsibilities given them. I personally do not think that they will refuse or fail to act. The compelling need and the demand for action by our citizens are too great. If they do fail to act then the blame for increasingly inefficient, bureaucratic, big government will be fairly placed on those States who default in this responsibility.

This is not a partisan issue nor is it ideological. The compact principle, I am advised, is enthusiastically endorsed by the Honorable Dale Bumpers, the present Democratic Governor from Arkansas, and I expect a State bill to be introduced in the Arkansas legislature this week. This proposal was originally sponsored under the chairmanship of Republican ex-Governor Rockefeller of Arkansas, and he has continued his active support of this legislation.

The present chairman of the Southern Governors Conference, the Honorable John Bell Williams of Mississippi, a Democrat, is an ardent proponent. A reading of the list of cosponsors further demonstrates the bipartisan nature of this measure. As to ideology, the only ideological separation on the issue is a separation between those who are concerned over the quality of the air they breathe, and those who are not.

Mr. President, at my request, Gene Mooney, counsel for the Southern Regional Environmental Conservation Council prepared a position paper summarizing events leading up to formation of the Southern Regional Environmental Council, their efforts to examine envi-

ronmental problems in the South, the formation of a proposal for an interstate compact, an analysis of the proposed compact, and a legal justification for its various provisions, Mr. President, I ask unanimous consent that this position paper be printed in the RECORD, immediately following my remarks.

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

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, I am delighted to announce that 23 Senators, representing all quarters of the country, have requested to cosponsor this measure with me. They are Senators ALLEN, BENNETT, BELLMON, BIBLE, BROCK, BYRD of Virginia, BYRD of West Virginia, CRANSTON, CHILES, CURTIS, DOLE, DOMINICK, EASTLAND, ERVIN, GAMBRELL, GOLDWATER, HARRIS, INOUYE, JACKSON, McGEE, RANDOLPH, RIBICOFF, STENNIS, STEVENS, TOWER, and YOUNG, and the distinguished senior Senator from Louisiana, the President pro tempore of the Senate (Mr. ELLENDER), who is now presiding.

Mr. President, I ask unanimous consent that this compact be referred to the Committee on the Judiciary, and when it is reported from that committee that it be immediately referred to the Committee on Public Works for a period not to exceed 45 days. This unanimous consent request has been discussed with and has the approval of the chairman of the Public Works Committee the Senator from West Virginia (Mr. RANDOLPH).

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered. The bill will be received and referred as requested.

Mr. McCLELLAN. Mr. President, I believe that possibly every Member of this body could cosponsor this bill. While the idea may have originated with the Southern Governors' Conference, I am sure others have had such a proposal in mind and that the conference will activate their interest. At the request of the Southern Governors I have introduced the bill. I believe when each Senator has examined the measure, all will want each State to have the right to participate and to work cooperatively with its neighboring States by supplemental agreements to the end that we may present an all-out effort in the fight against pollution.

EXHIBIT 1

THE INTERSTATE ENVIRONMENT COMPACT LEGISLATION: A POSITION PAPER

(Prepared for the Southern Regional Environmental Conservation Council of the Southern Governors Conference by Eugene F. Mooney, Chief Counsel, SRECC, for submission to Senator John L. McClellan)

THE NATIONAL PROBLEM

INTRODUCTION

The full magnitude of the national environment problem is only now beginning to be documented. Publication last August of The First Annual Report of the Council on Environmental Quality in compliance with the National Environmental Policy Act of 1970 brought together in one summary an overview of the known elements of the present national environmental pollution situation. That report by the President to the Congress noted:

"This first report to the Congress on the state of the Nation's environment is an historic milestone. It represents the first time in the history of nations that a people has paused, consciously and systematically, to take comprehensive stock of the quality of its surroundings.

"It comes not a moment too soon. The recent upsurge of public concern over environmental questions reflects a belated recognition that man has been too cavalier in his relations with nature. Unless we arrest the depredations that have been inflicted so carelessly on our natural systems—which exist in an intricate set of balances—we face the prospect of ecological disaster."

The accompanying report by the Council on Environmental Quality describes the present conditions of our national environment, and identifies major trends, growing problems, and opportunities for the future. The President noted that in many respects the Report is incomplete because our systems for measuring, monitoring and predicting environmental changes are inadequate. Nevertheless, he stated:

"However, the report will, I think, be of great value to the Congress (and also to the Executive Branch) by assembling in one comprehensive document a wealth of facts, analyses and recommendations concerning a wide range of our most pressing environmental challenges. It should also serve a major educational purpose, by clarifying for a broad public what those challenges are and where the principal dangers and opportunities lie."

The Report itself described in general terms the nature, scope and diversity of current and foreseeable environmental pollution problems. A stark and sometimes terrifying picture emerges from the welter of detail, the known problems and the unknowns and the dimensions of the task confronting us.

Surveying the major parameters of our national environmental situation the Report addressed the following pollution problems:

Water Pollution
Air Pollution
Inadvertent Weather and Climate Modification
Solid Wastes
Noise, Pesticides and Radiation
Population Growth
Land Use

A brief review of some portions of that Report directly relevant to the matters addressed by this proposed legislation reveals much about the nature and need for the legislation being proposed here. Essentially, this legislation is addressed to water pollution, air pollution and solid waste management.

Major water pollution problems are caused by wastes arising from industrial, municipal and agricultural sources. The Report measures water pollution in terms of water volume in gallons and biological oxygen demand materials (BOD) and suspended solids in pounds. The totals are awesome:

TABLE 1.—ESTIMATED VOLUME OF INDUSTRIAL WASTES BEFORE TREATMENT, 1964 [1]

Industry	Wastewater volume (billion gallons)	Process water intake (billion gallons)	BOD (million pounds)	Suspended solids (million pounds)
Food and kindred products	690	260	4,300	6,600
Meat products	99	52	640	640
Dairy products	58	13	400	230
Canned and frozen food	87	51	1,200	600
Sugar refining	220	110	1,400	5,000
All other	220	43	670	110
Textile mill products	140	110	890	N.E.
Paper and allied products	1,900	1,300	5,900	3,000
Chemical and allied products	3,700	560	9,700	1,900
Petroleum and coal	1,300	88	500	460
Rubber and plastics	160	19	40	50
Primary metals	4,300	1,000	480	4,700
Blast furnaces and steel mills	3,600	870	160	4,300
All other	740	130	320	430
Machinery	150	23	60	50
Electrical machinery	91	28	70	20
Transportation equipment	240	58	120	N.E.
All other manufacturing	450	190	390	930
All manufacturing	13,100	3,700	22,000	18,000
For comparison: Sewered population of United States	[2] 5,300		[3] 7,300	[4] 8,800

[1] Columns may not add, due to rounding.
[2] 120,000,000 persons times 120 gallons times 365 days.
[3] 120,000,000 persons times ⅙ pound times 365 days.
[4] 120,000,000 persons times 0.2 pound times 365 days.

Source: Data derived from T. J. Powers, National Industrial Waste Assessment, 1967.

The Report noted:

"The more than 300,000 water using factories in the United States discharge three to four times as much oxygen-demanding wastes as all the sewered population of the United States. Moreover, many of the wastes discharged by industry are toxic" ["Environmental Quality," The First Annual Report of the Council on Environmental Quality, August 1970, page 32].

Considering waste heat as an industrial water pollutant, in September 1968 a total 50 billion gallons of water was being used for cooling purposes primarily by the electric power industry. Electric power demand is rising and the Report noted: "It is estimated that by 1980, cooling operations by the electric power industry will require the equivalent of one-fifth of the total fresh water runoff of the United States." (Id. p. 34.)

The second ranking source of water pollution is municipal waste water discharges. The Report estimated that about 5,300 billion gallons of water are utilized by municipalities to carry some 16 billion pounds of wastes. Yet we are also woefully deficient in sewer systems for the nation:

"Less than one-third of the Nation's population is served by a system of sewers and an adequate treatment plant. About one-third is not served by a sewer system at all. About five percent is served by sewers which discharge their wastes without any treatment. And the remaining thirty-two percent have sewers but inadequate treatment plants. Of the total sewered population, about sixty percent have adequate treatment systems." [Id. p. 32.]

Municipal systems waste loads are expected to quadruple during the next half-century. A recent report to the National Governors Conference by the Citizens Advisory Committee

on Environmental Quality observes that our present procedures for handling liquid wastes result in thousands of small, inefficient plants. Proposing an alternative national system based on statewide water treatment systems, the Committee notes:

"It would require that disposal programs be planned insofar as possible on a regional or river basin basis in order to achieve maximum economies and at the same time give maximum protection to streams and shorelines." ["A New Approach to the Disposal of Liquid Waste," Citizens Advisory Committee on Environmental Quality, page 12]

Other sources of water pollution include agricultural wastes, land erosion sediment, mine drainage and water craft wastes and oil spillages—the most newsworthy of which seems to be accidental oil spillages.

These figures and trends become ominous in light of the truism that the total fresh water supply of the continental United States (excluding Hawaii and Alaska) is substantially static—neither materially increasing nor decreasing in volume annually. That total volume is 1201 billion gallons per day. In 1965 the nation used 270 billion gallons daily for all purposes, including waste disposal. By 1980 it will be using 443 billion gallons daily, and by the year 2000 it will be utilizing 805 billion gallons daily 2/3rds of the finite total. Almost 700 billion gallons will be employed daily for non-consumptive use to carry wastes and will thus be "polluted" water which must be cleaned and re-used. (Id. pp. 162–163)

Daily over 1200 billion gallons of fresh water runs through the continental network of streams and rivers into the surrounding coastal waters and the Great Lakes. Virtually every gallon at numerous points in its journey to the sea is a portion of interstate waters directly affecting two or more states. Equally significant is the fact that direct, immediate authoritative control over the most predominant sources of pollution of these waters—industrial plants and municipalities—rests traditionally with the States of the Union.

Air pollution is measured in tons of pollutants emitted into the air annually. This complex and rapidly growing environmental problem is most apparent and alarming in the urban areas of this nation. The Report noted:

Five main classes of pollutants are pumped into the air over the United States, totaling more than 200 million tons per year . . . Transportation — particularly the automobile—is the greatest source of air pollution. It accounts for 42 percent of all pollutants by weight . . . An accompanying table presents an analysis of total air pollution in terms of sources and pollutants:

ESTIMATED NATIONWIDE EMISSIONS, 1968

[In millions of tons per year]

Source	Carbon monoxide	Particulates	Sulfur oxides	Hydrocarbons	Nitrogen oxides	Total
Transportation	63.8	1.2	0.8	16.6	8.1	90.5
Fuel combustion in stationary sources	1.9	8.9	24.4	.7	10.0	45.9
Industrial processes	9.7	7.5	7.3	4.6	.2	29.3
Solid waste disposal	7.8	1.1	.1	1.6	.6	11.2
Miscellaneous [1]	16.9	9.6	.6	8.5	1.7	37.3
Total	100.1	28.3	33.2	32.0	20.6	214.2

[1] Primarily forest fires, agricultural burning, coal waste fires.

Source: NAPCA Inventory of Air Pollutant Emissions, 1970. [Id. pp. 62-63.]

The nation is just beginning to learn the dimensions of its air pollution menace. Aerial contaminants already identified are a serious threat to human health, to vegetation, visibility and climate. The Report states that current trends in air pollution promise a more dangerous future.

Carbon monoxide emissions by motor vehicles are projected to trend downward from a peak in 1965 until about 1985 and then begin to rise again (pg. 79)

Sulfur oxides from coal and oil fueled steam electric generating plants will continue to rise dramatically for the remainder of this century. (pp. 80–81)

As in the case of contaminated water, polluted air does not respect state boundaries and so called "ambient air" is an interstate phenomenon. State control over stationary emission sources of air pollution—primarily industrial plants—is virtually plenary. The Report notes:

"With one major exception—new motor vehicles—whose control the Clean Air Act preempts to thet Federal Government—primary responsibility for the control of the sources of air pollution is assigned to State and local governments." [Id. pg. 83]

Solid waste generated by the increasing populace increases by geometrical proportions due to growing technology and affluence. Garbage collected in urban areas has increased from less than 3 pounds per person in 1920 to approximately 5 pounds per person today and will reach 8 pounds per person by 1980. [Id. p. 106]

The Report summarizes:

"The total solid wastes produced in the United States in 1969 reached 4.3 billion tons as shown in the following table:

	Million tons
"Residential, commercial and institutional wastes	250
Collected	(190)
Uncollected	(60)
Industrial wastes	110
Mineral wastes	1,700
Agricultural wastes	2,280
Total	4,340

Sources: Bureau of Solid Waste Management, Department of Health, Education, and Welfare; Division of Solid Wastes, Bureau of Mines, Department of the Interior.

"Most of it originated from agriculture and livestock. Other large amounts arose from mining and industrial processes. A little under 6 percent, or 250 million tons, was classified as residential, commercial, and institutional solid wastes. And only three-fourths of this was collected. . . . The final disposal point for an estimated 77 percent of all collected solid wastes is 14,000 open dumps in the country. Thirteen percent is deposited into properly operated sanitary landfills, where wastes are adequately covered each day with earth of the proper type. Nearly all of the remaining 10 percent is burned. Incinerators are used primarily in large cities, where the volume of refuse and the high cost of land make incineration an attractive disposal method. Small quantities of solid wastes are turned into nutrient rich soil conditioners by composting operations. And a small but troublesome percentage is dumped at sea." (pp. 107, 110)

The composition of total solid waste collected annually in this country consists of—

30 million tons of paper
4 million tons of plastics
100 million automobile tires
30 billion bottles
60 billion cans
Unknown millions of cars and major appliances (Id. p. 108).

The recommended strategy for much of our growing solid waste problem is recycling a maximum amount of these materials back into our economic system. However, before that can be done, or, as an integral part of that process, solid waste must be collected, processed and non-recyclable materials disposed of by the same agencies which have traditionally performed these chores—local governments. Although solid waste disposal is traditionally a purely local concern, the Report notes:

"Regional solid waste management is evolving as the only rational approach in many urban areas, even though local officials often balk at turning over control of any aspect of solid waste management to a metropolitan-wide authority. Consolidation jeopardizes vested interests. Patronage, position, and status of individual employees and the degree of control over solid waste management within the community's own boundaries (including location of disposal sites) militate against intermunicipal cooperation. To mitigate these factors, higher levels of government must devise ways to encourage coordination on a regional basis." [Id. p. 120]

The concept of regional solid waste collection, disposal and recycling "sheds" surrounding large metropolitan areas is a rational approach. Long-distance transportation of solid wastes from urban complexes generating them to rural disposal areas is already being contemplated by our hardest-pressed cities.

A casual glance at a map of the United States with these water, air and solid waste problems in mind reveals the strategic significance of legislation relating to interstate pollution. Many large industrial and urban complexes not only generate much of our environmental pollutants but they also tend to be located near state borders and on or near the environmental media which transmit pollutants to other states. Thus they often inflict pollution miseries on more than one state, sometimes affecting entire geographic regions.

A national strategy for addressing environmental problems of the magnitude revealed in the 1970 report must realistically be grounded firmly on pollution control structures designed to address interstate pollution.

I. THE FEDERAL CHALLENGE

The Congress has challenged the several States to clean up their air, land and water and thus clean up our national environment.

Congress began in earnest during the past decade to fashion a national evironmental pollution control program. Its early efforts took the form of basic legislation in the fields of water pollution, air pollution and solid waste disposal. From these basic pieces of legislation the federal government has now begun to assemble an administrative apparatus appropriate to our developing understanding of the nature, scope and diversity of the task. From the basic legislation and newly created federal executive branch agencies national antipollution programs designed to master our environment problems are beginning to issue. The future will see intensification and amplifications of our current approach.

A major premise of this approach is that the national government and the States have definite and differentiated roles to play in our national environment control program. Specifically, the States have the primary responsibility for cleaning up our air, land and water, while the national government is to prescribe national criteria and assist the States in implementing their control and abatement programs.

A summary history of recent Congressional and executive actions in the field of environ-

ment protection marks the dimensions of this major federal challenge to the States.

The Federal Water Pollution Control Act, the Clean Air Act and the Solid Waste Disposal Act are the key statutes in our national program to control environmental pollution. These acts initiated in the early 1960's and were broadened and strengthened in 1965, 1967 and again in 1970. They provide a firm legislative base for federal agency programs.

Additional legislation in 1969 and 1970 augmented our basic program legislation by expressing national policy on the matter. Thus the Congress enacted the National Environmental Policy Act in 1969, stating "that it is the continuing policy of the Federal Government, in cooperation with State and local governments . . . to use all practicable means . . . to create and maintain conditions under which man and nature can exist in productive harmony. . . ." [P.L. 91–190, Section 101(a)], and creating the Council on Environmental Quality. The Environment Improvement Act of 1970 stated a national policy "for the enhancement of environmental quality" and further found that "the primary responsibility for implementing this policy rests with State and local governments." [Title II of HR 4148, 91st Cong., Apr. 3, 1970, Section 202(1)]

The Executive Branch has duly implemented the policies and programs established by the Congress. The President in his Environment Message to the Congress on February 10, 1970, devoted a major section of it to proposals designed to organize the Executive Branch of the federal government for action against pollution. Subsequently, the President issued Executive Orders 11507 and 11514 during 1970 to implement the National Environmental Policy Acts and ordered federal agencies themselves to avoid polluting our land. Then late last year through Reorganization Plans 3 and 4 of 1970 the President and Congress extensively reorganized the federal agency structure to create the Environmental Protection Agency and the National Oceanographic and Atmospheric Administration bringing together widely scattered federal environmental protection and study departments. Recently, on December 23, 1970, the President issued executive order 11574 authorizing the United States Army Corps of Engineers to establish a pollution permit system under the Refuse Act of 1899 applicable to industries using the navigable waters of the United States. Regulations for implementing this new federal water pollution control system are now being promulgated.

Simply stated, the national government has adopted the role of defining the criteria by which the state of the national environment shall be evaluated, establishing certain national standards and assisting in control efforts. The States, on the other hand, have the role of promulgating local standards and control measures compatible to national standards and enforcing these control measures. The assigned role of each level of government is thus based on its strengths: the national government has the revenues, the overview and scientific capability to perform its task; the States have their existing local control apparatus, experience and capabilities to enforce against polluters control measures devised jointly by the State and national government. The national government stands back of the States in their control efforts. The States implement national minimum standards. This approach, in addition to being traditional, rational and appropriate, promises to produce the environmental cleanup results our people demand.

Federal-State relations

National policy on the delicate matter of federal-state relations in the national pollution control program was firmly established at the beginning of the federal effort and has continued unchanged. That policy is most succinctly stated in the Federal Water Pollution Control Act of 1965 (33 U.S.C. 466 et. seq.). The Congressional declaration of policy states:

"Section 1(a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

"(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution.

"(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

Another formulation of the same essential policy appears in section 101 of the Clean Air Act (42 U.S.C. 1857–18571). That language, framed in terms of Congressional findings and purposes, states as follows:

"Sec. 101. (a) The Congress Finds—

"(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdiction and often extend into two or more States;

"(2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

"(3) that the prevention and control of air pollution at its source is the primary responsibility of States and local governments; and

"(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

"(b) The purposes of this title are—

"(1) to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

"(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

"(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

"(4) to encourage and assist the development and operation of regional air pollution control programs."

This same national policy also underlies the Solid Waste Disposal Act of 1965 (P.L. 89–272). Section 202 of that act states that the Congress finds—

"(a)(3) that the continuing concentration of our population in expanding metropolitan and other urban areas has presented these communities with serious financial, management, intergovernmental, and technical problems in the disposal of solid wastes resulting from the industrial, commercial, domestic, and other activities carried on in such areas; . . .

"(6) that while the collection and disposal of solid wastes should continue to be primarily the function of State, regional, and local agencies, the problems of waste disposal as set forth above have become a matter national in scope in concern and necessitate Federal action through financial and technical assistance and leadership in the development, demonstration, and application of new and improved methods and processes to reduce the amount of waste and unsalvageable materials and to provide for proper and economical solid-waste disposal practices.

"(b) The purposes of this Act therefore are—

"(1) to initiate and accelerate a national research and development program for new and improved methods of proper and economic solid-waste disposal, including studies directed toward the conservation of natural resources by reducing the amount of waste and unsalvageable materials and by recovery and utilization of potential resources in solid wastes; and

"(2) to provide technical and financial assistance to State and local governments and interstate agencies in the planning, development and conduct of solid-waste disposal programs."

These statements manifest that it is national policy in the entire field of environmental pollution that States will be responsible for cleaning up our air, land and water.

Federal spending for environmental control

This federal legislative and executive activity in the field of environment has been strongly supported by increased appropriations to finance federal agency programs and matching grants to the States.

No detailed accounting of the total federal funds directly invested in environment control programs over the past decade is needed. However, some indication of the magnitude of commitment is revealed by the following summary of federal funding for pollution control and abatement programs for 1969–71:

[In millions of dollars]

Budget authority			Obligations			Outlays		
1969	1970	1971	1969	1970	1971	1969	1970	1971
852	1,520	4,813	916	1,291	2,100	763	885	1,380

Source: "Environmental Quality," The First Annual Report of the Council on Environmental Quality, August 1970, p. 319.

Pursuant to diverse and sometimes complicated matching funds formulae, these federal expenditures are designed to generate State expenditures approximately three times as great.

The President's most recent proposal to the Congress on February 8, 1970, asked for an increase of federal grants for construction of municipal waste-treatment facilities, from the present level of $1 billion in fiscal 1971 to $2 billion annually, to be matched with State and local funds of $6 billion annually, proposing a three-year program costing a total $12 billion. (Congressional Record, February 8, 1971, page 2071.) Whether this particular increase will be granted by the Congress rests with the wisdom of the Congress. However, the clear indication is that federal appropriations for environmental programs will continue to rise dramatically over the ensuing years of this decade as the national environment program is implemented.

National policy on interstate pollution

Yet the matter of how interstate pollution problems are to be controlled by the States

is not answered by these general policy statements, although they clearly contemplate that much of our effort will be aimed at interstate pollution. That answer is provided by separate and distinct policy statements unequivocably establishing the interstate compact as the preferred instrument for effecting the national program.

In identical language, Section 4 of the Federal Water Pollution Control Act, covering both salt and fresh water, and Section 102 of the Clean Air Act provide:

"The Secretary shall encourage cooperative activities by the States for the prevention and control of water and air pollution; encourage the enactment of improved and, so far as practicable, uniform state laws relating to the prevention and control of (water) (air) pollution; and encourage compacts between States for the prevention and control of (water) (air) pollution"

And—

"The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of (water) (air) pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements or compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by Congress."

Section 205 of the Solid Waste Disposal Act provides:

"The Secretary shall encourage cooperative activities by the States and local governments in connection with solid-waste disposal programs; encourage, where practicable, interstate, interlocal, and regional planning for, and the conduct of interstate, interlocal and regional solid-waste disposal programs; and encourage the enactment of improved and, so far as practicable uniform State and local laws governing solid-waste disposal."

These acts also establish grant programs for planning, research, training construction and demonstration projects for which interstate agencies may qualify, and in a variety of ways acknowledge the fundamental national policy to encourage interstate environment compacts.

To underscore this policy and guard against inadvertent preemption the Congress was careful to preserve the States' concurrent jurisdiction over interstate media when federal pollution abatement authority was given. Section 10 of the Federal Water Pollution Control Act provides:

"Section 10. (a) The pollution of interstate of navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

"(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not except as otherwise provided by or pursuant to court under Subsection (h) be displaced by Federal enforcement action."

And section 108 of the Clean Air Act similarly states:

"Section 108. (a) The pollution of the air in any State or States which endangers the health or welfare of any persons, shall be subject to abatement as provided in this section.

"(b) Consistent with the policy declaration of this title, municipal State, and interstate action to abate air pollution shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a court order under subsection (c), (h), or (k)."

The Solid Waste Disposal Act does not provide for any form of federal abatement action and thus no such express reiteration of this national policy is required in it. However, it is significant that in administering the grant program under the Act the federal agency has funded urban area solid waste programs crossing State boundaries by means of inter-local agreements.

The legislative program established by the Federal Water Pollution Control Act of 1965 (P.L. 89–234) is aimed almost exclusively at interstate pollution. Pursuant to it the individual States file pollution control plans covering their interstate waters for approval by the administering federal agency (F.W.Q.A. originally, now E.P.A.). "Interstate waters" under the Act covers all waters that flow across or form a part of State boundaries, and

. . . "is not limited to only those portions of these water bodies at the point at which they flow across or form a part of State boundaries. In effect, therefore, water quality standards are to be established for and made applicable to the entire stretch of the interstate waters within a State."

The agency has advised the States:

"10. State standards will be reviewed in terms of their consistency and compatibility with those for affected waters of downstream or adjacent States. Coordination is encouraged among States to assure such consistency."

Federal Guidelines on water Quality Standards, 31 BNA Environment Reporter 5122–23 (1970).

All fifty States have filed plans covering their interstate waters with the federal administering agency, and all have been approved subject to certain express conditions. [18 C.F.R., chap. V Part 620] Enforcement of interstate stream standards is the responsibility of the several states:

Q. Once standards for the interstate waters of a particular State have been approved or established by the Secretary, how are the standards enforced?

A. Standards submitted by a State and approved by the Secretary (or issued by the Secretary) become, in effect, federal standards for the waters involved and are therefore subject to federal enforcement action. This, however, is a last resort. The initial responsibility for enforcement of standards rests with the States. Development of State plans for implementation and enforcement of the criteria is an integral part of the standard-setting process.

Questions and Answers on Water Quality Standards (issued by FWPCA June 1967), 31 BNA Environment Reporter 5151 (1970)

Similarly, the Clean Air Act empowers the federal administering agency to designate interstate air quality control regions in order to establish ambient air quality standards. [Section 107(a) (I)] Federal guidelines issued May 1969 provide:

"2.25 . . . within each region, then, whether it be interstate or intrastate, air quality standards applicable to all portions of the region must (see 1.51) be mutually compatible.

"In air quality control regions that include parts of two or more States, the establishment and implementation of air quality standards obviously will require a high degree of cooperation and coordination among the States involved.

"It is expected (see 1.51) that State governments will assume responsibility for achieving such coordination. They are not required, under the Air Quality Act, to enter into interstate compacts for this purpose, but if they do, such compacts must be approved by the Congress. Other means of coordination can be employed."

NAPCA Guidelines for the Development of Air Quality Standards and Implementation Plans, 31 BNA Environment Reporter 1121 (1970).

Pursuant to this program the federal administering agency (originally NAPCA now EPA) has described nine "Atmospheric Areas" which cover the continental United States and has listed 104 Air Quality Control Regions to be formally designated. Forty-six of these regions will be interstate in scope, covering portions of two or more States.

More recently, on February 6, 1971, transmitting extensive reorganization plans to the Congress, the President released the text of a portion of the Ash Report on reorganization of the Executive Branch relating to multistate arrangements which recommended as a general policy "the federal government should encourage the negotiation of interstate compacts and interstate arrangements where they appear desirable." [The Lexington Herald-Leader, February 7, 1971, page 9]. Two days later on February 8, 1971, as a part of his environmental program for 1971, the President proposed the coordinated state-federal regional control program on electric power plant siting proposed in the Report by the Energy Policy Staff, Office of Science and Technology, entitled "Electric Power and the Environment." [Congressional Record, February 8, 1971, page 2073] Interstate Compacts will be required to create these regional programs at the state level.

All this legislation, federal spending, agency reorganization and program activity at the national level adds up to a formidable federal challenge to the States. That challenge is that with federal assistance and support the States should clean up our national air, land and water by exercise of their police powers and through the instrumentality of the interstate agreement.

II. THE STATES' RESPONSE

The several states have responded affirmatively to this massive federal challenge in a variety of ways. They have undertaken to comply with the filing requirements of the federal air and water quality acts. Comprehensive and wide-ranging state legislation in the fields of environmental protection has now been enacted by virtually every state, most of it during the past two years.

All fifty states have filed their required interstate water pollution control plans. The accelerated pace at which the states have adopted air pollution control regulations is summarized by the Council on Environmental Quality:

"Prior to passage of the Clean Air Act in 1963, only nine states had adopted air pollution control regulations. By 1967–68, 30 had. By the end of 1970 it is expected that all states will have established the legal basis for controlling the sources of air pollution . . . local agencies set up to deal with the problem have proliferated from 85 agencies in 1962 to more than 200 today."

["Environmental Quality," The First Annual Report of the Council on Environmental Quality, August 1970, page 83.]

A general movement among the states is underway toward reorganization of state executive branches to consolidate state environmental protection agencies similar to the recent federal environmental agency reorganization. Concerning but one field of environmental protection—water pollution—the Council on Environmental Quality has observed:

"State legislatures themselves are looking hard at the organizational structure for administering state water pollution control programs. At least 16 states have acted in this area [water pollution control] . . . most of those States have . . . created water quality boards . . or combined water quality responsibilities with natural resource activities. Some states—for example, New Jersey and New York—have combined their air and water pollution activities in an even more comprehensive approach to environmental management. Perhaps the most ex-

citing organizational innovation has been the statewide treatment authority. Ohio has authorized an Ohio Water Development Authority, with power to construct, operate, and assess charges for treatment plants in that State. Maryland has recently created Waste Acceptance Service with similar functions.

["Environmental Quality," Id. p. 50.]

Nor have the states been niggardly in their spending for basic environment control programs. Again to take the clearest example, the Council on Environmental Quality has noted:

"Since 1957, the Federal Government has paid out $1.5 billion to help build and expand over 10,000 municipally owned and operated sewage treatment plants. With this money States and cities have constructed $6.4 billion in treatment works. In 13 years of such grants, the population served by some degree of waste treatment has jumped by more than 51 million people. . . . Overall, state spending for pollution control programs in fiscal year 1970 wil more than triple spending in 1965, increasing from about $11.2 million to an estimated $36 million.

["Environmental Quality," Id. pp. 46, 50.]

Yet the magnitude of the ecological systems involved and the fact that this nation consists of relatively distinct multistate regions with different pollution problems, suggests there is something lacking in an approach to national problems through state-by-state compliance with categorical assistance federal programs. Governmental jurisdictions are the structures through which environment control programs must be implemented. But air and water pollution do not respect jurisdictional boundaries nor observe our constitutional federalism. A necessary aspect of any truly effective environment control program is conspicuously absent.

That missing ingredient is regional overview. National overview may be provided by our newly organized federal environment protection agencies and state overview accomplished by the several states. But there is a need to coordinate environmental protection on a multistate basis. The obvious ecological differences between the industrial Northeast, the mountainous and forested Northwest, the dry and windswept Southwest and the lush, semitropical Southeast should not be ignored.

Thirty-five years ago two distinguished scholars of American federalism in a passage strikingly pertinent today, observed:

"Legislation is the answer, and legislation must be coterminous with the region requiring control. We are dealing with regions, like the Southwest clustering about the Colorado River, or the States dependent upon the Delaware for water, which are organic units in the light of a common human need like water-supply. The regions are less than the nation and are greater than any one State. The mechanism of legislation must therefore be greater than that at the disposal of a single State. National action is the ready alternative. But national action is either unavailable or excessive. For a number of interstate situations Federal control is wholly outside the present ambit of Federal power, wholly unlikely to be conferred upon the Federal government by constitution amendment and, in the practical tasks of government, wholly unsuited to Federal action even if constitutional power were obtained. With all our unifying processes nothing is clearer than that in the United States there are being built up regional interests, regional problems calling for regional solutions. Control by the nation would be ill-conceived and intrusive. A gratuitious burden would thereby be cast upon Congress and the national administration, both of which need to husband their energies for the discharge of unequivocally national responsibilities. As to these regional problems Congress could not legislate effectively. Regional interests, regional wisdom and regional pride must be looked to for solutions.

The regional economic areas demand continuity of administrative control in so far as control is to be exercised through law. The central problem of law, it is becoming clearer every day, is enforcement. Experience overwhelmingly demonstrates that the demands of law upon economic enterprises, like the modern utilities, cannot be realized through the occasional explosions of lawsuits but call for the continuity of study, the slow building-up of knowledge, the stimulation of experiments, the initiative in enforcement which can only be secured through a permanent, professional administrative agency. The inventive power exacted from modern State legislatures must grapple with problems whose stage is an interstate region. Collective legislative action through the instrumentality of compact by States constituting a region furnishes the answer."

[Frankfurter and Landis, "The Compact Clause of the Constitution—A Study in Interstate Adjustment," 34 *Yale Law Journal* 685, 707–708 (1925).]

A regional study of the geographic South

The territories of the States of the Geographic South together with the northern portion of the Gulf of Mexico and the famous Gulfstream approximately constitute what the science of ecology calls a *biome*. This cosmic view is concisely stated by the Council on Environmental Quality:

Ecology is the science of the intricate web of relationships between living organisms and their living and nonliving surroundings. These interdependent living and nonliving parts make up *ecosystems*. Forests, lakes, and estuaries. Larger ecosystems or combinations of ecosystems, which occur in similar climates and share a similar character and arrangement of vegetation, are *biomes*. The Arctic tundra, prairie grasslands, and the desert are examples. The earth, its surroundings envelope of life-giving water and air, and all its living things comprise the *biosphere*.

["Environmental Quality," The First Annual Report of the Council on Environmental Quality, August 1970, pages 6–7.]

A glance at a map of the United States reveals the validity of this ecological concept of the region. In general terms, the Mississippi River system, with its great tributaries—the Missouri, Arkansas, Ohio, Tennessee and Red rivers—is the primary fresh water input to the Gulf of Mexico.

This prototype ocean issues the Gulfstream around the Florida peninsula which flows northward along our Southeastern coast before splitting into its northern and southern currents out in the Atlantic Oceans.

For both environmental study and control purposes, this region of the United States is sufficiently homogeneous to be recognized by our federal agencies. The National Water Resources Council in its 1968 report on "The Nation's Water Resources" designated for its study purposes seventeen "water resources regions" which were used in its national assessment. Many of these regions are based on single large river systems. Five of these water regions are located within the Geographic South—

The Texas-Gulf region.

The Lower Mississippi region.

The South Atlantic Gulf region.

The Tennessee region.

The Puerto Rico region and significant portions of four others are also encompassed:

The eastern four-fifths of the Rio Grande region.

The eastern two-thirds of the Arkansas-White-Red region.

The southern half of the Ohio region.

The southern one-third of the North Atlantic region.

Significantly, twelve of the total seventeen water systems flow into the Gulf of Mexico or the coastal waters adjoining the Gulfstream. ("The Nation's Water Resources," United States Water Resources Council, 1968, pages 1–23 to 1–28.)

The Secretary of Health, Education and Welfare, acting pursuant to the Clean Air Act, in 1968 designated 14 atmospheric areas for the entire United States. These atmospheric areas are based on common meteorological and climatological characteristics as established by long-range data. Nine of these cover the continental United States (excluding Hawaii and Alaska). Substantially all of three of these areas and a significant portion of a fourth one are encompassed by the Geographic South—

The Southern three-fourths of the Appalachian Area.

The Southern half of the Mid-Atlantic coastal area.

The South Florida area.

The Southern Florida-Caribbean area.

The southeastern portion of the Great Plains area.

These atmospheric areas are defined "on the basis of those conditions which affect the interchange and diffusion of pollutants in the atmosphere," and establish the basic zones for national air pollution control purposes. ("Atmospheric Areas Designated Under the Clean Air Act," Department of H.E.W., January 16, 1968, and November 13, 1968, 31 BNA Environment Reporter 1191 (1971))

Finally, major portions of three of the six multistate regional economic development commissions are located in the Geographic South

The southern two-thirds of the Appalachian Regional Commission.

Over three-fourths of the Ozark Regional Commission.

All of the Coastal Plains Regional Commission.

These regional commission areas are predominantly rural in character and are thus attended by mining and agricultural pollution problems and represent likely areas for future industrialization with its attendant pollution problems. In addition, these rural areas contain likely future sites for the large solid waste disposal landfills required not only by the region's own cities but also by the urban-industrial complex north of the Ohio River.

The essential environmental unity of the southeastern quadrant of this country has been summarized in this succinct passage:

The states in this area have considerable similarity of distribution of population—we are a mixture of urban and rural people spread more evenly across the land than is the case in urbanized portions of the North and Northeast, the less densely populated great plains and mountains, or the urbanizing west coast. We have broad similarities in climate, being relatively well watered compared to the dry states to the West; and our unprotected lands can erode virtually all year round compared to the states to the north where land is stabilized by freezing for a part of the year. We have similarities in the growing threat of pollution as our population increases and our industrial complex grows, but we have by no means reached the crisis stages such as are encountered in the Los Angeles smog or the so-called "death" of Lake Erie.

["Expediting Cooperation Among The States," Statement by Harold V. Miller, Executive Director, Tennessee State Planning Commission, SRECC Hearing, Nashville, Tennessee, July 20, 1970.]

Against this background a group representing the States of the Geographic South undertook to study an entire region to gain the regional overview provided neither by the national government nor by any individual state. The study was conceived to focus on interstate environment problems common to the states of the region and directed toward remedial action for those problems.

The Southern Regional Environmental Conservation Council

The Southern Governors Conference is composed of the chief executives of Arkansas, Alabama, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, Virgin Islands, West Virginia, and is considered by many to be the most active of the governors' conferences. This conference of governors represent a region of the United States it calls the Geographic South. That region encompasses about one-fourth to one-third of this nation in terms of geophysical characteristics and population.

Meeting annually, this Conference of chief executives directs its attention to a wide variety of governmental concerns of importance to its region. Frequently it imitates permanent governmental structures to address matters of common interest to the region. A variety of approaches are used among which is the interstate compact. For example, the Southern Regional Education Board and the Southern Interstate Nuclear Board, both are based on interstate compacts initiated by the Southern Governors Conference.

The 1970 Southern Governors Conference turned its attention specifically to environmental problems and in a remarkable and creative manner initiated the legislation here being introduced. Because of the thorough and highly competent manner in which this was done, a summary of the project history will indicate the force and logic behind its proposal.

Shortly, after the President's environment Message to Congress in February 1970, the Chairman of the 1970 Southern Governors' Conference Governor Winthrop Rockefeller, suggested to Mr. Russell Train, Chairman of the Council on Environmental Quality, that the two organizations cooperate in a unique study venture. Governor Rockefeller proposed that they consider the environmental problems of the entire Geographic South on a regional basis with a view to devising appropriate governmental strategies for coping with environmental problems common to the States. Receiving an encouraging response, Chairman Rockefeller referred the matter to the appropriate Conference committee for recommendations how to proceed.

The Committee on Natural Resources and Environmental Management on April 16, 1970, recommended "that the Southern Governors' Conference take immediate steps to form a broadbased Southern Regional Environmental Conservation Council" to conduct a regionwide study and report to the 1970 Annual Meeting of the Conference on September 21, 1970. The objective of the study was to devise a "coordinated solution for the myriad of environmental problems of a large geographic region."

Chairman Rockefeller moved rapidly and enthusiastically to implement this recommendation. He called upon the chief executives of the Conference each to name a representative member of SRECC and they responded dramatically. By means of parallel executive action simultaneously on May 8, 1970, the nineteen chief executives appointed their representatives and Chairman Rockefeller created the SRECC. The Council was asked to study the problem and in a report to the 1970 Southern Governors Conference in September 1970 to "provide policy guidance" to the nineteen chief executives concerning regional environmental protection.

This action underscored a remarkable show of unity which would prevail throughout the entire project and to the present date. Further, the persons chosen by the several governors to conduct the study were their top environment technicians, officials with long experience with the problem and a firm understanding of its complexities. A list of these men and their official titles indicates the level of competence enjoyed by SRECC:

SRECC Representative: Mr. Glenn Jermstad, Assistant to Chairman Rockefeller.

Arkansas: Mr. Don Smith, Public Service Commission.

Alabama: Arthur Beck, Director, Bureau of Environmental Health.

Delaware: Austin Heller, Secretary, Dept. of Natural Resources and Environmental Control.

Florida: Nathaniel Reed, Chairman of Board of Air and Water Pollution Control.

Georgia: Oliver Welch, Director, Georgia State Planning Commission.

Kentucky: Ralph Pickard, Director, Bureau of Environmental Health, Executive Director, Kentucky Water Pollution Control Commission.

Louisiana: Lyles St. Amant, Assistant Director, Louisiana Wildlife and Fishing Commission.

Maryland: James Coulter, Secretary of Natural Resources.

Mississippi: Paul Fugate, State Agriculture & Industrial Board.

Missouri: Phillip A. Clark, Director of Planning, Dept. of Community Affairs.

North Carolina: Dr. Leigh Hammond, State Field Director, Coastal Plains Regional Commission.

Oklahoma: Mr. Calvin T. Grant, Deputy Assistant, Dept. of Health.

Puerto Rico: Cruz Matos, Assistant Secretary of Public Works.

South Carolina: Clair P. Guess, Jr., Executive Director, S.C. Water Resources Commission.

Tennessee: Jim Church, Director, Bureau of Environmental Health.

Texas: James Goodwin, Coordinator of Natural Resources.

Virginia: Fitzgerald Bemiss, Assistant to Governor Holton.

Virgin Islands: Pedrito Francois, Director, Environmental Sanitation.

West Virginia: William H. Loy, Chairman of SRECC, Administrative Assistant to Governor Moore.

The SRECC held its organizational meeting at the headquarters of the Council of State Governments in Lexington, Kentucky, on June 8, 1970, and devised a remarkable study project designed to accomplish their specified objective. SRECC determined to survey the entire region by means of a public hearing in each participating state at which the Governor, his chief of state environment officials and other interested persons would testify regarding the following matters:

The varied interstate pollution problems of the entire region.

The environment problems each particular state has in common with its adjoining sister state.

The relationship of each state with the various federal environment protection agencies.

Their reaction to the concept of an interstate compact, approved by Congress, permitting the party states freely to enter into supplementary agreements with sister states regarding their particular common environmental problems.

These hearings would culminate with a colloquium among SRECC members and representatives of the several federal environment protection agencies. A permanent record would be made of these hearings and exhibits would be received.

The hearings would provide the basis for subcommittee reports in the subject matter areas of Air Pollution, Solid Waste Disposal, Land Use, Fresh Water Pollution and Salt Water Pollution. These subcommittee reports, in turn, would provide the basis for the SRECC Report to the Committee on Natural Resources and Environmental Management for presentation to the Southern Governors Conference in September.

Federal-state cooperation was present from the beginning. Mr. Timothy Atkeson, Chief Counsel, Council on Environmental Quality, served as the "federal presence" at the initial meeting and SRECC requested that a "federal presence" attend every stage of the project if possible. The Council on Environmental Quality agreed to provide a federal representative to serve as a member of the hearing panels for liaison purposes, and to provide a federal representative to assist the subject-matter subcommittees. Subsequently, Mr. Bryan F. LaPlante, Associate Commissioner, Federal Water Quality Administration, served as a member of all four hearing panels, and, together with Professor Eugene F. Mooney, Chief Counsel of SRECC, attended all eighteen public hearings. Mr. David Schuenke of the Federal Water Quality Administration, assisted the subject-matter subcommittees in preparing their reports.

Accordingly, SRECC organized five subject matter subcommittees to prepare work papers on the subject matters, and formed four separate hearing panels to conduct the eighteen public hearings and colloquium.

Hearings would be held in July, subcommittee papers completed in August and the final report prepared in early September for presentation to the 1970 Annual Conference on September 21, 1970. A small grant of money from the American Conservation Foundation provided certain necessary travel funds for the hearing panels and each participating state contributed the services of its SRECC member and bore the cost of its public hearing.

This rigorous timetable was not only met and the study and report completed on schedule but, even more remarkably, as additional dimensions of the matter were discovered during conduct of the project they were incorporated into the study, explored and included in the final report.

During the week July 6–10 public hearings of 2½ hours duration each were held at the rate of two each day in the following cities:

Baltimore, Maryland, Wilmington, Delaware, Charleston, West Virginia, Frankfort, Kentucky, Columbia, Missouri, Little Rock, Arkansas, Austin, Texas, Baton Rouge, Louisiana, Jackson, Mississippi, by two of the SRECC hearing panels. Resuming the hearing schedule during the third week in July, during the period July 20–24 hearings were held by two other SRECC panels in:

Nashville, Tennessee, Atlanta, Georgia, Montgomery, Alabama, Tallahassee, Florida, Columbia, South Carolina, Raleigh, North Carolina, Richmond, Virginia.

Washington, D.C. for Puerto Rico & Virgin Islands and the survey concluded with a colloquium among SRECC representatives and the following federal agency officials:

Mr. Timothy Atkeson, Council on Environmental Quality.

Mr. Richard H. Broun, Department of Housing and Urban Development.

Mr. John Callahan, Advisory Commission on Intergovernmental Relations.

Mr. Bryan F. LaPlante, Federal Water Quality Administration.

Mr. Leander B. Lovell, Bureau of Solid Waste Management.

Mr. Hugh Miller, National Air Pollution Control Administration.

Mr. Ramon Powell, Water Resources Council.

Mr. David A. Schuenke, Federal Water Quality Administration.

Mr. Harry A. Sellery, Department of Justice.

Mr. Nicholas D. Thomas, Department of Housing and Urban Development.

These hearings produced statements from eleven Governors—eight delivered in person—and over one hundred state environmental officials, together with numerous statements by academic and professional people as well as concerned citizens. The several transcripts number approximately 2000 pages augmented by several thousand pages of technical exhibits. This unique "record," the only one of its kind, contains innumerable examples of

interstate environment problems described by those public officials having intimate knowledge of them. It covers not only the propositions and subject-matter areas defined by the SRECC but also ranges into a broad spectrum of closely-related matters. The record includes not only the pollution problems of the states of the region but also their entire spectrum of concern over environmental management in its broadest dimensions.

A film record of these hearings was also made by SRECC. Almost 20,000 feet of movie film was taken during the course of the public hearings. These film clips were combined with appropriate illustrative footage and a unique documentary movie entitled "A Time To Act" was created and presented as a part of the SRECC Report to the Southern Governors Conference in Biloxi on September 22, 1970.

As the hearings progressed the panel members became aware of the great variety of scientific research activities relating to environmental pollution being performed by state universities and colleges, scientific institutes and federal agencies operating throughout the region. Even more importantly, the hearings revealed the potential for much more highly coordinated scientific research which could be generated, and the need for an effective intergovernmental link between federal scientific research activities, expertise and installations and the state environmental pollution control agencies charged with the responsibility for abating interstate pollution. Specifically, the hearings revealed the existence of federally-funded or operated research and development programs and installations which could be effectively utilized by the States of the region in cooperation with sister states. As these exciting scientific and technological possibilities appeared the SRECC members began visualizing appropriate governmental and private institutions to realize the incalculable benefits which might be derived from federal-state environment control efforts conducted on a regionwide basis. These prospects were incorporated into the study and ultimately reflected in the SRECC report.

The hearing record was assembled and the subject-matter subcommittees met in Lexington where their reports were drafted during the week of August 2–7. These work papers exceeded a hundred pages and were the distilled observations, conclusions and recommendations of the SRECC members who conducted the hearings and read the record, combined with their own experience as state environment protection agency officials. A summary of these conclusions follows:

Air quality control summary

National policy is set forth in the Air Quality Act of 1967. Congress declared that the prevention and control of air pollution at its source is the primary responsibility of state and local governments; that Federal financial assistance and leadership is essential for the development of cooperative Federal, state, regional and local program to prevent and control air pollution; and that a major purpose of the Act is to encourage and assist the development of regional control programs.

To implement those policies, Congress authorized the Secretary, H.E.W., to define national atmospheric areas; designate specific air quality control regions; establish and publish air quality criteria; approve standards and plans adopted by the States; and in event of failure by a State, to initiate adoption of standards and criteria.

Recognizing that problems of coordination and consistency are multiplied when more than one state is involved, the Air Quality Act provides for interstate agreements or compacts. The Act is written in such a manner as to effectively require a separate set of agreements for each interstate air quality control region. Neither the standards nor the plan will be approved for one state in an interstate region in the absence of consistent and compatible standards and plans from the other state or states involved.

Thus, the effect of interstate control regions is to force states into agreements which, although not legally binding in the absence of Congressional approval are mandated by the administrative and financial sanctions exercised by the national air pollution control administration.

While the air quality control region strategy of the Federal Act provides a systematic basis for the reduction and prevention of harmful emissions, there is great danger of a bureaucratic snarl if the act is not administered skillfully.

That a bureaucratic snarl is developing is a major recurrent theme in the statements presented to the Council by responsible state agencies. Regions are proposed and designated by H.E.W. without due regard to the internal program priorities of the states involved. A major share of the scarce technical resources available to the states is committed to the administrative details forced on them by the simultaneous designation of a large number of control regions. The non-productive workload is greatly increased by Federal inclusion of non-essential counties in control regions. Regions are proposed and established before criteria are developed and published, the involved standard setting-plan of compliance procedure must be repeated for each previously established region.

Willy-nilly response to the rapid random designation of Federal control regions and the continual stream of new criteria is a major obstacle to effective pollution control activities within the States. Air pollution is prevented and controlled at the existing and potential sources of emissions. That is a primary responsibility of the States, and a goal to be obtained. Yet the states cannot plan, budget and establish priority schedules for abatement activities as long as the present pattern for establishment of air quality control regions prevails.

In part the trouble stems from the role assumed by Federal officials. Several statements made note of the fact that the Federal government was preoccupied with methodology and minute details of state activities. Rather than accepting the responsibilities of the "Board of Directors," Federal leadership seems to be aimed at the level of the "shop foremen."

Recommendations

It is recommended that:

1. Each state air pollution control agency prepare a program plan which among other things will designate the areas for inclusion in air quality control regions, the number of regions, counties to be included in each region, and priority of development should be set forth.

2. State plans be submitted to the Federal air pollution control administration for review and acceptance after mutual consultation and desirable adjustments;

3. Federal officials adopt the state plans as the basis for identifying and establishing air quality control regions;

4. Federal officials use the state plans to establish a national timetable for designating air quality control regions; and

5. The Southern Governors Conference enter into a blanket compact for the purpose of making the operational arrangements and other interstate agreements promoted in the spirit of the Air Quality Act of 1967 under binding agreements subject to the conditions and stipulations that Congress may wish to impose.

Land committee

State, regional and national land use policies must be adopted at an early date and utilized in the development of Land Use Plans of the local, state and national level. Land has been both a producer of agricultural and mineral wealth, and its beauty has been a comfort and a solace in time of trouble. Many times a look at the unspoiled landscape has been enough to enable us to return to our work with renewed energy. The preservation of productive land and the location and distribution of our population are essential factors in preserving a reasonable balance of nature and maintaining acceptable environmental quality. Today, 70% of the population of the United States resides on 10% of the land.

Sediment resulting from the erosion of land has been related nationally as the greatest contributor to pollution of surface waters. It is a carrier of many pollutant materials and causes its damage where it comes to rest in the forms of filling valuable bodies of water and the impairment of the quality of water for essential uses. There are many contributors to the estimated 4 billion tons of sediment per year in America, including agriculture, road construction, subdivision development, cut-over forest land, surface mining, unattended lands, combined with other natural phenomena such as floods.

The critical need for an orderly program of reclamation of surface mining areas is reflected in the testimony of the representatives of the several states in which such mining is practiced. The need for regional standards and policies is likewise expressed. A typical philosophy was expressed by a West Virginia representative who stated:

"Reclamation requirements for all states with common problems should be universally applied, with the economic consideration for reclamation to be uniform to maintain the competitive position in our mineral market."

Another state representative expressed it as follows:

"The Interstate Mine Compact would provide our respective administrative agencies more effective tools with which to cope with the mined-land programs; essentially, the knowledge and experience gained by a group confronted with identical problems. The advantages of group efforts as against the independent operation of a single state agency are obvious. Even the mine operators would benefit from standard reclamation programs as against the confusion of individual state codes, frequently in conflict and certainly to the dismay of an operator trying to please everybody."

The thought is woven through the testimony from the Interstate Hearings that each state must proceed with some degree of urgency to develop a broad land use policy and plan which would accommodate the regional concept. This must include criteria to meet the needs of transportation, recreation, industrial development, agriculture, power and other utilities. This was very well expressed by one state representative who states, "We need these guidelines. They are necessary in order for us to achieve our goal of a prosperous and pretty state, a state that is not only a good place to live, but also a good place in which to make a living."

* * * * *

Solid Waste Disposal Subcommittee

A statement by a representative of West Virginia crystallizes the prevailing thought on a regional approach to solid waste problems. He said:

"It is quite evident that the solid waste disposal problem can no longer be considered local excepting in centers of small population. It is further evident that the solution of domestic, industrial and agricultural solid waste problems could be accelerated consid-

erably beyond stop-gap measures by subregional and/or regional efforts."

He suggested the following as goals to be attained under regional concept:

1. Reduction of the quantity of wastes.

2. Development of waste sheds and subwaste sheds that are equipped to accept all types of waste and prepare reusable portions for shipment to salvage centers for cycling into raw material markets or as usable end products.

3. Coordination of research and development.

4. Establishment of regional training programs for personnel who manage and operate solid waste systems.

5. Development of standard criteria with region-wide application.

* * * * *

Recreation subcommittee

The subcommittee can conclude that all the supporting evidence points to the need for planning and managing of the environment beyond geographical state boundaries. It also concludes that to effectively solve the environmental problems of today, governmental entities must become more flexible and be positioned to effectively unite as the need arises for reaching common goals to meet the needs and wishes of its citizens.

In final analysis the subcommittee would offer two strong quotes from representatives of Kentucky and West Virginia as they appeared in the testimony.

From West Virginia—

"One fact stands out—the needs and desires of our society place demands on environmental quality that extend beyond the borders of one state. Clearly, we must take action to insure that multistate cooperation can be provided swiftly from a well-grounded and responsive base. The Southern Regional Environmental Conservation Council can serve as this base."

From Kentucky—

"Regional concepts have been fostered and indeed created at the local government level by Federal agencies. It would, therefore, appear pertinent to provide a mechanism that could be recognized by the Federal Government, that will enable States to solve common problems transcending geographical and political boundaries without the associated red tape and cumbersome formation of a compact for solving each separate problem that may arise between the various states."

* * * * *

Interstate waters—Fresh water subcommittee

1. Executive and Congressional pronouncements explicitly and repeatedly set out a national policy of encouraging and promoting cooperative arrangements between the several states for investigation, planning developing criteria, and enforcing quality standards for interstate waters.

2. Federal procedures and objectives are far from static. No consistent input from the states is being sought or produced at present. Hence, the Federal decision-making process currently fails to include a consideration of the capacity and commitment of the states to Water Quality, while at the same time substantial enforcement responsibility is being thrust on state regulatory agencies.

3. National Water Quality objectives can be better achieved by a permissive mechanism whereby states can pool their expertise and powers to confront common-interest problems. The present cumbersome procedure for such cooperative efforts is a material factor in inhibiting rapid and rational governmental action to achieve environmental quality.

4. Responsible agencies of the SRECC member states can more effectively act cooperatively with sister state agencies if agreements could be expeditiously reached in the following subject matter areas:

(a) Planning and environment management on a river-basin or watershed basis

(b) Stream preservation projects

(c) State-line metropolitan area water use problems

(d) Legalization of existing informal agreements

(e) Proprietary rights

(f) Thermal powerplant siting and utility corridors

* * * * *

Interstate Waters—Salt Water Subcommittee

The coastal states of the Southeast agree that their immensely valuable marine resources are threatened by the consequences of population and industrial growth and by the absence of policy and governmental structure required for effective action against these threats among themselves and in relation to the Federal Government.

It is recognized that while there is much that individual states can and should do toward the conservation and wise use of their wetlands and estuarine areas, and much that the Federal Government can and should do, coastal research and management are perhaps most in need of orderly and purposeful regional attention.

States frequently share rivers and estuaries and therefore share use and management. Differing standards and purposes cause misuse, neglect, and confusion. There are various interstate compacts and commissions, but the best of these attend only to fragmentation of the total problem and the worst do nothing. In either case the important problems of the sensitive and complex marine environment go unattended.

On a larger scale, major river basins (involving inland as well as coastal states) drain vast population and industry centers. The inshore marine environment is called upon to accommodate not simply marine resources, but industrial cooling, pollution dilution, solid waste dispersion, recreation, and a great many unnatural functions. The coastal zone is a battered but persistent continuum of tides and currents, interrelated food systems and migrating fisheries, and mixtures of temperatures and waters, fresh and salt. These can only be properly understood and managed by a strong National Coastal Zone Management program in which the states, regionally aligned, are active managing partners.

Lateral boundaries present another problem; that of fixing the lines between states out across the coastal zone. It is not merely a matter of ownership but of management responsibility, involving the fisheries and minerals of these areas, and waste disposal in them. And the matter of state and Federal sovereignty is far from settled.

Then there is the problem of the fishery resources that migrate along the coast. Despite various wholesome efforts there are still conflicting fishery regulations and laws in coastal states. And there are the different worlds of commercial and sports fisheries. The survival of significant fishery resources will require coordinated management of wetlands, spawning, nursery, and foraging areas for a uniformly satisfactory marine environment. The Southern States, working as a region on clearly regional resources, have here a great opportunity for constructive cooperation with the Federal Government's Coastal Zone Management System.

Finally, there is the matter of responsibility for management of the high seas fisheries of the "contiguous fisheries zone." This must be undertaken first by a region of concerned states with the Federal Government and then together with foreign fisheries interests.

The Southern Coastal States recognize that a resource of incalculable value to themselves, the Region, and the Nation is threatened. They are presented with not just a problem but an opportunity of exciting proportions.

In summary it is recommended, in the interest of more effective action among themselves and between themselves and the Federal Government, that an interstate governmental device be created to:

(1) Enable states to develop uniform purposes and standards for research, policy, and management of rivers and estuaries they share for more comprehensive attention to the marine environment.

(2) Enable states of the entire region to develop coordinated policy relating to the impact of industrial and population growth on the coastal zone in cooperation with the National Coastal Zone Management Program.

(3) Settle questions of lateral boundaries and management responsibility between states.

(4) Make appropriate uniform fishery regulations and laws governing migrating fishery and their environment.

(5) Band together for more effective dealings with the Federal Government and foreign fisheries concerning the high seas fisheries and the "contiguous fisheries zone."

Perhaps the most significant discovery of the SRECC Survey of the region relates to the sheer number and diversity of interstate pollution control arrangements either mandated or suggested by existing federal antipollution programs.

Thus the Air Pollution subcommittee reported:

"Of the total 91 control areas designated and planned for the entire nation, 39 involve one or more of the jurisdictions of the Southern Governors' Conference. Because many of the control areas include parties of two or more states, there will be more than 60 involvements of individual state control agencies of the Southern Governors' Conference including Puerto Rico and the Virgin Islands." (SRECC Air Committee Report, Aug. 7, 1970, page 3)

Each of the 30-odd interstate air quality control regions already designated in the Geographic South are appropriate—perhaps necessary—situations for a separate interstate agreement relating to control efforts.

The Salt Water Subcommittee reported that 13 of the 19 jurisdictions surveyed have salt water shoreline of 2,970 miles which is approximately 42% of our continental coast. Further—

"The five Gulf states alone . . . (have) . . . 6,721,000 acres of estuaries (U.S. total 26,620,000) and 5,219 miles of recreation shoreline (U.S. total 21,724)." (SRECC Salt Water Subcommittee Report, August 7, 1970, page 1)

This stretch of our national shoreline includes at least thirteen major interstate estuaries connected to twenty-eight interstate rivers and involving sixteen states (thirteen in the Southern Governors Conference and three non-conference states), plus the District of Columbia and four Mexican States (Tampaulipas, Muero Leon, Coahuila and Chihuahua.) Each of these interstate estuaries and their associated rivers is an appropriate—perhaps necessary—situation for an interstate agreement for pollution control purposes. (SRECC Salt Water Subcommittee Report August 7, 1970, page 7, 8). Coastal Zone management programs, oil spill contingency plan structures and the definition of seaward state boundary lines present other occasions for interstate agreements.

The region contains literally hundreds of interstate streams, varying in size from the Mississippi River to small, scenic sport fishing streams. Numerous large interstate lakes are located there. The Fresh Water Subcommittee noted:

"A number of member states have or are developing stream preservation legislation and programs. A procedure whereby states with common streams can cooperatively designate, develop, and perhaps finance such streams is mandatory. . . . A number of

metropolitan areas in the member states sprawl across state boundaries. . . . Six regional (electric) power pools lie in whole or in part within the SRECC membership region. The supply of electric energy within a power pool is interconnected and interdependent, hence siting of plants involves the interest of several states. . . . For the same reasons, the location of routes for transmission lines should be done on a cooperative basis. . . . Both nuclear and fossil fueled powerplants demand enormous amounts of water for stream generation and cooling. The ecological impact of siting, as illustrated by the Chesapeake Bay cases, extends to several states." (SRECC Fresh Water Subcommittee Report, August 7, 1970, pages 2, 4–5)

Each of these interstate stream situations presents an appropriate—perhaps necessary—situation for interstate agreement on pollution control programs.

A number of large metropolitan areas located within the region are situated on or near state boundaries, thus automatically involving interstate solid waste collection, disposal and recycling districts. Some examples are Washington, Louisville, Cincinnati, St. Louis, Memphis, Kansas City and New Orleans in addition to dozens of smaller cities.

The SRECC Report estimates that three to four dozen interstate situations involving air pollution, water pollution and solid waste disposal, amenable to or necessitating immediate interest agreements currently exist in the Geographic South.

Final report and recommendations

The SRECC mandate had been to provide "policy guidance" to the Southern Governors Conference and thus a series of policy alternatives were examined in light of the Study. These various alternatives were summarily described in the Report as follows:

Policy alternatives

The position was stated to the Council over and over by witnesses that the States of the region are wholly committed to the management of their environment in exercise of their traditional police powers within the federal framework to further the goals of their people. State after State voiced its determination that its social and economic development continue unabated within the context of a clean, high quality physical environment. Further, these officials declared that it is imperative that the relatively high quality of the regional environment must be preserved, as a minimum requirement and further enhanced if possible. All states affirmed the necessity for a strong federal antipollution program; and acknowledged that federal funds, technical facilities and research are essential to the states in their implementation programs.

In summary, the states of the region desire higher environment quality standards than those which would be acceptable to some sections of the United States in order to preserve an already cleaner environment, differentiated antipollution control structures in order to accommodate the diversity of situations, and arrangements flexible enough to respond to changing knowledge, technologies and pollutants.

Given these facts and desires three basic policy positions were explored for suitability in achieving the common regional goals concerning interstate environment problems:

1. Federal Agency Programs Implemented By The Individual States. The present governmental structure is essentially an adaptation of the categorical assistance approach whereby a state "plan" must be promulgated and formally approved by the federal agency, and localities apply individually to the agency for matching funds for antipollution projects. Compatibility of state plans and local projects with national goals is effected by the federal granting agency under national criteria and enforcement of these "state" laws is by state environment agencies.

Individual states may promulgate higher standards for themselves than the federal minimums. Absent voluntary, unofficial coordination of plans by adjoining states, no systematic regionalized criteria, standards or implementation activities arise naturally from this arrangement. Interstate environment problems are directly addressed only by the federal agency under this approach and the hiatus is bridged by creation of federally designated interstate zones or by informal federal coordination of the implementation plans of adjoining states. Further, this federal-individual state structure does not permit higher regional environmental standards because the federal agency cannot legally promulgate them and the states of the region have no authority to do so.

2. Separate Agreements For Individual Situations. No less than forty multistate environment arrangements must be effected in some fashion within the next few years in order to address pending pollution problems in the region. The present structure, discussed above, leads to pseudo-agreements by and among states affected by a particular problem under the device of federal designation of an interstate zone and compliance by the affected individual states with federal wishes under threat of direct federal regulation upon failure by the adjoining states to respond satisfactorily. This structure permits little choice of plans, programs or partners by affected states concerning interstate pollution problems yet commits them to programs they otherwise might not choose.

The Council discovered that a partial subsystem of informal interstate "agreements" has subsisted for many years among some of the region states concerning some aspects of environment control. Many state fish and wildlife and water pollution control agencies cooperate closely with each other concerning common problems, and exchange data, experience and information relating to their respective jobs These informal "agreements" tend to exist and flourish as a result of personal relationships and are often enhanced by lifelong professional associations. However, these arrangements may not survive political shifts inside a state, the stresses of state competition for industry, or interlocal conflicts. Further they cannot form a secure basis for long range research, planning, funding, construction and program development by the party states regarding interstate resources. The Council feels these productive, cooperative arrangements would be strengthened by a legal cloak of firm and constitutional authority.

Individual interstate compacts formed around each present or potential interstate environmental problem offers a possible approach which combines the best features of the two previously discussed alternatives—genuine agreement and stable, long-term structure. Thus, the region states could proceed to form some three dozen interstate compacts immediately to accommodate the thirty interstate air quality control zones already designated by H.E.W. plus some five or six interstate river and estuary commissions and—perhaps—some other compacts relating to solid waste, recreation, coastal zone management, oil spill and electric power generation and transmission. However, the Council learned that at the present rate formal compacts are normally approved by Congress "It would be the year 2000" before anything effective is done.

Finally, none of the three possible arrangements the benefits of *regional* environment data generation, research, policy-planning and program coordination. Witnesses stated repeatedly the need for more and better data concerning the region's environmental pollutants, land and water use practices and research oriented toward development of preventive and corrective measures to protect the ecology of the region. The magnitude and application of expenditures required to generate the new data, research and technology required for each of these separate arrangements is uncalculated.

3. A Regional Compact With Supplementary Agreements. The Council asked each state to comment on the desirability of an open-ended interstate compact executed by the States of the region which permitted supplementary agreements by party states regarding their particular interstate environment concerns. The regional compact would have to be formally approved by Congress and might have a "federal presence," the individual supplementary agreements would be drawn and administered by the party states and would not have to be approved by Congress. The regional compact could be administered by a commission with a technical staff to operate in close conjunction with federal agency environmental programs and perform regional data-gathering, coordinating and advisory functions. Its program would be jointly funded by the party states and the federal government.

Each state affirmed that such an agreement would facilitate development and administration of interstate environment programs at the rate and on the scale made necessary by the present situation. Each expressed belief that such an approach could succeed with a minimum of additional "bureaucratic fat" and without sacrificing essential state prerogatives. Further, to the extent the regional compact could coordinate and expedite transfer of federal technology, expertise and funds to the program implementation level in the field it would be commensurately more useful to the states. The states surveyed perceived that regionalization of environmental planning and implementation efforts in this fashion would complement existing multigovernmental organizations such as river and air compact commissions, federal-state economic development commissions and developing interlocal arrangements throughout the region. Additionally, this approach is a genuine federal-state partnership structure. Finally, in a larger context, a number of witnesses noted the compatibility of this approch to our traditional federalism, potential federal revenue-sharing and a decentralization of governmental responsibility.

The Council believes this third alternative embodies the most desirable features of the others discussed, and contains the potential for an added dimension of effective intergovernmental relationships in this country.

The SRECC Report culminated in the following conclusions and recommendations derived from the study:

Conclusions by the committee

The Southern Governors must determine the role of the states of the geographic south in the national environment program.

A study of regional environment problems indicates that the nineteen jurisdictions should organize themselves as a single entity and associate with the national government in a regionwide environment management program in order effectively to implement federal and state environmental control measures. An open-ended federal-state compact should be promulgated by the nineteen jurisdictions and approved by Congress permitting the participating states freely to enter into supplementary agreements concerning interstate environment matters. States would continue their interstate environment control programs enhanced by a regional coordination system and with integrated efforts concerning their particular interstate environment problems. The value of this regional alliance arises from physical characteristics common to these jurisdictions, their responsibilities under federal and state laws and the need for

close integration of private and federal, state and local government environment study and control activities.

An organizational structure appropriate to the varied needs of this approach is required. Generally, the regional federal-state compact must be drafted, and formally approved by the states and Congress, numerous supplementary agreements dealing with environment control among states must be negotiated, a region-wide environmental data-gathering system must be devised and operated, and continuing theoretical and technological research efforts initiated and coordinated. An immediate task is to initiate liaison and planning activities with federal agencies currently involved in environment programs and planning the Earth Resources Survey programs to be carried out over the upcoming decade.

To initiate and carry forward these difficult formative tasks it will be necessary to continue and strengthen the Southern Regional Environmental Conservation Council as the agency charged with three key responsibilities:

1. Drafting a federal-state compact designed to address the common environmental problems of the entire region by means of multistate supplementary agreements.

2. Designing an interstate agency and program to promote intergovernmental and interagency coordination of environmental study and control efforts for maximum effectiveness and efficiency; and

3. Conception and development of a regionwide interstate environment data-gathering system for use by the participating states in their environmental management programs, utilizing the technological capabilities of federal, state and private agencies.

Summary analysis indicates that an estimated $250,000 will be required for the initial program year (October 1970–October 1971). Services to SRECC valued at $100,000 were contributed by the 18 participating states during the period May–September, 1970. For planning purposes it was anticipated these states would continue this type and level of support during 1971. Thus, an estimated $150,000 in additional funds should be sought from other funding sources.

Recommendations by the committee

We recommend that a regional environmental management operation be designed immediately. Specifically, regarding this program, we further recommend:

1. The Southern Governors Conference should:

a. Adopt the Resolution—previously circulated—which has been proposed by the Council.

b. Communicate this policy determination directly to the President of the United States expeditiously and seek his support for the principle.

c. Seek interim financing of $150,000 from federal environment agencies and private foundations and develop long term funding plans.

d. Formally request the Council of State Governments to serve as interim fiscal agent, furnish in house administrative service and afford technical assistance to the Southern Regional Environmental Conservation Council.

e. Develop a program systematically to inform congressional delegations of the policy position here adopted.

2. The Southern Regional Environmental Conservation Council should proceed immediately to:

a. Prepare a draft of the Southern Regional Environmental Compact in the form of proposed state legislation and congressional legislation for introduction on or before January 1, 1971.

b. Create a skeleton technical planning staff of member state personnel with expertise in air, land, fresh and salt water, legal and administrative fields with staff support to assist the Council in formulating regional interstate environmental control, data-gathering, criteria and implementation systems; effecting coordination of state environment programs relative to interstate matters; and initiating liaison and engage in program planning activities with relevant federal environment agencies, if funds be available.

c. Initiate preparation of a comprehensive regional environmental enhancement plan for presentation by the second program year.

d. Assist preliminary drafting and negotiations by and among the participating states of supplementary agreements regarding interstate river and estuary quality, interstate solid waste programs, interstate recreation developments and multistate coastal zone management programs.

e. Coordinate a program designed to inform Congress of the policy positions and views of the compacting states on proposed federal environment legislation as it comes before that body for action; relate to federal environment agencies concerning matters of common interest; and systematically inform the compacting states of the progress and activities of the Council.

f. Develop recommended regional environmental quality criteria designed for the geographic South, more stringent than the national minimums to be established by the federal government and appropriately differentiated to reflect the social, environmental, economic and aesthetic needs and desires of the people of the region."

This Report was presented to the Southern Governors Conference in Biloxi, Mississippi, on September 2, 1970, and the recommended Resolution was adopted by the Conference without dissent. The text of that Resolution follows:

"Biloxi Resolution

Whereas, the Southern Governors recognize their responsibilities for protecting, enhancing and managing the environment of their States and region and propose to discharge these obligations in an effective manner; and

Whereas, the Southern Governors have created the Southern Regional Environmental Conservation Council to assist them in this endeavor; and

Whereas, it is clear from the testimony of the many officials and other witnesses who have appeared before the Council in hearings throughout our region during the month of July, 1970, that many of the environmental problems which face and will continue to face us in the future, transcend political and geographical boundaries and require common working relationships and interstate mechanisms; and

Whereas, we concur with the Southern Regional Environmental Conservation Council's conclusion that we should seek to achieve an effective, constitutionally valid, and practical working basis which will enable our jurisdictions to cooperate between and among themselves and with the federal government in identifying and handling specific problems of environmental quality and the management of natural resources which cross state lines.

1. To be effective—such efforts must be enforcable

2. To be constitutionally valid—the program must have the status and sanction of the interstate compact;

3. To be workable—it must be: (a) flexible in enabling only those States concerned with an environmental problem to negotiate and enter into a specific agreement to handle that problem; (b) capable of being entered into without the inordinate delays encountered in going through a separate interstate compact procedure for each specific agreement; and (c) be related responsibly to the specific States affected and to the federal government.

Now, therefore, be it resolved the Thirty-Sixth Annual Meeting of the Southern Governor's Conference recommends that the program of the Southern Regional Environmental Conservation Council be strengthened and enlarged and that it be continued for two years to advise the Southern Governors' Conference on policies and program relating to environmental problems;

That SRECC be instructed to proceed with the development of a compact dealing with the environmental and ecological responsibilities of the States in regard to the quality and control thereof, and further to:

1. Determine the full scope of this compact.

2. Submit the compact to the committee of three Governors for approval and forwarding to the Governors of the nineteen member jurisdictions so that those which can do so may take action concerning the compact in their 1971 legislative sessions.

And be it further resolved that beginning on the 1st day of October, 1970, and until the proposed compact can be organized to assume this function the Council of State Governments be requested to serve as the fiscal agent of SRECC."

* * * * *

Armed with a new mandate from the Southern Governors Conference Biloxi Resolution, SRECC immediately proceeded with the "development of a compact dealing with the environmental and ecological responsibilities of the States" by preparing successive drafts of such a compact. The legislation here proposed embodies such a compact and is considered by the sponsoring states to be appropriate for all States having immediate interstate environment pollution problems. In the words of Governor Arch A. Moore, Jr. of West Virginia and Chairman of the Committee on Natural Resources and Environmental Management:

"Basically what is proposed is an umbrella type interstate compact agreement—all member states included—broad enough in character to permit the states to attack interstate pollution problems in the Southern Region.

"The practice of interstate cooperation is not unique to any of our states or to the South. Throughout the nation there is a recognition of the need for strong support for a legal framework within which two or more states could enter into binding agreements for the purpose of protecting the environmental area that they share. The constitution expressly permits it and the new federal pollution legislation encourages it.

"This novel approach envisions an initial compact that would require congressional approval. Under the compact, participating states could enter into supplementary agreements relating to the particular interstate environment problems of common concern to them and their sister states. It would not require the endless repetitions of formal compact ratification by Congress.

"When we take into account, that in order to respond to our obligations under the new federal legislation through a compact approach, the Southern States would have to create several dozen new interstate compacts, the wisdom and necessity for this type of regionwide approach becomes readily apparent."

A copy of the Biloxi Resolution was delivered to President Nixon on October 15, 1970, and the entire matter discussed with him by Governor Winthrop Rockefeller in a White House conference. The President expressed keen interest in the concept.

III. THE PROPOSED COMPACT

The proposed legislation, so-called "consent in advance" legislation, is in the mainstream of Twentieth Century American federalism. Solid precedent of long standing underlies this approach for authorizing a meaningful and effective role for the States in the National environmental protection program. It is logical in conception. It is

legal in construction. It is limited to the program addressed.

Interstate agreements antedate the Constitution. They have a long, proud and honorable record in the history of this country. Each historic era has seen the nation employ the interstate compact to meet the needs of the day. This history—too long and too well known to recount here—has been exhaustively documented by some of our most respected students of law and government. Frankfurter and Landis, "The Compact Clause of the Constitution—A Study in Interstate Adjustments," 34 *Yale Law Journal* 685 (1925); Zimmermann and Wendell. "The Interstate Compact Since 1925", *The Council of State Governments* (1951); Note, "Interstate Compact—A Survey." 27 *Temple Law Quarterly* 230 (1954); Navjoks, "Compacts and Agreements Between States and Between States and a Foreign Power," 36 *Marquette Law Review* 219 (1952–53); Ferguson, "Interstate Agreements," 39 *Kentucky Law Journal* 31 (1950). Other articles related to the subject include: Ely, "Free Trade, American Style," 56 *American Bar Association Journal* 470 (1970) and LaRue, "Interstate Judiciary," 27 *Washington and Lee Law Review* (1970).

These scholars note that over the course of the nation's history interstate compacts have been utilized for a wide variety of purposes—

Settlement of state boundary disputes.

Construction of interstate transportation facilities.

Interstate coordination of panel matters.

Facilitation of uniformity of State legislation.

Regularizing and coordinating interstate tax collection and regulation.

Conservation of natural resources.

Federal-state water regulation.

Indeed, the interstate compact has evolved over the years since the first one—the Connecticut and New Netherlands Boundary Agreements of 1656—from a simple dispute-settlement instrument to a highly innovative intergovernmental device. One authority has summarized this developmental history thus:

"In the United States, the leading role in the development of intergovernmental regional organizations has been played by an institutional device that provides a superior legal instrument for that purpose—namely, the interstate compact. Compacts are authorized by Article 1, Section 10 of the United States Constitution which reads: "No State shall without the Consent of Congress . . . enter into any Agreement of compact with another State, or with a foreign Power . . ." Descended from colonial procedure in the settlement of boundary disputes (i.e., agreement between jurisdictions with the approval of the monarch), the clause continued to be used for the settlement of interstate boundary disputes after the Constituion was adopted. It was not until the 1920s, however, that it was applied in other areas. The initiative in these new applications came from the States, which turned the device of interstate compacts into a means for securing effective intergovernmental regional cooperation in a variety of problem areas, a prominent one being river basin management, particularly for the allocation of water. Through the compact device, the States have not only pioneered in the creation and acceptance of intergovernmental regional agencies, but also have progressed much further along these lines than the federal government, which has come to accept the intergovernmental regional agency concept only recently, very reluctantly, and in a biased form.

"Employing the authorization of the compact clause of the Constitution, the States initiated two interstate compacts in the 1920s. One, a compact between New York and New Jersey, was a regional agreement designed to meet a problem of that metropolitan area. It established the first intergovernmental agency in our history, the New York Port Authority, with power to finance, build and operate public works. The other agreement, the Colorado River Compact, was designed to meet a river basin problem. It provided for allocation of water between the States of the river's upper and lower basins. This was the first interstate compact in our history to include a number of States.

"The 1930s saw further development of intergovernmental regional bodies for two additional purposes. One was their use as consultative communication channels for advice and recommendation to the participating States with respect to particular functions. The first agency of this type the successful Inter-state Oil Compact Commission was functional rather than regional, since it was open to oil-producing States without regard to region. It has been followed by a number of inter-governmental advisory commissions, both regional (e.g., the Interstate Commission on the Potomac River Basin, and the Atlantic, Gulf, and Pacific interstate marine fisheries commissions) and functional (e.g., the recently established Education Commission of the States). The second development in the 1930s was a remarkable breakthrough, namely, the delegation of regulatory powers by the compacting States to two interstate regional water pollution abatement commissions: the Interstate Sanitation Commission (New York harbor and adjacent waters) and the Ohio River Valley Sanitation Commission (ORSANCO). Growth in the use of interstate agencies with delegated powers has understandably progressed very slowly. American Legislatures normally hesitate to delegate powers, and their hesitation is even greater when the delegation is to agencies in which other jurisdictions are involved. Nevertheless, the modern trend among the States is towards intergovernmental regional agencies with such powers.

"By the 1960s the interstate compact had been established as one of the most versatile devices of American federalism. States were steadily increasing their use of the instrument in terms of both numbers and purposes. State governments, particularly those in the Northeast, were effectively employing intergovernmental regional agencies established by interstate compact."

Zimmerman, "Intergovernmental Commissions: The Interstate-Federal Approach," *State Government*, Spring 1969 (Council of State Governments). Evolutionary development of the compact has continued over the past decade—spurred by Title II of the Federal Water Resources Planning Act of 1965. Professor Zimmerman notes in a recent article discussing the Delaware Basin Compact that "The development of the interstate-federal compact is the latest stage in a story of state innovation in the use of the interstate compact—that binding agreement between States authorized by Article I, Section 10, Clause 3 of the Constitution." Zimmerman, "The Role of the Compact in the New Federalism," *State Government*, Spring 1970. In the words of the late Justice Frankfurter:

"A compact is more than a supple device for dealing with interests confined within a region. That it is also a means of safeguarding the national interest is well illustrated in the Compact now under review. Not only was Congressional consent required, direct participation by the Federal Government was provided by the President's appointment of three members of the Compact Commission."

West Virginia ex rel. Dyer v. Sims, 341 U.S. 22, 28 (1951). The compact there under consideration was, curiously enough, an early—and highly successful—environmental pollution control compact, the Ohio River Valley Water Sanitation Compact (ORSANCO).

This "supple device" has been employed nearly two hundred times over the period 1783–1966. According to the latest known compilation, in 1966 there were 144 active interstate compacts. Twenty-five proposed compacts had not become operative at that time, and ten had become inoperative for a variety of reasons. "Interstate Compacts 1783–1966," The Council of State Governments 1966. The Water Resources Council in 1968 reported:

"There are some 40 interstate compacts relating to water resources which have been consented to by Congress pursuant to Article I, section 10, clause 3, of the Constitution, and 15 more are under negotiation. These arrangements are largely a twentieth century phenomenon, developed as the result of mutual recognition that a single State no longer could ignore the conflicting interests of other States in shared interstate waters."

[*The Nation's Water Resources*, U.S. Water Resources Council, 1968, page 5–9–5.] However, only 13 of these compacts relate directly to water pollution control. [Keyser, "Interstate Compacts containing References to Water Pollution Control," The Library of Congress Legislative Reference Service, November 8, 1968, TC 147 NR 108.]

National compacting practice

There is solid precedent in our national compact history for the legislation proposed here. Innumerable examples can be cited in support of the primary features of this type of national interstate compact implemented by means of so-called "consent in advance" legislation by Congress.

There are a large number of open-ended compacts. Eligible to enter these compacts are all states, United States territories and possessions. A partial listing of them follows:

1. Bus Taxation Proration and Reciprocity Agreement.
2. Civil Defense and Disaster Compact.
3. Agreement on Detainers.
4. Driver License Compact.
5. Compact for Education.
6. Interpleader Compact.
7. Interstate Compact on Juveniles.
8. Interstate Library Compact.
9. Interstate Compact on Mental Health.
10. Military Aid Compact.
11. Interstate Compact for Supervision of Parolees and Probationers.
12. Interstate Compact to Conserve Oil and Gas.
13. Interstate Compact on Placement of Children.
14. Interstate School District Compact.
15. Compact on Taxation of Motor Fuels Consumed by Interstate Buses.
16. Uniform Motor Vehicle Registration Proration and Reciprocity Agreement.
17. Vehicle Equipment Safety Compact.
18. Interstate Compact on Welfare Services.

In addition, proposed but as yet inoperative compacts open to all states include: the Traffic Violations Compact, the Unclaimed Property Compact, the Pest Control Compact and the Interstate Mining Compact.

Many of these open-ended compacts are also open to Canadian provinces and the states of Mexico, and in this respect they could fairly be called "international interstate compacts."

Consent-in-advance legislation by the Congress has given impetus to a large number of interstate compacts, both national in scope and some relating only to particular states. Some conspicuous examples are:

1. The Interstate Civil Defense and Disaster Compact (Federal Civil Defense Act of 1950, Title II, § 201(g)).
2. Colorado River Compact (see Boulder Canyon Project Act of 1928).
3. Delaware Valley Urban Area Compact (National Housing Act of 1961, 75 Stat. 1970).
4. Agreement on Detainers (Federal Crime Control Act of 1934).
5. Driver License Compact (Federal Highway Safety Act of 1958).

6. Illinois-Missouri and Jefferson-Monroe Bridge Compact (Federal General Bridge Act of 1946).

7. New England Interstate Corrections Compact (Federal Crime Control Act of 1934).

8. Interstate Compact for Supervision of Parolees and Probationers (Federal Crime Control Act of 1934).

9. South Central Corrections Compact (Federal Crime Control Act of 1934).

10. Vehicle Equipment Safety Compact (Federal Highway Safety Act of 1958).

11. Western Interstate Corrections Compact (Federal Crime Control Act of 1934).

Proposed but as yet inoperative compacts consented to in advance by Congress include: the Illinois-Indiana Bridge Compact (Federal General Bridge Act of 1946); the Illinois-Missouri Bridge Compact (Federal General Bridge Act of 1946); the New England Police Compact (Federal Crime Control Act of 1934); and the Traffic Violations Compact (Federal Highway Safety Act of 1958).

All American states, territories and possessions are signatories to one or more interstate compacts. The SRECC study noted that in 1966 there were in operation throughout the entire United States a total 13 compacts relating to conservation matters (including fisheries and forest protection), 24 compacts relating to water use, 7 compacts relating to planning and development, and 4 compacts relating to recreational parks. Yet there were but 8 compacts expressly regulating interstate pollution matters.

Since 1966 a few additional compacts relating to interstate water pollution have been created, the most recent example being the Great Lakes Basin Compact (Public Law 90–419, July 24, 1968). In addition, a few new water pollution control compacts have been proposed but are not yet operative—the best known of which are the proposed Potomac River and Susquehanna River compacts. A small number of interstate compacts relating to air pollution have been proposed, but it is believed that none are presently operative. One interstate air pollution compact in which a Southern Governors Conference state is involved is the proposed Ohio-West Virginia Air Pollution Control Compact which was first proposed in 1965, adopted by the two state legislatures that year, subsequently modified by the Congress which attached elaborate "conditions" to its formal consent, re-adopted by the two state legislatures and sent to Congress again for its consent where it languishes yet. [Interstate Compact on Air Pollution Between The States of Ohio and West Virginia, S. 2707, 91st Congress, 1st Session.]

The SRECC survey revealed the following list of 27 interstate compacts relating to interstate environment matters ratified by members of the Southern Governors Conference:

Air Pollution, Interstate Compact on: Kentucky.

Arkansas River Compact of 1965: Oklahoma.

Atlantic States Marine Fisheries Compact: Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia.

Breaks Interstate Park Compact: Kentucky, Virginia.

Canadian River Compact, Oklahoma, Texas.

Cumberland Gap National Park Compact, Kentucky, Tennessee, Virginia.

Delaware River Basin Compact: Delaware.

Gulf States Marine Fisheries Compact: Alabama, Florida, Louisiana, Mississippi. Texas.

Kansas-Missouri Air Quality Compact: Missouri.

Middle Atlantic Interstate Forest Fire Protection Compact: Delaware, Maryland, West Virginia.

Mining Compact, Interstate: Kentucky, North Carolinc, Oklahoma.

Ohio River Valley Water Sanitation Compact: Kentucky, Tennessee, Virginia, West Virginia.

Oil and Gas, Interstate Compact to Conserve: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, Tennessee, Texas, West Virginia.

Ohio-West Virginia Interstate Compact on Air Pollution: West Virginia.

Pest Control Compact: Delaware, Missouri, Tennessee, West Virginia.

Pecos River Compact: Texas.

Potomac River Compact of 1958: (Fishing Resources) Maryland, Virginia.

Potomac Valley Pollution and Conservation Compact (Water Pollution): Maryland, Virginia, West Virginia.

Potomac River Basin Compact: Virginia.

Sabine River Compact: Louisiana, Texas.

South Central Interstate Forest Fire Protection Compact: Arkansas, Louisiana, Mississippi, Oklahoma, Texas.

Southeastern Interstate Forest Fire Protection Compact: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia.

Southern Interstate Nuclear Compact: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia.

Tombigbee-Tennessee Waterway Development Compact: Alabama, Kentucky, Mississippi, Tennessee, Florida.

Tennessee River Basin Water Pollution Control Compact: Kentucky, Mississippi, Tennessee.

Some of these have not received congressional consent or have not been adopted by the requisite number of states to bring the compact into effect.

More significantly, SRECC found that only the Delaware River Basin Compact and the Ohio River Valley Water Sanitation Compact (ORSANCO) had substantial regulatory powers over pollution sources. The remainder of these environment-related compacts created mere advisory and communication channels at best.

Interstate environment compact

The compact embodied in the proposed legislation is designed to permit the signatory states freely to enter into so-called "supplementary agreements" regarding defined interstate pollution problems without obtaining the formal consent of Congress for each such technical agreement.

There is a growing body of precedent for Congress conferring on compacting states the power to execute supplementary agreements within the scope of the master compact. As the matters covered by interstate compacts have grown more technical, programmatic and scientific in nature, correspondingly the need for flexibility and "suppleness" has led to the extensive use of the supplementary agreement power. Several examples can be given:

1. The Interstate Compact on Juveniles (open to all states) contemplates both a high degree of official programmatic cooperation among signatories and the application of professional services and facilities on behalf of the runaway juveniles. Article X appropriately provides:

"That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. . . ."

Such agreements must regulate rates, court hearings, state responsibility and jurisdiction, inspection rights and consent of parents and may embody any other necessary matters.

2. The Tennessee River Basin Water Pollution Control Compact (open to Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina, and Virginia) provides for control and reduction of pollution in the Tennessee River Basin area and establishes a regulatory commission to administer the compact. Article XI provides:

"Any two or more of the party states by legislative action may enter into supplementary agreements for further regulation and abatement of water pollution in other areas within the party states and for the establishment of common or joint services or facilities for such purposes and designate the commission to act as their joint agency in regard thereto."

The article further provides that such supplementary agreements cannot conflict with the purposes of the compact nor adversely affect a member state's compact rights or obligations.

3. The Interstate Compact on Mental Health (open to all states) is designed to permit interstate cooperation in furnishing institutionalized mental health care and treatment. Article XI provides:

"The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency . . ."

The article further provides that such supplementary agreements cannot relieve a party state of its compact obligations.

4. The Southern Interstate Nuclear Compact (open to Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia) is designed to permit party states cooperatively to employ nuclear energy, facilities, materials and products, and an administrative Board is created to carry out programs related to the compact purpose. Article VI provides:

"(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project."

The article provides that the Board shall see that supplementary agreements are not inconsistent with the compact or the programs or activities of the Board, and such agreements cannot relieve a party of its compact obligations.

The proposed Interstate Environment Compact is carefully designed to permit States freely, flexibly and pragmatically to address the control and abatement problems presented to them by interstate pollution all its diverse forms. One of the predominant themes of this compact is voluntariness. States may or may not become signatories and those who do may exercise their supplementary agreement powers under the compact extensively or sparingly.

The draftsmen have fashioned the compact to permit a nationwide substructure of interstate pollution control agencies to be created by the States through voluntary exercise of the broad supplementary agreement power. States perceiving their common pollution problems with sister states can precisely embody those interests and those interests alone in agreements with sister states. These supplementary agreements may relate to in-

terstate air pollution, water pollution, solid waste disposal or to various combinations of these depending upon geophysical characteristics, federal pollution control agency actions and the location of pollution sources of various kinds.

Agreements may range in complexity from simple declarations of agreement concerning minimum water quality characteristics to be maintained in a shared river to complex interstate air—water—solid waste disposal agreements covering large metropolitan areas administered jointly by the party states or through an independent agency they establish. Essentially, these will be technical pollution control agreements. As scientific understanding, pollution control technology or given environment problems change these agreements can be more easily modified than would be possible with a formal interstate compact.

An elaborate section-by-section analysis of this proposed compact is both unnecessary and inappropriate. The terms of the compact are concisely stated and the purpose straightforward. However, a few comments pointing out its major legislative parameters seems in order.

First. The compact is drawn in order to fill a distinct need in the national environment control program by permitting states to meet their federal responsibilities. States have ample police power authority to control *intrastate* pollution. This compact is designed to give signatories clear authority to work together on specified *interstate* pollution problems, namely interstate air, water and solid waste problems. [Section 2.02(b)] The supplementary agreement power is limited to the overall scope of the compact and thus cannot be used for matters other than interstate pollution problems as defined.

Many of these problems areas have already been defined by the States themselves or federal agency officials acting under the Federal Water Quality Act and the Clean Air Act. However, signatories are not limited exclusively to federal determination of interstate pollution problems, except in the case of interstate air quality control regions. They may, for example, define for themselves and jointly treat interstate water pollution problems regarding small, scenic or recreational streams which are beneath notice by the federal agency. They are completely free to define for themselves and treat interstate solid waste disposal problems.

Second. Signatories are not empowered by this compact to ignore or evade national environmental quality standards as promulgated by federal environment agencies. Nothing in the compact relieves a signatory of its individual federal responsibilities regarding interstate water quality or ambient air quality as embodied in its state air pollution or interstate water pollution plans promulgated pursuant to federal law. [Section 4.01] On the other hand, signatories could decide to impose more stringent standards than national standards, and the compact would permit them voluntarily to adopt and enforce *higher* standards for given interstate areas. Indeed, signatories making up an entire region of the country could so decide and thereby establish higher standards than federal minimums.

Third. The compact is both supplementary and complementary to existing state and federal pollution organizations and does not affect other multistate organizations. [Sections 4.02–4.05]

Existing interstate compacts relating to environmental matters are expressly excluded from the coverage of this compact and are not affected in any manner. Nor is this compact exclusive or preemptive of the subject and signatories may freely enter into other environment compacts, create new ones or modify existing ones.

Other existing multistate organizations similarly are expressly unaffected by this compact. Specifically, the federal-state regional development commissions—Appalachian Regional Commission, Ozark Regional Commission, Great Lakes Regional Commission, New England Regional Commission, Coastal Plains Regional Commission, and Four Corner Regional Commission—are expressly exempted from coverage and signatories may freely enter into new such arrangements without hindrance.

Fourth. The constitutional authority of both the States and the federal government is carefully preserved. [Sections 1.03 and 1.04]

Section 2 of this legislation reserves to Congress the right of future amendment. Internally, the Compact expressly reserves the rights of the federal government. Although supplementary agreements do not require advance approval by Congress, given supplementary agreements may be disapproved by the Congress should they prove unacceptable. [Section 4.07(b)] Finally, the authority of Congress to approve special supplementary agreements between signatories and foreign governments and with the District of Columbia is expressly provided in Section 4.08.

States may become signatories only through State legislative enactment. The supplementary agreement power under the compact is conferred on the governor of a signatory. However, the legislative branches of signatories are expressly empowered subsequently to alter, amend, condition or terminate their obligations under supplementary agreements executed by the governor. [Section 4.07(a)]

Fifth. Interstate pollution agencies created by supplementary agreement are empowered to participate with the federal government, its agencies or other interstate entities in cooperative or joint undertakings to protect the environment. They can similarly act jointly with each other to provide subregional and regional environmental protection. This permits supplementary agreement entities to pool information, resources, facilities and expertise, and to utilize federal environment protection expertise and facilities. [Article III]

Sixth. Existing or future state environment laws are unaffected by the Compact or any supplementary agreement made thereunder. [Sections 1.04, 4.09, 4.10, 4.11 and 5.01]

In summary, the compact is designed to work together with both the national environment program and the individual anti-pollution programs of the states. In this respect it is fairly described as enabling legislation.

One final—somewhat legalistic—point should be made regarding the primary thrust of this compact, namely, the power of the governor of a signatory to execute supplementary agreements with other signatories without seeking prior congressional approval. The constitutionality of this feature would seem to be undoubted.

Article I Section 10 of the Constitution provides that "No State shall without the consent of Congress, enter into any Agreement or Compact with another State, or with a foreign power." No particular distinction in legal meaning has been drawn between the terms "agreement" and "compact" in this clause. *Virginia* v. *Tennessee,* 148 U.S. 503 (1893). It was thought by Chief Justice Taney in *Holmes* v. *Jennison,* 14 Pet. 540 (1840), that all interstate agreements formal or informal, must have congressional consent. But no such literal view prevails today.

Only those agreements which affect the political balance within the federal system must be approved by Congress. *Virginia* v. *Tennessee,* 148 U.S. 503 (1893); *Dixie Wholesale Grocery, Inc.* v. *Morton,* 129 S.W. 2nd 184 (Ky. 1939); *Roberts Tobacco Co.* v. *Michigan Department of Revenue,* 34 N.W. 2d 54 (Mich. 1948); Note, "Some Legal and Practical Problems of the Interstate Compact," 45 *Yale Law Journal* 324 (1935); Ferguson, "The Legal Basis for a Southern University Interstate Agreement Without Congressional Consent," 39 *Kentucky Law Journal* 31 (1950). Many of our existing interstate compacts came into effect without congressional consent because none was required (the Compact for Education, Great Lakes Basin Compact, the Interpleader Compact, the Interstate Library Compact, the Interstate Compact on Mental Health, the Minnesota-Wisconsin Boundary Area Compact, the New England Health Services and Facilities Compact, the New England Welfare Compact, the Northern New England Medical Needs Compact, the Interstate Compact on Placement of Children, the Southern Regional Education Compact, the Uniform Motor Vehicle Registration Proration and Reciprocity Agreement and the Interstate Compact on Welfare services).

On the other hand, the protective feature of the compact which permits Congress *subsequently* to disapprove a particular supplementary agreement which did not require prior congressional approval is similarly lawful. Congress can bar any interstate agreement by positive action even though the agreement was a type not requiring prior congressional consent. *St. Louis and San Francisco R.R.* v. *James,* 161 U.S. 545 (1896); *Rhode Island* v. *Massachusetts,* 12 Pet. 657 (1838).

Finally, this compact—as with other interstate compacts—is enforcible in state or federal court and ultimately by the United States Supreme Court. *Delaware River Commission v. Colburn,* 310 U.S. 419, 427 (1940). Mr. Justice Frankfurter, speaking for the Court, made this abundantly clear in the following passage:

"But a compact is after all a legal document. Though the circumstances of its drafting are likely to assure great care and deliberation, all avoidance of disputes as to scope and meaning is not within human gift. Just as this Court has power to settle disputes between States where there is no compact, it must have final power to pass upon the meaning and validity of compacts . . . To determine the nature and scope of obligations as between States, whether they arise through the legislative means of compact or the "federal common law" governing interstate controversies (*Hinderlider v. La Plata Co.,* 304 U.S. 92, 110), is the function and duty of the Supreme Court of the Nation."

West Virginia ex. rel. Dyer et. al. v. Sims, State Auditor, 341 U.S. 22, 28 (1951). See also: *Kentucky v. Indiana,* 281 U.S. 163 and *Indiana ex. rel. Anderson v. Brand,* 303 U.S. 95, 100. This language similarly indicates that supplementary agreements under this compact, embodying "obligations as between States" are enforcible in the same fashion.

Nothing in the compact proposed in this legislation would authorize supplementary agreements which would conceivably affect "the political balance" of our federalism. To the contrary, the compact is designed to enhance the federal-state balance by authorizing states more effectively and expeditiously to perform their federal responsibilities cooperatively.

CONCLUSION

The states sponsoring this legislation have demonstrated genuine initiative by their efforts culminating in this proposal. A speaker in the film documentary "A Time To Act" notes that the actions of the Southern Governors Conference provides "a wonderful example for the rest of the states." In short, they have not only risen to the federal challenge but have surpassed it and now point the direction for the federal government to travel. Institutionalization of federal and state environment control programs through interstate agreements is a logical, necessary next step in our national effort.

The most immediate benefits to be derived from this legislation are obvious: states

would be empowered to act cooperatively with sister states in implementing federal and state antipollution programs in interstate situations. Flexible, responsive and effective joint interstate programs could be planned, constructed and implemented for long range performance from the solid, legal base of a supplementary agreement under this compact. Duplication of state effort in complying with federal requirements could be minimized. Costs would be reduced.

Looking further into the future, organization of a network of interstate pollution control agencies would fill the interstices in our present national structure. The benefits which conceivably could flow from such a governmental substructure are incalculable. Conversion of certain unneeded federal facilities from space and military missions to environment control functions has already begun and likely will continue in the future. Further, the nation will likely construct new types of scientific facilities as it learns more about its problems. These federal environment control facilities can be made available for use by the States most appropriately in their interstate pollution control activities. Indeed, the most fruitful relationship imaginable could arise from combination of federal scientific knowledge regarding pollutants and State pollution control enforcement programs coordinated over entire regions of the United States through interstate arrangements.

Finally, this legislation supports a pervading principle of pragmatic American federalism, namely, that governmental control mechanisms should be tailored to the problem. Traditionally this means that governmental authority is situated at the lowest governmental level which can exercise effective control over the particular problem. For interstate pollution control problems this means a governmental structure less than national in scope and greater than a single State. Under the Constitution and in accordance with national policy formulated by the Congress this means interstate organizations based on compact.

Respectfully Submitted,

EUGENE F. MOONEY,
Chief Counsel, Southern Region Environmental Conservation Council.

By Mr. PACKWOOD:

S. 908. A bill to amend section 6(o) of the Military Selective Service Act of 1967 to exempt from induction and training under such act the surviving sons of a family which has lost two or more members of such family as the result of military service. Referred to the Committee on Armed Services.

Mr. PACKWOOD. Mr. President, thousands of brave Americans have died while serving in the Armed Forces of this Nation. Many of these courageous young men have been from my home State of Oregon. I am proud of these men and we all owe them an enormous debt of gratitude. Those of us fortunate enough to serve in this distinguished body are saddened when we learn of a serviceman who has died while serving his country. For parents and other loved ones who survive, it marks a tragic crossroad in life.

It is bad enough for one son to die in the service of his country. But for a second son to also lose his life while on active duty is more than any American family should be asked to give. However, this is what has happened to a family in my home State of Oregon, Mr. and Mrs. Lewis Johnson of 8629 North Hartman in Portland.

The Johnsons have had not one—but two sons killed while serving in the Armed Forces. Both, unfortunately, have died either in or as the result of injuries sustained in Vietnam. The latest son died December 26, 1970. Another son, the oldest of four sons, was honorably discharged after having served 4 years in the Marine Corps.

I believe we can all agree that the Johnsons have given more than any American family should be asked to give. And yet, the Johnsons have a 17-year-old son who will have to register next October as part of the existing selective service process.

The Johnson family does not shirk its responsibility. That has been clearly demonstrated. Three sons have served in the Armed Forces. Two have been killed and another has been honorably discharged after having served. This is enough for any family to give and the fact that Mr. and Mrs. Johnson do not feel they can allow their remaining son to enter the service should be easily understood by all of us.

I do not believe Mr. and Mrs. Johnson are asking too much. In fact, I feel their request should be honored and the 17-year-old son should be exempted from having to serve in the military.

This can be accomplished by passing legislation automatically exempting surviving members of any American family from having to serve in the Armed Forces where two or more members of that family have died while serving on active duty. This legislation would apply to all existing situations and would be effective in the future.

Mr. President, along with providing for an exemption, this bill will serve to insure that each serviceman is fully informed of his rights concerning the performance of duty in a hostile fire zone. In my mind, the current means of informing eligible servicemen of this matter is most inadequate.

Existing service regulations clearly state that the second member of a family is not required to serve in Vietnam or any area designated as a hostile fire zone, if another member of the family has been killed while serving on active duty with the Armed Forces. However, I am informed by the Department of Defense that the serviceman is made aware of this option orally or the information is simply posted on a bulletin board. The individual does not sign anything saying that the regulation does not apply or if it does that he is waiving his right under that regulation. What this legislation would do is require the service to obtain, in some appropriate manner, written proof that the serviceman has been informed of the regulation.

Mr. President, time is of the essence in the case of the Johnson family of Portland, Oreg. The destiny of an American family hangs in the balance.

Therefore, on behalf of the Johnson family of my home State and other families of this Nation who find themselves in similar distraught circumstances, I am today introducing a bill which would amend the Military Selective Service Act of 1967. It would specifically exempt from induction and training the surviving sons of a family which has lost two or more members as the result of military service. Mr. President, I am hopeful that this bill will receive prompt and favorable action by the Senate Armed Services Committee.

By Mr. PACKWOOD:

S. 909. A bill for the relief of John C. Rogers;

S. 910. A bill for the relief of Dennis Keith Stanley; and

S. 911. A bill for the relief of David E. Baumann. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 912. A bill for the relief of Mr. Kwok Jaw Ng. Referred to the Committee on the Judiciary.

By Mrs. SMITH:

S. 913. A bill to incorporate the Navy Wives Clubs of America, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BENNETT:

S. 914. A bill for the relief of Pamela Hayes. Referred to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 915. A bill to amend the Internal Revenue Code of 1954 to permit the deduction without limitations of medical expenses paid for certain dependents suffering from physical or mental impairment or defect. Referred to the Committee on Finance.

Mr. HOLLINGS. Mr. President, one of the most tragic circumstances in our society is the illness that strikes children with lingering, painful, and possibly terminal results. In this age of technological advancement tremendous strides have been made in combatting these conditions; however, the tragic fact remains that millions of children are born each year who must struggle to stay alive. The tragic byproduct of such circumstance is, of course, the plight of the parent, not only emotionally, but financially. In addition to the heartbreak, they many times face intolerable financial burdens in striving to provide the best medical care they can afford to combat the illness. Obviously, such illness knows no social or economic boundaries, and expense strikes both rich and poor. Ironically, those most tragically hit are the middle income families. Many of our social programs on the State and Federal levels provide financial assistance and treatment to the poor. The rich have the financial wherewithal to meet the problem. Middle class Americans, however, are faced many times with thousands of dollars worth of hospital, doctor, and drug bills. Savings accounts are wiped out or prohibited because of the continuing expense. Borrowing power at high interest rates can only go so far. Homes can be mortgaged and cars can be sold, and extra work by wife and husband can be obtained, but in many cases this is still insufficient.

Mr. President, it is estimated that there are 450,000 under the age of 20 who suffer from epilepsy, 406,000 with cerebral palsy, 12 million who have eye conditions requiring specialists' care, 2,500,000 with orthopedic deficiencies, 3 million with speech disorders, and nearly 5,500,000 with emotional disturbances. These are only sample statistics, but the list of such crippling illnesses is long and costs are staggering. Unfortunately, such costs are rising, not only in medical care,

but by whatever indices one might use, the dollar is worth less and the cost is more. Health care costs have risen from $26 billion in 1960 to $60 billion in 1969. In the 3-year period between 1966 and 1969, all consumer prices rose 12.9 percent, but hospital service charges rose 52.4 percent, doctors' fees rose 20.9 percent, and medical care costs rose 21.4 percent. The problem is further aggravated by the high unemployment rates, high interest rates, and tight money.

Today I am proposing that we take a step in assisting families in facing these problems. I am introducing a bill that would permit unlimited deductions for moneys spent for medical care of a dependent under 19 years of age. Deductions would include money spent for hospital, doctor, and drug bills for a dependent who suffers from a physical or mental impairment which has been in existence more than 3 months and results in a substantial loss, or loss of use in a normal manner of any substantial portion of the musculoskeletal system or results in a substantial loss of vision, hearing, or speech.

This is an extremely modest step which I feel is not inconsistent with the concern that this Congress and our Government should exhibit relative to our economy and to the financial crisis we have presently in our country. It is true that this step would decrease the amount of revenue received by our Federal Government, but I somehow feel that a nation that spends billions sending men to the moon, to construct obsolete armaments, and offers a variety of tax breaks to businesses cannot afford to do less.

By Mr. HOLLINGS:

S. 916. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States, Code, relating to the retirement of Government employees engaged in certain hazardous occupations. Referred to the Committee on Post Office and Civil Service.

Mr. HOLLINGS. Mr. President, once again I am introducing a bill which has twice passed the Senate and last session passed the House only to be vetoed by the President on January 4, 1971—S. 578. This bill would enable Federal firefighters to retire earlier than other Federal employees on the justification that their duties are hazardous and, therefore, should be included within Federal retirement programs which cover other occupations which are hazardous in their nature. Under section 8336(c) of title 5 of the United States Code, early retirement privileges are granted to Federal employees serving in positions which are considered hazardous in nature. Presently, employees covered under this section have duties that primarily involve the investigation, apprehension, or detention of persons suspected or convicted of criminal offenses. Such recognition is given on the basis that their responsibilities are hazardous in nature. After the attainment of age 50 and after 20 years, the employee may retire upon the recommendation of the agency head and upon the approval of the Civil Service Commission. Presently, the law covers some 844 U.S. marshals, 2,811 Federal policemen, 14,230 guards, 2,642 correctional officers, 14,610 criminal investigators, 91 custom enforcement officers, and 1,412 in the border patrol, for a total of 36,640 people. There are, however, over 11,000 Federal firemen who are not accorded the same benefits, who, by the very nature of their work, risk their lives daily in carrying out their duties. I can see no justification for excluding these employees.

The job death rate for firefighters is now some five times that of all other industries. More firefighters have been killed or injured during the civil disturbances of recent years than police. Death and injury continue to plague firefighters in all parts of the United States and Canada as the tragic toll of those killed in the line of duty rose to an alltime record high in 1969. The 11th Annual International Association of Fire Fighters Death and Injury Survey shows 104 firefighters died in the line of duty last year.

For several years mining and quarrying workers had the most deaths of any group with 100 reported for each 100,000 workers in 1959. The figure is still 100 for each 100,000 workers. Now this dreadful distinction is held by firefighters.

The International Association of Fire Fighters Survey also reports that 37 out of every 100 firefighters were injured last year. These injuries included those sustained from overexertion, sprains, and strains, accounting for 32 percent of the total, as well as burns, falls, cuts, toxic gas, and building collapse. Burns, toxic gas, heat exhaustion and overexertion are the principal sources of injury. But there are yet other dangers.

In 1969, 162 active firefighters died from occupational diseases while on duty—113 from heart disease, 22 from lung disease. A total of 544 firefighters left the service in 1969 because of physical impairment due to occupational disease or because of injuries received in the line of duty.

In the face of these statistics, the President stated that he did not "believe that this preferential legislation is wise or justifiable." Further, the President indicated that "there is no demonstrated need for permitting the Federal firefighters to retire at an earlier than normal age."

Just prior to the President's veto, he signed a bill that provided for 50 percent pensions for Washington, D.C., firefighters after 20 years of service, regardless of age. In the President's veto message, he stated that this bill would provide "an unwarranted extension of an undesirable and inequitable practice by providing preferential treatment." However, the same pension arrangement provided in this bill is contained in the retirement programs of 14 Federal agencies whose employees, like firefighters, are engaged in activities which are particularly demanding or hazardous.

The President further commented that Federal firefighters "already receive compensation for the hazards of their work." That statement is totally inaccurate. Federal firefighters receive up to 25 percent for additional pay, but for reasons which have absolutely nothing to do with the nature of their duties; rather, the pay differential is because their work requires a 24-hour, 7-day a week, 365 day a year duty schedule.

The President also stated that Federal firefighters "do not face the degree of hazard of municipal fire departments." This completely ignores the various types of potential fire hazards that are peculiar to Federal installations, such as nuclear power, missiles, reactors, liquid oxygen, radiation material, ammunition, to name a few. In my own city of Charleston, the naval base, known as the Polaris Missile Center, is under the command of five admirals and has approximately 80 ships in port each day. The degrees of fire expectancy and fire severity is rated high and obviously faces potential fire hazards that have absolutely no parallel to municipal fire departments. In general, the municipal firefighters retire at 50 years of age and 20 years of service at 50 percent of salary at time of retirement. The bill that I plan to introduce would only give a Federal firefighter retiring at 50 years of age and 20 years of service 40 percent of his high 3 years. In short, I do not believe that facts upon which the President based his veto are accurate.

Although the President did not mention this fact, the cost of this legislation clearly is in the savings category as opposed to the costing category. Using the GS–5 firefighter at the top of his grade, his average salary for a 3-year high would be $10,000 per year. Under the present retirement formula, a firefighter with 20 years of service and 50 years of age would receive $3,625 per year pension. Under the proposed formula of a straight 2 percent per year, the same firefighter would receive $4,000 per year pension. That is an increase of $375 per year per man. It is estimated that 200 firefighters would retire per year. This would effect an increased cost for the first year of $75,000.

To fill these vacancies, the Government would appoint 200 GS–4 firefighters at a salary of $5,853 plus 25 percent, using only 72-hour per week firefighters who are the only ones to receive the 25 percent or $7,316 per year. Ten thousand dollars per year of those retiring, minus $7,316 per year for their replacements, effects a savings of $2,684 per year per man. Two thousand six hundred and eighty-four dollars times 200 equals $536,800 savings in salaries for the first year.

Mr. President, I plan to once again press for passage of this legislation and bring before members of Congress in hearings appropriate administration officials to comment on the specific points mentioned in the President's veto message. Because I feel that much of the information and reasoning of the President is in error, I believe we can specifically demonstrate that this legislation is needed and justified.

By Mr. BROOKE:

S. 917. A bill for the relief of Bernard Kissoon. Referred to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 918. A bill to amend title II of the Social Security Act to provide for the making of supplementary payments to certain low-income recipients of monthly insurance benefits thereunder. Referred to the Committee on Finance.

Mr. McINTYRE. Mr. President, I introduce for appropriate reference the Social Security Minimum Standard-of-Living Act, which I announced I would introduce last year. My measure would provide all those on social security with a minimum income of $150 a month for one person; $225 a month for two persons and $300 a month for families of three or more on social security.

My purpose in introducing this legislation is simple and clear: it is to assure that no one on social security will be forced to live on an income which is less than what is considered to be the minimum above poverty; namely $1,800 a year for an individual, $2,400 a year for two perons and $3,000 a year for three or more persons.

My bill has the additional feature of providing an automatic adjustment in this minimum benefit to reflect rises in the cost of living as determined by the Department of Labor; the official cost-of-living figures for the Federal Government.

I think that too many are unaware of the income crisis facing our senior citizens. Too many still have the mistaken notion of the adequacy of social security benefits and private pension plans, when, in actuality, retired people are getting less thin 20 percent of their preretirement income.

This reduced income comes at a time when needs are as great, and in some cases greater, than before retirement. We have, only recently in this time of rampant inflation, begun to realize that senior citizens face many difficult problems, such as inaccessible transportation, high costs of special housing and diets for the elderly, and other problems peculiar to advancing age, all of which compound the fact that they are forced to live on a fixed income and are therefore the first to suffer the brunt of rising prices.

For too many of our senior citizens, retirement is an economic catastrophe. One out of every four Ameriacns 65 or over is forced to live on a bare poverty level income or below. Furthermore, this crisis seems to be worsening. Let me cite the following statistics which were reported by the Select Committee on the Aging, under the direction of the distinguished Senator from New Jersey (Mr. WILLIAMS).

First. Two years ago, approximately 4.6 million people aged 65 or over lived below poverty levels. In December 1969, the latest date for which statistics are available, that number had increased by 200,000—and the number from ages 60–64 had also increased by 12,000; it was only among these older Americans that the number of people living on poverty rose.

Second. Of the couples receiving social security benefits, more than one-fifth (22 percent) had total incomes of less than $2,020 and would therefore have been classified as poor on the basis of the 1967 income threshold developed by the Social Security Administration. Nearly three out of every five nonmarried beneficiaries had income below the poverty threshold of $1,600.

I do not see how in good conscience we can ignore this group of aged poor any longer. To me, it is unthinkable that some of our aged citizens must get along on the current social security minimum of $64 a month when the poverty line for a single person is over $150 a month.

This is why I feel so strongly about the importance of my proposal to provide a minimum income through social security of at least $150 for a single person and $225 for a couple. Nearly every responsible expert agrees that this income is on the brink of poverty in the United States. I do not see how we can in all honesty say that $1,800 is the basic minimum for the general population and then deny this amount to our senior citizens who have contributed so much to the wealth of our country.

I believe that the best approach—at least for the present—to guaranteeing our senior citizens a minimum income is through social security. Social security benefits remain the major source of income for most retirees. The social security system has proven to be a fast and effective way to deliver income assistance at retirement. In support of the social security approach to income maintenance, Nelson Cruikshank, president of the National Council on Senior Citizens, Inc., in recent testimony before Senator WILLIAMS' subcommittee said:

> Of all persons 65 or older, nine in ten now receive, or are eligible to receive Social Security benefits. This fact, in combination with the urgent need for action documented by the findings above, clearly indicates that the fastest and most direct way of improving the income situation of the total aged population is through an increase in the benefits of the Social Security system.

My choice of the social security system as the means for providing immediate help for senior citizens is not meant to preclude careful consideration of alternative measures for income guarantee for our aged; for example, proposals for a negative income tax or a guaranteed annual income. But I feel strongly that the severity of the situation facing our elderly today demands immediate action. We cannot afford to wait until alternate approaches have been tested.

I realize that it will be said that many senior citizens have outside sources of retirement income which would preclude the necessity of a $1,800 or $2,700 a year minimum. My bill would take this condition into account. Without causing anyone to suffer a reduction in payments, my bill would provide that the minimum payments by payable only in the absence of outside income or as a supplement to this income wherever it is less than the income considered at the poverty threshold. In this way, we will be able to reach the thousands of senior citizens who, because they have worked in low-paid or seasonal jobs, are forced to live on incomes below $150 a month. I think all would agree that this is woefully inadequate. The only way of providing them relief through social security is by assuring them a minimum benefit level.

I must admit, very frankly, that I have considered other approaches to reaching these people but have found them to be inadequate. One alternative I considered was an across-the-board increase in social security payments beyond the 10 percent the Senate voted on last year. However, when we increase social security benefits on a percentage basis, we are, in effect, intensifying the inequality of income among the aged. A person receiving $64 a month at the present time, for example, is not going to be helped very much if we give him a 15 percent increase, thereby bringing his $60 a month to $69.

I also considered the proposal for removing the income limitation which would have the effect of allowing senior citizens to earn outside income without suffering any loss in their social security benefits. But again, this would have the effect of granting benefits only to the working elderly, leaving less funds for the nonworking elderly, whose incomes are lower.

I would like to emphasize that my proposal for increasing the minimum income of those receiving social security benefits has considerable acceptance among senior citizen groups and various task forces which have studied the problem. Last year, the President's Task Force on the Aging reported as its first recommendation raising the incomes of all older Americans above the poverty line. William C. Fitch, the Executive Director of the National Council on Aging, in his testimony before Senator WILLIAM'S subcommittee, stated that raising the minimum standard of benefits for the elderly under social security should be the first step taken toward meeting the economic needs of the elderly. His recommendation was endorsed by 400 representatives of public and voluntary agencies who were called together by NCOA for the purpose of establishing priorities for the 1970's.

I know that this proposal will be costly to finance, and I realize that we have a responsibility for insuring the cost of these additional benefits be borne in the most equitable and fair way. Recently, there has been a great deal of discussion about the possibility of financing any increases in minimum payments through the general revenues. Most notably, the Presidents' Task Force on Aging, in its report "Toward a Brighter Future for the Elderly," suggested that the Federal Government bear 100 percent of the cost of bringing the incomes of the elderly up to the poverty line and that these benefits be distributed through social security.

I think there are a number of apparent advantages to this method of financing. First of all, it would eliminate the necessity of asking those who have invested a great deal in social security to finance the payments of those who have contributed very little. Second, by restricting use of general revenues to only the financing of the minimum payments differential, we would know the limits of our costs and we would not run the risk of completely open-ended appropriations for social security.

But I know that many of my colleagues would suggest alternate methods of financing, and I do not want to foreclose discussion of these alternatives. For instance, I believe it is possible

to finance additional payments in an equitable fashion by increasing the wage base. The Senate Finance Committee last year recommended to us a raise in the wage base from $7,800 to $9,000. I believe the base could be further extended to absorb the cost of providing a minimum income level of $1,800 to all those on social security.

Let us not forget that old age is not a far-out issue. It is a here-and-now issue and the solution of the problems of the elderly rests heavily upon our shoulders. Old age is as sure as tomorrow's sunrise and the only way to escape old age and its perplexities is to die young—and who of us would choose this escape?

By Mr. BEALL:

S. 919. A bill for the relief of Maria Ayala. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 920. A bill to repeal the provisions of title II of the Social Security Act which provide for reduction of disability benefits on account of receipt of workmen's compensation. Referred to the Committee on Finance.

By Mr. JACKSON (for himself, Mr. ANDERSON, Mr. CRANSTON, Mr. HART, Mr. HUMPHREY, Mr. MAGNUSON, Mr. METCALF, and Mr. NELSON):

S. 921. A bill to provide for the protection, development, and enhancement of the public lands; to provide for the development of federally owned minerals and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce, for myself and several of my colleagues, the "Public Domain Lands Organic Act of 1971."

Mr. President, one of the important responsibilities assigned to the Public Land Law Review Commission involved a careful survey of the so-called "public domain" lands in Federal ownership. These vast publicly owned land resources are administered by the Secretary of the Interior through the Bureau of Land Management. The report of the commission was submitted to the President and the Congress last June. The report also covers other categories of our Nation's public land assets which are not the subject of this bill. I served on the commission as did several of my colleagues on the Committee on Interior and Insular Affairs.

I have concluded, Mr. President, that the Government has long overlooked a valuable resource. This neglect of our largest single block of Federally-owned lands must come to an immediate halt. The Congress must share the blame for the lack of proper attention given these lands. Over the years we have legislated rather extensively concerning other categories of public lands such as national forests, parks and recreation and wilderness areas, but in my judgment, we have not placed the proper emphasis on the public domain lands that the public interest deserves.

During the past several months I have discussed with many interested citizens the need for an "organic" act for the lands under the jurisdiction of the Bureau of Land Management. This need has been demonstrated in hearings before our Subcommittee on Public Lands time after time. Such an act is imperative to instill or at least enhance a sense of environmental concern over the approach to the management of these lands.

The President of the United States called attention to this problem in his February 8 environmental message to Congress in a section on "Public Lands Management." I would like to quote two very pertinent paragraphs from his message:

> The Federal public lands comprise approximately one-third of the Nation's land area. This vast domain contains land with spectacular scenery, mineral and timber resources, major wildlife habitat, ecological significance, and tremendous recreation importance. In a sense, it is the 'breathing space' of the Nation.
>
> The public lands belong to all Americans. They are part of the heritage and the birthright of every citizen. It is important, therefore, that these lands be managed wisely, that their environmental values be carefully safeguarded, and that we deal with these lands as trustees for the future. They have an important place in national land use consideration.

I am pleased that President Nixon has recognized the need for the type of management tools and guidelines that the proposed legislation will give our public land managers. Now we must get on with the job of providing the authority.

However, it was felt, and properly so, that we should await the report of the Public Land Law Review Commission before introducing legislation. The report has been published for more than 7 months, and my colleagues and I have decided to introduce a bill now. I am not wedded to all of the specific provisions in it, but I am committed to the proposition that this kind of legislation must be enacted if we are to meet our responsibilities in properly husbanding a great public resource.

The public lands of the United States have always provided the arena where we Americans have fought for our dreams. Even today many dreams of wealth, home adventure, and escape are still being acted out on these farflung lands. They are a part of our national destiny. They belong to all U.S. citizens.

What we do with the public lands of the United States tells a great deal about what we are—what we care for—and what is to become of us as a Nation.

Until now our public domain lands—for the most part—have been neglected lands. They were carved from the leftovers that no one wanted for homesteading, parks, forests, or other uses considered more important. They have not even been properly named. But if this bill is enacted, they shall be known as "national resource lands." This is in keeping with other designations for Federal lands such as national parks, national forests, and national seashores, and hopefully will afford these lands the proper measure of respect which has been lacking.

The origin of the lands we are dealing with in this bill goes back 159 years to the establishment of the General Land Office in 1812. Under the Taylor Grazing Act of 1934, the Grazing Service was established. Then, in 1946 the Grazing Service and the General Land Office were combined to form the Bureau of Land Management in the Department of the Interior.

In 1964, Congress passed the Classification and Multiple Use Act, a temporary authority providing the Bureau of Land Management with criteria to conduct a systematic effort to classify lands either for retention or for disposal. Some 150 million acres were classified, with strong participation by the public in the decisionmaking process. But that authority has now expired. The bill I am introducing today would continue this classification process, but the emphasis will be on retention and management. Without proper classification, land use planning and efficient management are virtually impossible.

The legislation directs that these national resource lands henceforth shall be administered on the principles of multiple use and sustained yield of the different values contained therein. The 6-year temporary authority to so manage these lands also expired last year, and the sponsors feel that such management principles should form the permanent philosophy of those charged with responsibility of caring for this national asset.

The bill would repeal many of the confused, obsolete land laws that now clutter up the statutes. For example, some of the acts earmarked for repeal include sections dealing with homesteading, desert land entries, townsites, parts of the Taylor Grazing Act, abandoned military reservations, patents for private claims in Missouri, townsites in Alaska, sale of public domain in Alaska, sale of isolated tracts, and related problems. By providing basic guidelines for the administration of these lands, the isolated, single purpose type of statute is unnecessary.

Other provisions of title I of the bill would impose fines of not more than $1,000 and/or imprisonment for violation of public land laws, grant the power of arrest to authorized Bureau of Land Management officials, authorize advisory boards, and in other ways enhance and streamline the work of BLM.

One of the major beneficial effects of the bill will be an expanded use of the public domain lands for recreation purposes. These lands offer a largely untapped resource for meeting the burgeoning demands for outdoor recreation, particularly near some of our southwestern population centers. The bill also would require that wilderness values will be protected under the national wilderness system if qualified areas are submitted to Congress and approved.

Also, under the provisions of this Act, the Director of the Bureau of Land Management would be appointed by the President of the United States, with the advice and consent of the Senate. The language further specifies that:

> The Director shall have a broad background and experience in public land and natural resource management, be selected from the Federal civil service, and be subject to removal only for cause or disability.

Formerly, the heads of the Central Land Office and the Grazing Service were both subject to confirmation. The importance of the office will be upgraded,

and at the same time this will provide an opportunity for public examination of the views of the Director.

Title II of the bill also changes the provisions of law concerning the way federally-owned mineral values are managed.

In short, it places the so-called "hard rock" minerals on a leasable basis which has been the method of disposal of oil and gas values since 1920.

No one is satisfied with the present system of exploration and exploitation of the Federal mineral values on our public lands whereby under the "location" system of the mining law of 1872 even the title to the surface of the land can pass for nothing. No environmental safeguards are now required. Our public officials have no real control or in some cases even knowledge of certain mining activity and the development which accompanies it. Roads may be constructed to get to a deposit without regard to a master plan for a forest or public domain area. Furthermore, exploration by heavy machinery can destroy fragile ecology without any requirement for restoration or rehabilitation.

Abandoned mining claims dot the public domain, casting clouds upon the title to property which belongs to all the people.

In short, Mr. President, 99 years is enough. There may have been good reason a century ago to provide for disposal of a young Nation's resources in such a manner to encourage settlement and growth, but no longer. Just as we have moved out of the era of the old, solitary prospector with pick and shovel into a highly sophisticated mining technology, we need also to modernize our method of administering our Nation's mineral resources. I believe a mineral leasing system is the most practical way of achieving the proper balance. We must assure access to these lands that are available under existing law for mining, but we must provide for the protection of the land and for the other values at the same time. It is not the purpose of the authors to prohibit mineral activity. Indeed the forecast is for more minerals for the Nation's economy, not less. However, we must update and provide sensible laws for the administration of the land and minerals.

Therefore, the goals and objectives which the Federal leasing program will seek to meet include preserving the environment while also providing a supply of minerals for the Nation to satisfy its economic requirements. The public will have an opportunity to participate in the program, and the Government will receive fair market value for the public resources in a competitive environment. Provision is made for permitting adequate time for the leasees to secure a fair return for their investment.

The bill also has a very detailed list of provisions which leases should include in order that the public interest be protected but at the same time gives the Secretary sufficient leeway to permit leasing in individual cases that reflects the greatly varying conditions found in various Federal mineral deposits.

Mr. President, I recognize that the implications of this bill are important, and many special interests may feel that they will be adversely affected. I do not believe so. I think the bill prescribes a fair, reasonable, and modern approach to the administration of a large segment of our public resources. It serves the national interest, and it is a job that should be done. Indeed, it is past due. Upon leaving office as Secretary of the Interior two years ago, Stewart Udall remarked:

After eight years in this office, I have come to the conclusion that the most important piece of unfinished business on the Nation's natural resource agenda is the complete replacement of the mining law of 1872. Put simply, this obsolete and outdated statute inhibits the best kind of multiple-use management. It operates as an outright give away of vital natural resources.

Now is the time to proceed to consideration of this item on our national agenda. The committee will hold careful and thorough public hearings on this measure. All viewpoints are encouraged and will be examined by the committee. In view of the President's statement, we hope to have the full cooperation and support of the executive branch as we consider the bill.

Mr. President, I ask unanimous consent that the text of this legislation be printed at this point in the RECORD, and that following this a statement in support of the bill by Senator METCALF, one of the cosponsors, be printed.

There being no objection, the bill and statement, together with insertions, were ordered to be printed in the RECORD, as follows:

S. 921

A bill to provide for the protection, development, and enhancement of the public lands; to provide for the development of federally owned minerals; 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 "Public Domain Lands Organic Act of 1971".

TITLE I—PUBLIC LAND ADMINISTRATION

SEC. 101. The Congress recognizes that (1) the public lands administered by the Secretary of the Interior (hereinafter referred to in this title as the "Secretary"), through the Bureau of Land Management, are vital national assets that contain a wide variety of natural resource values including soil, minerals, water, air, plants, and animals, and (2) these lands should be administered, used, restored, improved, and protected for multiple use and sustained yield of these resources for the maximum long-term benefit of the general public, and (3) sound ecological management of these lands is vital to maintenance of a livable environment and essential to the well-being of the American people. Therefore, the Congress directs that these lands and resources shall be managed for tangible and intangible uses, including but not limited to (1) food and habitat for domestic and wild animals, (2) minerals and materials, (3) timber products, (4) various forms of outdoor recreation, (5) human occupancy and use, (6) the preservation of natural wilderness values, (7) watershed protection, and (8) other public values.

SEC. 102. As used in this title—

(1) "public lands" means all lands or interests in lands administered by the Secretary through the Bureau of Land Managemen, which shall be known after enactment of this Act as "national resource lands".

(2) "multiple use" means the management of the various surface and subsurface resources so that they are utilized in the combination that will best meet the present and future needs of the American people; the most judicious use of land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment to the environment or the productivity of the land, with consideration being given to the relative values of the various resources and to the ecological relationships involved, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

(3) "sustained yield" means the achievement and maintenance of a high-level annual or regular periodic output of the various renewable resources of land without impairment of the quality of the land and its environmental values;

(4) "qualified governmental agency" means any of the following, including their lawful agents and instrumentalities—

(A) the State, county, municipality, or other local government subdivision within which the land is located; and

(B) any municipality within convenient access to the lands if the lands are within the same State as the municipality.

(5) "qualified individual" means—

(A) any individual who is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged twenty-one years or more;

(B) any partnership or association, each of the members of which is a qualified individual as defined in subparagraph (A); and

(C) any corporation organized under the laws of the United States or of any State thereof and authorized to hold title to real property in the State in which the land is located.

SEC. 103. The Secretary is authorized and directed to permit the use of the nonmineral resources of the public lands to the maximum extent and under such terms and conditions as the Secretary finds consistent with the principles of section 101 of this Act and with the following goals and objectives:

(1) Provision of an adequate supply of resources to meet national, regional, and local requirements at reasonable market prices in a timely fashion.

(2) Protection, development, and enhancement of their outdoor recreational values for the maximum use and benefit of the general public, within the basic framework of multiple-use management, in a manner consistent with the Act of May 28, 1963 (77 Stat. 49; 16 U.S.C. 4601—4601–3), and in conformity with the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 901; 16 U.S.C. 4601–4, 4601–11).

(3) Preservation of a quality environment for present and future generations of Americans.

(4) Management of Federal lands and resources under principles of multiple use and sustained yield.

(5) Preparation, maintenance, and preservation of the integrity of comprehensive and coordinated national, State, and local land use plans.

(6) Maintenance of an interdisciplinary approach to natural resources programs.

(7) Opportunity for the public to participate fully in the conduct of the public business.

(8) Payment by users of public lands and resources of fair market value.

(9) Adequate tenure and opportunity for

resource users to plan and develop use and development operations and to secure a fair return for their risk and investment.

(10) Maintenance of competition in the allocation and development of public resources.

(11) Prevention of undue concentration of ownership of rights to public land resources.

(12) Encouragement of efficiency in resource use and development and in protection and rehabilitation of the environment.

SEC. 104. (a) The Secretary shall develop and promulgate regulations containing criteria by which he will determine and classify which of the public lands under certain conditions and consistent with the goals and objectives of this Act may be disposed of because they are more valuable for residential, commercial, agricultural, industrial, or other public uses or development in non-Federal ownership than for management in Federal ownership. The criteria shall give due consideration to all pertinent factors, including, but not limited to, environmental quality, ecology, priorities of use, and the relative values of the various resources in particular areas.

(b) No such regulation or any amendment thereto promulgated pursuant to this section shall become effective until the expiration of at least thirty days after the Secretary or his designee has held a public hearing thereon. A notice of such hearing shall be given at least thirty days in advance through publication in the Federal Register.

(c) The Secretary or his designee shall give appropriate public notice of any proposed classification of lands for disposal, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected lands at least sixty days in advance of the proposed disposal. No such classification for disposal shall become effective until the expiration of at least thirty days after the Secretary or his designee has held a public hearing thereon if the Secretary determines that a timely and responsible request for such a hearing is received.

SEC. 105. Any classification of public lands in effect on the date of enactment of this Act is subject to review for possible reclassification in accordance with the authority granted by this Act.

SEC. 106. The Secretary of the Interior shall review every roadless area of five thousand acres or more on national resource lands under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or nonsuitability of each such area for preservation as wilderness, in accordance with the Wilderness Act of 1964 (78 Stat. 890).

SEC. 107. The Secretary shall as soon as possible establish boundaries for units of the national resource lands and shall provide adequate and appropriate means of public identification, including signs and maps.

SEC. 108. The Secretary is authorized to sell public lands that have been classified for disposal in accordance with this title. Such sales shall be in tracts not exceeding five thousand one hundred and twenty acres each to qualified governmental agencies at the appraised fair market value thereof as determined by the Secretary or to qualified individuals through competitive bidding at not less than the appraised fair market values as determined by the Secretary.

SEC. 109. At least ninety days prior to offering lands for sale in accordance with this title, the Secretary shall notify the head of the governing body of the political subdivision of the State having jurisdiction over zoning in the geographic area within which the lands are located or, in the absence of such political subdivision, the Governor of the State, in order to afford the appropriate body with the opportunity of zoning for the use of the land in accordance with local planning and development. All sales shall be consistent with State and local land use plans and zoning.

SEC. 110. All patents or other evidences of title issued under this title shall contain a reservation to the United States of all mineral deposits. Patents and other evidences of title may contain such reservations and reasonable restrictions as are necessary to achieve the goals and objectives of this Act.

SEC. 111. (a) The Secretary is hereby authorized to acquire by purchase, donation, exchange, or otherwise such lands or interests therein as he deems necessary to provide access or otherwise facilitate the administration of the public lands.

(b) Notwithstanding any other provision of law, in exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal property or interests therein and in exchange therefor he may convey to the grantor of such property or interest any public lands or interests therein under his jurisdiction and which he classifies as suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired. The values of the land so exchanged either shall be approximately equal, or if they are not approximately equal, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The proceeds received from any conveyance under this section shall be credited to the Land and Water Conservation Fund in the Treasury of the United States.

SEC. 112. Violations of the public land laws and regulations of the Secretary relating to protection of the public lands and the uses thereof shall be punishable by a fine of not more than $1,000 or imprisonment for not more than six months, or both. Any person charged with the violation of such laws and regulations may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

SEC. 113. The Secretary may authorize such persons who are employed in the Bureau of Land Management as he may designate to make arrests for the violation of the laws and regulations referred to in sections 114 and 116 of this Act. Upon sworn information by any competent person, any United States commissioner or magistrate in the proper jurisdiction shall issue a warrant for the arrest of any person charged with the violation of said laws and regulations, but nothing herein shall be construed as preventing the arrest by any officer of the United States, without warrant, of any person taken in the act of violating such laws and regulations.

SEC. 114. The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this title.

SEC. 115. In order that the Secretary shall have the benefit of the advice and assistance of others knowledgeable with respect to matters within the purview of this title, he may establish such multiple use, special use, or ad hoc advisory boards or groups as he deems necessary.

SEC. 116. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title. Any funds so appropriated shall remain available until expended.

SEC. 117. (a) Subject to valid rights and liabilities existing at the date of approval of this title, the following Acts or parts thereof are repealed:

(1) Chapter 7 of title 43, United States Code, sections 161–302, homesteads generally.

(2) Chapter 8 of title 43, United States Code, sections 315f and 315g, Taylor Grazing Act.

(3) Chapter 9 of title 43, United States Code, sections 321–338, desert land entries.

(4) Chapter 16 of title 43, United States Code sections 671–700, sale and disposal of public lands.

(5) Chapter 17 of title 43, United States Code, sections 711–731, reservation and sale of townsites on public lands.

(6) Chapter 24 of title 43, United States Code, sections 1021–1048, under State laws, Minnesota and Arkansas.

(7) Chapter 26 of title 43, United States Code, sections 1071–1080, abandoned military reservations.

(8) Chapter 27 of title 43, United States Code, sections 1091–1134, public lands in Oklahoma.

(9) Chapter 28 of title 43, United States Code, sections 1153–1156, patents for private claims, Missouri.

(10) Chapter 28 of title 43, United States Code, sections 1171–1177, sale of isolated tracts.

(11) Chapter 28 of title 43, United States Code, sections 1191–1193, evidence of title.

(12) Sections 11 and 16 of the Act of March 3, 1891 (26 Stat. 1099, 1101; 48 U.S.C. 355, 43 U.S.C. 728), townsites, Alaska.

(13) The fourth paragraph of section 1 of the Act of March 12, 1914 (38 Stat. 307; 48 U.S.C. 303), townsites, Alaska.

(14) Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d), townsites, Alaska.

(15) Act of February 26, 1948 (62 Stat. 35; 48 U.S.C. 355e), townsites, Alaska.

(16) Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–364e), sale of public domain, Alaska.

(17) Act of July 24, 1947 (61 Stat. 414; 48 U.S.C. 364), zoning of land, Alaska.

(b) The provisions of this title shall prevail over any existing law not consistent with it and such laws or portions thereof are hereby repealed.

SEC. 118. Appointments made on and after the date of the enactment of this Act to the office of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall (1) have a broad background and experience in public land and natural resource management, (2) be selected from the Federal civil service, and (3) be subject to removal only for cause or disability.

TITLE II—MINERAL LEASING

SEC. 201. This title may be cited as the "Federal Land Mineral Leasing Act of 1971".

SEC. 202. As used in this title—

(1) "Secretary" means the Secretary of the Interior;

(2) "Head of department or agency" means the head of an agency or the Secretary of a department other than the Secretary of the Interior;

(3) "Federal lands" means all federally owned lands except lands—

(A) Held in trust for Indians;

(B) Owned by Indians with Federal restrictions on the title;

(C) Within units of the national park system; or

(D) Administered pursuant to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331);

(4) "Federal mineral interests" means mineral deposits in Federal lands and federally owned mineral interests in non-Federal lands;

(5) "Person" means any of the following, including their lawful agents and instrumentalities:

(A) any State, county, municipality, or other local governmental subdivision within which the land is located;

(B) any municipality within convenient

access to the lands if the lands are within the same State as the municipality;

(C) any individual who is authorized to enter into a contract for acquisition of title in real property in the United States by himself or through his guardian or trustee;

(D) any partnership or association, each of the members of which is an individual as defined in subparagraph (C); and

(E) any corporation organized under the laws of the United States or of any State thereof, and authorized to hold title to real property in the State in which the land is located;

(6) "Mineral lease" means an exclusive right to explore for and develop a mineral deposit or deposits in specified lands under this title;

(7) "Mineral license" is a right to mine and remove a specified amount of minerals from specified public lands; and

(8) "Mineral" is a substance that—

(A) is recognized as mineral, according to its chemical composition, by the standard authorities on the subject, or

(B) is classified as mineral produce in trade or commerce except that helium, water, and geothermal steam are not minerals under this title.

SEC. 203. The Secretary is authorized and directed to permit by the issuance of mineral leases and licenses under this title, any person to prospect for, mine, and develop Federal mineral interests to the maximum extent and under such terms and conditions as the Secretary finds consistent with the following goals and objectives:

(1) Provision of an adequate supply of minerals to meet national, regional, and local requirements at reasonable market prices in a timely fashion.

(2) Preservation of a quality environment for present and future generations of Americans.

(3) Management of Federal lands and resources under principles of multiple use and sustained yield.

(4) Preparation, maintenance, and preservation of the integrity of comprehensive and coordinated national, State, and local land use plans.

(5) Maintenance of an interdisciplinary approach to natural resources programs.

(6) Opportunity for the public to participate fully in the conduct of the public business.

(7) Payment by users of public lands and resources of fair market value.

(8) Adequate tenure and opportunity for mineral prospectors and mining operations to plan and develop prospecting and mining operations and to secure a fair return for their risk and investment.

(9) Maintenance of a competitive environment in the allocation and development of public resources.

(10) Prevention of undue concentration of ownership of rights to Federal mineral interests.

(11) Encouragement of efficiency in prospecting and production of minerals and in protection and rehabilitation of the environment.

SEC. 204. (a) The Secretary may dispose of Federal mineral interests in Federal lands which are not under his jurisdiction only if the head of the department or agency which administers the lands concurs with the proposal to dispose of the Federal mineral interests and in the proposed terms and conditions of disposal insofar as such terms and conditions would affect such head's exercise of his administrative responsibilities.

(b) The Secretary may dispose of Federal mineral interests in non-Federal lands only after he has given the non-Federal landowner an opportunity to review and comment on the planned terms and conditions of the proposed disposal. Insofar as they relate to conservation of natural resources, the protection of the environment, and protection of and compensation for private improvements on the land, the Secretary shall, to the extent he deems feasible, include in the proposed disposal the same terms and conditions that he would include if the lands were Federal.

SEC. 205. The Secretary shall consult with the Federal, State, and local governments, advisory boards and committees, and the general public to the extent he deems necessary to secure full public participation in decisions related to the disposal of Federal mineral interests. The head of any department or agency may render, without transfer of funds, technical assistance to the Secretary in connection with the Secretary's activities under this title.

SEC. 206. The Secretary shall publicize all proposals to dispose of Federal mineral interests under this title to the extent and by those means which he deems necessary to comply with the goals, objectives, and other provisions of this title. Notices of such proposals shall describe by incorporation or by reference the terms and conditions of disposals so that the general public may knowledgeably comment on the proposal and potential lessees and licensees will be fully informed what their rights and obligations would be under the proposal.

SEC. 207. (a) The Secretary may dispose of Federal mineral interests by mineral lease and license under this title in any manner which in his judgment will meet the goals, objectives, and other provisions of this title. He may utilize competitive means of disposal whenever he finds that competitive interest exists and competition would otherwise be consistent with the requirements and goals and objectives of this title. In competitive disposals, he may reserve the right to reject any and all bids where he finds that acceptance would be inconsistent with the goals and objectives of this title. Where he finds that any person is dependent upon continued access to Federal mineral interests by virtue of the location of their mining and mineral recovery facilities he may accord such person a preference right to meet the terms and conditions of a proposal to issue a mineral lease or license. Such preference right may include, in the discretion of the Secretary, the right to match the highest bid for contract when Federal mineral interests are disposed of competitively.

(b) Whenever Federal lands are being drained of oil and gas by wells drilled on adjacent lands, the Secretary may negotiate contract agreements with the owners of those wells and of the oil and gas in the adjacent lands to compensate the United States for such drainage.

SEC. 208. The Secretary shall reserve to the United States the ownership of and right to extract helium from all gas produced under this title, and in the extraction of such helium, he shall cause no substantial delay in the delivery of the gas produced from the well to the purchaser thereof.

SEC. 209. In leases, licenses, and other contracts issued under this title, the Secretary shall incorporate such terms and conditions that he deems necessary or desirable to promote good business practices; to promote the conservation of lands and other natural resources; to preserve and enhance the environment; to maintain ecological balances; to protect the public health, safety, and welfare; to enable the proper use of the lands; and otherwise to promote or be consistent with the goals and objectives and other terms of this title, including, but not limited to, provisions for—

(1) cancellation and forfeitures for cause;

(2) relinquishment of rights and privileges;

(3) bonds, deposits, or other good faith security;

(4) assignments and subleases, in whole or in part;

(5) renewals and extensions;

(6) removal of improvements;

(7) rentals and royalties;

(8) penalties for noncompliance;

(9) reinstatements;

(10) nondiscrimination;

(11) protection of health and safety of workers;

(12) protection and rehabilitation of natural resources;

(13) prevention of air, water, and land pollution;

(14) adjustment of disputes;

(15) payments in kind;

(16) inspection of premises by Federal and State officials;

(17) inspection of business records;

(18) joint enterprises;

(19) suspension, waiver, and reduction of rentals or royalties in order to promote conservation of resources;

(20) reasonable diligence;

(21) workmanlike performance;

(22) disposal of surface estate;

(23) uses of the lands and resources thereon by third parties;

(24) uses of the lands and resources by the contracting parties, including rentals to be paid by the lessee or licensee;

(25) unitization, operating, and other cooperative agreements; and

(26) submittal of plans of exploration, mining, and rehabilitation operations for approval by the Secretary.

SEC. 210. The Secretary is authorized to issue such regulations as he finds necessary or desirable to carry out the goals, objectives, and other purposes of this title, including, but not limited to, regulations to etabslish—

(1) the area or volume or kind of mineral rights that may be held by any one qualified applicant, and

(2) the area or volume or kind of mineral rights that may be acquired by any one person in any area or at any sale.

SEC. 211. (a) All prior laws which relate to the disposition of Federal mineral deposits covered by this title are hereby repealed except to the extent noted in subsection (c) of this section. These laws include, but are not limited, to—

(1) The Mining Law of 1872, as amended (30 U.S.C. 21–77).

(2) The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181–286).

(3) The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359).

(4) The Act of July 31, 1947, as amended, and the Act of July 23, 1955, as amended (30 U.S.C. 601–615).

(5) The Right-of-Way Leasing Act of 1930 (30 U.S.C. 301–306).

(b) Any valid mining claim, lease, contract, or other right acquired under any laws repealed by this title which existed on the date of enactment of this title shall not be affected by this title but shall remain subject to the provisions of the law under which such rights were derived. The Secretary is authorized in his discretion and upon application to him by the owner of the right to issue a lease or license under this title in exchange for a valid mining claim or valid mineral lease, license, or permit issued under the authorities repealed by subsection (a) of this section.

(c) The following provisions of law shall remain in force and effect:

(1) Section 29 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).

(2) Section 35 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 191).

(3) The distribution of receipts provisions of section 3 of the Act of September 1, 1949 (30 U.S.C. 192c).

(4) The distribution of receipts provisions of the Act of June 1, 1948 (30 U.S.C. 286).

(5) The distribution of receipts provisions of the Act of June 12, 1926 (44 Stat. 740).

STATEMENT OF SENATOR METCALF

Mr. METCALF. Mr. President, I am proud to join with my distinguished colleague from the State of Washington, Mr. Jackson, in cosponsoring the "Public Domain Lands Organic Act of 1971."

We are all becoming keenly aware of the abuses that have been inflicted upon our lands due, in many ways, to our past policies concerning public holdings. For too long this nation has been locked into a psychology of exploitation of the environment. Now, Mr. President, those days must be put behind us. We must recognize that our public lands are vital and precious national assets. It is imperative that we treat them as such. We must move to protect and preserve them. The Public Domain Lands Organic Act of 1971 is a long step in that direction.

There is a portion of this bill, Mr. President, that is sorely needed to help solve some serious environmental problems. Although the examples I have are in Montana, I assume the problem is general in the mining areas. Recently, mining exploration activities have increased drastically in some of the mountainous areas of Montana. Some of this exploration has been on private land. Most of it has been on public land, particularly that administered by the Forest Service. During the recent period of exploration there have been reports of extensive damage to our National Forests. These reports came from many concerned Montanans, and the problem has received widespread coverage in the Montana press.

One example of exploration damage to public lands is reported on the Custer National Forest in south central Montana. Here peaks rise to more than 12,000 feet, thick forests abound with wildlife, and mountain streams run unspoiled. Part of this area had been under consideration for designation as a Wilderness Area. But now, a large part of this area has been scarred, some of it permanently, by mining company exploration.

A recent article in the Billings, Montana, Gazette described clearly what has happened in this wild mountain area. I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection the article is ordered printed.

"MINE EXPLORATION THREATENS FISH

(By Tom Brown)

"Mining exploration near Goose Lake in the Beartooth Mountains is a threat to fish in the Stillwater, Clark-Fork and West Rosebud Rivers, according to Custer National Forest Deputy Supervisor Rovert Miller.

"He said Wednesday that 'considerable' bulldozing of exploratory pits had occurred this summer in the area around Goose Lake and near the headwaters of the three rivers.

"These pits will cause siltation in the rivers which drain them during the spring runoff," Miller said, "and siltation means dead fish.

"The Goose Lake mining activity will not wipe out the fish in the affected rivers, but it will contribute to their degradation, he continued.

"The deputy supervisor said Kennecott Mining Co. was the only company known to be working in the area but there could be others.

"We really have no way to know other than rumor since the companies are under no obligation to keep us informed of their activities and have not done so voluntarily.

"We are, however, monitoring the area and plan to do a complete study of everything from soils to water pollution next year.

"Miller said the study would enable them to develop a management plan describing the best way to conduct any mining in the area with respect to its effect on the environment.

"But, he admits that a mining company would be under no obligation to follow such a plan should one be developed.

"They are operating under the general mining law of 1872 which gives them a right to mine the public domains," Miller said.

"Meanwhile, not only are the fish in danger, but the open pits are leaving scars," Miller says, "that can never be removed."

"They are working in alpine country at or above timberline at an elevation of 9,000 to 10,000 feet," he said. "At that height it is impossible to restore the vegetation.

"These scars will stay the way they are left."

Mr. METCALF. Such exploration damage is not confined to the Beartooth Mountains area. Neal Peterson, and Noel Rosetta, Forest Service officials on the Helena National Forest, are among those who have focused public attention on the Lincoln area in western Montana. A Billings Gazette article of 5 October 1970 told of Peterson's alarm. I ask unanimous consent that a portion of this article be printed in the RECORD at this point.

There being no objection the article is ordered printed as follows:

"Peterson calculated that about 20,000 acres in the 326,000-acre district have been disturbed by the exploratory work of four large exploratory companies.

"They are the Anaconda Co., Kennecott (which is no longer believed to be actively exploring), Roberts Mining and New Park Mining, both California-based.

"The Lincoln district is heavily mineralized with copper, zinc, molybdenum, iron, gold, silver and other valuable metals.

"Mineral exploration and road construction have been so extensive in the area," Peterson said, "that there are few places, from Lincoln to Butte, that haven't been staked out."

"In the Heddleston district near the headwaters of the Big Blackfoot River, Anaconda has gouged roads up steep grades through lodgepole pine stands to bring in heavy core drilling rigs. Roads branch every 100 yards or so and there is extensive erosion.

"Rosetta said that the failure of mining companies to file an application for a special use permit with the Forest Service before building a road prevents the service from helping them lay out a route to prevent erosion and other problems.

"The Forest Service can't deny a miner the right of entry to a valid claim," he said.

"Adding to the erosion problem made worse by poorly-designed roads, recreationists drive the fragile high country with their four-wheel-drive rigs," Rosetta said.

"Rosetta's suggestion that companies post land restoration bonds would," he said, "no longer leave the Forest Service 'holding the hack after the companies move.'

"We expect erosion problems from all this activity," Peterson concluded. "Someday, if we get mud three feet deep in the Blackfoot River at least someone will credit us with surveying to determine the causes."

Mr. METCALF. As you can see, Mr. President, the Forest Service is painfully aware of the problem of exploration damage, but its hands are tied. The mining industry activity, while certainly not socially responsible, apparently has been legal.

The primary law governing mineral activity on public lands is the Mining Law of 1872, enacted as a means of promoting the development of the mining resources of the United States. At that time, the exploration process consisted of one or two prospectors packing into the back-country on horseback, probing about as they went with their picks and shovels. These men caused no concern about the destruction of the public lands because they were responsible for none. And understandably so for the technology existing in 1872 in no way compares with that of today.

Modern exploratory processes utilize four-wheel-drive vehicles, bulldozers and other earth-moving equipment and core-drilling rigs. In this new process of exploration, irreparable scars and damaged streams are often left as by-products. Clearly, Mr. President, mining laws designed for a single purpose for the nineteenth century cannot be expected to meet the demonstrated needs on the public lands in the latter third of the twentieth century. The Public Land Law Review Commission, in its recent report, has recognized this problem of the protection of environmental quality during exploration for minerals. On page 127 of the Report, in the section entitled "Protecting the Environment," the Commission recommends:

"Upon receipt of the required notice of location a permit should be issued to the locator, subject to administrative discretion exercised within strict limits of congressional guidelines, for the protection of surface values. While an administrator should have no discretion to withhold a permit, he should have the authority to vary these restrictions to meet local conditions. It is our view that protection of environmental values must cover all phases of mineral activity from exploration, through development and production . . ."

The bill introduced today attempts to deal with the problem along the lines of the Public Land Law Review Commission's Report. The bill would give the administrators of our public lands full authority to regulate exploration in addition to mining activities on public lands.

Specifically, this Act will enable the administrators of our public lands to require, among other things:

1. Advance submission of exploration and operation plans by mining companies, including proposals for the protection of the environment.
2. Leasing before exploration can be pursued.
3. Restoration and rehabilitation of disturbed surface areas.
4. Posting of performance bonds.
5. Penalties for noncompliance.

Mr. President, Montanan's have always been very close to the land. They love it and they demand that it be protected. A substantial majority of the people of Montana and those charged with managing our public lands will welcome these new provisions.

By Mr. RIBICOFF (for himself, Mr. BAYH, Mr. CASE, Mr. JAVITS, Mr. MAGNUSON, Mr. MCINTYRE, Mr. MUSKIE, and Mr. PELL):

S. 922. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards. Referred to the Committee on Labor and Public Welfare.

Mr. RIBICOFF. Mr. President, I introduce today a bill to establish a Federal leadership program to promote youth camp safety.

The camping industry in the United States is growing at an ever-increasing rate; 10,000 to 12,000 camps are now operated in this country. Resident camps alone have tripled in the last decade.

Each year more than 7 million youngsters go off to residential, day, or travel camps. While some camp activity takes place during the school year, camping is primarily a summertime activity. However, while a parent can be relatively confident of his child's safety while at school, millions of parents across the Nation send their offspring to camps with little

or no knowledge whether the institution meets basic minimum safety standards. The sad fact is that too often many of them do not.

In 19 States there are absolutely no regulations governing camping at all; and, in many of the other States only isolated aspects of camping are governed by law or regulation. And yet camp personnel virtually take the place of parents for several weeks of the year, especially in travel and residential camps.

For instance, only 40 States have training requirements for counselors who supervise aquatic activities.

Forty-six States have no regulation regarding the condition of vehicles used for transportation or the qualifications of drivers. An equal number of States have no regulations restricting the age of counselors. Twenty-nine States fail to even require annual camp inspections.

The absence of State regulations has meant that private camping organizations have had to establish and police appropriate standards. The American Camping Association with over 3,400 member camps, the Scouting organizations, the Association of Private Camps and church oriented groups have all made a substantial contribution to better camping. These organizations are to be commended for taking the initiative where the Government has failed.

Too many camps across the Nation, however, do not belong to any of these organizations and do not follow their advice. And in any event, even if a camp does belong to one of the organizations, there is little that the organization can do to enforce its standards.

In 1967, representatives of the American Camping Association surveyed a representative group of their member camps to see whether ACA safety standards were being adhered to. These camps are generally recognized as some of the best in the Nation and yet one out of every eight failed to meet minimum standards.

The failure to establish adequate standards for many of our camps has had tragic consequences across the Nation. Ever since I became active in this field, I have heard enough horror stories to convince me that governmental protection for our youngsters is an absolute necessity.

Two years ago in California four children were killed and 68 others were injured when a flatbed truck driven by a camp counselor overturned on an expressway. Just last summer a schoolbus carrying day campers from Long Island overturned in western Pennsylvania killing seven and seriously injuring 51 others. The truck was driven by a man who did not even have a valid driver's license.

Far and away the greatest cause of death at camp is drowning, in spite of the fact that the waterfront of the average camp is often the best supervised area.

One man who knows, and can never forget, how what began as a pleasant summer for their son turned out to be a nightmare is Mitch Kurman, a constituent of mine from Westport, Conn. Mr. Kurman chose a camp in upstate New York which offered canoe trips into Maine, New Hampshire, and Ontario. Like every other parent, he simply assumed the camp was safe.

One night he received word that his son had drowned in a canoeing accident on a branch of the Penobscot River in Maine. On checking into what was first considered to be an unfortunate accident, he learned from other campers on the trip and from Ontario and Maine police that the young counselor guarding the boys had previously had a narrow escape on a river he had been warned against and that a Forest Ranger had specifically warned the same counselor not to challenge the Penobscot. The counselor ignored all these warnings and led his charges down a stretch of river which has been described as "wilder than the Niagara gorge" in canoes that lacked fast water safety equipment such as life preservers or ropes.

Since that time Mr. Kurman has become a crusader for greater camp safety. He has been a vigorous supporter of the bill I introduce today as part of his unceasing efforts to insure that no more parents have to face the agony he experienced.

One of the greatest problems in regard to camp safety is that no one really knows how many campers there are, how many suffer injuries or how these injuries are treated. In most cases, it is simply a matter of the camp reporting to the parents that young John bruised his knee or broke his arm. Too often, no records are kept of injuries or illnesses, no matter how serious.

The only real camp safety survey took place 40 years ago when a group of distinguished youth leaders and camping enthusiasts met in New York to discuss camping in general. It was the consensus of this group that the time had come to establish a minimum standard for camp health and safety. The group commissioned a nationwide camp safety study which remains today the only full report of the situation. They concluded that 65 percent of all camp accidents could have been prevented by better supervision or higher standards of camp maintenance and administration. Only one-quarter of the accidents could be attributed to the camper's negligence and half of these could have been prevented with more rigorous supervision by counselors. A shockingly high percentage of the injuries covered were due to faulty structures, dangerous pathways and often the very location of the camp itself.

This report was released in 1929. Forty-two years have passed and little progress has been seen in this area. The time for action is now. We can no longer play Russian roulette with the health and safety of our children and grandchildren. The camping industry has done its utmost to police itself, but has found it to be an impossible task. The camping industry supports the bill, concerned parents support the bill and there is no reason why the U.S. Senate should not support the bill.

This bill would instruct the Secretary of Health, Education, and Welfare, in consultation with camping and safety experts, to establish camp safety standards. After the publication of these standards, each State would be encouraged to establish a program to insure compliance. The bill provides for incentive grants to the States to pay up to half the cost of administering the inspection and compliance program. Camps which meet the Federal standards will be urged to display this fact to assist parents in their choice.

The bill would also establish an Advisory Council on Youth Camp Safety to consult with the Secretary on the promulgation of safety standards. Members of the Council would come from all areas of the camping industry.

Before establishing safety standards, the bill provides that the Secretary shall survey existing safety standards published by State and private organizations and the effects of these standards.

My proposal will not affect the finest camps and there are many across the land. It is aimed rather at fly-by-night operations and those camps which are unaffiliated and unaccredited by responsible camping organizations.

I have no desire to take the adventure out of camping. But I see no reason why the benefits of camping cannot be rendered in a safe and healthy atmosphere. Many camps already measure up to the highest safety standards. Others will be given the incentive to improve. Those that fail to provide a safe environment do not belong in the business and should not be allowed to continue.

Camping at its best can provide unmatched opportunities for recreation and close contact with our natural environment.

For most children it is an experience that is remembered throughout their whole lifetime. It should not be a nightmare that children or parents can never forget.

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

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

S. 922

A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards

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 "Youth Camp Safety Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to protect and safeguard the health and well-being of the youth of the Nation attending day camps, resident camps, and travel camps, by providing for establishment of Federal standards for safe operation of youth camps, and to provide Federal assistance and leadership to the States in developing programs for implementing safety standards for youth camps, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "youth camp" means:

(1) any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspices five or more children under eighteen years of age, living apart from their relatives, parents, or legal guardians for a period of,

or portions of, five days or more, and includes a site that is operated as a day camp or as a resident camp; and

(2) any travel camp which for profit or under philanthropic or charitable auspices, sponsors or conducts group tours within the United States, or foreign group tours originating or terminating within the United States, for educational or recreational purposes, accommodating within the group five or more children under eighteen years of age living apart from their relatives, parents, or legal guardians for a period of five days or more.

(b) The term "person" means any individual partnership, corporation, association, or other form of business enterprises.

(c) The term "safety standards" means criteria directed toward safe operation of youth camps, in such areas as—but not limited to—personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment; and condition and density of use.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "State" includes each of the several States and the District of Columbia.

GRANTS TO STATES FOR YOUTH CAMP SAFETY STANDARDS

SEC. 4. From sums appropriated pursuant to section 11 of this Act, but not to exceed $2,500,000 of such appropriation for any fiscal year, the Secretary is authorized to make grants to States which have State plans approved by him under section 6 to pay up to 50 per centum of the cost of developing and administering State programs for youth camp safety standards.

SEC. 5. In developing Federal standards for youth camps, the Secretary shall—

(a) undertake a study of existing State and local regulations and standards, and standards developed by private organizations, applicable to youth camp safety, including the enforcement of such State, local, and private regulations and standards;

(b) establish and publish youth camp safety standards within one year after enactment of the Act, after consultation with State officials and with representatives of appropriate private and public organizations after opportunity for hearings and notification published in the Federal Register; and

(c) authorize and encourage camps certified by the States as complying with the published Federal youth camp standards to advertise their compliance with minimum safety standards.

STATE PLANS

SEC. 6. (a) Any State desiring to participate in the grant program under this Act shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency, a State plan which shall—

(1) set forth a program for State supervised annual inspection of, and certification of compliance with, minimum safety standards developed under the provisions of sections 5 and 9(a) of this Act, at youth camps located in such State;

(2) provide assurances that the State will accept and apply such minimum youth camp safety standards as the Secretary shall by regulations prescribe;

(3) provide for the administration of such plan by such State agency;

(4) provide for an advisory committee, to advise the State agency on the general policy involved in inspection and certification procedures under the State plan, which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto and persons representative of professional or civic or other public or nonprofit private agencies, organizations, or groups concerned with organized camping;

(5) provide that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require;

(6) provide assurance that the State will pay from non-Federal sources the remaining cost of such program; and

(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

(b) Any State desiring to enable youth camps in the State to advertise compliance with Federal youth camp standards, but which does not wish to participate in the grant programs under this Act, shall designate or create an appropriate State agency for the purpose of this section, and submit, through such State agency a State plan which shall accomplish the steps specified in (a) (1) through (3) of this section, and which provides for availability of information so that the Secretary may be assured of compliance with the standards.

(c) The Secretary shall not finally disapprove any State plan submitted under this Act or any modification thereof, without first affording such State agency reasonable notice and opportunity for a hearing.

DETERMINATION OF FEDERAL SHARE; PAYMENTS

SEC. 7. (a) The Secretary shall determine the amount of the Federal share of the cost of programs approved by him under section 6 based upon the funds appropriated therefor pursuant to section 10 for that fiscal year and upon the number of participating States; except that no State may receive a grant under this Act for any fiscal year in excess of $50,000.

(b) Payments to a State under this Act may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

SEC. 8. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 6, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Secretary shall notify such State agency that no further payments will be made to the State under this Act (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this Act (or payment shall be limited to programs or portions of the State plan not affected by such failure).

(b) A State agency dissatisfied with a final action of the Secretary under section 6 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 9. (a) The Secretary shall establish in the Department of Health, Education, and Welfare an Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The Council shall consist of the Secretary, who shall be Chairman, and eighteen members appointed by him, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service. Prior to making such appointments, the Secretary shall consult with appropriate associations representing organized camping.

(b) The Secretary may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMINISTRATION

SEC. 10. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this Act.

(b) The Secretary is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this Act; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

(c) Nothing in this Act or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this law to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

AUTHORIZATION

SEC. 11. There are authorized to be appropriated to carry out the provisions of this Act the sum of $3,000,000 for the fiscal year ending June 30, 1972, and for each of the five succeeding fiscal years.

By Mr. WILLIAMS (for himself, Mr. CHURCH, Mr. EAGLETON, Mr. MOSS, and Mr. MONDALE):

S. 323. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disabil-

ity insurance program, to provide health insurance benefits for the disabled, and for other purposes. Referred to the Committee on Finance.

Mr. WILLIAMS. Mr. President, I introduce, for appropriate reference, a bill to authorize increases in social security benefits and to make other comprehensive reforms in the social security and medicare programs.

A few days ago, the Senate Committee on Aging issued a far-reaching and hard-hitting report—based on 2 years of study and more than 2,000 pages of testimony—on the "Economics of Aging: Toward a Full Share in Abundance."

What has emerged is a compelling call for immediate and long range action.

This report also forcefully points out that millions of older Americans are experiencing a retirement income crisis. And their situation is worsening, rather than improving.

Nearly 5 million elderly persons live in poverty. Medicare, valuable as it is, still covers less than half of their health care expenditures.

For the typical retired worker, the average social security benefit is only about $1,400 a year. For the average retired couple, social security provides approximately $2,400 in annual benefits.

And for the first time since poverty statistics were tabulated, the elderly poor population is growing instead of decreasing. In the past their aggregate numbers have declined, although at a slower rate than for younger persons. But since 1968, nearly 200,000 older Americans have been added to the poverty rolls. In sharp contrast, the number of persons under 65 in poverty declined by approximately 1.2 million.

Today older Americans are twice as likely to be poor as younger persons. One out of every four individuals 65 and older—in contrast to 1 in 9 for younger persons—lives in poverty.

These statistics clearly show that piecemeal, stopgap legislation is just not going to solve the retirement income problems of the aged. Adding a few dollars every 2 years to social security will not get the job done either. And timid tinkering with medicare is not the answer.

What is needed—and needed now—is a comprehensive, overall approach for their pressing problems.

The bill I introduce today can be helpful in providing an important foundation for this needed reform. This measure—enthusiastically supported by the AFL–CIO and the National Council of Senior Citizens—is patterned after similar legislation I sponsored in the last Congress.

Several of these provisions were approved in identical or modified form in the House- and Senate-passed social security bills last year.

However, no final action was taken because a conference committee could not be held to resolve the differences in the two bills.

But now there is strong sentiment in both Houses of Congress that social security legislation should be promptly enacted this year. And there is equally strong support that the benefit increases should be retroactive to January 1, 1971, the same effective date as in the proposed 1970 Social Security Amendments.

We owe this pledge to our 20 million senior citizens, who have worked most of their lives for the progress we now enjoy.

And we owe this commitment for today's workers, the retirees of tomorrow. Because, unless major policy changes are made, they, too, will be poor when they become old.

BENEFIT INCREASES

First, my bill would provide a 15 percent across-the-board increase in benefits retroactive to January 1, 1971. Another 15-percent raise would be authorized for 1972.

With this approach, social security benefits can be brought up to a more realistic level for the wealthiest Nation in history—with a gross national product exceeding $1 trillion.

AUTOMATIC ADJUSTMENTS

Thereafter, benefits would be adjusted on an annual basis for each 3-percent rise in the cost of living. However, any proposal would stress the role of Congress in setting benefit levels. This automatic escalator would be employed only if Congress failed to act on social security legislation.

In addition, my bill would authorize a study by the Secretary of HEW to consider methods of adjusting benefits based on increases in productivity and the standard of living.

MINIMUM MONTHLY BENEFITS

One crucial area for reform is that of minimum benefits, now $64 per month for a single person. This represents about $770 a year—less than one-half of the $1,749 poverty threshold for an aged person.

Substantial increases in minimum benefits are needed now because of the prevalence and persistence of poverty among older Americans.

My bill would raise the minimum in two steps, to $100 this year and then to $120 in 1972.

With this approach and the 15-percent boost in social security benefits, large numbers of elderly persons could be lifted out of poverty.

EARNINGS TEST

Today only about 1 out of every 6 persons 65 and over is employed—usually part time and in lower paying work.

But many older persons need to work to supplement their retirement income. However, large numbers of individuals under 72 are now deterred because of the existing $1,680 earnings limitation before social security benefits are reduced. For earnings in excess of $1,680 but not greater than $2,880, $1 in benefits is withheld for each $2 of earnings. Thereafter, benefits are reduced dollar for dollar for earnings above $2,880.

My proposal would raise this exempt amount to a more realistic level, to $2,100. For older persons who must work or would prefer to work part time, this measure can provide welcome relief.

100-PERCENT BENEFITS FOR WIDOWS

Another area for reform concerns the treatment of widows. At present they receive 82½ percent of the primary benefits of their deceased spouses.

Yet there are many pressing reasons for allowing widows to receive the full amount of their deceased husband's benefits, instead of only a fraction.

About 6 out of every 10 widows living alone have incomes below the poverty line. Equally disadvantaged are the Nation's older women.

Another compelling argument has been advanced by Dr. Joseph Pechman of the Brookings Institute. He told the Committee on Aging:

> . . . an increase in the widow's benefits to a full 100 percent of P/A (the primary benefit amount that had been payable to the husband) would more effectively aid the poor, per dollar of added cost, than any other change in the system, including a minimum benefit.

AGE-62 COMPUTATION POINT FOR MEN

Social security benefits for men are now figured differently and less advantageously than for women. In computing benefits for men, earnings up to age 65 must be taken into account. But for women, only years up to age 62 are considered.

Under my proposal, men and women would be treated alike in computing their benefits.

ELIMINATING PART B PREMIUM COST

One major drain for the fixed incomes of the elderly is the cost of the part B supplementary medical insurance premiums—now $5.30 per month, but scheduled to rise to $5.60 in July.

When the new rate is in effect, the cost of part B insurance for an aged couple will be about $135 per year.

For the great majority of older Americans living on limited incomes, this expenditure represents a heavy financial burden.

My amendment would eliminate this premium charge. Instead, financing for part B—like part A hospital insurance—would be provided from payroll taxes and a matching contribution from the Federal Government.

COVERAGE OF DRUGS

Today the threat of costly and catastrophic illness is all too real for millions of senior citizens.

One major gap in coverage is out-of-hospital prescription drugs. Too often older Americans are confronted with this dilemma: Shall we buy food for the table or drugs to maintain our health? And too often, both needs are not adequately met.

Drug expenditures for persons 65 and older average about 3 times higher than those for younger individuals.

And for aged persons with severe chronic conditions—about 15 percent of all elderly individuals—prescription expenditures are six times as great as for younger people.

To provide relief for this major expense, my bill would extend medicare coverage to out-of-hospital prescription drugs.

MEDICARE FOR DISABLED

Another essential change is medicare coverage for disabled social security beneficiaries under age 65. These individuals need medicare as much, if not more, as persons 65 and older.

We know this need exists because that need has been documented. Therefore, I

urge extension of medicare coverage for the disabled.

GENERAL REVENUE FINANCING

Social security and medicare are now financed largely by a payroll tax levied on employees and employers. This method, however, leaves much to be desired.

It places a regressive tax on today's workers. Individuals with low earnings pay much larger shares of their total wages than do higher paid persons.

It also lacks the built-in flexibility of the more progressive individual income tax.

Well-timed and well-conceived use of general revenues—as urged in my bill—could help to correct these existing deficiencies.

In addition, general revenues would provide a more equitable basis for financing part of the costs of medicare and social security.

And it would not result in burdensome taxes imposed upon lower paid workers.

NEED FOR FAST ACTION

In 1935 this Nation made a commitment to enable the elderly to live in dignity and self respect in retirement with the enactment of the landmark Social Security Act.

Today social security protects workers and their families from loss of earnings because of retirement, death, or disability.

But there is still a great need for improving this imperfect, essential system.

Mr. President, I urge prompt and favorable action to make these necessary and comprehensive reforms in social security and medicare.

By Mr. GRAVEL:

S. 924. A bill for the relief of Jaime Interior Capule. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 925. A bill to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing. Referred to the Committee on Veterans' Affairs.

Mr. BENTSEN. Mr. President, the current mortgage protection life insurance for service-connected disabled veterans in special adapted housing is inadequate.

Public Law 91–22 provides for a maximum mortgage insurance of $12,500. The average cost of special adapted housing is approximately $30,000. Quadraplegics and paraplegics are the principal users of housing of this type. Upon their death, if the mortgage is $30,000, the widow is left with a $17,500 mortgage burden. The life expectancy of many of the veterans of the group concerned has been shortened by their service-connected disabilities, and following their death, the income of their widow or other survivors generally is substantially reduced. It is time to update the mortgage protection life insurance benefits for our disabled veterans.

The bill I introduce today is similar to the bill H.R. 943 that was introduced to the House by Congressman MONTGOMERY.

I introduce S. 925, a bill to provide mortgage protection life insurance not to exceed $30,000 for service-connected disabled veterans who have received grants for specially adapted housing.

I believe it is the responsibility of the Congress to give full consideration to mortgage protection life insurance to our disabled veterans.

By Mr. BENTSEN:

S. 926. A bill to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States. Referred to the Committee on Veterans' Affairs.

Mr. BENTSEN. Mr. President, our current program of extended nursing care for veterans is clearly inadequate. The present program provides that once a non-service-connected disabled veteran has used his maximum Veterans' Administration hospital benefits—which is normally 60 days—he must be transferred to a community nursing home for a period not to exceed 6 months, and the Veterans' Administration pays 40 percent of the nursing home cost. Many of these disabled patients have suffered strokes and have severe heart conditions and need longer than 6 months to convalesce.

To rectify this inequity seems only a matter of simple justice. I doubt if there is any Member of this body who would deny the need to extend the current nursing care program for veterans. Present programs fail to meet the needs of our veterans. Therefore, we must extend the helping hand that is necessary.

The bill I introduce today is identical to the bill which was introduced in the House this session by Congressman OLIN TEAGUE.

Today I introduce S. 926, a bill to amend subsection (A) of section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States from 6 months to 9 months.

I believe it is the responsibility of the Congress to give full consideration to the extended nursing care needs of our veterans.

By Mr. SPONG (for himself, Mr. BAKER, Mr. BAYH, Mr. DOLE, Mr. MUSKIE, and Mr. RANDOLPH):

S. 927. A bill to amend the Clean Air Act and the Federal Water Pollution Control Act in order to prevent false and deceptive advertising with respect to products and services to prevent and control air and water pollution. Referred to the Committee on Public Works.

Mr. SPONG. Mr. President, last May I suggested during hearings before the Senate Subcommittee on Air and Water Pollution that criminal sanctions be imposed upon industries which engage in grandiose advertising about the beneficial environmental effect of new products which in reality are doing as much harm as good in terms of both the environment and public health.

The subcommittee was in the midst of receiving testimony from representatives of the detergent industry, and I predicted that while everyone was committed to cleaning up the environment, Madison Avenue would overextend itself with pie-in-the sky advertising.

At the time, the chemical known as NTA was being advocated by a segment of the industry as a substitute for phosphates in detergents. Phosphates, of course, are considered as a contributor to accelerated algal growth in some lakes and bodies of water.

Since the hearings, and as a consequence of studies by the Surgeon General, the Environmental Protection Agency has warned the industry and the public that new research indicates that NTA is a potential threat to health. The industry has agreed to discontinue its use.

The American public is being subjected to a flood of advertising on a wide range of products that are being introduced on the market with little—if any—consideration to their impact upon man or his surroundings.

Moreover, many industries apparently are placing more emphasis on advertising their abatement activities than they are on abatement itself. And the advertisements in some cases are worse than misleading—they are not even truthful.

Mr. President, in an effort to stop such practices, I introduced for myself, the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Kansas (Mr. DOLE), the Senator from Maine (Mr. MUSKIE), and the Senator from West Virginia (Mr. RANDOLPH) a bill to carry out the proposal I made during the hearings last year.

The bill I send to the desk for appropriate reference provides for fines of not more than $10,000 or imprisonment of not more than 6 months, or both, upon conviction for knowingly making false or deceptive statements, representations or claims in advertising products, services, systems or devices of any kind or description which will control or prevent, or aid in controlling or preventing, the emission of pollution agents.

Two articles discussing the extent of environmental hucksterism have come to my attention. They were published December 28, 1970, in Newsweek, and January 7, 1971, in the Wall Street Journal. In a moment, I intend to ask unanimous consent that they be inserted in the RECORD.

Before doing that, I wish to make clear that it is not my wish to embarrass any of the industries mentioned in the articles, or to prejudge their particular situation. My purpose is to buttress my opinion that this is a growing problem which must be resolved.

Mr. President, I now ask unanimous consent that the full text of the bill and the articles be printed in the RECORD.

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

S. 927

A bill to amend the Clean Air Act and the Federal Water Pollution Control Act in order to prevent false and deceptive advertising with respect to products and services to prevent and control air and water pollution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clean Air Act is amended by redesignating sections 310 through 317 as sections 311 through 318, respectively, and by inserting after section 309 a new section as follows:

"FALSE OR DECEPTIVE ADVERTISING IN AIR POLLUTION PREVENTION OR CONTROL PRODUCTS OR SERVICES

"SEC. 310. (a) In order to protect the nation's consumers and industries, any person who knowingly makes any false or deceptive statement, representation, or claim in advertising a product, service, system, or device of any kind or description with respect to the ability of the product, service, system or device to prevent or control air pollution, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment of not more than six months, or by both.

"(b) The Administrator, in consultation with the Federal Trade Commission, shall issue regulations designed to prevent the making of such statements, representations, or claims by anyone, including provisions for the Commission to receive and investigate complaints concerning such statements, representations, or claims.

"(c) The several district courts of the United States shall have jurisdiction to prevent and restrain violations of this section upon the application of such Administrator or Commission."

SEC. 2. The Federal Water Pollution Control Act is amended by redesignating sections 20 through 27 as sections 21 through 28, respectively, and by inserting after section 19 a new section as follows:

"FALSE OR DECEPTIVE ADVERTISING IN WATER POLLUTION PREVENTION OR CONTROL PRODUCTS OR SERVICES

"SEC. 20. (a) In order to protect the nation's consumers and industries, any person who knowingly makes any false or deceptive statement, representation, or claim in advertising a product, service, system, or device of any kind or description with respect to the ability of the product, service, system or device to prevent or control water pollution, shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment of not more than six months, or by both.

"(b) The Aministrator of the Environmental Protection Agency, in consultation with the Federal Trade Commission, shall issue regulations designed to prevent the making of such statements, representations, or claims by anyone, including provisions for the Commission to receive and investigate complaints concerning such statements, representations, or claims.

"(c) The several district courts of the United States shall have jurisdiction to prevent and restrain violations of this subsection upon the application of such Administrator or Commission."

[From the Newsweek magazine, Dec. 28, 1970]

POLLUTION: PUFFERY OR PROGRESS?

"It cost us a bundle but the Clearwater River still runs clear," read the headline beneath the picture. And sure enough, it was a scene of breath-taking natural beauty—hills, shaggy with evergreens, framing a stretch of clear, blue water flecked with white foam where it raced over hidden rocks. But what Potlatch Forests, Inc., neglected to mention in its national ad campaign was that the picture had been snapped some 50 miles upstream from the company's pulp and paper plant in Lewiston, Idaho. What is more, Potlatch pumps its fresh water from the Clearwater—but dumps up to 40 tons of suspended organic wastes back into the Clearwater and the nearby Snake River every day.

Aside from the filth that spews into the river, Potlatch concedes, some 2.5 million tons of sulphur gases and 1.8 million pounds of particulates billowed from the plant stacks last year; in fact, the Lewiston plant enjoys the dubious distinction of being the only industrial mill in the U.S. to have been the subject of separate air- and water-pollution abatement hearings before Federal authorities. Each day, on leaving the plant's parking lot, employees sluice down their autos with a company-installed car wash to protect the car's paint from the corrosive sodium sulphate that sifts from the air. When an enterprising local college newspaper editor pointed out the discrepancy between ad copy and reality, the company responded by canceling all corporate advertising. As Potlatch president Benton R. Cancell explained it: "We tried out best. You just can't say anything right any more—so to hell with it."

FISHING

The Potlatch incident is certainly not the whole story of industry's role in pollution. U.S. companies will have spent some $1 billion in 1970 alone to clean up the nation's fouled air and water, according to the President's Council on Environmental Quality (CEQ). Indeed, under pressure from Federal agencies, Potlatch itself has announced plans to spend $9.6 million on pollution-abatement equipment for the Lewiston plant. And some companies have gone all-out to prove their good intentions. Armco Steel won the highest award of the American Society of Civil Engineers this year for its virtually pollution-free steel mill in Middletown, Ohio, where even the pickling pond, usually a cauldron of acid and water, is so pure that it has been stocked for fishing. Campbell Soup Co. solved a tough problem in Paris, Texas, by using water laced with food scraps to irrigate 500 acres of pastureland.

Still, there is growing concern among Washington officials, conservationists and even some industrialists that too many companies are declaring war on pollution mainly with TV commercials, lavish brochures, press releases and ads in newspapers and magazines—without doing enough actual spending to wage the war effectively. "I think there has been widespread acceptance by industry of the reality of the environmental problem but at this point, I don't feel they have a now-or-never attitude," CEQ chairman Russell E. Train told Newsweek's James Bishop Jr.

Beyond doubt there are some publicists who have seized on the pollution issue as what Advertising Age called "today's bonanza." In San Francisco, liberal adman Jerry Mander—who has crusaded for the Sierra Club and lost an auto account because of his ecological zeal—says many corporate ads are merely "eco-pornography." No less an industrialist than Willard Rockwell Jr., chairman of North American Rockwell, has warned the Association of National Advertisers: "We should never be accused of surfing on a wave of public concern with little more than commercial gain as our goal. But this is what is happening in pollution control." And now the Federal Trade Commission has launched an investigation to find out for itself whether the advertised claims are founded on fact. Staffers are in the field gathering evidence that FTC aides expect will result in a series of actions charging deceptive advertising. As one aide said, "Many advertising campaigns are capitalizing on the new ecological concern, and our purpose is simply to make sure they are not misleading anyone."

Misleading may turn out to be an understatement in some cases; in at least two recent ads, companies have been as careless with details as Potlatch. To counter ecological criticism of its nuclear generating plant at San Onofre, Calif., Southern California Edison ran an ad showing a healthy lobster over the caption, "He likes our nuclear plant." As it turned out, a local marine biologist, Rimon Fay, said the company's ad agency had borrowed a lobster from his tanks to photograph—and Fay hotly disputes the company's claim that the plant is not harmful. Similarly, Standard Oil of California plugged its effort to reduce auto smog with an ad featuring an impressive building and a sign that read: "Chevron Research Center." The building proved to be the Palm Springs County Courthouse, with a new sign.

SNAPPY NAME

A bigger problem, because it's harder to prove, is exaggeration in anti-pollution claims. Chevron is also under FTC fire for its claims that an additive—F-310—makes its gasoline cleaner than the competition's. As far as the FTC is concerned, the F-310 label is nothing more than a snappy name for a common chemical similar to the detergents used by most oil companies. Moreover, the agency charges that Chevron stacked the deck by matching its own blend against a specially concocted "dirty gas" that caused black exhaust fumes. "There has been far too much emotionalism by the government," said one Chevron executive when asked about the charges. Now the oil company has retaliated with another salvo of ads rebutting the charges, and is passing out leaflets to its customers.

Even without bending the facts, companies may inflate their ecological contributions with half-truths. FMC Corp. recently took out double-page spreads in national publications to boast of its participation in the $3.8 million Santee, Calif., water-reclamation project, which converts sewage into water fit for swimming and boating. Conveniently omitted was the fact that FMC did no more than sell the project some $76,000 worth of pumps and other equipment.

* * * * *

One state official looked at I-P's recent ad campaign and snapped: "It would cost them less to clean up the mess than they are paying for the ads." Yet, International Paper's competitors were doing the same thing in their own neighborhoods during the 88 years when the old mill was operating, and all the communities were benefiting from the payrolls, profits and peripheral operations of the mills. Should the cleanup be paid for only by the company, or at least in part by a tax assessment? "Until this came up," says the chairman of another company faced with a similar situation, "I never fully understood how complicated the pollution issue is."

One way or another, of course, the public will pay—either in higher prices for industry's products or in some form of taxes. Given the choice, most businessmen would probably prefer to be subsidized for their pollution control out of the public purse rather than their customers' pockets—and until the issues are clearer, to spend as little as possible. "If I were a company president right now," concedes general counsel Edward L. Rogers of the Environmental Defense Fund, "I wouldn't do any more than I had to on the pollution front, because that would hurt my company more than its competitors." But businessmen also try to stall off the uniform codes that would make enforcement of the laws more equitable. When President Nixon this year proposed a 37-point program to straighten out the chaotic patchwork of laws, he touched off a fusillade of lobbying that all but killed the package.

TRUST

Unfortunately, such foot dragging does no good at all in terms of convincing the public that the industrial community can be trusted. "What right do companies have to inflict enormous social costs on people?" demands a White House aide. "After all, the technology is available now to control most pollutants considered dangerous—except for sulphur and nitrogen oxides, and that is coming."

The fault lies not merely in compliance but in enforcement. A New York Times survey recently disclosed that a majority of state pollution boards are heavily weighted with representatives of the polluters themselves: business, agriculture and local government. In one instance, the Times re-

ported, a Colorado brewery was called on the carpet before a pollution board and the meeting was presided over by the brewery's own pollution-control director. Ruckelshaus, for one, was dismayed by this potential conflict of interest. "It's not a good idea to have the regulated controlling the regulators," he said. "I would hope we can see the trend reversed."

In the long run, it seems clear that uniform enforcement codes must be enforced—and that industry will have to be offered some form of economic incentive to clean up a mess that to some extent is the fault of society at large. Meantime, Washington officials are adopting a tough new stance toward polluters. The Environmental Protection Agency intends to institute a system of pollution permits within weeks; to get one, a company would have to show that it was complying with state and Federal effluent standards, or risk being hauled into court. And the Justice Department has made it clear that it has no qualms about doing just that. "I predict intensified action in the whole environmental quality area," says Attorney General John Mitchell. Last week, pollution suits were brought against both General Motors and Jones & Laughlin Steel Corp., and the Attorney General announced the creation of a new Pollution Control Section.

Perhaps most encouraging, Congress last week finally passed a remarkably tough version of Sen. Edmund Muskie's clean-air bill—a measure setting uniform standards for industrial plants and ordering a 90 per cent reduction in auto emissions by 1975. Whatever specific rules are set, however, it is obvious that industry can count on closer scrutiny of its operations—and of what it tells the public from now on.

[From the Wall Street Journal, June 7, 1970]

CHEVRON'S F-310 GAS: A LESSON IN HOW NOT TO PROMOTE A PRODUCT

(By Herbert G. Lawson)

SAN FRANCISCO.—Standard Oil Co. of California, as the biggest industrial company based here and the fifth largest oil company in the country, isn't accustomed to attacks by its local Better Business Bureau.

Early in 1970, however, Charles R. Thurber, BBB executive vice president in San Francisco, wrote a private letter to the company chiding it for its promotion of F-310, a gasoline additive. Mr. Thurber recalls that he warned Standard that the additive "seemed to promise a miracle" in reducing air pollution—particularly in a now-famous television commercial featuring astronaut Scott Carpenter.

In the ad, Mr. Carpenter shows how a plastic bag attached to a car's exhaust pipe fills with black smoke before using F-310. The car's gas tank is subsequently filled six times with Standard's Chevron gasoline, containing F-310, and the bag appears to be crystal clear.

"We suggested that Standard play down the black bag bit," Mr. Thurber says. He adds that the company politely agreed to consider the idea and gave him a tour of its Chevron Research Co. laboratories. Following the tour, Mr. Thurber says, he was convinced California Standard could "substantiate its ad claims."

But a number of persons are not convinced. In the 13 months since Standard began its televised trumpeting of F-310's virtues, a succession of news stories has noted critical response from powerful quarters, including, among others, the Federal Trade Commission.

FIRM VOWS TO FIGHT

The FTC has charged in a proposed complaint that F-310 advertising is deceptive and fraudulent. Moreover, the commission has made it clear it considers the case a key one in which it will seek to establish a novel penalty: An order requiring that all Chevron ads for one year devote 25% of their print space or 25% of their air time to proclaiming the falsity of original F-310 ads.

Perhaps even more significant for Standard—and for industry in general—is the fact that a number of conservationists consider the promotion of F-130 to be corporate exploitation of public concern about the environment. At least two private suits—as class actions on behalf of the public—have been filed against the company seeking to halt F-310 advertising. And the Sierra Club, a prominent and powerful conservationist organization, hints it may also file a legal action.

"Misrepresentation (of F-310) serves the ulterior purpose of taking advantage of legitimate public concern over air pollution," asserts Phillip Berry, the Sierra Club's president. Mr. Berry also accused Standard in a letter of having a "dismal record" in pollution matters and has dubbed the company "the number-one polluter in the San Francisco Bay area."

California Standard has responded by intensifying its advertising and vowing to fight the FTC charges. Chairman Otto Miller, in fact, told San Francisco security analysts recently that F-310 is "an exceptional breakthrough in gasoline technology," and has been "an outstanding success in the market." Standard, Mr. Miller said, has "extensive, documented evidence" of F-310's effectiveness, which it will use "in court, if necessary."

HOW NOT TO PROMOTE A PRODUCT

The case against F-130, of course, is far from proven. Indeed, many sources agree that the additive does appear to work, albeit to a modest degree, in reducing emissions of two key pollutants: Unburned hydrocarbons and carbon monoxide. While Standard's most extensive test to demonstrate this reduction has been called flawed, most scientists familiar with the experiment say it was more careful than similar research by other oil companies.

Nevertheless, an examination of F-130's evolution and history to date suggests that California Standard may be hard-pressed to defend every aspect of its additive. And while much of the controversy clouding the substance's introduction and promotion has been previously aired, a careful study of the F-130 saga seems to illustrate how not to promote a new product.

The story of F-130 begins in 1968, when Chevron Research came up with a gummy substance described as a polybutene amine. The new substance, Chevron scientists say, seemed to have an unusual ability to dissolve or prevent deposits that clog carburetors, intake systems and certain automotive valves. The additive was then given to Scott Research Laboratories Inc., an independent auto-testing concern, for further experimentation.

Scott ran 13 cars—all containing Chevron with polybutene amine, which the company had dubbed F-310—on a 17-mile city-and-country driving course. The results were impressive: After less than 2,000 miles of driving, each car was said to have shown a dramatic decline in exhaust emissions.

Armed with the Scott results, along with additional observations of certain taxi fleets using F-310, California Standard on Dec. 18, 1969, unveiled what it termed a "revolutionary" new product. The Scott tests, a press release declared, demonstrated how F-310, under "typical city driving conditions," could reduce unburned hydrocarbons by "more than 50%."

California Standard's announcement was considered newsworthy by many, and the 50% figure was picked up prominently by a number of newspapers, including The Wall Street Journal and the New York Times. On the heels of this publicity, the company began a series of advertisements with such messages as "Proof: Chevron Gasolines with F-310 Turn Dirty Exhaust Into Good Clean Mileage."

THE CRITICISM BEGINS

So far, so good. California Standard, however, neglected to inform newsmen and prospective consumers that cars used in its F-310 tests had been artificially "dirtied up" by using a specially formulated low-quality gasoline supplied by Chevron. Furthermore, it was soon noted by critics that Scott Research didn't compare Chevron with F-310 with competitive gasolines.

By March 1970, less than three months after F-310's introduction, California Standard had become a target for conservationists and government agencies. An official of the Los Angeles Clean Air Council called F-310 promotion "misrepresentative" and "a false advertising campaign." And the Federal Trade Commission, among others, began studying California Standard's claims.

Particularly enraging some television viewers were props used in F-310's ads. "They purposely confused what air pollution is all about," says the Sierra Club's Mr. Berry, citing the "black bag" commercial. The bag, Mr. Berry asserts, is black because it's full of carbon particles from an abnormally dirty car. But these particles are a minor part of air pollution, he says, and the "clean" bag is full of invisible pollutants—including hydrocarbons and carbon monoxide.

Another advertising prop that soon came under fire was an "air-pollution meter" that registered "90" for Brand X and swung back to "20" for Chevron with F-310. Critics noted the numbers on the dial weren't explained and therefore meant nothing. Moreover, they said reduction from 90 to 20 was nearly 80%—far more than the emission reduction indicated by published F-310 tests.

Criticism shortly became more concrete. In May, the California Air Resources Board issued research findings that cast doubt on the value of F-310. Use of the additive, the state agency said, didn't result in any "significant changes in the emission of pollutants." In fact, one of the board's studies found that cars using F-310 released slightly more unburned hydrocarbons than cars using other brands. The F-310 cars, however, released less carbon monoxide.

THE ROSE BOWL TEST

California Standard's rebuttal was lengthy and well published. The state tests, the company said, didn't use F-310 for a sufficient period of time. The company's big barrage, however, came in August when it released the results of experimentation subsequently christened the "Rose Bowl Test."

The Rose Bowl Test began and ended in Pasadena's famed stadium and was duly chronicled in the press Regulatory officials, FTC representatives and newsmen were informed that California Standard and an independent testing laboratory had experimented with 455 cars of all ages and makes. Each car's driver left the Rose Bowl with a Chevron credit card and returned 2,000 miles later. And when they returned, the company said, the cars were averaging 13.9% less hydrocarbons and 11.6% carbon monoxide than when they started.

The Rose Bowl Test was also criticized. For one thing, some researchers said, California Standard didn't use a control group of test cars with other gasoline brands. And the Air Resources Board subsequently said that almost one-third of the cars tested emitted more rather than less, pollutants after using F-310. "There are so many loose ends," complains Frank Bonamassa, a board official.

Whom can one believe? A state senate committee in Hawaii has chosen not to believe California Standard, and last year, after bitter public hearings, criticized the company's ad claims for F-310. The FTC, meanwhile, isn't commenting on its investigation, but it's believed the agency is focusing on anti-pollution claims of all kinds from all companies.

California Standard, however, is the only company yet named by the FTC for making possibly misleading clean-air claims.

SOME EMBARASSMENT

California Standard, in the face of such consistently heavy criticism, hasn't remained entirely unmoved. "They've backed off in some of their claims," says an Air Resources Board official. And the company was clearly embarrassed when the FTC complained a building labeled "Chevron Research Center" in an F-310 ad was, in fact, the Palm Springs courthouse.

California Standard has also modified some of its original television commercials with superimposed messages, such as "Very Dirty Engines Purposely Used to Provide Severe Test . . . Degree of Improvement in Your Car Depends on Condition of Engine."

At least one top researcher who worked with F-310 says the company "went too far with sketchy data" in its advertising based on the Scott tests. But California Standard, at least outwardly, continues to uphold its initial evaluation of the additive. While Chevron scientists in general seem uncomfortable about the ad campaign, J. H. MacPherson, a research vice president, says, "In the total picture, I guess it is accurate.'

"This is an important test case for the FTC in broadening their powers," claims Eugene Spitler, manager of Chevron Research Co.'s fuels division. "I think we'd all walk out of Chevron Research if the company had to advertise that F-310 doesn't work."

Whatever the outcome, the year-long brouhaha will undoubtedly leave its mark. Even granting that F-310 is beneficial, California Standard's promotion of the additive—with early factual omissions and later corrections—has if nothing else, served to confuse the public.

But Frank Fenton, assistant advertising manager for California Standard, is philosophical. "We don't think the public is misled by F-310 advertising," he says. "In our professional judgment, we think the public understands no product is a cure-all for everything. Obviously, no one really thinks the guy using a certain advertised deodorant is going to get all those pretty girls because of the deodorant."

By Mr. PEARSON:

S. 928. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of consumer commodities, and for other purposes. Referred to the Committee on Commerce.

Mr. PEARSON. Mr. President, I introduce today legislation to require food commodities within the purview of the Fair Packaging and Labeling Act of 1966, often referred to as the Truth in Packaging Act, to be marked or be in close proximity to information listing the unit price of that commodity. In so doing, I wish to emphasize the remarks that I made here last year when I first directed the attention of the Senate to my proposal.

Mr. President, the Fair Packaging and Labeling Act of 1966 really has not worked. It was enacted into law to reduce confusion in the marketplace. Its stated purpose was to facilitate value comparisons for the average consumer. Yet, proliferation in package sizes and diverting promotional practices from coupons to "cents off" arrangements to "giant economy" sizes, have made the consumer's task of finding the best buy for his money an unnecessary difficult exercise.

The bill I am introducing today would provide for direct comparison of values by requiring packaged consumer commodities within the purview of the Fair Packaging and Labeling Act to be priced on a per unit basis. For example, an 89 cent commodity would also be marked as 14 cents per pound or per ounce, pint, or other common unit of measure.

This bill, Mr. President, is the result of hearings by the Consumer Subcommittee of the Commerce Committee, where we heard testimony indicating that even after passage of the act, a group of college educated shoppers, under testing conditions, were unable to select the best per unit buy roughly 40 percent of the time. We can only guess what the percentage might be for those less educated consumers who face a critical need to stretch their food dollars.

The approach of this bill, Mr. President, differs from the one we adopted in 1966, and to which I dissented in committee. The thought then adopted was that value comparison could be facilitated by reducing the proliferating numbers of package sizes. However, despite the efforts of the various agencies during two administrations, this proliferation exists today in many product categories. In other words, facilitating value comparisons by reducing proliferation in package sizes through voluntary agreements tinged with antitrust implications has proved to be not only contrary to open and innovative marketing, but plainly unworkable. Accordingly, this bill, based on our experience, would more effectively implement our original policy by providing, in a simple and direct manner, what has been thus far available to the consumer only indirectly and after complex and tedious calculations.

Mr. President, price is obviously not the only factor involved in purchasing. People buy for a variety of complex and unknown reasons. Unit pricing would only make clearer one of those factors. Selection on the basis of quality or convenience will continue to be important, perhaps more important than before. But with unit pricing, with a forthright statement as to how much one is buying for what price, the factor of price could at least be dealt with easily and with confidence.

This bill, Mr. President, recognizes the problem of the small retail grocer. The "mom" and "pop" stores, understandably, would face an administrative burden in implementing unit pricing. Moreover, the importance of familiar and convenient neighborhood grocery stores is evident to all of us. Accordingly, they are exempt from the operation of this bill.

Also, this bill provides that the unit price may be displayed either on the package of the commodity or, alternately, in close proximity to it—on the shelf, for example. This language was adopted, Mr. President, to allow retail grocers some measure of flexibility in administering unit pricing. While computerized labeling and fully automated handling may be commonplace in the future, at this particular time it is important, in my opinion, to offer the retail chain outlets the opportunity to freely develop competitive methods of unit pricing.

Mr. President, unit pricing is both timely and inevitable. It has, for years, been stamped on meat and poultry products. It is presently being used to varying degrees by several large retail chains, such as Giant, Safeway, Kroger, Jewel, and others. It was recently recommended in a national chamber of commerce report. And, in all likelihood, it soon will be required in several States.

Moreover, Mr. President, in this inflationary period, it is most timely to recognize not only the economic hardships of individual consumers of all income classes, but also to recognize that consumers account for two-thirds of all spending in the United States. Our annual food budget approaches $120 billion. The importance of unit pricing—which, according to estimates, could result in increased savings of up to 10 percent of our annual food budget—should be especially recognized.

Mr. President, other provisions of this bill would clarify various aspects of existing law. It provides that the accurate statement of identity will apply to pictures or vignettes which often appear on labels. It indicates that coupons are also to be covered by the "cents off" regulations under section 5(c)(2) of the act. Further, it broadens the definition of "consumer commodity" to include those commodities customarily used in or around the household with the exception of durable goods not normally consumed during the first year of use.

Finally, Mr. President, I wish to indicate the surprisingly broad support which has been expressed for unit pricing. Editorials have endorsed this concept; 82.6 percent of all those Kansans who responded to my questionnaire favored it. Even the food chains' own figures show favorable response, varying from 80 to 90 percent of those questions.

But, the most accurate measurement of support for this idea, in my judgment, is the obvious enthusiasm with which private industry has embraced unit pricing—an eloquent expression, it seems to me, of the workability of free enterprise principles. It is this voluntary effort which I wish to encourage through this legislation. My bill would only insure the permanence and fairness of such laudable steps taken by businessmen to better serve the consumers of this Nation.

Mr. President, the February 1971 issue of Consumer Reports contains an article entitled "Progress Report on Unit Pricing" which describes the recent boom in voluntary unit pricing programs. I invite the attention of this body to this discussion of these very commendable efforts by private industry as well as the article's summary statement that calls for action "more dependable than consumerism promotional sales campaigns, welcome though they are. What it calls for, CU thinks, is a Federal law."

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

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

PROGRESS REPORT ON UNIT PRICING

Leafing through their Sunday papers last fall, Washington and Baltimore residents

came upon a familiar face in an unfamiliar place. It was the face of Esther Peterson, formerly the Special Assistant to the President for Consumer Affairs and a life-long champion of consumer causes, and it appeared in, of all places, a supermarket advertisement. Mrs. Peterson, now the consumer adviser to Giant Food supermarkets, was announcing a new commitment by her company to a consumer "bill of rights." As a first step, Giant Food proclaimed, "Goodbye slide rule . . . welcome unit pricing!" It said more than 7000 items would be labeled with both their package price and their price per pound, pint, quart or 100-count.

Giant Food is not alone in embarking on a "consumerism" program. Catering to the rising demand for clear and complete information, many supermarkets are trying to outdo one another promotionally with consumer-oriented campaigns. Some chains have started putting freshness dates on meat, bread, cottage cheese and other perishables, or have posted lists of laundry detergents with their phosphate levels, or have handed out Government leaflets on food buying, or have run educational ads about nutrition.

The biggest swing has been to unit pricing, something CU proposed (we were hardly first with the idea) after giving a shopping test to college-educated housewives (CONSUMER REPORTS, January 1969). Asked to buy the package of 14 everyday items offering the largest amount for the lowest price, they succeeded in only about half their purchases. They did no better than others like them had done in an identical test in 1962, before the Federal Fair Packaging and Labeling Act forced packagers to display net contents clearly and conspicuously on the front of the package. Without unit prices, there are still simply too many different package sizes and too many cents-off labels, calling for too many arithmetic problems, to allow a shopper to make consistently accurate price comparisons.

GROCERS FOUGHT BACK

One aroused reader of CU's report was Bess Myerson Grant, commissioner of the New York City Department of Consumer Affairs. She issued a departmental regulation to require unit-price labeling of several groups of supermarket items. But most supermarkets would have none of it. Through the New York State Food Merhcants Association, they fought the regulation in hearings, and when that failed they fought it in court. And they won. A state judge ruled that Mrs. Grant had exceeded her authority. Unit pricing was desirable, he said, but it would have to be legislated.

While New York grocers fought the idea in court, a number of supermarket chains voluntarily posted the unit prices of many, and in some cases all, packaged products. One of the first big chains to try unit pricing was Safeway. Persuaded by U.S. Representative Benjamin S. Rosenthal, a sponsor of unit-pricing legislation, Safeway experimented in two markets in the Washington, D.C., area. The Kroger Co. soon began a similar experiment in several Toledo, Ohio, stores; Jewel Food Stores tried unit pricing in Chicago.

By last December, according to the National Association of Food Chains, unit pricing had spread to about 35 supermarket chains; moreover, the New York State Food Merchants Association, apparently seeing the handwriting on the wall, had begun supporting a state unit-pricing law.

Instead of experimenting on relatively few products, several chains have begun chainwide, store-wide programs; those include King Soopers in Denver, Benner Tea Co. in Iowa, Red Owl stores in Minnesota, and Chatham Food Centers in Michigan. The Safeway chain announced in Washington, a year after its first two-store experiment, the expansion of unit pricing to several hundred products in 255 supermarkets in the District of Columbia, Virginia, Maryland and Delaware, probably as a prelude to chainwide use. Safeway, second in size only to A&P, has 2200 stores. "In two years," predicted Representative Rosenthal, "every chain in the U.S. will fall in line."

WILL THIS, TOO, PASS

Promotional tactics in the supermarkets come and go. The sweepstakes and games of the 1960's have all but disappeared, and trading stamps have faded from many stores. The same might happen a few years hence to unit pricing.

In its infancy, however, unit pricing is being studied intensely for consumer appeal. Kroger's Toledo experiment became the subject of an industry-financed doctoral dissertation. Safeway and the National Association of Food Chains financed a scholarly study of its Washington test. Jewel Food Stores conducted hundreds of interviews.

Those studies leave no doubt about consumers' desire for unit pricing once they catch on to what it is. Researchers asked the following questions, in roughly similar form, and received the following replies:

[In percent]

	Jewel	Safeway	Kroger
Have you noticed the new price labels? Customers answering yes	63	56	65.5
If you noticed the new price labels, did you try to use them? Customers answering yes	71.5	56	64
If you tried to use them, did you find them worthwhile? Customers answering yes	91	88	(1)

(1) Not asked.

As you would expect, well-educated and affluent people were most likely to have noticed and used unit pricing. But it needn't be a tool for only the middle-aged, middle-income middle class. Among those people who saw and understood the information in the Kroger stores, black shoppers and shoppers for families with young children made the most use of the labels. A certain amount of advertising seemed to have helped call attention to the new information. Jewel Food Stores ran full-page newspaper spreads. Kroger stuffed explanations into shopping bags at the checkout counter.

More people actually used the unit-price information in Jewel Food Stores than in the other two chains. The reason almost certainly was that Jewel put the information in by far the easiest and most conspicuous form—a large green cardboard display label clipped to the shelf. Safeway and Kroger printed small, inconspicuous and unclear gummed labels on their computers and pasted the labels to shelf edges under product displays.

These early unit-price experiments didn't revolutionize buying habits. The stores didn't detect significantly heavier demand for low-priced products when people could actually compare prices. There as no sudden boom in sales of relatively low-priced supermarket brands or honest-to-goodness economy-size packages.

That was probably because shopping habits are slow to change, especially after you've discipined yourself to life as it's lived amid 7000 or 8000 different products and package sizes in the typical supermarket. To their credit, a few stores have helped stimulate price-consciousness by advertising complete lists of unit prices of a given commodity.

PERFECTING THE SHOPPING LIST

In self-defense against the unplanned confusion and the well-laid impulse-buying traps in the supermarket maze, thrifty shoppers learn to make as many buying decisions as possible *before* entering the store. Unit pricing opens the opportunity for better-prepared shopping trips. Perhaps it is too much to hope that newspapers will perform the service of publishing comparative-price lists as a regular feature for consumers—just as they publish lists of stock prices for investors. But local consumer groups could monitor prices in local markets and circulate price lists of at least the basic food and housekeeping items. With that kind of advance information available, personal shopping lists can be expanded to include the desired brands and sizes. Decisions can be made beforehand on the basis of preference and price.

As the supermarkets often point out in their ads, price isn't everything. To quote Jewel Food Stores, "Quality, taste, style and variety must all be taken into consideration in making a wise buying decision. Ease and time of preparation may also be important if time is short. Only you can make the decision."

Ah, yes, quality. If only you could detect it by reading the label. Packaged food in the supermarket, like food traded in the great commodities exchanges of New York and Chicago, is bought and sold sight unseen. Commodity traders do it by means of standardized quality grades and price per standard unit. Packagers of food and other goods for consumers know what quality goes into a package. They should be required to reveal quality, in terms of standardized grading, on the label.

Knowing only unit prices but not grades is far better, though, than knowing neither. In the long run, the Kroger study says, increased consumer sensitivity to food prices will make the market work better. It will eliminate needless package sizes and do away with the giant economy size that costs more per pound or pint than a smaller size, and thus make room on the supermarket shelves for more real variety. CU thinks it will also stiffen resistance to price increases.

MOM-AND-POP STORES

The biggest objection raised against unit pricing when it was first proposed was its cost to the supermarket. The past year's experiments have proved those costs to be negligible. Kroger Co. estimated $2500 per store per year, Jewel Foods about $1000, other chains as low as $300. But what about the burden on small neighborhood groceries and delicatessens, the so-called mom-and-pop stores owned and operated by one person or family? At present, they do not usually stamp *any* price on the package. Yet their prices are ordinarily higher than supermarket prices, and in many poor neighborhoods they are the only food stores.

In Massachusetts, where the nation's first unit-pricing law went into effect January 1, individually owned one-store operations are exempt. While small food stores must not be driven out of business, CU believes inexpensive methods can be developed for putting both the price per package and the price per unit on every self-service item.

Price labeling should not be left to chance. Every self-service store should be required to post unit prices. A uniform set of rules should determine, nationwide, whether a package should be priced by the pound or the ounce, by the quart, the pint or the gallon, by the square foot, the square yard or the square inch, by the 10-count, the 50-count, or the 100-count. And a standard should be laid down for the size, the conspicuousness, and the location of the price tag. All that calls for something more dependable than consumerism promotional sales campaigns, welcome though they are. What it calls for, CU thinks, is a Federal law.

JOINT RESOLUTIONS

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

S.J. Res. 48. Joint resolution to repeal authorization for the employment of armed forces for the protection of For-

mosa and the Pescadores. Referred to the Committee on Foreign Relations.

(The remarks of Mr. CHURCH when he introduced the joint resolution and the ensuing debate appear later in the RECORD under the appropriate heading.)

By Mr. PERCY:

S.J. Res. 49. Joint resolution authorizing the President to issue a proclamation designating the period from April 17, 1971, through April 25, 1971, as "National Photography Week." Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, the photography industry with which I had an association for a quarter century, continues to be one of the most exciting, challenging, and fastest growing industries in the United States, and virtually every one of us has an interest in, or is affected by, the latest developments in photography. It is not just the filmmaker, the artist, or the professional photographer who has a stake in the innovations of the photographic industry, but the classroom teacher, the scientist, and the amateur photographer as well.

To focus attention on the size, scope, and innovations of the photography industry, the National Association of Photographic Manufacturers is planning an exhibition for the week of April 17–25 in the new McCormick Place in Chicago. On display will be the latest in cameras, film, projectors, and electronic equipment as developed by over 400 manufacturers in the United States and 11 other countries. I think this exposition, to be called the Universe of Photography, will be a show well worth attending and I urge anyone who can to attend.

At this time I would like to introduce a Senate joint resolution which recognizes the importance and accomplishments of the photography industry.

By Mrs. SMITH:

S.J. Res. 50. Joint resolution authorizing the President to issue annually a proclamation designating June 3 of each year as "National Navy Wives Clubs of America Day." Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S.J. Res. 51. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States. Referred to the Committee on the Judiciary.

Mr. BROOKE. Mr. President, I am introducing today a constitutional amendment to provide for direct popular election of the President. The proposal sets forth a procedure of presidential selection by the voters, unencumbered by the will of either the Congress or some variation of the electoral college.

The bill establishes that a clear majority—50 percent or more—of the popular vote figure would be required to elect a President. In the event that no candidate receives a majority of the vote, then the contest shall be decided by use of a modified district plan. Under this contingency mechanism, each candidate would be awarded one electoral unit for each electoral district in the United States in which he received the greatest number of votes. Each of the electoral districts shall conform to a congressional district. Should no candidate receive a majority of the electoral units, then the candidate in this count with the fewest units, as well as any candidate with less than 10 percent of the total units, will be eliminated, and each of his units shall be transferred and credited to the eligible candidate who received the next largest number of votes in that district. This process shall continue until one candidate has received a majority of the electoral units.

This plan has three distinct advantages.

First, it provides that the man selected President will have majority support from the Nation which he will govern for the succeeding 4 years. Its effect will be to insure that the selection of the candidate who has proven the broadest nationwide voter support.

Second, the winner will be determined solely on the basis of the popular vote. There will be no separate voting procedure by an independent body, not necessarily acting in accord with the popular vote.

Finally, each candidate would have an influence in the outcome of the election only in direct relation to the number of popular votes which he received.

I am hopeful that a linkage of an automatic district plan with a 50-percent requirement can become the basis of the workable compromise for which many Senators have been searching for several years. In view of the national concern over the present method of selecting a President, and in view of the principle that majoritarianism lies at the basis of the American system of government, I urge that the Senate give thorough and prompt consideration to this bill.

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

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

S.J. RES. 51

Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall be the electors of the President and Vice President. In such elections, each elector shall cast a single vote for two persons who shall have consented to the joining of their names on the ballot for the offices of President and Vice President. No persons shall consent to their name being joined with that of more than one other person.

"SEC. 2. The electors in each State shall have the qualifications requisite for the electors of Members of the Congress from that State, except that any State may adopt less restrictive residence requirements for voting for President and Vice President than for Members of Congress and Congress may adopt uniform residence and age requirements for voting in such elections. The Congress shall prescribe the qualifications for electors from the District of Columbia.

"SEC. 3. The pair of persons joined as candidates for President and Vice President who receive the greatest number of votes cast in all States and the District of Columbia shall be President and Vice President if that number is at least 50 per centum of the total number of such votes certified. If no pair of such persons receives at least 50 per centum of the total number of such votes certified the pair of such persons credited with a majority of the electoral units of the United States shall be President and Vice President.

"Each pair of persons joined as candidates for President and Vice President shall be credited with one electoral unit for each electoral district of a State, from which a Member of the House of Representatives may be elected, in which they received the greatest number of votes cast for President and Vice President; and one electoral unit for each electoral district of the District of Columbia in which they received the greatest number of votes cast for President and Vice President. Such electoral districts within the District of Columbia shall be established by the Congress in number equal to the number of Representatives in Congress to which the District would be entitled if it were a State.

"If no pair of such persons is credited under the preceding paragraph with a majority of the electoral units of the United States, the pair credited with the smallest number of such units, and each pair credited with less than 10 per centum of the total number of electoral units of the United States, shall be eliminated from further consideration. When a pair of persons joined as candidates is eliminated from further consideration, each electoral unit credited to them, for their receipt of the greatest number of votes cast for President and Vice President in an electoral district of a State or the District of Columbia, shall be transferred and credited to the pair of candidates, among those pairs remaining under consideration, who received the next largest number of votes cast for President and Vice President in that electoral district. If, after such transfer of electoral units, no pair of candidates is credited with a majority of the electoral units of the United States, the pair of candidates then credited with the smallest number of such units shall be eliminated from further consideration, and each electoral unit credited to the pair of candidates so eliminated shall be transferred and credited to another pair of candidates in the manner prescribed by the preceding sentence. The elimination of pairs of candidates from consideration and the transfer and crediting of electoral units to other pairs of candidates shall continue in the manner prescribed by this paragraph until a pair of candidates is credited with a majority of the electoral units of the United States.

"SEC. 4. The days for such elections shall be determined by Congress and shall be the same throughout the United States. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by the Congress for such elections in the District of Columbia.

"SEC. 5. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"SEC. 6. If, at the time fixed for declaring the results of such elections, the presidential candidate who would have been entitled to election as President shall have died, the vice-

presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death or withdrawal of any candidate or candidates for President and Vice President and for the case of the death of both the President-elect and Vice-President-elect and, further, the Congress may by law provide for the case of a tie.

"SEC. 7. The Congress shall have power to enforce this article by apppropriate legislation.

"SEC. 8. This article shall take effect on the 1st day of May following its ratification."

By Mr. SPARKMAN (for himself and Mr. TOWER):

S.J. Res. 52. Joint resolution increasing the authorizations for comprehensive planning grants and open-space land grants. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JAVITS:

S.J. Res. 53. Joint resolution to authorize and request the President to proclaim the period April 18, 1971, through April 25, 1971, as "Occupational Health Nurses Week." Referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, I introduce a joint resolution to authorize and request the President to proclaim the period of April 18 through April 25, 1971, as Occupational Health Nurses Week.

This period will coincide with the annual joint meeting of the American Association of Industrial Nurses and the Industrial Medical Association, known as the American Industrial Health Conference. This year's meeting will be of particular significance in light of the recent passage of the Occupational Safety and Health Act of 1970, a landmark bill which will be of direct and immediate benefit to the bulk of our Nation's 80 million workers. The Senator from New Jersey (Mr. WILLIAMS) and I had the honor of obtaining passage of the Occupational Health and Safety Act of 1970.

I think it is critical, at a time when the services of nurses are so highly required, that we signalize their participation by setting aside a time when they may be suitably recognized.

The annual American Industrial Health Conference is evidence of the great concern of the American Association of Health Nurses for the right of American workers to employment free of health hazards, and the designation of an Occupational Health Nurses Week would be a fitting tribute to their willingness to perform their essential function as part of the medical profession in guaranteeing this right.

Mr. President, I ask unanimous consent that the joint resolution, together with a copy of a letter from the American Association of Industrial Nurses, may be made a part of my remarks.

There being no objection, the joint resolution and letter were ordered to be printed in the RECORD, as follows:

S. J. RES. 53

Joint resolution to authorize and request the President to proclaim the period April 18, 1971, through April 25, 1971, as "Occupational Health Nurses Week"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, since (1) occupational health nursing is the application of nursing principles in conserving the health of workers in all occupations, involving prevention, recognition and treatment of illness and injury and requiring special skills and knowledge in the fields of health education and counseling, environmental health, rehabilitation and human relations, and (2) the American Association of Industrial Nurses and the Industrial Medical Association will hold its annual joint meeting known as the American Industrial Health Conference during the week of April 18, 1971, to provide an opportunity for members of the two groups to exchange ideas and experience, and to discuss new methods of practice in their profession important to the health and safety of the American working force, the President is authorized and requested to issue a proclamation designating the period April 18, 1971, through April 25, 1971, as "Occupational Health Nurses Week", and calling upon the people of the United States to observe such with appropriate ceremonies and activities.

AMERICAN ASSOCIATION OF INDUSTRIAL NURSES, INC.,
New York, N.Y., January 29, 1971.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: The American Association of Industrial Nurses is the professional organization of registered nurses engaged in the specialty field of occupational health nursing.

By definition occupational health nursing is the application of nursing principles in conserving the health of workers in all occupations. It involves prevention, recognition and treatment of illness and injury and requires special skills and knowledge in the fields of health education and counseling, environmental health, rehabilitation and human relations.

Each year the American Association of Industrial Nurses and the Industrial Medical Association hold a joint meeting which is known as the American Industrial Health Conference. This meeting provides an opportunity for members of the two groups to exchange ideas and experience, and to discuss new methods of practice in their profession so important to the health and safety of the working force which is vital to the continued growth and prosperity of our nation. Their untiring effort effects tremendous benefit to both industry and the employee.

The occupational health nurse makes an outstanding contribution to the health and well-being of the worker. It is with this in mind and an awareness of the esteem in which the nurse is held that we ask you to take the necessary steps to implement the issuance of a Congressional resolution authorizing President Nixon to honor all nurses in this field by proclaiming the week of April 18, 1971 Occupational Health Nurses Week. The American Industrial Health Conference will be held during that week in Atlanta, Georgia.

We will be pleased to supply additional information about the American Association of Industrial Nurses and the nursing specialty, if necessary.

Sincerely yours,
DOROTHY M. SALLER, R.N.,
Executive Director.

By Mr. JAVITS (for himself, Mr. BUCKLEY, Mr. CASE, and Mr. WILLIAMS):

S.J. Res. 54. Joint resolution granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for entering into the Airport Commission Compact, and for other purposes. Referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, on behalf of Senators BUCKLEY, CASE, WILLIAMS, and myself, and for the States of New York and New Jersey, I introduce a joint resolution authorizing the States of New York and New Jersey to enter into an airport commission compact and to make certain amendments to the existing Waterfront Commission Compact.

The same legislation is being introduced simultaneously in the House of Representatives under the auspices of the steering committee of the New York congressional delegation by the senior member of the New York congressional delegation, Congressman CELLER, and 24 other Representatives from New York, as well as by Congressman RODINO and the 14 other New Jersey Congressmen for the New Jersey delegation.

In July of last year the same joint resolution was referred to the Committee on the Judiciary and rereferred for a limited time to the Commerce Committee on Commerce for substantive review. After hearing testimony in September of 1970 in favor and in opposition to the joint resolution, the Commerce Committee favorably reported the joint resolution to the Senate, recommending that it pass. Pursuant to previous agreements it was again referred to the Judiciary Committee which unfortunately did not act on it before the session was over. Except for 2 days of hearing, the House did not have the opportunity to act upon it at all. The problem is extremely serious and it has been looked into by the Select Committee on Small Business and other committees of the Senate.

Mr. President, the intent of this Airport Commission Compact is to help prevent air cargo thefts at the major airports in the New York City metropolitan area by authorizing the existing Waterfront Commission of New York and New Jersey to regulate the air freight industry in this area. The Commission would be renamed the "Waterfront and Airport Commission of New York and New Jersey." The Commission's primary functions at the airports would include the promulgation of regulations to provide physical security for air freight; the licensing of trucking firms which transport air cargo, their truck personnel, the operators of air freight terminals, the airport employees handling air freight, and the labor relations consultants in the air freight industry; and the designation and protection of air freight security areas at which access would be granted only to those with Commission approval. Under the provisions of the compact the program would be financed by assessments levied upon the air freight industry—the immediate beneficiary of improved conditions at the airports—rather than from Federal or New York or New Jersey State taxes.

This compact admittedly grants significant powers to the Commission. It would be given discretion to determine who is and who is not permitted to handle freight. Ordinarily, I would be loathe to grant any Government agency such life and death power over the jobs of workers. But, I feel Congress should give its consent to this agreement; first, because the deplorable problem of cargo theft at the

New York area facilities has so far not been resolved by the best efforts of Government and private business using the ordinary tools afforded by the law; and second, because this compact represents the will of two sovereign States and, as such, deserves our consent—unless we have something better to offer in the way of Federal law. We do not have such a substitute now—perhaps we may later. Under the circumstances, we cannot, in good conscience, repudiate the expressed will of two State legislatures, and the request of Governors Rockefeller and Cahill.

The Waterfront Commission, after which the Airport Commission has been modeled has been substantially successful insofar as it was called upon to put an end to racketeering on the docks. All evidence points to the fact that it has not abused its discretion to license people to work. It has been trustworthy in exercising its discretion properly and there is no reason to believe that extension of its authority to the airports would produce different results. The Waterfront Comission, however, was not designed to combat theft per se, as is this Airport Commission extension.

As I stated on the floor in introducing the joint resolution at the last session of Congress and in testimony before the Committee on Commerce, evidence submitted to the States of New York and New Jersey and at hearings before the Senate's Small Business Committee, on which I serve as ranking minority member, makes it clear that legislation such as this is urgently needed.

Witnesses describing the extensiveness of this theft and citing the pervasive existence of criminals and corrupt practices in the handling of aircargo, especially in the New York-New Jersey metropolitan area, have pleaded for governmental intervention and assistance, but until now little has been done. Reported airfreight thefts at Kennedy Airport in 1963, for example, amounted approximately to $45,000. In 1967, these known and reported thefts soared to $2,000,000 and in 1969 to $3,300,000. The airlines have reported thefts of $1,834,000 for 1970. The 1969 estimate for the Nation's aircargo theft was somewhere between $50 million and $100 million, I am told.

It should be emphasized, however, that these theft figures represent only known losses as reported by the airlines. They do not represent the extent of airfreight thievery. They do not include the estimated $65,000,000 in postal thefts from 1967 through 1969 at Kennedy Airport, for example, nor do they represent losses that are unreported as thefts merely because the place or the cause of the loss cannot be determined. One witness told the Small Business Committee, to cite a releated example, that the identified thefts in 1968 on the New York waterfront amounted to $1,451,000 but that the more realistic amount should be closer to $20 million.

The problem is growing tremendously, not only at our Nation's airports. Our piers, truck routes, and, as we now discover, our railroads have been struck by this thievery. Both the petty thief and the organized syndicates find cargo easy pickings. The lead story in Life magazine's February 12, 1971, issue described this presence of organized crime and labor racketeers at the airports, for example, and the concomitant rise in air cargo thefts. Indeed, the problem having grown so acute, the Committee on Commerce is about to launch a major investigation into the impact of organized crime on the various modes of transportation as well as on other aspects of commerce. The total estimated cargo loss for the Nation in 1969 reportedly reached $1,200,000,000.

In 1969 Kennedy Airport handled more than $9½ billion worth of cargo, 22 percent more than in 1968, and with the coming of the mammoth cargo aircraft, air cargo traffic is expected to quadruple during this decade. Certainly some regulatory control is needed. This cargo pilferage in the New York-New Jersey area must be stopped. Because shipments from throughout the country, and indeed throughout the world filter through the New York-New Jersey center, businessmen worldwide are affected and, ultimately, it is the consumer who pays the crime inflated price of this unchecked pilferage.

Other efforts are being made to curb the problems of cargo theft, not at all inconsistent with this joint resolution I am introducing. Largely as a result of hearings on cargo theft conducted by the Small Business Committee, the senior Senator from Nevada (Mr. Bible) introduced last year S. 3595, which I cosponsored. Shortly, Senator Bible will again introduce this bill. It embodies the imaginative concept of bringing together the resources of the private sector and the expertise of the Federal Government, establishes a commission to investigate over 2 years the problem of thefts in all modes of transportation—air, truck, rail and water—and to make legislative recommendations to end cargo theft.

The joint resolution I am introducing today is entirely consistent with Senator BIBLE's bill for that bill specifically provides:

> The Congress further finds that State and local governments, through exercise of their regulatory powers, have an equal responsibility in stimulating measures to enhance the safety and security of cargo storage and transport.

The Treasury Department is actively moving to regulate air cargo theft, too. The Department has announced revised regulations to go into effect April 1, 1971, which will require strict cargo accountability and theft reporting, improved standards for the handling and storage of international cargo, a better authentication of pickup orders and verification of delivered quantities, and authorization for the district directors of customs to require bonded warehouse operators, customhouse brokers, and carriers to submit lists of their employees. Still under review is a proposed regulation which would require the issuance and display of photo-identification cards within areas where there is a high incidence of theft and pilferage, and legislation that would authorize the Secretary of the Treasury to set comprehensive national standards for storage and handling of international cargo is being processed within the executive branch.

Unfortunately, Treasury's jurisdiction does not extend to domestic trade, not even interstate domestic trade, nor is it likely that any legislation Treasury might recommend could become operative within a year's time.

The Commission, however, would have jurisdiction to safeguard not only international cargo but also domestic cargo flowing through the New York-New Jersey metropolitan airports and its program could become operative almost immediately.

It should be noted also that the Commission's authority is intended to be entirely consistent with the Treasury Department's efforts in this area. Of course, to the extent any valid Federal regulation of law subsequently were found to be inconsistent, the Federal initiative would prevail.

Mr. President, there is no question that we need a national program, one which can be marshalled whenever and wherever we are faced with a high incidence of cargo theft and I am most hopeful that the Congress will enact some legislation that will help stem this criminal threat at our airports as soon as possible. It appears that industry and business have been unable to cope with this problem alone. In the meantime, however, the problem is too acute in the New York-New Jersey area to wait even another year for a national program. The States of New York and New Jersey have agreed upon and enacted a program which can be put into effect immediately if the Federal Government gives the plan its consent.

The Committee on Commerce recognizing the need and support for a national program for cargo security, specifically stated when favorably reporting the joint resolution to the Senate last year:

> Nevertheless, with respect to the present legislation (the joint resolution) there is a presumption in favor of State action, unless it can be shown conclusively that the interstate compact is in conflict with existing Federal law; or that it would be detrimental to interstate and foreign commerce; or that there is imminent Federal legislation which would conflict with the interstate compact. On the basis of the hearing record, such a showing has not been made.

To the best of my knowledge this is still the case.

Mr. President, this is an excellent initiative taken by two States in the best tradition of our federal structure. I urge that the Congress consider it expeditiously in order to permit the States of New York and New Jersey to deal quickly with this extremely serious condition at the New York-New Jersey metropolitan area airports.

We are not seeking at this time a reference successively to the Committee on the Judiciary and the Committee on Commerce because the Committee on Commerce has already passed on the matter and the compact is the same as the one we submitted in the last Congress. We are acting here at the request of the two States and the Governors of the two States and I hope the measure receives expeditious action. As I had

mentioned if there is Federal action or if Federal law of any character covers the situation, naturally, to the extent that would be inconsistent with this compact, that would preempt the respective bi-State regulation.

Mr. President, I ask unanimous consent that a brief summary of the joint resolution and the resolution may be printed in the RECORD.

There being no objection, the joint resolution and summary were ordered to be printed in the RECORD, as follows:

S.J. RES. 54

Joint resolution granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission Compact and for entering into the Airport Commission Compact, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a. The consent of Congress is hereby given to the States of New Jersey and New York for entering into certain amendments to the Waterfront Commission Compact between the States of New Jersey and New York for which compact the consent of Congress was given by the Act of August 12, 1953 (67 Stat. 541), which amendments result in articles II and III of said Waterfront Commission Compact reading substantially as follows:

ARTICLES II AND III OF WATERFRONT COMMISSION COMPACT AS AMENDED

"ARTICLE II

"DEFINITIONS

"As used in this compact:

"'The Port of New York district' shall mean the district created by Article II of the compact dated April 30, 1921, between the States of New York and New Jersey, authorized by chapter 154 of the laws of New York of 1921 and chapter 151 of the laws of New Jersey of 1921.

"'Commission' shall mean the waterfront and airport commission of New York and New Jersey established by Article III hereof.

"'Pier' shall include any wharf, pier, dock or quay.

"'Other waterfront terminal' shall include any warehouse, depot or other terminal (other than a pier) which is located within 1,000 yards of any pier in the Port of New York district and which is used for waterborne freight in whole or substantial part.

"'Person' shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity but shall not include the United States, any State or territory thereof or any department, division, board, commission or authority of one or more of the foregoing.

"'Carrier of freight by water' shall mean any person who may be engaged or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise (except for carriage of liquid cargoes in bulk in tank vessels designed for use exclusively in such service or carriage by barge of bulk cargoes consisting of only a single commodity loaded or carried without wrappers or containers and delivered by the carrier without transportation mark or count) in the carriage of freight by water between any point in the Port of New York district and a point outside said district.

"'Waterborne freight' shall mean freight carried by or consigned for carriage by carriers of freight by water.

"'Longshoreman' shall mean a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore.

"(a) physically to move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, or

"(b) to engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores, or

"(c) to supervise directly and immediately others who are employed as in subdivision (a) of this definition.

"'Pier superintendent' shall mean any natural person other than a longshoreman who is employed for work at a pier or other waterfront terminal by a carrier of freight by water or a stevedore and whose work at such pier or other waterfront terminal includes the supervision, directly or indirectly, of the work of longshoremen.

"'Port watchman' shall include any watchman, gateman, roundsman, detective, guard, guardian or protector of property employed by the operator of any pier or other waterfront terminal or by a carrier of freight by water to perform services in such capacity on any pier or other waterfront terminal.

"'Longshoremen's register' shall mean the register of eligible longshoremen compiled and maintained by the commission pursuant to Article VIII.

"'Stevedore' shall mean a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with a carrier of freight by water, in moving waterborne freight carried or consigned for carriage by such carrier on vessels of such carrier berthed at piers, on piers at which such vessels are berthed or at other waterfront terminals.

"'Hiring agent' shall mean any natural person, who on behalf of a carrier of freight by water or a stevedore shall select any longshoreman for employment.

"'Compact' shall mean this compact and rules or regulations lawfully promulgated thereunder.

"ARTICLE III

"WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND NEW JERSEY

"1. There is hereby created the waterfront and airport commission of New York and New Jersey, which shall be a body corporate and politic, an instrumentality of the States of New York and New Jersey.

"2. The commission shall consist of four members, two to be chosen by the State of New Jersey and two to be chosen by the State of New York. The members representing each State shall be appointed by the Governor of such State with the advice and consent of the Senate thereof, without regard to the State of residence of such members, and shall receive compensation to be fixed by the Governor of such State. The term of office of each member shall be for 4 years; provided, however, that the two present members of the commission heretofore appointed shall continue to serve as members until the expiration of the respective terms for which they were appointed, that the term of the two new members shall expire on June 30, 1973, and that the term of the successors to the present members shall expire on June 30, 1975. Each member shall hold office until his successor has been appointed and qualified. Vacancies in office shall be filled for the balance of the unexpired term in the same manner as original appointments.

"3. Three members of the commission shall constitute a quorum; but the commission shall act only by a majority vote of all its members. Any member may, by written instrument filed in the office of the commission, designate any officer or employee of the commission to act in his place as a member whenever he shall be unable to attend a meeting of the commission. A vacancy in the office of a member shall not impair such designation until the vacancy shall have been filled. The commission shall elect one of its members to serve as chairman for a term of 1 year; provided, however, that the term of the first chairman shall expire on June 30, 1971. The chairman shall represent a State other than the State represented by the immediately preceding chairman."

b. The consent of Congress is further given to the States of New Jersey and New York for entering into the Airport Commission Compact as authorized by chapter 951 of the laws of the State of New York of 1970, and by chapter 58 of the laws of the State of New Jersey of 1970, and reading substantially as follows:

AIRPORT COMMISSION COMPACT

"ARTICLE I

"FINDINGS AND DECLARATIONS

"1. The States of New York and New Jersey hereby find and declare that the movement of freight through the two States is vital to their economies and prosperity; that ever increasing amounts of such freight are being carried by the air freight industry; that said air freight industry in the two States constitutes an inseparable and integral unit of the commerce of the two States; that criminal and racketeer elements have infiltrated the air freight industry; that such criminal infiltration is threatening the growth of said air freight industry; that one of the means by which such criminal and racketeer elements infiltrate the air freight industry is by posing as labor relations consultants and that firms handling air freight are often forced to employ or engage such persons; that the air freight industry is suffering an alarming rise in the amount of pilferage and theft of air freight; and that it is imperative to the continued growth and economic well-being of the States of New York and New Jersey that every possible effective measure be taken to prevent the pilferage and theft of air freight and the criminal infiltration of the air freight industry.

"2. The States of New York and New Jersey hereby find and declare that many of the evils existing in the air freight industry result not only from the causes above described but from the lack of regulation of the air freight industry in and about the Port of New York district; that the air freight industry is affected with a public interest requiring regulation, just as the States of New York and New Jersey have heretofore found and declared in respect to the shipping industry; and that such regulation of the air freight industry shall be deemed an exercise of the police power of the two States for the protection of the public safety, welfare, prosperity, health, peace and living conditions of the people of the States.

"ARTICLE II

"DEFINITIONS

"As used in this compact:

"1. 'Commission' shall mean the waterfront and airport commission of New York and New Jersey established by part I, article III, of this act.

"2. 'Airport' shall mean any area on land, water or building or any other facility located within the States of New York and New Jersey (except a military installation of the United States Government) (a) which is located within one hundred miles of any point in the Port of New York district, (b) which is used, or intended for use, for the landing and take-off of aircraft operated by an air carrier, and any appurtenant areas which are used or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings, equipment, aircraft, and facilities located thereon, and (c) where the total tonnage of air freight in a calandar year loaded and unloaded on and from aircraft exceeds twenty thousand tons.

"3. 'Air carrier' shall mean any person who may be engaged or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise, in the carriage of freight by air.

"4. 'Air freight' shall mean freight (including baggage, aircraft stores and mail) which is, has been, or will be carried by or consigned for carriage by an air carrier.

"5. 'Air freight terminal' shall include any warehouse, depot or other terminal (other than an airport) (a) any part of which is located within an airport and any part of which is used for the storage of air freight, or (b) which is operated by an air carrier or a contractor of an air carrier and any part of which is used for the storage of air freight and any part of which is located within the Port of New York district.

"6. 'Air freight terminal operator' shall mean the owner, lessee, or contractor or such person (other than an employee) who is in direct and immediate charge and control of an air freight terminal, or any portion thereof.

"7. 'Air freight truck carrier' shall mean a contractor (other than an employee) engaged for compensation pursuant to a contract or arrangement, directly or indirectly, with an air carrier or air carriers or with an air freight terminal operator or operators in the moving of freight to or from an airport or air freight terminal by a truck or other motor vehicle used primarily for the transportation of property.

"8. 'Air freight security area' shall mean any area located within the airport to which the commission determines that limited ingress and egress is required for the protection and security of any air freight located within the airport.

"9. 'Airfreightman' shall mean a natural person who is employed

"(a) by any person to physically move or to perform services incidental to the movement of air freight at an airport or in an air freight terminal or

"(b) by an air carrier or an air freight terminal operator or an air freight truck carrier to transport or to assist in the transportation of air freight to or from an airport or air freight terminal; or

"(c) by any person to engage in direct and immediate checking of any air freight located in an airport or in an air freight terminal or of the custodial accounting therefor.

"10. 'Airfreightman supervisor' shall mean a natural person who is employed to supervise directly and immediately the work of an airfreightman at an airport or at an air freight terminal.

"11. 'Airfreightman labor relations consultant' shall mean any person who, pursuant to any contract or arrangement, advises or represents an air carrier, an air freight terminal operator, or an air freight truck carrier, or an organization of such employers (whether or not incorporated), or a labor organization representing any airfreightman or airfreightman supervisors, concerning the organization or collective bargaining activities of airfreightmen or airfreightman supervisors, but shall not include any person designated by any government official or body to so act or any person duly licensed to practice law as an attorney in any jurisdiction. As used in this paragraph, the term 'labor organization' shall mean and include any labor organization to which section eleven of part V of this act is applicable.

"12. 'Person' shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity but shall not include the United States, any State or territory thereof or any department, division, board, commission or authority of one or more of the foregoing or any officer or employee thereof while engaged in the performance of his official duties.

"13. 'The Port of New York district' shall mean the district created by article II of the compact dated April thirtieth, nineteen hundred twenty-one, between the States of New York and New Jersey, authorized by chapter one hundred fifty-four of the laws of New York of nineteen hundred twenty-one and chapter one hundred fifty-one of the laws of New Jersey of nineteen hundred twenty-one, and any amendments thereto.

"14. 'Court of the United States' shall mean all courts enumerated in section four hundred fifty-one of title twenty-eight of the United States code and the courts-martial of the armed forces of the United States.

"15. 'Witness' shall mean any person whose testimony is desired in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act.

"16. 'Compact' shall mean this compact and rules and regulations lawfully promulgated thereunder and shall also include any amendments or supplements to this compact to implement the purposes thereof adopted by the action of the legislature of either the State of New York or the State of New Jersey concurred in by the legislature of the other.

"ARTICLE III

"GENERAL POWERS OF THE COMMISSION

"In addition to the powers and duties of the commission elsewhere conferred in parts I, II, III, and V of this act, the commission shall have the power:

"1. To administer and enforce the provisions of this compact;

"2. To establish such divisions and departments within the commission as the commission may deem necessary and to appoint such officers, agents and employees as it may deem necessary, prescribe their powers, duties and qualifications and fix their compensation and retain and employ counsel and private consultants on a contract basis or otherwise;

"3. To make and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof including, but not limited to, rules and regulations (which shall be applicable to any person licensed by the commission, his employer, or any other person within an airport) to provide for the maximum protection of air freight, such as checking and custodial accounting, guarding, storing, fencing, gatehouses, access to air freight, air freight loss reports, and any other requirements which the commission in its discretion may deem to be necessary and appropriate to provide such maximum protection. The rules and regulations of the commission shall be effective upon publication in the manner which the commission shall prescribe and upon filing in the office of the secretary of state of each State. A certified copy of any such rules and regulations, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, approval and publication thereof;

"4. To have for its members and its properly dessignated officers, agents and employees, full and free access, ingress and egress to and from all airports, air freight terminals, all aircraft traveling to or from an airport and all trucks or other motor vehicles or equipment which are carrying air freight to or from any airport or air freight terminal for the purposes of conducting investigations, making inspections or enforcing the provisions of this compact; and no person shall obstruct or in any way interfere with any such member, officer, employee or agent in the making of such investigation or inspection or in the enforcement of the provisions of this compact or in the performance of any other power or duty under this compact;

"5. To make investigations, collect and compile information concerning airport practices generally, and upon all matters relating to the accomplishment of the objectives of this compact;

"6. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of this compact, upon all matters which the commission may desire, including but not limited to the form and substance of rules and regulations and the administration of the compact and the expeditious handling and efficient movement of air freight consistent with the security of such air freight;

"7. To make annual and other reports to the governors and legislatures of both States containing recommendations for the effectuation of the purposes of this compact;

"8. To issue temporary licenses and temporary permits under such terms and conditions as the commission may prescribe;

"9. In any case in which the commission has the power to revoke or suspend any license or permit the commission shall also have the power to impose as an alternative to such revocation or suspension, a penalty, which the licensee or permittee may elect to pay the commission in lieu of the revocation or suspension. The maximum penalty shall be five thousand dollars for each separate offense. The commission may, for good cause shown, abate all or part of such penalty;

"10. To determine the location, size and suitability of field and administrative offices and any other accommodations necessary and desirable for the performance of the commission's duties under this compact;

"11. To acquire, hold and dispose of real and personal property, by gift, purchase, lease, license or other similar manner, for its corporate purposes, and in connection therewith to borrow money;

"12. To recover possession of any card or other means of identification issued by the commission as evidence of a license or permit in the event that the holder thereof no longer is a licensee or permittee;

"13. To require any licensee or permittee to exhibit upon demand the license or permit issued to him by the commission or to wear such license or permit.

"The powers and duties of the commission may be exercised by officers, employees and agents designated by them, except the power to make rules and regulations. The commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either State concurred in by the legislature of the other.

"ARTICLE IV

"AIRFREIGHTMEN AND AIRFREIGHTMAN SUPERVISORS

"1. On and after the ninetieth day after the effective date of this compact, no person shall act as an airfreightman or an airfreightman supervisor within the State of New York or the State of New Jersey without having first obtained from the commissions a license to act as such air freightman or airfreightman supervisor, as the case may be, and no person shall employ another person to act as an airfreightman or airfreightman supervisor who is not so licensed.

"2. A license to act as an airfreightman or airfreightman supervisor shall be issued only upon the written application, under oath, of the person proposing to employ or engage another person to act as such airfreightman or airfreightman supervisor, verified by the prospective licensee as to the matters concerning him, and shall set forth the prospective licensee's full name, residence address, social security number, and such further facts and evidence as may be required by the commission to determine the identity, the existence of a criminal record, if any, and the eligibility of the prospective licensee for a license.

"3. The commission may in its discretion deny the application for such license submitted on behalf of a prospective licensee for any of the following causes:

"(a) Conviction by a court of the United States or any State or territory thereof, without subsequent pardon, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, coercion or any felony or high misdemeanor or any of the following misdemeanors or offenses (excluding, however, any conviction for a misdemeanor or lesser offense arising out of physical misconduct committed during the course of lawful organizational or collective bargaining activities of any labor organization): illegally using, carrying or possessing a pistol or other dangerous weapon; making manufacturing or possessing burglar's instruments; buying or receiving stolen property; criminal possession of stolen property; unlawful entry of a building; criminal trespass; aiding an escape from prison; and unlawfully possessing, selling or distributing a dangerous drug;

"(b) Conviction by any such court, after having been previously convicted by any such court of any crime or of the offenses hereinafter set forth, of a misdemeanor or any of the following offenses (excluding, however, any conviction for a misdemeanor or lesser offenses arising out of physical misconduct committed during the course of lawful organizational or collective bargaining activities of any labor organization): assault, malicious injury to property, criminal mischief, malicious mischief, criminal tampering, unlawful use or taking of a motor vehicle, corruption of employees, promoting gambling, possession of gambling records or devices, or possession of lottery or number slips;

"(c) Fraud, deceit or misrepresentation in connection with any application or petition submitted to, or any interview, hearing or proceeding conducted by the commission;

"(d) Violation of any provision of this act or the commission of any offense thereunder;

"(e) Refusal on the part of the applicant, or prospective licensee, to answer any material question or produce any material evidence in connection with the application;

"(f) As to an airfreightman, his presence at the airports or airfreight terminals is found by the commission on the basis of the facts and evidence before it to constitute a danger to the public peace or safety;

"(g) As to an airfreightman supervisor, failure to satisfy the commission that the prospective licensee possesses good character and integrity;

"(h) Conviction of a crime or other cause which would permit reprimand of such prospective licensee or the suspension or revocation of his license if such person were already licensed.

"4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the prospective licensee possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver to the prospective licensee a license to act as an airfreightman or as an airfreightman supervisor, as the case may be, and shall inform the applicant of its action.

"5. The commission shall have the power to reprimand any airfreightman or airfreightman supervisor licensed under this article or to revoke or suspend his license for such period as the commission deems in the public interest for any of the following causes:

"(a) Conviction of a crime or other cause which would permit the denial of a license upon original application;

"(b) Fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity;

"(c) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of a license, without satisfactory explanation;

"(d) False impersonation of another person who is a licensee or permittee of the commission under this compact;

"(e) Wilful commission of, or wilful attempt to commit at an airport or at an air freight terminal or adjacent highway any act of physical injury to any other person or of wilful damage to or misappropriation of any other person's property, unless justified or excused by law;

"(f) Violation of any of the provisions of this act or including or otherwise aiding or abetting any person to violate the terms of this act;

"(g) Addiction to the use of, or unlawful possession, sale or distribution of a dangerous drug;

"(h) Paying, giving, causing to be paid or giving or offering to pay or give to any person any valid consideration to induce such other person to violate any provision of this act or to induce any public officer, agent or employee to fail to perform his duty under this act;

"(i) Consorting with known criminals for unlawful purposes;

"(j) Receipt or solicitation of anything of value from any person other than the licensee's or permittee's employer as consideration for the selection or retention for employment of any person who is a licensee or permittee of the commission under this compact;

"(k) Coercion of any person who is a licensee or permittee of the commission under this compact by threat of discrimination or violence or economic reprisal to make purchases from or to utilize the services of any person;

"(l) Lending any money to or borrowing any money from any person who is a licensee or permittee of the commission under this compact for which there is a charge of interest or other consideration which is usurious;

"(m) Conviction of any criminal offense in relation to gambling, bookmaking, pool selling, lotteries or similar crimes or offenses if the crime or offense was committed at an airport or air freight terminal or within five hundred feet thereof;

"(n) Refusal to answer any material question or produce any material evidence lawfully required to be answered or produced at any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act, or, if such refusal is accompanied by a valid plea of privilege against self-incrimination, refusal to obey an order to answer such question or produce such evidence made by the commission pursuant to the power of the commission under this act to grant immunity from prosecution;

"(o) Refusal to exhibit his license or permit upon the demand of any officer, agent or employee of the commission or failure to wear such license or permit when required;

"6. A license granted pursuant to this article shall expire on the expiration date (which shall be at least one year from the date of its issuance) set forth by the commission on the card or other means of identification issued by the commission as evidence of a license or upon the termination of employment with the employer who applied for the license. Upon expiration thereof, a license may be renewed by the commission upon fulfilling the same requirements as are set forth in this article for an original application.

"ARTICLE V

"AIR FREIGHT TERMINAL OPERATORS, AIR FREIGHT TRUCK CARRIERS, AND AIRFREIGHTMAN LABOR RELATIONS CONSULTANTS

"1. On and after the ninetieth day after the effective date of this compact, no person, except an air carrier, shall act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant within the State of New York or the State of New Jersey without having first obtained a license from the commission to act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant, as the case may be, and no person shall employ or engage another person to perform services as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant who is not so licensed.

"2. Any person intending to act as an air freight terminal operator or as an air freight truck carrier or as an air freightman labor relations consultant within the State of New York or the State of New Jersey shall file in the office of the commission a written application for a license to engage in such occupation duly signed and verified as follows:

"(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address (if any), present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity, identity and criminal record, if any, of each natural person so signing such application.

"(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders owning ten per cent or more of any of the stock thereof, and of all the officers (including all members of the board of directors). The requirements of subdivision (a) of this section as to a natural person who is a member of a partnership, and such requirements as may be specified in rules and regulations promulgated by the commission, shall apply to each such officer or stockholder and their successors in office or interest as the case may be.

"In the event of the death, resignation or removal of any officer, and in the event of any change in the list of stockholders who shall own ten per cent or more of the stock of the corporation, the secretary of such corporation shall forthwith give notice of the fact in writing to the commission, certified by said secretary.

"3. No such license shall be granted

"(a) If any person whose signature or name appears in the application is not the real party in interest required by section two of this article to sign or to be identified in the application or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest or if any such real party in interest does not sign the application;

"(b) Unless the commission shall be satisfied that the applicant and all members, officers and stockholders required by section two of this article to sign or be identified in the application for license possess good character and integrity;

"(c) If the applicant or any member, officer or stockholder required by section two of this article to sign or be identified in the application for license has, without subsequent pardon, been convicted by a court of the United States or any State or territory thereof of the commission of, or the attempt or conspiracy to commit any crime or offense described in subdivision (a) of section three of article IV of this compact. Any applicant ineligible for a license by reason of any such conviction may submit satisfactory evidence

to the commission that the person whose conviction was the basis of ineligibility has for a period of not less than five years, measured as hereinafter provided and up to the time of application, so conducted himself as to warrant the grant of such license, in which event the commission may, in its discretion issue an order removing such ineligibility. The aforesaid period of five years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of his unrevoked release from custody by parole, commutation or termination of his sentence. Such petition may be made to the commission before or after the hearing on the application;

"(d) If, on or after the effective date of this compact, the applicant has paid, given, caused to have been paid or given or offered to pay or give to any officer or employee of any other person employing or engaging him in his licensed activity any valuable consideration for an improper or unlawful purpose or to unduce such officer or employee to procure the employment of the applicant in his licensed activity by such other person;

"(e) If, on or after the effective date of this compact, the applicant has paid, given, caused to have been paid, or given or offered to pay or give to any officer or representative of a labor organization any valuable consideration for an improper or unlawful purpose or to induce such officer or representative to subordinate the interest of such labor organization or its members in the management of the affairs of such labor organization to the interests of the applicant or any other person;

"(f) If, on or after the effective date of this compact, the applicant has paid, given, caused to have been paid or given or offered to pay or give to any agent or any other person any valuable consideration for an improper or unlawful purpose, or, without the knowledge and consent of such other person, to induce such agent to procure the employment of the applicant in his licensed activity by such other person.

"4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver a license to the applicant.

"5. The commission shall have the power to reprimand any person licensed under this article or to revoke or suspend his license for such period as the commission deems in the public interest for any of the following causes on the part of the licensee or of any person required by section two of this article to sign or be identified in an original application for a license:

"(a) Any cause set forth in section five of article IV of this compact;

"(b) Failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of his licensed activities;

"(c) Failure to keep said books and records available during business hours for inspection by the commission and its duly designated representatives until the expiration of the fifth calendar year following the calendar year during which occurred the transactions recorded therein;

"(d) Failure to pay any assessment or fee payable to the commission under this compact when due.

"6. A license granted pursuant to this article shall expire on the expiration date (which shall be at least one year from the date of its issuance) set forth by the commission on the cards or other means of identification issued by the commission as evidence of a license. Upon expiration thereof, a license may be renewed by the commission upon fulfilling the same requirements as are set forth in this article for an original application.

"ARTICLE VI

"AIR FREIGHT SECURITY AREA

"1. On or after the effective date of this compact, the commission shall have the power to designate any area located within an airport as an air freight security area. No person who is not licensed by the commission pursuant to this compact shall have ingress to an air freight security area unless issued a permit by the commission.

"2. Any person who is not licensed by the commission pursuant to this compact and who desires upon any occasion ingress to an air freight security area shall apply at the entrance to such area for a permit for ingress for that particular occasion. In order to secure a permit, a prospective permittee must show identification establishing his name and address and he may be required by the commission to sign a consent to the surrender of his permit upon egress from such area and, if he is driving a motor vehicle, to an inspection of his motor vehicle upon egress from such area. Any person desiring a permit to enter an air freight security area may be denied such permit by the commission in its discretion if the commission determines that the presence of such person in such area would constitute a danger to the public peace or safety.

"3. Any person whose business, employment or occupation requires him to have ingress upon a regular basis to an air freight security area shall be required, in order to obtain ingress to such area, to apply to the commission for a permit for a fixed period of duration to be determined by the commission. Such applicant for a permit of a fixed period of duration shall fulfill the same requirements as the prospective licensee for an airfreightman's license. The commission may in the exercise of its discretion suspend or revoke such permit of a fixed period of duration for the same causes which would permit the commission to revoke the license of an airfreightman.

"4. The commission shall have the power to inspect any truck or any other motor vehicle within an air freight security area.

"5. The provisions of this article shall not be applicable to any person who is a member of the flight crew or flight personnel of an aircraft which is operated by an air carrier and which is located within an air freight security area upon a showing of such identification as may be required by the commission.

"ARTICLE VII

"HEARINGS, DETERMINATIONS AND REVIEW

"1. The commission shall not deny any application for a license or permit without giving the applicant or prospective licensee or permittee reasonable prior notice and an opportunity to be heard.

"2. Any application for a license or permit, and any license or permit issued, may be denied, revoked, or suspended, as the case may be, only in the manner prescribed in this article.

"3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke or suspend any license or permit after a hearing at which the licensee or permittee and any person making such complaint shall be given an opportunity to be heard: *Provided*, That any order of the commission revoking or suspending any license or permit shall not become effective until fifteen days subsequent to the serving of notice thereof upon the licensee or permittee unless in the opinion of the commission the continuance of the license or permit for such period would be inimical to the public peace or safety. Such hearings shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than ten days and shall state the nature of the complaint.

"4. Pending the determination of such hearing pursuant to section three the commission may temporarily suspend a license or permit if in the opinion of the commission the continuance of the license or permit for such period is inimical to the public peace or safety.

"5. The commission, or such member, officer, employee or agent of the commission as may be designated by the commission for such purpose, shall have the power to issue subpoenas throughout both States to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of any such member, officer, employee or agent of the commission designated by the commission for such purpose to issue subpoenas at the request of and upon behalf of the licensee permittee or applicant. The commission or such person conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules or procedure in the conduct of such hearing.

"6. Upon the conclusion of the hearing, the commission shall take such action upon such findings and determinations as it deems proper and shall execute an order carrying such findings into effect. The action in the case of an application for a license or permit shall be the granting or denial thereof. The action in the case of a licensee or permittee shall be revocation of the license or permit or suspension thereof for a fixed period or reprimand or a dismissal of the charges.

"7. The action of the commission in denying any application for a license or permit or in suspending or revoking such license or permit or in reprimanding a licensee or permittee shall be subject to judicial review by a proceeding instituted in either State at the instance of the applicant, licensee or permittee in the manner provided by the law of such State for review of the final decision or action of administrative agencies of such State: *Provided, however*, that notwithstanding any other provision of law the court shall have power to stay for not more than thirty days an order of the commission suspending or revoking a license or permit.

"8. At hearings conducted by the commission pursuant to this article, applicants, prospective licensees and permittees, licensees and permittees shall have the right to be accompanied and represented by counsel.

"9. After the conclusion of a hearing but prior to the making of an order by the commission, a hearing may, upon petition and in the discretion of the hearing officer, be reopened for the presentation of additional evidence. Such petition to reopen the hearing shall state in detail the nature of the additional evidence together with the reasons for the failure to submit such evidence prior to the conclusion of the hearing. The commission may upon its own motion and upon reasonable notice reopen a hearing for the presentation of additional evidence. Upon petition, after the making of an order of the commission, rehearing may be granted in the discretion of the commission. Such a petition for rehearing shall state in detail the grounds upon which the petition is based and shall separately set forth each error of law and fact alleged to have been made by the commission in its determination, together with the facts and arguments in support thereof. Such petition shall be filed with the commission not later than thirty days after service of such order unless the commission for good cause shown shall otherwise direct. The commission may upon its own motion grant a rehearing after the making of an order.

"ARTICLE VIII

"EXPENSES OF ADMINISTRATION

"1. In addition to the budget of its expenses under the waterfront commission compact, the commission shall annually adopt a budget of its expenses under this compact for each year. The annual budget shall be submitted to the governors of the two States and shall take effect as submitted provided that either governor may within thirty days disapprove or reduce any item or items, and the budget shall be adjusted accordingly.

"2. After taking into account such funds as may be available to it from reserves in excess of ten percent of such budget under this compact, federal grants, or otherwise, the balance of the commission's budgeted expenses shall be obtained by fees payable under this article and by assessments upon employers of persons licensed under this compact as provided in this article.

"3. With respect to airfreightmen and airfreightman supervisors who are employed by an air freight truck carrier regularly to move freight to or from an airport, the employers shall pay to the commission for each such airfreightman and airfreightman supervisor a license fee to be determined by the commission, not in excess of one hundred dollars for each year, commencing with the first day of April. The employer of every person who is issued a permit of fixed duration by the commission for ingress to an air freight security area, or the permittee himself if he is self-employed, shall pay to the commission a fee to be determined by the commission, not in excess of seventy-five dollars for each year, commencing with the first day of April. The commission shall reduce the maximum fees payable under this section proportionately with any reduction in the maximum assessment rate of two per cent provided for by this article.

"4. Every employer of airfreightmen and airfreightman supervisors licensed by the commission, except as otherwise provided in section three of this article, shall pay to the commission an assessment computed upon the gross payroll payments made by such employer to airfreightmen and airfreightman supervisors for work performed as such, at a rate, not in excess of two percent, computed by the commission, in the following manner: the commission shall annually estimate the fees payable under this article and the gross payroll payments to be made by employers subject to assessment and shall compute the fees and a rate of assessment which will yield revenues sufficient to finance the balance of the commission's budget for each year as provided in section two of this article. The commission may hold in reserve an amount not to exceed ten per cent of its total budgeted expenses for the year, which reserve shall not be included as part of the budget. Such reserve shall be held for the stabilization of annual assessments, the payment of operating deficits and for the repayment of any advances made by the two States.

"5. The amount required to balance the commission's budget in excess of the estimated yield of the maximum fees and assessment, shall be certified by the commission, with the approval of the respective governors, to the legislatures of the two States, in proportion to the respective totals of the assessments and fees paid to the commission by persons in each of the two States. The legislatures shall annually appropriate to the commission the amount so certified.

"6. The assessments and fees hereunder shall be in lieu of any other charge for the issuance of licenses or permits by the commission pursuant to this compact.

"7. In addition to any other sanction provided by law, the commission may revoke or suspend any license or permit held by any employer under this compact and/or the license or permit held under this compact by any employees of such employer, or the permit held under this compact by any employees of such employer, or the permit held under this compact by any permittee who is self-employed, and, and in addition to the commission may deny ingress to such employers, employees or permittees to air freight security areas, for nonpayment of assessment or fee when due.

"8. Every person subject to the payment of any assessment under this compact shall file on or before the twentieth day of the first month of each calendar quarter-year a separate return, together with the payment of the assessment due, for the preceding calendar quarter-year during which any payroll payments were made to licensed persons for whom assessments are payable for work performed as such. Returns covering the amount of assessment payable shall be filed with the commission on forms to be furnished for such purpose and shall contain such data, information or matter as the commission may require to be included therein. The commission may grant a reasonable extension of time for filing returns, or for payment of assessment, whenever good cause exists. Every return shall have annexed thereto a certification to the effect that the statements contained therein are true.

"9. Every person subject to the payment of assessment hereunder shall keep an accurate record of his employment of licensed persons for whom assessments are payable, which shall show the amount of compensation paid and such other information as the commission may require. Such records shall be preserved for a period of three years and be open for inspection at reasonable times. The commission may consent to the destruction of any such records at any time after said period or may require that they be kept longer but not in excess of six years.

"10. (a) The commission shall audit and determine the amount of assessment due from the return filed and such other information as is available to it. Whenever a deficiency in payment of the assessment is determined the commission shall give notice of any such determination to the person liable therefor. Such determination shall finally and conclusively fix the amount due, unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply in writing to the commission for a hearing, or unless the commission on its own motion shall reduce the same. After such hearing, the commission shall give notice of its decision to the person liable therefor. A determination of the commission under this section shall be subject to judicial review, if application for such review is made within thirty days after the giving of notice of such decision. Any determination under this article shall be made within five years from the time the return was filed and if no return was filed such determination may be made at any time.

"(b) Any notice authorized or required under this article may be given by mailing the same to the person for whom it is intended at the last address given by him to the commission, or in the last return filed by him with the commission under this article, or if no return has been filed then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of same by the person to whom addressed. Any period of time, which is determined according to the provision of this section, for the giving of notice shall commence to run from the date of mailing of such notice.

"11. Every person required to pay a fee for a license or a permit under this article shall pay the same upon filing of the application with the commission for such license or permit. The fee for such license or permit shall be prorated for the fiscal year for which the same is payable as of the date the application for such license or permit is filed with the commission. The commission shall prorate and make a refund of such fee for the period between the date of application and the date of the issuance of such license or permit. Upon surrender of such license or permit or upon the revocation of any such license or permit issued to an employee before the expiration of the fiscal year, the commission shall make a refund prorated for the unexpired portion of the year, less ten percent of such refund. In the event of denial of any application for a license or permit, the commission shall refund the fee paid upon application, less ten percent of such refund.

"12. Whenever any person shall fail to pay, within the time limited herein, any assessment or fee which he is required to pay to the commission under the provisions of this article the commission may enforce payment of such assessment or fee by civil action for the amount of such assessment or fee with interest and penalties.

"13. The employment by a nonresident of a licensed person or permittee for whom assessments or fees are payable in either State or the designation by a nonresident of a licensed person or permittee to perform work in such State shall be deemed equivalent to an appointment by such nonresident of the secretary of state of such State to be his true and lawful attorney upon whom may be served the process in any action or proceeding against him growing out of any liability for assessments or fees, penalties or interest, and a consent that any such process against him which is so served shall be of the same legal force and validity as if served on him personally within such State and within the territorial jurisdiction of the court from which the process issues. Service of process within either State shall be made by either (1) personally delivering to and leaving with the secretary of state or a deputy secretary of state of such State duplicate copies thereof at the office of the department of state in the capital city of such State, in which event such secretary of state shall forthwith send by registered mail one of such copies to the person at the last address designated by him to the commission for any purpose under this article or in the last return filed by him under this article with the commission or as shown on the records of the commission, or if no return has been filed, at his last known office address within or without such State, or (2) personally delivering to and leaving with the secretary of state or a deputy secretary of state of such State a copy thereof at the office of the department of state in the capital city of such State and by delivering a copy thereof to the person, personally without such State. Proof of such personal service without such State shall be filed with the clerk of the court in which the process is pending within thirty days after such service and such service shall be complete ten days after proof thereof is filed.

"14. Whenever the commission shall determine that any moneys received as assessments or fees were paid in error, it may cause the same to be refunded, provided an application therefor is filed with the commission within two years from the time the erroneous payment was made.

"15. In addition to any other powers authorized hereunder, the commission shall have power to make reasonable rules and regulations to effectuate the purposes of this article.

"16. When any person shall wilfully fail to pay any assessment or fee due hereunder he shall be assessed interest at a rate of one percent per month on the amount due and unpaid and penalties of five percent of the amount due for each thirty days or part

thereof that the assessment remains unpaid. The commission may, for good cause shown, abate all or part of such penalty.

"17. Any person who shall willfully furnish false or fraudulent information or shall willfully fail to furnish pertinent information as required with respect to the amount of any assessment or fee due, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000, or imprisonment for not more than one year, or both.

"18. All funds of the commission shall be deposited with such responsible banks or trust companies as may be designated by the commission. The commission may require that all such deposits be secured by obligations of the United States or of the States of New York or New Jersey of a market value equal at all times to the amount of the deposits, and all banks and trust companies are authorized to give such security for such deposits. The moneys so deposited shall be withdrawn only by check signed by two members of the commission or by such other officers or employees of the commission as it may from time to time designate.

"19. The accounts, books and records of the commission, including its receipts, disbursements, contracts, leases, investments and any other matters relating to its financial standing shall be examined and audited annually by independent auditors to be retained for such purpose by the commission.

"20. The commission shall reimburse each State for any funds advanced to the commission exclusive of sums appropriated pursuant to section 5 of this article.

"ARTICLE IX

"GENERAL VIOLATIONS; PROSECUTIONS; PENALTIES

"1. The failure of any witness, when duly subpenaed to attend, to give testimony or produce other evidence in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this Act, shall be punishable by the superior court in New Jersey and the supreme court in New York in the same manner as said failure is punishable by such court in a case therein pending.

"2. Any person who, having been duly sworn or affirmed as a witness in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this Act, shall willfully give false testimony shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 or imprisonment for not more than one year or both.

"3. Any person who interferes with or impedes the orderly licensing of or orderly granting of any permits to any other person pursuant to this compact, or who attempts, conspires, or threatens so to do, shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 or imprisonment for not more than one year or both.

"4. Any person who directly or indirectly inflicts or threatens to inflict any injury, damage, harm or loss or in any other manner practices intimidation upon or against any person in order to induce or compel such person or any other person to refrain from obtaining a license or permit pursuant to this compact shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 or imprisonment for not more than one year or both.

"5. Any person who, without justification or excuse in law, directly or indirectly, intimidates or inflicts any injury, damage, harm, loss or economic reprisal upon any person who holds a license or permit issued by the commission pursuant to this compact, or any other person, or attempts, conspires or threatens to do, in order to interfere with, impede or influence such licensee or permittee in the performance or discharge of his duties or obligations shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or imprisonment of not more than one year or both.

"6. Any person who shall violate any of the provisions of this compact, for which no other penalty is prescribed, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both.

"7. In any prosecution under this compact, it shall be sufficient to prove only a single act (or a single holding out or attempt) prohibited by law without having to prove a general course of conduct, in order to prove a violation.

"ARTICLE X

"AMENDMENTS; CONSTRUCTION; SHORT TITLE

"1. Amendments and supplements to this compact to implement the purposes thereof may be adopted by the action of the legislature of either State concurred in by the legislature of the other.

"2. If any part or provision of this compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances and the two States hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

"3. In accordance with the ordinary rules for construction of interstate compacts this compact shall be liberally construed to eliminate the evils described therein and to effectuate the purposes thereof.

"4. This compact shall be known and may be cited as the 'Airport Commission Compact'."

SEC. 2. The consent herein granted does not constitute consent in advance for amendments or supplements to the Airport Commission Compact made pursuant to article X, paragraph 1 of said compact.

SEC. 3. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Waterfront and Airport Commission in its operations as is deemed appropriate by Congress or such committee.

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

SUMMARY OF JOINT RESOLUTION—NEW YORK-NEW JERSEY COMPACT AMENDING THE WATERFRONT COMMISSION ACT TO PROVIDE FOR THE WATERFRONT AND AIRPORT COMMISSION OF NEW YORK AND NEW JERSEY

PURPOSE OF THE JOINT RESOLUTION

To grant congressional consent to the compact between New York and New Jersey designed to combat organized crime and to prevent air cargo thefts by providing for regulation of the air freight industry at the major New York-New Jersey airports.

SUMMARY OF PROVISIONS OF THE JOINT RESOLUTION

This Compact would authorize the Waterfront Commission of New York Harbor (to be known as the "Waterfront and Airport Commission of New York and New Jersey") to exercise regulatory powers at airports at New York and New Jersey similar to those powers now exercised by the Commission along the waterfront of New York harbor.

The Commission will, under the new compact, in addition to its function relating to the waterfront:

License employees engaged in the movement of air freight or performing services incidental to the movement of air freight;

License trucking firms that contract to haul air freight to and from the airport;

License owners or operators of air freight terminals; and

License persons who are consultants to or advisors and represent air carriers, owners or operators of air freight terminals, airline contract trucking firms hauling air freight; or a labor organization representing employers licensed by the Commission or an organization of such person or persons.

The Commission is empowered to promulgate regulations for the security of air cargo and designate air freight security areas within airports in order to limit access to air cargo to authorized personnel for the protection of the cargo.

The compact is supported by an appropriation of $750,000 to pay for New York State's share of the initial start-up costs to be incurred by the expanded Commission in discharging its new responsibilities. New Jersey has appropriated $250,000 as its share. These monies will be repaid from assessment to be levied upon the air freight industry. A payroll assessment of up to 2% would be levied upon employers of persons licensed by the Commission. Air freight truck carriers, however, who employ persons licensed by the Commission, would pay an annual license fee of $100 for each employee so licensed.

The Waterfront and Airport Commission Act (New York), which contains the compact, also prevents persons who have been convicted of a felony or a serious misdemeanor from serving as officers or employees of (1) labor unions which receive 20% or more of their funds from licensees under the supervision of the Commission, or (2) any employer organization, 20% or more of whose members employ persons belonging to a union which is subject to the act.

ADDITIONAL COSPONSORS OF BILLS

S. 10

At the request of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Utah (Mr. BENNETT), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Wyoming (Mr. HANSEN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Nebraska (Mr. HRUSKA), the Senator from Mississippi (Mr. STENNIS), and the Senator from Texas (Mr. TOWER) were added as cosponsors to S. 10 to establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes.

S. 41

At the request of the Senator from Kansas (Mr. DOLE), the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 41, to establish a National Information and Resource Center for the Handicapped.

S. 120

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Maryland (Mr. BEALL), the Senator from Florida (Mr. CHILES), the Senator from Wyoming (Mr. HANSEN),

the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 120, to prohibit assaults on State and local law enforcement officers, firemen, and judicial officials.

S 376

At the request of the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 376, the Vietnam Disengagement Act of 1971.

S. 424

At the request of the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Maine (Mr. MUSKIE), the Senator from Michigan (Mr. HART), the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. MONDALE), the Senator from Alaska (Mr. GRAVEL), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 424, to require that certain articles of wearing apparel be permanently labeled with laundering and dry cleaning instructions.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 32

At the request of the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. ALLOTT), the Senator from Maryland (Mr. BEALL), the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mr. BENTSEN), the Senator from New York (Mr. BUCKLEY), the Senator from Nevada (Mr. CANNON), the Senator from Colorado (Mr. DOMINICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. FANNIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from Arizona (Mr. MCCLELLAN), the Senator from Kansas (Mr. PEARSON), the Senator from Vermont (Mr. PROUTY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 32, proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings.

SENATE RESOLUTION 55—ASSIGNMENTS TO THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. SCOTT submitted a resolution (S. Res. 55) to make committee assignments to the Select Committee on Small Business, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear in the RECORD at the beginning of the session under the appropriate heading.)

SENATE RESOLUTION 56—SUBMISSION OF RESOLUTION AUTHORIZING PRINTING OF "OUTER CONTINENTAL SHELF"

Mr. JACKSON submitted the following resolution (S. Res. 56); which was referred to the Committee on Rules and Administration:

S. RES. 56

Resolved, That there be printed for the use of the Committee on Interior and Insular Affairs three thousand three hundred additional copies of its committee print of the current session entitled "Outer Continental Shelf", a report by its Special Subcommittee on Continental Shelf.

NOTICE OF HEARING ON HOUSING AND URBAN DEVELOPMENT PROGRAMS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs, will hold hearings on March 3 and 4, 1971, on the administration's withholding of funds for the remainder of fiscal year 1971 for certain housing and urban development programs, including the FHA sections 235 and 236 programs, public housing, urban renewal, model cities, water and sewer, and mass transit programs.

The hearings will be held in room 5302, New Senate Office Building, on Wednesday, March 3, and Thursday, March 4, 1971, commencing at 10:00 A.M.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from Maryland (Mr. MATHIAS) is recognized for 15 minutes.

AMERICAN TROOP WITHDRAWAL FROM THE VIETNAM WAR

Mr. MATHIAS. Mr. President, for over 2 years now President Nixon has been working diligently, with great sincerity and great effort, to bring an end to the war in Indochina. He has been attempting to erect a structure of American foreign policy which will bring the war to an end and which will permit us to withdraw our troops from Indochina. But I believe, Mr. President, that the time has now come when we in Congress should contribute some congressional building blocks to the effort, and that we in Congress should take some specific steps to augment what the President is now doing and has been doing for these 2 years past to bring the war to a close. I would like to discuss these steps very briefly this morning.

Those steps are:

Establishment of a timetable for the orderly withdrawal of all U.S. forces from Indochina;

Revocation of long-outdated special emergency resolutions by which Congress conferred part of its constitutional war powers upon the Executive;

Enactment of specified conditions and restraints under which American military forces may act in the absence of a declaration of war; and

Termination of the state of national emergency declared during the Korean war and reexamination of the 170 national emergency statutes which grant various emergency powers to the President, and which have been in effect since they were proclaimed as emergency powers by President Truman in the Korean war.

I have watched with increasing unease and disquiet the events of the last few weeks in Southeast Asia as they unfolded before me. With deep foreboding, I viewed the expedition into Laos, which risked widening a war we are trying to leave, and the news embargo which shrouded what was happening from the view of the American public. Yet despite profound concern, I have hoped that all would be well and end happily. I chose to keep my counsel and remain silent. I remained silent because I believe that the time for rhetoric has passed. It has all been said by many people in many places, many times over. For my own part, I have spoken repeatedly and at length, as have most of the distinguished Members of the Senate, in seeking some solution to our bitter predicament in this corner of the world.

But now it is time to act. Now it is time for Congress finally to marshal its resolve and enact the legislation necessary to accelerate our withdrawal from the tragic conflict in Southeast Asia. It is time for Congress to rescind outdated emergency powers granted to prior Presidents, and to restore to the Congress its constitutional responsibilities in the field of foreign relations.

If we fail to do so, we shall have failed in our sacred trust to the people. To the extent that we fail this trust, we shall also have rendered a grievous disservice to the President. For with all the criticism and verbal sniping directed at him here and in the press, the President has sadly received little in the way of real, binding congressional guidance for his policies in Southeast Asia. And it is we in Congress, not the President, who must redress this error, which is our error, and restore the balance.

On assuming office 2 years ago, President Nixon inherited problems of monstrous proportions—I have often said, and I believe, probably of greater magnitude and difficulty than at any time since the Civil War.

Through the program of Vietnamization, and the gradual withdrawal of our troops, he has reduced the number of American forces in Vietnam by 200,000, cut in half the massive costs of our involvement, and reduced American casualties from over 500 to averages of less than 50 per week. And his program continues to reduce American forces, expenditures, and casualties in Vietnam and to move toward the ultimate goal of

ending our involvement altogether. These are monumental accomplishments and the objectives are extremely valuable and worthy, and I am sure that these objectives are shared by many Members of the Senate, as they are by me.

I have never proposed nor do I now propose that we withdraw precipitously, abandoning the ally we had helped create and fleeing a conflict we had helped to escalate. But I continue to believe that we must get out much faster than we are now doing. It is perfectly clear what Congress must do to achieve this end: We must establish a realistic timetable by which the President can complete withdrawal, hopefully, by the end of 1971. I supported the Hatfield-McGovern amendment in this vein last summer, for, without such enactment by Congress, how can we criticize the pace of the President's program? Without it, we leave the President at the mercy of friend and foe alike who may seek to keep us mired in a conflict whose character and significance are no longer the ones for which we entered it. It is no longer the same war. For, along with the high intentions, the vast material aid, the sacrifice of American lives, we have also brought misery and destruction and catastrophe to the people we sought to defend. And in increasing number they view us not with gratitude and comradeship but with resentment and hatred.

Last December, in the closing days of the 91st Congress, after considerable vicissitude throughout the summer, the Cooper-Church amendment finally achieved passage and was signed by the President. Amended to the Special Foreign Assistance Act, it prohibited the use of American ground combat troops and advisers in Cambodia. Earlier legislation, adopted in December 1969, had prohibited the use of ground combat troops in Laos and Thailand.

Recently there has been widespread contention that, in supporting the expedition into Laos and committing to it American air assistance, President Nixon has violated the spirit, if not the letter, of the Cooper-Church amendments. I do not support this argument. On the contrary, I believe the President has stayed well within the intent and language of the Cooper-Church amendments, as they were finally approved. And in viewing the vast inroads which North Vietnamese troops have for years made in Laos, I fully appreciate the agony of the decisions which the President had before him. Yet the existence of the Cooper-Church constraints, I believe, made his decisions simpler, and I hope easier. Two significant lessons are to be learned from this.

First, without the Cooper-Church guidelines, the pressures on him to commit American troops into Laos might have been too strong to resist. Second, the denial of American ground troops for this mission necessitated—if it was to be launched at all—the commitment of South Vietnamese troops. It has, in effect, forced the pace of Vietnamization. To carry this lesson one step further, I believe that enactment of a timetable for complete withdrawal by the end of the year, would further accelerate the process of Vietnamization. It is a human and natural tendency to delay such a process if delay is possible. When delay is ruled out, however, I am convinced that South Vietnam's forces will rise to the occasion. Indeed, there is a convincing body of argument which holds that by our overcommitment in Vietnam in the 1960's, we have robbed the South Vietnamese of the initiative and opportunity to carry the burden of the fight themselves—a burden which they are now increasingly assuming.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 7 minutes remaining.

Mr. MATHIAS. I thank the Chair.

But beyond the Cooper-Church amendments now passed, and the enactment of a timetable for orderly withdrawal, there are three other measures which Congress must adopt if it is to exercise its solemn responsibilities for questions of war and peace.

The first is S. 731, a bill to regulate undeclared war. This draft bill was introduced on February 10 by Senator JAVITS of New York. This bill sets forth in precise details the conditions and restraints under which American military forces may act in the absence of a declaration of war. It would require a President in such a situation to report the circumstances promptly to the Congress and to obtain congressional approval within 30 days or terminate the action.

The second essential measure is legislation I intend to introduce very shortly to revoke a number of grants of special power to the Executive—grants which are no longer appropriate. The legislation in its cumulative effect will be similar to Senate Joint Resolution 166 which the distinguished majority leader and I introduced in December 1969. It will provide for repealing the Formosa resolution of 1955, the Middle East resolution of 1957, and the Cuba resolution of 1962. The Gulf of Tonkin resolution of 1964 was, of course, repealed last year. These outdated resolutions gave the President authority to meet particular crisis situations which have long passed into the limbo of history.

The third essential measure is legislation I shall introduce which will seek to end the state of national emergency proclaimed by President Truman in December 1950, thereby re-examining some 170 statutes made operative by this proclamation and clarifying for the future situations of national emergency.

The purpose of these bills is to restore to Congress the constitutional responsibilities conferred upon us by the Founding Fathers in the field of foreign relations. In this regard, I was delighted to note that the distinguished chairman of the Armed Services Committee, Senator JOHN C. STENNIS, declared in an address on January 11 before the National Security Seminar:

> The first lesson (from the Vietnam War) is that in the future there must be a declaration of war by the Congress with respect to these engagements unless, of course, there is some major Pearl Harbor-type attack on the country.

As he noted, decisions of war and peace—decisions committing this peace-loving Nation to a course of war—are a congressional responsibility which we have too long abdicated. As the public debate of our policy in Southeast Asia continues, it would be well for us to re-examine where the responsibility lies. I believe it is we in Congress, and not the President, who have neglected our duty and ignored our public trust.

It is in our power to adopt a timetable for orderly withdrawal of all of our troops from Vietnam by the end of the year. A recent poll indicates that 73 percent of the American public support this proposal. Yet we have thus far not taken this initiative.

It is in our power to reassert our constitutional responsibility in foreign relations, rescinding presidential emergency powers no longer appropriate and setting forth precise responsibilities and constraints for the event of an undeclared war.

It is in our power to restore to Congress its full constitutional role over war and peace and in the field of foreign relations.

These measures are intended not to attack the President's policies but to support them. They are in furtherance of the principles of the Nixon doctrine whose foresight and prudence are more evident today than ever before. For, while furnishing aid and economic assistance to countries who are victims of aggression, it is clear that we must look to the country threatened to assume the primary responsibility of providing the manpower for its own defense. The measures I propose will hasten to put this cardinal principle into effect. Moreover, their enactment will create a clearer, more effective and more unified foreign policy for the United States; they will provide the President a specific timetable for complete withdrawal from Vietnam; and they will give him precise guidelines relating to involvements outside of Vietnam. But if we fail to adopt these measures, we can hardly blame the President—only ourselves.

Mr. President, in the Indochina war, where large and small tragedies abound, perhaps the most tragic circumstance is that the country we sought to defend has suffered grievously from our help. The overwhelming strength and vigor of our embrace came close to squeezing the breath out of that country, leaving it scarred and ravaged in the name of defense. To be sure, we helped defend against very real aggression from the North and from acts of terror, destruction, and brutality that cannot be dismissed. But, sadly, our defense against brutality and destruction and terror did not turn out as we had hoped. The noble motives with which we came to the aid of South Vietnam have long since been transformed by black markets and brothels, defoilants, and My Lai's. The people for whom we spilled American blood, incurred vast debts, and sacrificed our own domestic program, have grown understandably resentful of the destruction that attended our efforts to defend them. They have begun increasingly to look on our boys as their enemy. Little children and old women have been throwing handgrenades, not at the invaders from the north, but at the defenders from America. And our boys, unable to determine which little children and old

women might throw the next handgrenades, soon despaired of distinguishing and simply killed before being killed.

This is the tragedy we must end. This is the reason we must accelerate our withdrawal and return the defense responsibility to the Vietnamese themselves with all possible speed. Let us therefore close ranks, put aside party distinctions and proceed to enact the legislation that will bring about these objectives—not only for Indochina, but for America and for the future.

In assuming the responsibility on the part of the Congress to which I have previously referred, I think we have to exempt from that responsibility the distinguished Senator from Idaho (Mr. (CHURCH), who has attempted to lead us into the path of responsibility in action.

Mr. CHURCH. Mr. President, I thank the Senator from Maryland very much for yielding to me the remainder of his time in order that I may introduce a joint resolution, which certainly is offered in the spirit of the remarks he has made this morning for which I give him much credit.

Mr. President, how much time remains?

The PRESIDENT pro tempore. There remains an additional 3 minutes of the time allotted to the Senator from Maryland.

Mr. CHURCH. I thank the Chair.

SENATE JOINT RESOLUTION 48—INTRODUCTION OF A JOINT RESOLUTION TO REPEAL THE FORMOSA RESOLUTION

Mr. CHURCH. Mr. President, on behalf of the distinguished senior Senator from Maryland (Mr. MATHIAS), and myself, I introduce today a joint resolution repealing the Formosa resolution.

Sixteen years ago—January 29, 1955—the Congress authorized the President to use the Armed Forces of the United States to protect Formosa, the Pescadores, and related positions and territories against armed attack. Congress gave the President that authority completely and fully. Strange as it may now seem, Congress did not reserve the right to withdraw that authority from the President. The Congress agreed that the authority it conveyed to the President should "expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions." Presumably, that grant of authority can now be repealed only by a law which requires the President's signature, or must be passed over his veto.

Within days of the passage of the Formosa resolution, the Senate gave its advice and consent to the Southeast Asian Treaty—signed by the President on February 4, 1955—and to the Mutual Security Treaty—signed by the President on February 11, 1955—with the Republic of China, Chiang Kai-shek's government on Formosa.

According to their terms, neither of those treaties may be terminated by the Senate. While the Senate may advise the President that the treaties should be changed or terminated, the initiative for changing them must come from the President.

I cite these facts to illustrate in one significant area of our international relations how far the Congress went in giving the President untrammeled, unilateral authority to involve the Nation in military ventures abroad. How far we have gone in the surrender of power is illustrated by the statement of our Ambassador to the Republic of China when he testified last year before the Symington subcommittee—November 24, 1969, page 950 of hearings. Ambassador McConaughy said, in referring to the Formosa resolution, that:

> The authority vested by Congress in the President was to determine unilaterally whether an attack on the offshore islands relates to the defense of Taiwan and the Pescadores and, if so, what action is appropriate to meet that threat.

In 1955, there was concern that Communist China might invade Formosa.

But conditions have changed.

First. The monolithic Communist power represented by the close alliance between Russia and China has cracked.

Second. The threat of Communist invasion of Formosa has dwindled to the point where last year our Ambassador to the Republic of China testified that over the past 5 years the Government of the Republic of China has been much more active than the Communist Chinese in conducting low-level or small-scale military actions against mainland China for both military and political reasons—Hearings, page 951.

Third. Mainland China seems likely to be admitted to the United Nations within the next year or two.

Fourth. Our Government is talking with the Peking government at regular intervals in Warsaw and we are trying to encourage exchanges of newsmen and scholars.

Fifth. Canada has recognized Peking as have some 50 other nations.

Sixth. The fear that Mao Tse-tung might order a rampage throughout Asia is being tempered with the hope that, by small steps, the outside world may begin to influence that third of mankind that has been living in relative isolation.

There is a chance to create a reopening to the East, an initiative which I believe would be advantageous to both the United States and Asian nations. I believe that it also might mean the difference between peace and war in Asia, the latter being the norm on that great continent since 1931.

What have we to fear unless we have lost confidence in our own society?

In short, the time has come to welcome and encourage changed relations between mainland China and the United States.

Accordingly, I believe the Formosa resolution should be repealed and I send to the desk a joint resolution for that purpose. I ask unanimous consent that it be printed at this point in the RECORD, and that it be appropriately referred.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD in accordance with the Senator's request.

The joint resolution (S.J. Res. 48) is as follows:

S.J. RES 48

Joint resolution to repeal authorization for the employment of armed forces for the protection of Formosa and the Pescadores

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, The joint resolution entitled "Joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84–4), is repealed effective upon the date of adjournment sine die of the first session of the Ninety-second Congress.

Mr. CHURCH. Mr. President, for those who may fear that repeal of the Formosa Resolution would be a withdrawal of American support for the Republic of China, I hasten to note two things.

First, repeal of the Formosa Resolution leaves intact not only the SEATO Treaty, but more important in the case of Formosa, it leaves intact our Mutual Security Treaty with the Republic of China. That treaty contains an unequivocal promise that an attack on Formosa would be considered dangerous to U.S. peace and security, and states that each party to the treaty would act to meet an armed attack in the West Pacific . . . in accordance with its constitutional processes.

The second point is that the present administration, on March 12, 1970, informed the Committee on Foreign Relations that:

> Repeal of the Resolution would not affect our commitment to the defense of the treaty area or our ability to meet it.

The administration stated that the resolution is now 15 years old and:

> In the event of a new crisis in the Formosa Strait, this Administration would not view the continued existence of the Formosa Resolution as a source of Congressional authority.

Mr. President, constitutionally it is important that the Congress reclaim the carte blanche authority we delegated to the President in 1955 to unilaterally commit American Armed Forces to war in defense of another nation and related territories.

Constitutionally it is essential that national commitments to other nations be embodied in formal treaties and not be undertaken on the basis of sweeping and imprecise congressional resolutions.

Practically and factually, it is important to recognize the world as it exists in 1971, and not to continue basing our policies on the world of 1955.

Politically, it is important that we move toward an opening to the East, which hopefully will replace armed confrontation with more normal relationships.

And finally, from the point of view of our total foreign policy, it is essential to our security that future involvement in combat abroad of American Armed Forces be in accord with our constitutional processes—a phrase whose essence is that—except for events which require instant reaction—the President and the Congress must act together if this Nation is to be involved in war.

The resolution I have sent to the desk is a move in these several directions.

Mr. CHURCH subsequently said: Mr. President, I ask unanimous consent, in connection with the joint resolution I introduced a few minutes ago, having to do with the repeal of the Formosa resolution, that the resolution lie on the desk for a period of 10 days, for additional cosponsorship.

Mr. PACKWOOD. Mr. President, reserving the right to object—

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHURCH later said: Mr. President, I ask unanimous consent that the joint resolution I earlier introduced, relating to the repeal of the Formosa resolution, be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I want to make known my very deep interest in the presentation of the Senator from Maryland (Mr. MATHIAS). He has articulated, in terms of utmost cooperation with the President, points which he feels very deeply about. His main point is that the weight of the evidence is strongly in favor of a congressional declaration on the withdrawal of our troops from Vietnam and that this will work in the interests of our country.

I thoroughly agree, and that is the reason why I have supported the so-called McGovern-Hatfield approach. Also, I agree with the Senator from Maryland (Mr. MATHIAS) about examining with scrupulous care the whole congeries of resolutions which we have passed dealing with special emergencies in which the Congress, in effect, conferred what are our constitutional powers to declare war upon the President.

For too long this has grown into the American system through the action of vigorous Executives and through the fact that Congress has shrunk from its proper responsibility.

I am, myself, the author of a bill proposing by law to clarify the division of the war powers, for the first time in our history in a statutory way, between the President and the Congress. The Senator from Maryland (Mr. MATHIAS) referred approvingly to that bill, for which I am very grateful to him.

I wish to state that it is expected that hearings before the Foreign Relations Committee, of which I am a member, will open on March 8, 2 weeks from yesterday, on the bill to regulate undeclared war, designated as S. 731.

I wish to commend the Senator from Maryland (Mr. MATHIAS) on the studied and fine presentation that he made, following up his long initiative taken with the majority leader, of which I also had the honor to be a part, in the last Congress. I think this is the right way to go, and show we can learn from our mistakes.

There can be much argument as to whether or not we should have gone into Vietnam, whether or not there was a moral commitment, but of one thing we are sure. The Gulf of Tonkin resolution was a blank check, the likes of which Congress should not give away. The only way, in modern times, to have some control over the life and treasure of this country, in which the Congress has as much—no more, but as much—interest and responsibility as the President of the United States is to intelligently legislate on precisely how emergencies may be met. It is important that the wording of such legislation establish that the concurrence of the Congress is required in a dynamic and continuing way respecting any commitment of the United States to war.

I hope very much that the Senator from Maryland (Mr. MATHIAS)—the Senator from Mississippi (Mr. STENNIS) has expressed his interest in the matter—and other Senators will see fit to give their views.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ALLEN). The Senator will state it.

Mr. HUMPHREY. Under the rule of germaneness, would it be appropriate for the Senator from Minnesota at this time to introduce material not pertinent to the pending question?

The PRESIDING OFFICER. Yes, by unanimous consent that may be done.

Mr. HUMPHREY. I ask unanimous consent to do so.

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

DEDICATION OF THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Mr. HUMPHREY. Mr. President, an important step in closing the gap between the world of learning and the world of public affairs was taken last week with the dedication of the Woodrow Wilson International Center for Scholars.

As Chairman of the Center's Board of Trustees, I was proud to have been able to preside over those ceremonies, which were held at the Smithsonian Institution.

It also was my honor and privilege to have been able to introduce the President of the United States, who shares my high esteem for Woodrow Wilson.

Although this dedication marks the fruition of nearly a decade of work, it also signals the birth of a unique living memorial to a very unique human being, Woodrow Wilson.

In response to a joint resolution of the Congress, President John F. Kennedy appointed the Woodrow Wilson Memorial Commission in October 1961 to plan the national memorial to our 28th President. In its final report, the Commission recommended that the Wilson memorial include a center for scholars in downtown Washington.

Legislation to create the Center was introduced in the 90th Congress. The Woodrow Wilson International Center for Scholars was established by act of Congress approved October 24, 1968.

Mr. President, I ask unanimous consent that my remarks and those of the President of the United States at the dedication ceremonies be printed in the RECORD, along with other pertinent data on the Wilson Center.

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

REMARKS BY HONORABLE HUBERT H. HUMPHREY, OFFICIAL DEDICATION OF WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS, FEBRUARY 18, 1971

Mr. President, Secretary Ripley, Dean Sayre and other members of the Wilson family, ladies and gentlemen—my colleagues on the Board of Trustees and I and the Center staff and scholars are honored by your presence at the official dedication of the Woodrow Wilson International Center for Scholars.

The President and I share bonds in common other than the election contest in which we were joined in 1968 and service in the Senate and in the Vice Presidency. One such bond is our life-long admiration for Woodrow Wilson, whose presidency ended fifty years ago next month.

To my own father, no other public figure approached Wilson in stature. The fight for the League of Nations and the achievements of the New Freedom were an intimate part of my early heritage.

Many persons have helped make this occasion possible:

Dean Sayre, Chairman of the Woodrow Wilson Memorial Commission and his colleagues, who recommended the creation of an international center for scholars as the nation's first presidential "living memorial" institution;

Secretary Ripley and the Regents of the Smithsonian Institution who have provided the Center with its superb interim quarters above this Great Hall, which we hope you will visit during the reception to follow.

Time prevents mentioning all those—some present today—who had essential roles in the planning and development of the Center: Congresswoman Hansen and Congressmen Brademas, Frelinghuysen and Thompson: Senators Bible, Cooper, Pell and Williams, and to all Members of Congress; Mr. Peter McColough, President of the Xerox Corporation and Chairman of the Center's Advisory Committee; Mr. McGeorge Bundy of the Ford Foundation, and many others. But to each I would like to express the Board's appreciation.

Let me turn now to the Center's beginnings and objectives:

The wise and generous Congressional charter contained but two general guidelines, declaring that the Center should be a living institution: first "expressing the ideals and concerns of Woodrow Wilson", and, second, "symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs."

After seeking advice and counsel in many quarters in this country and elsewhere, we planned fellowship and guest scholar programs for the Center designed to accentuate those aspects of Wilson's "ideals and concerns" for which he is perhaps best known a half century after his presidency—his search for international peace and the imaginative, new governmental approaches he used to meet major contemporary problems.

These fundamental tenets of Woodrow Wilson's beliefs are reflected in two brief excerpts from the few recordings of his voice which exist today.

Listen now to his words of faith in democracy and its ability to meet with justice and wisdom the nation's problems, spoken in his address accepting the presidential nomination in 1912:

"Nor was the country ever more susceptible to unselfish appeals or to the high arguments of sincere justice. These are the un-

mistakable symptoms of an awakening. There is the more need of wise counsel because the people are ready to heed counsel if it be given honestly and in their interest. It is in the broad light of this new day that we stand face to face . . . with great questions of right and of justice, questions of national development, of the development of character and of standards of action . . . practical to live under, tolerable to work under . . ."

And hear also a sentence from his final public utterance, a radio broadcast (in which an announcer's voice echoes the text) given on the eve of Armistice Day in 1923, within three months of his death. The words lament United States refusal to join the League of Nations but show clearly, despite the audible inroads of age and illness, Wilson's indomitable trust in America's future fulfillment of its highest international obligations and ideals of honor and freedom:

"This must always be a source of deep mortification to us and we shall inevitably be forced by the moral obligations of freedom and honor to retrieve that fatal error and assume once more the role of courage, self-respect, and helpfulness which every true American must wish to regard as our natural part in the affairs of the world."

And so, under the Center's general Wilsonian theme, a wide variety of studies of significant, contemporary and emerging international, governmental and social problems are being undertaken. In addition, we have selected two subjects on which we are sponsoring substantial studies during the opening period.

(1) the development of international understanding, law and cooperation in the uses of the oceans and the protection of the marine environment;

(2) man's overall relations with his deteriorating environment with special attention to new forms of international cooperation needed to overcome environmental problems that transcend national boundaries.

We are exceedingly proud of the high caliber of the thirty scholars chosen in the Center's programs to date. Let me describe briefly their makeup and the philosophy that led to their choice:

First, they are strongly international in makeup because the perspectives we wish to foster here are world perspectives. Half of the first Woodrow Wilson fellows appointed come from the U.S.; half from ten other countries—Australia, France, India, Israel, Japan, Switzerland, U.K., USSR and Yugoslavia.

Second, they are selected from many nonacademic professions and occupations—government, law, business, journalism, diplomacy—as well as from a variety of the traditional academic disciplines including the social sciences, humanities and natural sciences. We felt strongly that no one discipline or field has a monopoly on "the world of learning" and that persons of intelligence drawn from many occupations are essential to find solutions to today's complex and interrelated problems.

Third, they are given short as well as long terms of appointment—varying from 3 weeks to 18 months in the first group—to facilitate participation by busy professional people as well as traditional scholars with well developed study projects.

Fourth, the scholars are chosen without consideration of arbitrary age limits. The first fellows range in age from 27 to 62, but I am glad to report that the Center is a community in which the span of generations has not given rise to a problem of communication between generations.

Fifth, Center scholars work both individually as well as in groups in approaching their subjects.

And, finally, the scholars are appointed to the Center primarily for what they can contribute, to borrow from the memorable phrase in James Smithson's will, "to the increase and diffusion of knowledge among men"—specifically in the case of the Center to the better understanding and solution of significant contemporary, international, governmental and social problems.

From my own recent experience in the academic world, as well as from past and present vantage points in the Executive and Legislative Branches of federal and local government, I have observed with increasing concern the widening gap between the world of learning and the world of public affairs. All too frequently people in public life are unaware of the best products of the academic world or believe that such products have little relevance to their public responsibilities and to the making of public policy and decisions. I now know the reverse to be true, and have seen how futile and removed goverment seems to all too many persons in the university community.

There are many reasons for this gap, but one reason has been the lack of institutional meeting grounds on which people in public affairs and people drawn from the academic world and from other learned professions can come together in an atmosphere of complete freedom of inquiry and equality to work on significant problems of common concern.

So, Mr. President, in dedicating the Woodrow Wilson International Center for Scholars today, we have set our sights high indeed. We ask no less today of the scholars and staff of the Center and those who will follow them than that they dedicate their experience, creativity and insights to the solutions of man's primary problems and the need for change to meet those problems. We hope that the scholars who labor here will always be willing to break new ground in search of essential truths; to attempt reasoned answers to vital questions based on known facts even though precedents may be lacking and solutions only imperfectly seen.

Woodrow Wilson stated well in a speech to the American Political Science Association almost sixty years ago a theme that could well stand today as the goal of the Center named in his honor:

". . . the man who has the time, the discrimination, and the sagacity to collect and comprehend the principal facts and the man who must act upon them must draw near to one another and feel that they are engaged in a common enterprise. The scholar must look upon his studies more like a human being and man of action, and the man of action must approach his conclusions more like a scholar."

The Wilson Center has no better friend than President Wilson's current successor, who stated a similar theme in a Message to the Congress in April of 1969 that "The District has long sought and long needed a center for both men of letters and men of affairs." It is my great privilege and honor to introduce the President of the United States.

REMARKS OF THE PRESIDENT, AT THE DEDICATION OF THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Senator Humphrey, Dean Sayre, Dr. Ripley, and all of the distinguished guests present here today:

I, first, express my deep appreciation to Senator Humphrey for his gracious introduction and also my commendation for his eloquent remarks.

And I would like to point out that in my opinion, had it not been for him, for his devotion, his dedication and his tenacity, we would not be meeting here today with this project now reaching its culmination. And to him and all the others who worked with him, certainly the thanks of the nation and the thanks of the people around the world go for seeing to it that the living memorial to one of America's greatest men is now coming into being.

And it, of course, is an historic occasion for all of us. For me, too, it is the first time that I have heard the voice of Woodrow Wilson, although I have read, as most of you have, most of what he has written.

And it brings a special meaning to this occasion that one of the distinguished religious leaders of this city and of this nation is here today, and that he is the grandson of Woodrow Wilson.

I am honored to celebrate this occasion and the dedication of this new international study to the memory of one of America's greatest Presidents.

Along with most Presidents of the past half century, I have long been a student of Woodrow Wilson. He was a man born ahead of his time. We have reason to hope that he was not born ahead of our time.

Ironically, this man, who used the English language to uplift and inspire, and who so enriched the lexicon of democracy is remembered most for one phrase he did not coin, a phrase that was twisted into a slogan of cynicism. He took that phrase from H. G. Wells' book, "The War That Will End War." Using that phrase as their center piece, there are some who class Woodrow Wilson as a colossal failure.

He won re-election in 1916 on the slogan. "He kept us out of war." But America went to war. That election, interestingly enough, was the background for my own interest in Woodrow Wilson and the inspiration he has provided for me, as he did for Senator Humphrey, the former Vice President of the United States.

My mother and father were both Republicans. California was the State, as you recall, that decided the election of 1916. The reason was that a number of Republicans voted for Wilson. My mother was one of them. She was a devout Quaker, a deeply dedicated pacifist.

I was only three years old in 1916, but for years afterwards, in a friendly way, my mother and father sometimes spoke of that election of 1916 in which my father had voted for Hughes.

But my mother, despite the fact that America did get into war after 1916, always had her faith in Woodrow Wilson. She used to say to me, "He was a good man. He was a man who deeply believed in peace." And she believed that the United States made an error in not following his advice after World War I.

He inspired her with his idealism and she in turn passed on that inspiration to me.

We all recall how Woodrow Wilson rallied the hopes of mankind that World War I would be a war that could end wars. We all remember, too, that wars followed, tragically.

He tried to lead the United States in the community of nations, but he failed to stem the tide of post-war isolationism. He died a broken man.

But now, with a half century's perspective, we can see the success of Woodrow Wilson begin to emerge. He identified the United States of America with the principle of the self-determination of all nations, weak and strong.

He lit a spark that merged this nation with the cause of generosity and idealism.

Every war-time President since Woodrow Wilson has been tempted to describe the current war as the war to end wars. But they have not done so because of the derision that the phrase evoked, a reminder of lost dreams, of lights that failed, of hopes that were raised and dashed.

What I am striving for above all else, what this nation is striving for in all that we do is something that America has never experienced in this century, a full generation of peace.

I believe that right now is the time for us to learn to walk in peace. The first step, of course, is to still the sound of war around the world.

We are moving in that direction. We have taken the first steps toward walking in peace. But we must first break the terrible world habit of war and only then can we learn the wonderous habit of peace.

That is why today I do not speak of the war to end wars. Instead, I hope to focus on something that men alive today can achieve for themselves and their children, on a dream that we can realize here and now, a genuine beginning toward our ultimate goal.

That is why I have set our sights on a span of time that men in positions of power today can cope with, just one generation, but one long step on the path away from perennial war.

That, too, is why it is more important now than ever before to summon up the spirit of Woodrow Wilson. For we can only establish the habit of peace by answering the call for human brotherhood, his inspiration for an understanding between men and nations.

Some of Woodrow Wilson's most eloquent speeches were made on the trip that he took to Europe immediately after World War I. On that trip, crusading for a League of Nations, he made the point vividly in the Mansion House in London.

He told the story of a great Englishman of letters, Charles Lamb, who once casually sa'd about another man, "I hate that fellow." And one of Lamb's friends replied, "I didn't know that you knew him." And Lamb said, "I don't. I can't hate a man I know."

And that is how Wilson made his point. He said, "When we know one another, we cannot hate one another."

Knowing one another in its deepest sense means far more than becoming acquainted or improving the atmosphere in relations between nations. It means that we must recognize our differences and come to grips with reality of conflicting national interests.

History has taught us that we do not know one another better by glossing over the substance of disagreements. We know one another better when we understand why nations disagree.

Then, and only then, can we act together to harmonize our differences. When we truly know one another we can have differences without hating one another.

I suggest that the greatest single achievement of Woodrow Wilson was in opening the heart of America for the world to see.

Since Wilson, the world better understands that America does stand for self-determination of all nations, that Americans fervently believe in a world living in freedom and peace.

Wilson died convinced he was a failure. He was wrong. The Wilsonian vision, the American passion for peace and freedom did not die. Through all the years of war, through all the setbacks of isolationism and weakness toward aggression, that vision has persevered—until now it is on the verge of triumph.

When we know one another, we cannot hate one another. In this still imperfect world, I am convinced that realistic understanding is on the rise and mindless hatred is on the decline.

The strong likelihood exists that there will be no need for a war to end wars, that instead by taking one careful step at a time, by making peace for one full generation, we will get this world into the habit of peace.

The time will come when Woodrow Wilson will be remembered not as a man who tried and failed, but as one of those Americans who saw the truth before his time and whose vision became the reality of the generation he inspired.

By his example, Woodrow Wilson helped make the world safe for idealism.

By following that example, by not fearing to be idealists ourselves, we shall make the world safe for free men to live in peace.

FACTS ABOUT THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

1. *What is the WWICS?*

It is a new international center for advanced contemporary studies in Washington, D.C., created by Congress as the nation's "living memorial" institution in honor of Woodrow Wilson. The Center is a place where men of letters and men of affairs from many nations can work together for brief or sustained periods on some of the major issues confronting man in the last third of the century.

2. *Where is it located?*

The Center is located in the newly-renovated, original Smithsonian Institution "castle" on the mall, where the Smithsonian has generously made more than forty rooms available for the Center's interim use in the central part of the building, including offices for scholars and staff, meeting rooms, library, commons rooms and a dining area.

Under the legislative history of the Act creating the Center, it will eventually have a building of its own, located, according to the recommendations of the Woodrow Wilson Memorial Commission and the President's Temporary Commission on Pennsylvania Avenue, in downtown Washington in the area north of the Avenue between the National Archives and the National Portrait Gallery—National Collection of Fine Arts Buildings.

3. *Who runs the Center?*

Placed by Congress in the Smithsonian Institution for administrative purposes, the Center operates under the direction of its own fifteen-man Board of Trustees, appointed by President Johnson and President Nixon—eight from private life and seven from federal positions, including the Secretaries of State, HEW and the Smithsonian Institution (list attached). Former Vice President Humphrey is the designated Chairman of the Board. Ex-Presidents Truman and Johnson are honorary members.

The Center is also aided by a strong bipartisan national and international Advisory Committee, headed by Mr. C. Peter McColough, president of the Xerox Corporation. (List Attached). Its members include persons prominent in public life, the universities, industries and the professions. Serving on the Advisory Committee as honorary members are the chief of state, head of government and/or foreign minister of Canada, France, Germany, Iran, Japan, the Netherlands and the United Kingdom.

The Center staff is under the direction of Mr. Benjamin H. Read, an attorney from Pennsylvania who was the Executive Secretary of the State Department from 1963 to 1969. Mr. Albert Meisel, previously with the Office of Economic Opportunity, Peace Corps and Council on Leaders and Specialists serves as deputy director.

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Albert Meisel, Deputy Director.

William M. Dunn, Administrative Officer.

Mary Anglemyer, Librarian.

Michael J. Lacey, Information Center Officer.

5. *How does the Center's fellowship program differ from other advanced studies programs?*

Scholars in the fellowship program of the Woodrow Wilson International Center are:

Strongly international in makeup (half of the first WWICS fellows appointed come from the U.S.; half from ten other countries: Australia, France, India, Israel, Japan, Korea, Switzerland, U.K. and Yugoslavia);

Selected from many non-academic professions and occupations (government, law, business, journalism, diplomacy, etc.) as well as a variety of academic disciplines (social sciences, humanities and natural sciences);

Given short as well as long terms of appointment (3 weeks to 18 months in the first group) to facilitate participation by busy executives as well as traditional scholars with well developed study projects;

Chosen without consideration of arbitrary age limits (fellows in their twenties, thirties, forties, fifties and sixties constitute the first Center community);

Work individually as well as in groups in approaching their subjects of study;

Appointed primarily for what they can contribute to the increase and diffusion of knowledge about significant international, governmental and social policy problems and their solutions.

The Wilson Center is *not* an educational in-

stitution; it is *not* a cultural exchange program—although both educational and cultural exchange benefits will exist. It *is* primarily a center for the encouragement of scholarship on vital current problems by persons of outstanding intellectual qualifications, experience and dedication.

6. *General and Specific themes of studies—Oceans and Environment*

(a) *General Theme*—The general theme of the Center's fellowship program is designed to accentuate those aspects of Wilson's ideals and concerns for which he is perhaps best known a half century after his presidency—his search for international peace and the imaginative new approaches he used to meet pressing current issues. Thus the statement of policy adopted by the Board states:

"Emphasis will be placed on studies designed to increase man's understanding of significant international, governmental and social problems, and to improve the organization of society at all levels to meet such problems. The focus will be on the public policy aspects of contemporary and emerging issues which confront many peoples and, where applicable, on comparative analyses of different cultural, regional and other approaches to such issues."

(b) *Specific Themes: Oceans and Environment Studies*—More than half of the charter members of the Center's scholarly community are working on two areas of study selected by the Trustees for special analysis during the opening year(s):

Oceans—The first relates to the development of international law and cooperation in the uses of the oceans. Given the fact that the oceans cover 70 per cent of the earth's surface and contain a large proportion of the planet's mineral and food resources, including four-fifths of all known animal life, the extension of existing laws has become an urgent necessity to avoid conflict and to safeguard marine environment in the face of advancing population and technology. New and growing pollution hazards, exploitation capabilities, military uses, scientific research, depletion of certain fish stocks, supertanker developments, unresolved legal issues and claims, differences between the few states with advanced marine use capabilities and those without such means—all call for sustained study to extend existing understanding, law and cooperative practices.

Environment—The other area designated for special encouragement involves studies of twentieth-century man in perspective, including consideration of the philosophical, social, political and economic implications of various environmental problems. Many research centers are well equipped to study man as a machine, and technical environmental studies are relatively plentiful. The Center's studies relate to the kinds of attitudinal and institutional changes that are called for if environmental deterioration is to be halted, and on ways in which such changes as are indicated may be brought about. Particular attention is given to new forms of international cooperation needed if those problems that transcend boundaries are to be addressed effectively.

7. *How is the Center financed?*

From its inception the Congress has intended that the Wilson Center be a joint public-private enterprise with financial support coming from both sectors. This in fact has been the case.

The Center was able to organize and start its operations in the spring of 1969 by virtue of a grant from the Ford Foundation. As of December 1, 1970 a total of $220,000 had been raised from private sources to help meet initial development and fellowship costs.

In the fall of 1970 the Congress appropriated $100,000 for the use of the Center in fiscal year 1971. In its first operating year the Congress has provided an appropriation of $750,000 to equip and administer the Center and to finance twenty of the forty fellowships (at an estimated average cost of $23,000 per fellowship) for which facilities are provided in the interium quarters. For the fiscal year 1972 the Board of Trustees has requested funds which would again permit payment of administrative costs and half of the intended forty fellowships from public sources.

In order to bring the Center to full capacity in its first year of operations the Board of Trustees must raise approximately $250,000 additional fellowship funds from private sources—foundations, corporations and individuals—in the United States and in other countries.

Some extremely strong fellowship applications have been received from the United States and other countries, and more are coming in each week.

8. *How are fellowship stipends determined?*

Financial support in the form of stipends are available from the Center to meet the fellow's previous year's salary rate up to a stipulated ceiling with cost of living adjustments for scholars from other countries, based on the principle that the fellowship should not involve financial loss or gain to the recipient. Each fellow, however, is asked in the first instance to seek any possible financial support from his own institution, government, foundations, or other sources. Funds are also available to cover certain travel expenses for the fellow and his immediate family to and from Washington, if warranted by the length of the appointment in question.

9. *What is the scholar selection system?*

Nominations and application forms are available by writing to the Center and completed forms are processed on receipt. The normal selection schedule calls for the issuance of invitations three times each year—March 1 (January 1 deadline for applications); July 1 (May 1 deadline); and December 1 (October 1 deadline). Appointments may start at any time after the issuance of invitations and the completion of arrangements. Ordinarily applications should be received well in advance of the period of appointment sought, but no fixed lead time is required.

In processing nominations and applications the Center staff obtains the advice of expert outside advisory panels. Panel members to date have included such academic and professional luminaries as: Marver Bernstein, Dean of the Woodrow Wilson School at Princeton; O. B. Hardison, Jr., Director of the Folger Shakespeare Library; Margaret Mead, anthropologist; Henry Riecken, President of the Social Science Research Council; Max Frankel, Washington bureau chief of the New York Times; and Daniel Boorstin, Director of the Museum of History and Technology.

In extending and passing on applications the Board has determined that the following criteria will be used: (1) scholarly capabilities and promise in areas of primary interest to the Center; (2) likelihood of contributing the complementary experience and knowledge needed for a lively and productive intellectual community; (3) relevance of Washington area intellectual resources or people to proposed area of study; and (4) thorough speaking and writing knowledge of English.

The Board of Trustees has reserved to itself the final review and approval of all invitations of appointment.

10. *What is the Center's relationship to Washington area and other institutions?*

The WWICS is an independent institution under the direction of its own Board of Trustees and located for administrative purposes in the Smithsonian Institution complex.

It is not related in any formal way to any of the many schools and programs named in honor of Woodrow Wilson—all of which are sponsored and financed by private or state means—although informal ties are close and friendly with these institutions.

The same is true of the universities and colleges in the Washington area. Close, informal ties exist, but there is no formal relationship, since the Center is clearly intended as a national and international institution and not the affiliate or associate of any one private institution.

11. *What are its relations with the capital area community?*

One of the basic objectives of the Center is the creation of an intellectual community in the Washington area which can help strengthen the relations between "the world of learning and the world of public affairs." Each fellow in accepting an appointment has agreed to participate regularly in dinners and other discussion groups with his colleagues and invited guests and to take a turn at leading such discussions or presenting a paper for discussion on such occasions. By this means the Center board hopes that the scholars will establish close and significant ties with the official, diplomatic and private intellectual communities of the area and nationally.

This process is aided by the many resources of the Washington area, which bring increasing numbers of scholars to the city in search of the rich and growing library, program and manpower assets of the area. The Center has established a small information center service to assist scholars to locate most efficiently the resources needed in their work.

In addition, the Center's board has hosted a series of community leader luncheons and other informal get-togethers to create close and enduring ties with the Washington community.

Location in the Smithsonian Institution complex will provide a valuable resource and relationship on which to draw and the social scientists and humanists at the Center will benefit greatly from close relations with the Smithsonian scientific community.

12. *Independent nature of studies and scholars at Center.*

Although the Wilson Center is partially financed from public appropriations and a minority of its Board of Trustees are ex-officio federal officials, the legislative history of the Center and the decisions of the first Board of Trustees make it unmistakably clear that there will be a spirit of complete freedom of inquiry in all scholarly work done at the Center.

To help insure this end the Board determined unanimously that government research contracts will not be sought or accepted at the Center.

The high caliber of first scholars appointed attests to the genuine and complete independence of the Center from government control.

13. *Woodrow Wilson Quotes and Statements about the Center by President Nixon, former Presidents and Chairman Humphrey.*

WOODROW WILSON

"The man who has the time, the discrimination, and the sagacity to collect and comprehend the principal facts and the man who must act upon them must draw near to one another and feel that they are engaged in a common enterprise. The scholar must look upon his studies more like a human being and a man of action, and the man of action must approach his conclusions more like a scholar."

(Address to American Political Science Assn. Annual Meeting 1911)

"Democratic institutions are never done; they are, like the living tissues, always 'amaking' ".

HARRY S. TRUMAN

"Woodrow Wilson was one of the greatest of our Presidents and he brought to that

office his deep scholarship, a profound sense of history—and maturity of our democratic purpose. My best wishes to the Board of Trustees of the Woodrow Wilson International Center for Scholars on this very important undertaking."

(President Truman's Letter to Chairman Humphrey, May 5, 1969)

JOHN F. KENNEDY

"We have a continuing commitment, in the words of President Wilson, to the service of humanity. His life, his actions, and his ideals serve as an inspiration today to the achievement of the goals that he articulated so well . . . I hope the Commission will plan a memorial that expresses the faith in democracy, vision of peace and dedication to international understanding that President Wilson himself did so much to advance."

(Statement at Signing of Bill Creating Woodrow Wilson Memorial Commission October 4, 1961)

LYNDON B. JOHNSON

"The dream of a great scholarly center in our Nation's Capital is as old as the Republic itself. There could be no more fitting monument to the memory of Woodrow Wilson than an institution devoted to the highest ideals of scholarship and international understanding."

(Message to Congress, March 13, 1968)

The Congress of the United States:

"The Congress hereby finds and declares . . . that a living institution expressing the ideals and concerns of Woodrow Wilson would be an appropriate memorial to his accomplishments as the 28th President of the United States, a distinguished scholar, an outstanding university president, and a brilliant advocate of international understanding; . . . that (an international center for scholars), symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs, would be a suitable memorial to the spirit of Woodrow Wilson."

(Woodrow Wilson Memorial Act of 1968 (PL—90–637)).

RICHARD M. NIXON

"My greetings to the first scholars and to all responsible for the opening today of the Woodrow Wilson International Center for Scholars. As a long time admirer of the twenty-eighth President, who combined a devotion to scholarship with a passion for peace, I can think of no more fitting tribute to his memory than this new international center where men of letters and men of affairs from many nations will dedicate their scholarship to gaining new understanding of the pressing problems confronting men now and in the years ahead. It is my hope that the Center will prove to be, as it was first proposed, 'an institution of learning that the 22nd century will regard as having influenced the 21st'."

(Message to Center, October 19, 1970).

"And to [Senator Humphrey] and all the others who worked with him, certainly the thanks of the nation and the thanks of the people around the world go for seeing to it that the living memorial to one of America's greatest men is now coming into being."

(Remarks at Dedication of Center, February 18, 1971)

HUBERT H. HUMPHREY

"One of the reasons we have labored so hard to launch the Center is the belief that there is an urgent need for an institutional meeting ground where men and women from many nations whose lives are devoted to public service and outstanding persons from the academic world and other learned professions can come together to work on common problems of major importance which cut across the boundaries of disciplines, professions and nationalities alike in an atmosphere of complete freedom of inquiry and equality.

(Message to Center, October 19, 1970)

"So, Mr. President, in dedicating the Woodrow Wilson International Center for Scholars today, we have set our sights high indeed. We ask no less today of the scholars and staff of the Center and those that will follow them than that they dedicate their experience, creativity and insights to the solutions of man's primary problems and the need for change to meet those problems."

(Remarks at Dedication of Center, February 18, 1971)

FEBRUARY 22, 1971.

FELLOWS AND GUEST SCHOLARS OF WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

1. Fellows

(1) *Environment Studies*

Stephen V. Boyden, 45, Australia, Head of Urban Biology Group at Australian National University. Writer and lecturer on broad biological consequences of advancing technology in advanced societies. Writing book on "The Biology of Civilization" which will be an attempt to describe aspects of the contemporary human situation in biological perspective, and to discuss interaction between natural and cultural processes as they relate to problems of modern man. (October 1970–February 1971.)

Douglas M. Costle, 31, attorney and government official. Graduate of Harvard University and University of Chicago Law School. As a senior staff associate on the Environment and Natural Resources Panel of the President's Advisory Council on Executive Organization under Roy Ash, Costle and one other have been given principal credit for formulation of President Nixon's reorganization plan and message on the new Environmental Protection Agency (EPA). Will concentrate at the Center on related basic values issues of the quest for a better environment and the international institutional and political questions which will call for sustained attention.

Elizabeth Haskell, 28, formerly on research staff of the Urban Institute in Washington, D.C.; previously a legislative aide to U.S. Senator Jackson; and policy analyst for the Assistant Secretary of the Interior for water pollution control; is heading small task force project funded largely by the Ford Foundation to analyze state environmental institutions. The study will formulate general guidelines based on legal and public administration research, to assist state legislatures in developing comprehensive, environmental institutional arrangements. Currently also coauthoring book on thermal pollution, she has in past year compiled two-volume compendium and evaluation of federal programs involved in urban waste management and regulation of quality of urban environment.

Paul G. Kuntz, 55, Professor of Philosophy, Emory University, Atlanta. A Ph. D. from Harvard, Kuntz has also taught at Smith and Grinnell Colleges. He is the author of several books on philosophy and numerous articles covering a wide range of humanist concerns. Is working at the Center on various writings stemming from *The Concept of Order* (1968) such as order in individual experience, the ordering of societies, and concepts of the order of nature crucial in discussions of the environment.

Athelstan Spilhaus, 59, meteorologist, oceanographer, environmentalist; American Association for the Advancement of Science, president 1970–71; Chairman of the Board 1971–72. Self-employed as writer and consultant in Florida during last year, Spilhaus has been president of the Franklin Institute in Philadelphia 1967–69; dean of the Institute of Technology at the University of Minnesota 1949–66; and has held a succession of teaching, consulting and board positions in the fields of meteorology, oceanography and other natural sciences. He has held presidential appointments—UNESCO, Seattle World's Fair and National Science Board—under Presidents Eisenhower, Kennedy and Johnson. His executive writings have concentrated recently on environmental issues, particularly new town issues.

Robert E. Stein, 32, Attorney Adviser, Legal Adviser's Office, Department of State; served as attorney for U.S. Section of International Joint Commission (U.S. & Canada); previously attorney, U.S. Arms Control and Disarmament Agency; honor graduate, Brandeis University and Columbia Law School. His project deals with methods of organizing transnationally for environmental control with special emphasis on the role that can be played by regional institutions.

(2) *Ocean studies*

R. P. Anand, 37, Professor and Head of the Department of International Law, School of International Studies, Jawaharlal Nehru University in New Delhi; author of several books and numerous articles on international courts, arbitration, conflict settlement, developing role of the newly-independent Asian-African countries in the present international legal order, and several other aspects of international law. Is writing a book on "Legal Regime of the Seabed and the Developing Countries."

Edward Duncan Brown, 36, Senior Lecturer in International Law at University College, London; Master of Laws with Distinction and Ph. D., University of London (Ph.D. thesis on legal regime of submarine areas); author of *The Legal Regime of Hydrospace,* 1971, and a number of articles and papers on ocean issues, particularly legal regime of deep sea mineral exploitation, freedom of scientific research and pollution problems. Is completing a study on Arms Control in Hydrospace and undertaking a comparative study in depth of institutional models for a legal regime for the sea-bed beyond national jurisdiction.

Lucius C. Caflisch, 34, Assistant Professor of International Law, Graduate Institute of International Studies at Geneva, Switzerland. Holds law degrees (*License en droit* and *Docteur en droit*) from the University of Geneva and a Master of Arts Degree from Columbia. Has published a book and articles on international law in various periodicals. Is doing research and writing on international legal questions relating to the pollution of the seas.

Moritaka Hayashi 32, member of study group of ocean exploitation law at Japanese Institute of International Business Law in Tokyo; Lecturer at Hosei University in Tokyo; previous assignments with legislative reference bureau of the Japanese Diet. Has law degrees from both Waseda University in Tokyo and Tulane University in New Orleans, and has done advanced graduate study work at the University of Pennsylvania. Author of several articles and a book on various aspects of the law of the sea, particularly on continental shelf problems. Will do systematic research on Soviet attitudes toward ocean space, deep seabed and ocean floor problems, and the prospects for international cooperation with the West in this area. (Coming March, 1971.)

E. W. Seabrook Hull, 47, marine affairs publicist. President Nautilus Press, and editor, *Ocean Science News, Coastal Zone Management,* and *World Ecology 2000;* previous editor, *Underseas Technology;* editor with McGraw-Hill, Whaley-Eaton Service; authors of books and articles on oceans; Master of Marine Affairs, University of Rhode Island. Is working on model international regime for prevention, control and clean-up of ocean pollution.

Vladimir Ibler, 57, Professor of Public International Law, University of Zagreb, Yugoslavia. Author of a number of publications on international law, in particular on the law of the seas. Is studying problems arising in connection with the proposed conference on the law of the sea in 1973, especially those of preservation of freedom of the seas.

Gerard J. Mangone, 52, former Vice President for Academic Affairs and Professor of

Political Science at Temple University, Philadelphia, is the author, co-author, or editor of some twenty books on international relations. He is Senior Fellow and Coordinator of Ocean Studies at the Woodrow Wilson International Center for Scholars.

P. S. Rao, 27, a graduate of Andhra University, Waltair, India, Rao has just received his doctorate in international law from Yale University. His thesis was on "Legal Regulation of the Exploitation of the Deep Seabed". Is doing research on the international issues involved in offshore natural resources exploitation and world public order.

George E. Reedy, Jr., 52, writer; previously press secretary to President Johnson 1964–65; special assistant to the Vice President 1961–63; staff director, Senate Majority Policy Committee, 1955–60; member of (Stratton) Commission on Marine Science Engineering and Resources (1967–69). Based on his experience on the Stratton Commission and extensive subsequent research, Reedy is writing a book on marine policy problems.

Hideo Takabayashi, 43, Professor of International Law, Ryukoku University, Kyoto, Japan; author of numerous articles and book on maritime and ocean law problems, particularly questions concerning the territorial sea. Is doing study of future regime of the deep seabed and the exploitation of its resources, with special emphasis on the needs of developing countries. (October 1970–March 1971.)

(3) *General Studies*

R. C. Anderson, 51, Associate Director, Brookhaven National Laboratory; specialist in chemistry and American Literature; studied role of science in modern society by an interview process with officials in the Executive and Legislative Branches. (October–November 1970.)

Shlomo Avineri, 37, political scientist and historian; chairman of the Political Science Department of Hebrew University in Jerusalem; Ph.D. from London School of Economics (1964). Author of recent works on Marx and Hegel, Avineri wishes to pursue his studies of possible options for the resolution of the Arab-Israeli conflict, with special attention to the role of the Palestinians on whom he is an acknowledged expert. (Coming Sept. 1971.)

Rajeshwar Dayal, 61, former senior fellow at Woodrow Wilson School, Princeton; previously Foreign Secretary and Head of Indian Foreign Service; Special Representative of U.N. Secretary General in Congo and head of U.N. Mission; Indian Permanent Representative to U.N.; High Commissioner to Pakistan; Ambassador to France, Yugoslavia, Bulgaria, Romania and Greece; Minister in Moscow. Is writing book on international peacekeeping, conciliation and mediation.

Alton Frye, 33, on leave as Administrative Assistant to Senator Edward W. Brooke; political scientist; writer; Ph.D. from Yale; former staff member of the Rand Corporation. Is writing book on "A Responsible Congress: The Legislative Context of American Foreign Policy", for which he has received a grant from the Council on Foreign Relations.

Jackson Giddens, 35, Assistant Professor of Political Science at MIT; Ph.D. from Fletcher School of Law and Diplomacy. He is studying the origins and effects of Wilson's approach to communications with other nations, particularly the idea of open diplomacy and its implications for American propaganda overseas.

Jules Gueron, 62, Professor, Science Faculty, Sorbonne; specialist in physical chemistry; former Director, French Atomic Energy Commission; former Director General, European Atomic Energy Community. Wants to study (1) process by which U.S. Government science policy is developed; and (2) relevance of U.S. interstate regulating system for European Community. An internationally known physical chemist and science administrator as well as a philosopher and student of comparative political developments. (Coming June 1971.)

Donald L. Horowitz, 31, attorney, U.S. Department of Justice. Law degrees from Syracuse and Harvard Law Schools; Ph.D. in government. Harvard University. Author of several articles on race and ethnic problems. Horowitz plans to undertake research and comparative study at the Center on the politics of ethnic and racial relations in developing countries. The study will center on (1) the sources of ethnic conflict, (2) the patterns of ethnic politics, and (3) the strategies of ethnic accommodations in divided societies. Horowitz holds a joint appointment from the Woodrow Wilson Center and the Council on Foreign Relations.

Robert E. Lane, 53, Political Science Department. Yale University; formerly, chairman of department; President, 1970–71, of American Political Science Association; author of several books and numerous articles on American government and political life; is studying ways in which political science research can become more useful and better known to top Executive and Legislative Branch officials.

Yves-Henri Nouailhat, 35, French historian, writer; Assistant Professor of History at the University of Nantes; is studying relations between France and U.S. between 1914 and 1917 for which he has received a grant from the American Council of Learned Societies.

H. J. Rosenbaum, 29, Assistant Professor of Political Science, Wellesley College, and specialist in Latin American politics and comparative foreign policy. A Ph. D. from the Fletcher School of Law and Diplomacy and author of numerous articles on Latin American Affairs, Rosenbaum is studying recent Latin American security developments and writing a book on Brazilian economic and political development.

Harold I. Sharlin, 45, Professor of History, Iowa State University. Teaches history of science and technology and their influence on American culture; author of numerous articles and of *The Making of the Electrical Age* (1963), *The Convergent Century; The Unification of the Sciences in the Nineteenth Century* (1966), forthcoming work on Lord Kelvin. Is working on the role of 19th century science and technology in the formation of American attitudes and beliefs.

Kurt R. Spillmann, 33, Switzerland, specialist in American History at University of Zurich; holder of research fellowship at Yale University, 1969–70; author of several publications, including articles on Wilson and Roosevelt. Studying "motives and goals of the peace concepts of Woodrow Wilson and Franklin D. Roosevelt: a case study of the gap between long-range objectives on foreign policy and the realities of making peace."

David Wise, 40, author and journalist, Washington, D.C.; formerly Washington Bureau Chief, *New York Herald Tribune;* co-author of *The U–2 Affairs* (1962), *The Invisible Government* (1964), *The Espionage Establishment* (1967); and *Democracy Under Pressure* (1971), a college textbook on the American political system; numerous articles in leading newspapers and magazines. Studying processes through which government-decision making and action, especially in the field of foreign policy are—or are not—translated into public information and public support.

B. *Guest Scholars*

Lynton K. Caldwell, 57, political scientist; professor of government at Indiana University; author of a number of books and publications on biopolitics, science, ethics and public policy and articles over several years on environmental questions. Now working on book on "Protecting the Biosphere: International Organization for Environmental Control" for publication in 1972 prior to U.N. Environmental Conference. Based on considerable travels books will concentrate on international understanding, cooperation and arrangements necessary for combatting environmental problems on international scale, influence of international business, science and technology and limitations of present international structure. Will conduct and participate in planned series of seminars at Center in 1971 on international environmental issues.

Aaron L. Danzig, 57, attorney, senior partner in law offices of Nemeroff, Jelline, Danzig, Paley and Kaufman, New York City; A. B. and LLB Columbia; LLM New York University; President, U.S. Financial Co., Inc., New York City; charter member World Peace through Law Center; chairman of U.N. Charter Commission; member Commission to Study Organization of Peace. Author of books and articles, including draft legal regimes on seabeds, U.N., etc. Plans to spend three weeks at Center developing treaty proposal on ocean pollution matters.

Wilton S. Dillon, 47, anthropologist and educator, Smithsonian Institution, former director of seminars, now attached to Office of Environmental Sciences. A former university teacher and foundation executive, Dr. Dillon spent six years at the National Academy of Sciences, Washington, D.C., helping to organize international cooperation on science and technology in developing countries. He is author of *Gifts and Nations*, and co-editor, *Man and Beast: Comparative Social Behavior*. He is presently working on an essay about the management of science diplomacy, and a book on intellectual life in Africa.

Rene Jules Dubos, 69, micro-biologist and leading environmentalist; professor at Rockefeller University in New York City; first to demonstrate feasibility of obtaining germ-fighting drugs from microbes more than twenty years ago. Noted author of fourteen books, including Pulitzer Prize in 1969 for "So Humane an Animal". Dubos has been concerned with the effects and environmental forces—physio-chemical, biological and social—exerted on human life. His interest in the biological and mental effects of the total environment has involved him in the sociomedical problems of the underprivileged communities as well as the developed areas of the world. Dubos has indicated he will devote "ample time to participate in the activities of the Woodrow Wilson International Center" in defining environmental study objectives and in helping to find and select the scholars who would like to work on these problems at the Center in its opening year.

V. A. Fedorovich, 46, U.S.S.R., has higher degrees in both engineering and economics and has taught political economy at the University of Moscow. Currently a research fellow at Institute of U.S.A. in Moscow, Fedorovich is a specialist in science policy and is gathering data on U.S. government system of research and development contracting in science. (January-February 1971.)

Edward Wenk, Jr., 50, professor of engineering and public affairs, University of Washington; Chairman, Committee on Public Engineering Policy, National Academy of Engineering; formerly executive secretary (1966–70), National Council on Marine Resources and Engineering Development; leading authority on multiple policy aspects of ocean uses; first advisor on science and technology, Legislative Reference Service, Library of Congress; Executive Secretary of Federal Council for Science and Technology; Director of Engineering in civil engineering, Johns Hopkins. Dr. Wenk is spending regularly two days a month on ocean studies at the Center.

The PRESIDING OFFICER. At this time, under the previous order, the Chair recognizes the Senator from Illinois (Mr.

PERCY) for a period not to extend beyond 12 o'clock noon.

THE ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. PERCY. Mr. President, on the 53d anniversary of Lithuanian independence, we look across the years of contemporary history and remember the millions of men, women, and children of many nations and cultures who have been oppressed and denied their rightful destinies.

We rise in tribute today to the people of Lithuania who—under the most difficult circumstances—have, somehow, some way, maintained their historical, cultural, and religious traditions.

But we think also of the Poles, the Czechs, the Slovaks, the Hungarians, the East Germans, the Albanians, the Latvians, the Estonians, the Ukrainians, the Armenians, the Georgians, the Cubans, and the Asians who live under Communist rule.

For millions of people on three continents live in these conditions. They must not be forgotten. And I am certain that I speak for all my colleagues in the Senate of the United States when I say that they will not be forgotten.

The Lithuanian people, together with their sister nations of the Baltic area, have suffered such oppression since 1918, before most of today's living Americans were born. Think of it: For two and a half generations, Lithuanians have been denied their freedom and self-determination.

This year the plight of the Lithuanian people has been dramatized before the entire world by the attempted defection of the Lithuanian sailor, Simas Kudirka, and by the efforts of Pranas and Algirdas Brazinskas and of Vytautas Simokaitis to gain freedom. By their acts they have reminded the world that Lithuania yearns to be free.

Today Mr. Eugene A. Bartkus, immediate past president of the Lithuanian American Council, who has been exceedingly active in Lithuanian affairs, is in Washington to talk with Members of the Senate about what can be done to achieve a degree of freedom for the people of Lithuania.

The members of the council are among the many Americans of Lithuanian heritage whose good work helps keep alive the hope of freedom for Lithuania. On the occasion of the anniversary of Lithuania's indepedence, we salute them and their dedicated coworkers across this land.

We pray that freedom such as ours here in America will one day be enjoyed by the people of Lithuania and of all the world.

Mr. BEALL. Mr. President, February 16 marked the 53d anniversary of the proclamation of independence by the gallant people of Lithuania. On that day the centuries-long struggle of the Lithuanian people to be free of foreign domination was at last realized.

History and geography have been brutal to the proud freedom loving people of Lithuania. Throughout most of their history they have been subjected to the humiliation of foreign rule. During the 18th and 19th centuries, Czarist Russia not only ruled the Lithuanians but also attempted, via a policy of Russification, to destroy the cultural heritage of the national minorities that lived within their imperial empire. The chaos that followed the collapse of the Romanov dynasty during World War I enabled the Lithuanians to proclaim their independence. Two more years of warfare ensued before peace and international recognition confirmed their fragile independence.

We mark this occasion, not with the joy that accompanies our own independence day celebrations, but with the grim realization that the freedom and independence of these proud, long suffering, Baltic peoples was to last but 22 years. Tyranny would once again replace liberty, by mid June 1940, when the Soviet Union occupied Lithuania and installed a puppet regime that requested annexation to the U.S.S.R. War, devastation, and alternating waves of German and Russian invaders would mark Lithuania's fate during World War II. Deportation and continued subjugation were the order of the day as the Soviet Union reasserted its control following the collapse of Nazi Germany in 1945.

This anniversary is an opportune time for us to remember the heroic efforts to the Lithuanian people to be free. We who have always lived in a land of democracy and freedom often take these treasures for granted. It is appropriate for us to remember that there are other peoples longing to be free. We can only hope that some day the dream embodied in the Atlantic Charter, "to see sovereign rights and self-government restored to those who have been forcibly deprived of them," can at last be realized by the freedom-loving people of Lithuania.

Mr. MATHIAS. Mr. President, I am proud to add my voice to the excellent statement of the Senator from Illinois (Mr. PERCY) in commemoration of Lithuanian Independence Day. Buffetted by invasion and domination by powerful neighbors, for close to 1,000 years, Lithuania has nevertheless kept alive its spirit and its ethos. In 1939 Lithuania received the dubious "protection" of the Red Army, and in 1940, after a rigged election, she was forced to request incorporation into the Soviet Union. Her people were deported in large numbers, her inteligentsia was systematically decimated, and her treasures were ravaged first by the Soviets in 1940, then by the Germans in 1941, and again by the Soviets in 1944. It is indeed extraordinary that the flame of Lithuanian culture, however, tenuous it may appear, continues to survive today. And it is fitting that this flame is strongest today in the United States.

At the same time it is particularly sad that our most recent reminder of the plight of Lithuania was reenacted last November in the events that resulted in the return of the would-be defector, Simas Kudirka, to Soviet captivity. The tragedy of human life and liberty that was reflected in this act filled all America with shock, disbelief, and a sense of profound shame. This act cannot be undone. But we can seek to learn from this grievous mistake and to rededicate ourselves to the principle for which America has traditionally been a symbol throughout the world: The principle of the sanctity and inviolability of the individual. Let us therefore in the name of Simas Kudirka direct our respect and honor to the spirit of Lithuania, which remains unextinguished, on this day of commemoration of Lithuanian Independence Day.

Mr. BUCKLEY. Mr. President, I am pleased to join my colleagues today in paying tribute to the Lithuanian people on the 53d anniversary of Lithuanian independence, celebrated February 16.

The story of the Lithuanian people is a chronicle of continued domination. The Lithuanians were dominated by Russia from 1795 to 1915, then occupied by the Germans. The Lithuanians did experience two decades of independence prior to being declared a constituent republic of the U.S.S.R. on August 3, 1940. Lithuania was occupied by the Nazis following Germany's attack on the Soviet Union in 1941. Then, beginning in 1944, the Soviet Army again reoccupied Lithuania.

The United States has never recognized the Soviet incorporation of Lithuania or of the other two Baltic States, Estonia and Latvia. I applaud such a policy because the United States should not, even symbolically, acquiesce to Soviet domination of these nations. The eventual freedom and independence of Lithuania, as well as Estonia and Latvia, must be an objective of American policy.

The media of the Communist nations continue to polemicize about "Western colonialist powers." Yet, the continued subjugation of Lithuania, and the other Baltic States, eloquently testifies to the nature of the world's colonial power, the Soviet Union.

All of us are aware of the tragedy last November 23 of Simas Kudirka, the Lithuanian seaman who attempted to defect to the United States. Americans were outraged and saddened by the succession of events that day which, in effect, denied asylum to this young man. Although President Nixon has taken action to prevent the recurrence of such an incident, Americans will long remember this contradiction of a traditional policy of welcoming those who seek freedom.

Simas Kudirka focused attention once again on the plight of the Lithuanian people. Kudirka reminded Americans, who in their own security had forgotten, that too many people still live under the domination of foreign powers. I am optimistic enough to believe that someday the Lithuanian people will be free, because of the will to freedom which has characterized the Lithuanian people.

There are about 1 million Americans of Lithuanian descent, including many in my own State of New York. I join these Americans in their prayer for the early restoration of freedom and independence for Lithuania.

Mr. SAXBE. Mr. President, I would like to associate myself with the remarks of the senior Senator from Illinois (Mr. PERCY), in commemorating the Declaration of Independence of the State of Lithuania.

Even though this most significant event in Lithuanian history took place

53 years ago, the right to freedom for Lithuania is just as real now as it was then.

At this time I can only add my hope to that of many, that this inalienable right to sovereignty be restored to Lithuania and all the captive nations of the world.

Mr. JAVITS. Mr. President, today marks the 53d year since the Lithuanian nation declared its independence. I believe it appropriate that we pause to pay tribute to the brave spirit and striving for freedom which has characterized the history of the Lithuanian people.

Lithuania's love of liberty is rooted in traditions of humanism that go back to the Middle Ages. As one eminent scholar, Clarence Manning, noted, Lithuania "protected Europe against the Mongols and the Tatars. They furnished a power and a government behind which the Eastern Slavs could live in peace and safety with a freedom that was unknown in Moscovite Russia. They blessed their subjects with more human freedoms than in the neighboring countries. They encouraged education and toleration, and they played their part in the general development of European civilization."

It is not surprising that a country rooted in such traditions should resist encroachments upon her freedom. In 1795 Lithuania was annexed by Czarist Russia, and from that moment until 1915, when she was overrun by German armies the Lithuanians made numerous attempts to throw off the imperial Russian yoke. What they were not able to accomplish by force in those they did achieve by sheer determination, for despite their subjugation, the Lithuanians successfully resisted Russian attempts to expunge their language and culture and replace it with that of their oppressor's.

The spirit of independence has never deserted the Lithuanian people: The reality of independence was achieved in 1918. That after two decades of freedom this brave people should have fallen once again under Russian dominance is tragic. That the United States has never recognized the Soviet incorporation of Lithuania is only an appropriate testimony to the indomitable love of freedom which still animates that brave nation.

Mr. DOLE. Mr. President, in the month of February, freedom-loving people everywhere, and particularly Americans of Lithuanian heritage, mark two important dates—the formation of the Lithuanian state in 1251 and the establishment of modern Republic of Lithuania in 1918. This year, as we have in the past, the Senate is participating in the observation of these anniversaries. It is especially important that we do pause to pay tribute to the accomplishments and traditions of Lithuanian Americans and their ancestral homeland, because no people have more firmly rooted dedication to the ideals of freedom and independence. Throughout their history this dedication of the Lithuanian people has shone forth through oppression, subjugation, and occupation of their homeland and in their accomplishments and service to the cause of peace and freedom in their adopted countries. America, especially, has been enriched by the contributions of Lithuanian refugees and immigrants and their descendants.

Recently, I received an essay from the Lithuanian-American Community of the United States of America, Inc. This essay capsulizes the history of Lithuania, and the U.S. support for the restoration of freedom to that nation and other captive states behind the Iron Curtain.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the vote today on the motion to invoke cloture, the Senator from Idaho be permitted to have one staff assistant on the floor to assist him, he being the leader in the forces to invoke cloture.

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

Mr. BYRD of West Virginia. The name of the staff member is Mr. Wes Barthelmes.

ORDER FOR RECESS FROM TUESDAY, MARCH 2, TO 11 A.M. WEDNESDAY, MARCH 3, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, March 2, it stand in recess until 11 a.m. on Wednesday, March 3, 1971.

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

COLLOQUY ON DISABLED AMERICAN VETERANS ON WEDNESDAY, MARCH 3

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the approval of the Journal on Wednesday, March 3, if there is no objection, and the recognition of the two leaders under the prevous standing order, there be a period of 45 minutes, under the charge of the able Senator from Minnesota (Mr. HUMPHREY), for a colloquy with respect to the 50th anniversary of the Disabled American Veterans.

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

Mr. BYRD of West Virginia. As I understand, the Senator from Kansas (Mr. DOLE) will cosponsor the colloquy.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, so that I may make a unanimous-consent request.

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

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

Mr. CHURCH. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a renewed period for the transaction of routine morning business, with statements therein limited in this instance, to 2 minutes, not to extend beyond 12 o'clock meridian.

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

ADDITIONAL STATEMENTS

CAMPAIGN REFORM

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD, today's New York Times column entitled "Controlling the Cost of 1972," written by Tom Wicker. Mr. Wicker discusses the approach of the campaign reform bill I expect to introduce on Thursday of this week. I feel his comments deserve the Senate's fullest attention.

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

CONTROLLING THE COST OF 1972

(By Tom Wicker)

WASHINGTON, February 22.—Senator Hugh Scott of Pennsylvania, the minority leader, is circulating a campaign finance bill that is apparently not an official Nixon Administration proposal, and which does not provide for limitations on what candidates may spend to win election.

This suggests that Mr. Nixon, despite having vetoed a campaign spending bill passed last year by the Democratic Congress, does not plan to put forward an Administration alternative this year. Since Mr. Scott and his cosponsor, Senator Charles Mathias of Maryland, prepared their bill in cooperation with the White House, it also suggests that Mr. Nixon will not support a limitation on spending.

Because the measure Mr. Nixon vetoed would have put stiff and self-enforcing limits on the biggest item of campaign spending—television—it may seem that the Scott-Mathias bill is little more than a pale imitation, designed to prepetuate the Republican financial advantages.

But Democratic leaders ought to think twice before they insist on a measure that limits spending. In the first place, Mr. Nixon possesses not only the veto power but the political muscle to drum up needed Republican support for a campaign finance bill. It seems reasonably clear that he is likely to use the former, as he did last year, and forget the latter if the Democrats insist on a ceiling on political spending.

In the second place, if the Scott-Mathias bill represents a package Mr. Nixon would accept, there is much to be said for getting it into the law before 1972, rather than suffering another veto of a more stringent measure. The draft was developed with the aid of the National Committee for an Effective Congress, a main sponsor of last year's bill, and contains these useful provisions:

A new Federal commission to enforce strict reporting of all campaign contributions and expenditures; feasible limits on individual and committee contributions; subsidization of some campaign postage costs; tax credits and deductions to encourage small contributions; permanent repeal of Federal laws that now bar televised Presidential debates, and a rule that all advertising media must extend their lowest rates to political candidates.

One important provision in the section on contributions would prevent candidates from contributing to their own campaigns more than $50,000 (if running for President or Vice President), $35,000 (if running for the Senate) or $25,000 (if running for the House). Contributions from members of their families would also be limited, thus largely preventing wealthy persons from overwhelming less wealthy opponents.

Finally, there is a substantial case to be made *against* imposing limits on campaign spending. The most important point against such a ceiling is that it would limit a challenger to the same amount an entrenched incumbent could spend.

A non-incumbent in many cases needs to spend more money just to "start even" either in a primary against an incumbent with strong organization support or in an election against a well-known incumbent. Thus, a spending limit would often work to the advantage of the "ins" of both parties and the political status quo.

There may also be a constitutional problem, since some authorities believe that an expenditure for speech is essentially the same thing under the First Amendment as speech itself. If a candidate already had spent whatever amount the law permitted, would it be constitutional to prevent some individual or group from spending their own money to express support for him, or opposition to his opponent?

Again, it would be difficult to enforce overall spending ceilings if a candidate himself was not responsible for controlling all expenditures in his behalf. Yet it seems a dubious proposition indeed that a citizen may not, if he wishes, take out an ad to express his personal political convictions. Effective enforcement would appear to limit constitutional rights; but protecting constitutional rights would make enforcement of over-all spending ceilings next to impossible.

If some way could be found to limit television spending, particularly for advertising, without limiting over-all expenditures, that might answer the constitutional problem as well as bring the cost of campaigning down to a level more accessible to all potential candidates. For the moment, and taking Mr. Nixon's veto powers into account, the Scott-Mathias bill looks like the best bet to apply some practical regulation to the cost of politicking in 1972.

THE IMPORTANCE OF BITUMINOUS COAL

Mr. BYRD of West Virginia. Mr. President, the Nation is coming to realize more and more the importance of bituminous coal, which is the most abundant fuel reserve in our land and must be our principal source of energy in the future.

Carl E. Bagge, the new president of the National Coal Association, made an address to the Gas Men's Round Table in Washington, February 2, in which he pointed out the need for a national energy and environmental policy to allow the Nation to make the fullest use of domestic energy fuels and to reconcile the use of coal with the increasing demands for an improved environment.

Mr. Bagge brings authoritative knowledge to the subject, and his words deserve a careful hearing. Before becoming president of the National Coal Association on January 1, he served nearly 6 years as a member of the Federal Power Commission, including a term as vice chairman. In his service with the Commission, he dealt daily with the problems of national energy supply, and in his new post as president of the coal industry's national trade association, he is the voice in Washington for an increasingly important segment of the energy supply.

Mr. Bagge pointed out some imperatives concerning the coal industry which I commend to the attention of all Members of the Senate. He called attention, for example, to the need for increased Government support for accelerated research in means of converting coal to sulfur-free gas in order to supplement our declining reserves of natural gas. He showed the need for more Federal sponsorship of research in processes to remove sulfur oxides from the stack gases of powerplants consuming coal—and for that matter, oil.

I am concerned that America make the best possible use of her coal reserves, not only because coal is the leading industry in West Virginia, but also because coal represents the future so far as the Nation's principal energy supply is concerned.

I have successfully fought to increase funds for coal research in the past, and I assure the Senate that I will examine the administration's new proposals carefully to make sure they are adequate to the needs of the national energy supply. I have also been privileged to join my colleague from West Virginia, Mr. RANDOLPH, in sponsoring a proposal for a study of a national energy policy, and I am pleased that such a study is planned this year by the Senate Committee on Interior and Insular Affairs under the chairmanship of the Senator from Washington, Mr. JACKSON.

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

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

COAL'S NEW ROLE IN THE DECADE OF THE 1970'S

(By Carl E. Bagge)

The appearance of a coal spokesman before the Gas Men's Round Table at the beginning of the decade of the 1970's is symbolic. Before this decade closes, the coal industry will have moved from its old position as a competitor of the gas industry to a new status as a principal supplier of gas.

This, the era of the 1970's, will be the decade in which the coal industry, after a proud but checkered history, finally attains its natural birthright as the principal future source of energy for the nation. Coal's birthright has always been secure. Its inevitability has been based upon the fact that no other domestic fuel possesses the reserves which even approach those of coal in meeting the nation's nearly insatiable appetite for energy in the decades which stretch beyond the 70's—within the limits of existing technology. All that has been lacking in the attainment of coal's proper position has been its acknowledgment by government policy makers. Today, enlightened government policy is finally acknowledging coal's birthright.

Our nation's projected energy requirements underscore the need for achieving an adequate and reliable fuel supply. The realities of the present and the vagaries of the future dictate that our reliance must now be directed toward our domestic energy supplies. The hazards of heavy dependence on foreign sources are obvious and even familiar to the public by now. We are already painfully experiencing some of the results of subjecting our petroleum supplies to the uncertainties of international politics. Our nation cannot safely make a crucial and increasing share of our life-sustaining energy the hostage of unstable and perhaps hostile foreign governments. Furthermore, to allow a major part of our nation's energy bill to become a constant drain on our balance of payments would ultimately cripple our economy.

The Senate Public Works Committee staff only recently estimated the U.S. energy consumption will increase 41.5 percent from 1968 to 1980, and 171 percent to the year 2000. The staff repeated the now-familiar statement that demand for natural gas and crude petroleum are outstripping current additions to proved reserves, "and the time will soon arrive when the production of these fuels will be at a maximum."

Since it is increasingly clear that U.S. reserves of uranium constitute an inadequate energy source until it can be used in fast-breeder reactors—which the Senate Public Works Committee's recent publication says may be 1990 or later—the job of keeping the nation warm, lighted, running and hinged together is clearly up to the fossil fuels. This, in the final analysis, is to say it is up to domestic supplies, which in large measure is up to coal.

But if the nation's coal industry is to be able to meet the future demands upon it—which means if the nation is to have adequate, dependable supplies of energy—certain hard decisions must be made and made now, and certain crucial steps taken, by the coal and related industries, by the consumers of coal, by the government and by the public. These decisions constitute the present imperatives facing the coal industry and the public in the decade of the 70's.

Take the immediate problem of consuming coal within the ever-stricter regulations for air pollution control. The national interest requires a speedy solution if we are to avoid power blackouts, for coal furnishes 60 percent of the heat used to generate electric power for the nation.

One answer to air pollution is not to require "clean" fuel, but to burn fuel cleanly. Continuing the policy of limiting the sulfur content of fuel for electric utilities is self-defeating. It discourages use of the most abundant fuel. Low-sulfur coal is of premium quality and cost; its supplies, at least in the East, are limited; and it is impossible to remove enough of the sulfur from ordinary coal. Consequently, a company with reserves of high-sulfur coal has had no incentive to open a major mine if its product is likely to be regulated out of the market by government fiat in a few months or years. Adequate pollution control methods could restore that incentive. A decision by the federal government to push research on sulfur oxide emission control would settle some of the uncertainty which air pollution control regulations have caused in the coal industry.

One solution is to utilize high-sulfur coal and to remove sulfur oxides from the stack gases. A wide variety of processes are in bench-scale, pilot plant and even demonstration plant stage. Intensive government aid to build and test full-scale units will speed the day when the most effective processes are widely installed and operating. Until that day arrives, government regulators at all levels must realize that edicts and enforcement, no matter how stringent or well-meant, do not generate electricity. Only coal can do that, in the quantity the nation needs.

There is another way to reconcile coal consumption with the need for cleaner air, and at the same time assure the nation of an adequate supply of gas. This is through accelerated research in making sulfur-free synthetic pipeline gas from coal. In fact, the next big gas strike is likely to be not from a well but from a pilot plant. Several processes are in advanced stages of development. Two pilot plants are operating: The Institute of Gas Technology's HYGAS project in Chicago, and FMC Corp's COED project at Princeton, New Jersey. A pilot plant for Consolidation Coal Co.'s CO_2 Acceptor process is being built at Rapid City, S.D., and the National Coal Association's research affiliate, Bituminous Coal Research, Inc., is negotiating with the Office of Coal Research for construction of a pilot plant to test a fourth process.

The American Gas Association has spon-

sored an engineering study of potential sites which has already delineated enough uncommitted coal, and enough available water, to support 176 coal gasification plants, each producing 250 million cubic feet of gas daily.

Still another approach to burning coal cleanly lies in conversion to a low-ash, low-sulfur liquid or solid. The Office of Coal Research of the Department of the Interior recently announced plans to utilize the pilot-plant facilities erected under its contract with Consolidation Coal Company for "Project Gasoline" to investigate the production of low sulfur, synthetic fuel oil from coal. Another project sponsored by the same office and being researched by The Pittsburgh & Midway Mining Coal Company involves solvent refining of coal to remove inert minerals and produce a non-polluting solid.

The Office of Coal Research has supported gasification and other coal conversion research to the limit of its funds, but that limit has been alarmingly low in view of the need for speedy perfection of one or more of such processes. The need for adequate energy and pollution control makes accelerated research on coal conversion a national imperative which deserves full government support.

The Department of the Interior underscored this in saying of the OCR section of the budget which President Nixon presented to Congress last week:

"The development of improved methods for utilizing coal, the nation's most abundant energy reserve, is of critical national importance if we are to meet the rapidly expanding demands for clean and convenient low-sulfur fuels to be converted to the desired forms of heat, mechanical power and electricity upon which our entire economy is dependent."

Specifically, the budget proposals include $3,420,000 for the CO_2 Acceptor process plant in South Dakota and $3.5 milion for the IGT HYGAS process.

These are included in the $21 million budget for the Office of Coal Research, which also includes $3,035,000 for the FMC process which envisions synthetic petroleum as well as gas. The budget also proposes $2.2 million in federal funds for the Bituminous Coal Research, Inc., plant. However, under a new stipulation this year from the Office of Management and Budget, the contractor is required to put up one-third of the total money for new pilot plants, and this would require BCR to furnish $1.1 million.

In addition, the budget contains $600,000 for BCR to continue its process development unit in gasification preparation technology to pilot plant testing.

The new concern for the environment touches the coal industry in another way. More than one-third of the nation's coal output is produced by strip mining. Responsible coal operators have faced up to their obligation to reclaim the land they disturb. In nearly every area where coal is strip-mined, stringent state laws now make certain that any laggards also reclaim the land. The coal industry has written a remarkable record—in recent years it has reclaimed more land annually than it mined, not only staying current with its work but reducing the backlog of land disturbed years ago.

Furthermore, coal companies and their associations, working closely with state and federal agencies, are steadily improving reclamation techniques, finding new plant species to revegetate the land and new ways to return it to productive use—and by this method are creating social values.

Yet in several states, environmentalists are pushing movements to ban strip mining entirely, or to write new regulations so strict they would have precisely the same practical effect. And we have again this year the prospect of bills in the new Congress for federal regulation of strip mining.

Unless we're willing to give up one-third of our coal production, and even more than one-third of the coal used for electric power, it is time to slow this drive long enough to give state laws a chance to work. The coal industry is doing a good job of reclamation now, but it takes time for results to show. There are no instant forests or overnight vegetation, whether the land is disturbed by strip mining, highway construction, or the cutting of forests to produce newsprint for indignant editorials about strip mining. If we remove some of the emotional heat from the issue, we will find that responsible operators are reaping a crop of coal from the land, and then turning it to other crops, such as pulpwood, pastures or farm products.

There are other imperatives connected with coal which affect the national energy supply. For example, part of the 1970 coal shortage was in reality a shortage of railroad coal cars. Many railroads, strapped for funds, cannot buy enough cars. Some form of government aid (loan guarantees or tax concessions) is needed, not with the purpose of helping the railroads but of assuring coal delivery and adequate fuel for the nation.

There are additional imperatives which bear directly on the coal industry. The coal industry will need thousands of new miners to replace present workers reaching retirement age, and to staff new mines. These men must be trained to a high level of skill and of safety. Though the coal industry has tripled its output per man-day since 1946, producers and equipment makers must look for more efficient mining methods, new health and safety measures, and new ways to reduce production costs.

There is another imperative for the coal industry: it must make a reasonable profit. This seems a modest enough goal. It has been missed however in many recent years. It is a crucial one however if the coal industry is to attract the capital necessary for expansion. There is risk in any investment. The prospect of return must be great enough to compensate for it. Depletion must therefore be critically analyzed by this Congress and related to the present imperatives.

But above all, the central imperative for the coal industry and for the industries which serve it and are served by it, is a sound national energy policy based upon domestic fuels as the "keystone" of our nation's energy. From this will flow policies of reconciling energy supply with environmental goals, of adequate government research in fossil fuels to balance heavy spending on atomic energy, of assuring adequate transportation to move coal to market. From a rational energy policy also will flow some assurance of the future, so that consumers will sign long-term contracts, thus allowing coal producers to plan, finance and install new mines to meet future needs.

Coal constitutes 88 percent of the nation's proved reserves of energy fuels, and 74 percent of its estimated ultimate reserves. Full use of these reserves can assure the nation abundant energy for many years—if we make the right policy decisions now.

We need an energy policy which takes account of one paradoxical reality—though the future of the coal industry looks bright, there are factors at work today which could cripple the industry before these prospects are realized in the public interest.

For example, if the nation is to benefit from a successful process to make gas from coal, it is essential that the coal industry stay healthy until the process is ready. One way to achieve this is to get the process on line as quickly as possible, by supporting accelerated research, as I have suggested. But meanwhile, it is also important that the coal industry not be retarded by such things as environmental demands which outrun technology—to the ultimate disadvantage of the public.

When the national energy shortage threatened to become acute in the second half of 1970, the coal industry was able to overcome many difficulties and meet the demands placed upon it. It produced 590 million tons, the highest bituminous coal production in 22 years. The coal industry was able to accomplish this because the market mechanism permitted the inexorable laws of supply and demand to operate for the benefit of the consuming public.

In contrast, the regulation of the field price of natural gas by the Federal Power Commission prevented the development of additional supplies of gas to fill the increasing energy needs. The gas industry simply could not respond to the increased national demand in large part because of the cumbersome pricing mechanism required by the field price regulation of gas produced at the wellhead.

Therefore, I suggest a negative imperative, from my six years as a regulator of the natural gas industry. National energy policy should not include the imposition of either end-use controls or price regulations on the coal industry. Regulation has its place with public utilities, but it is not as flexible or responsive as the force of the free market.

This has now been recognized by the Council of Economic Advisers in its annual report to the President, which was released only yesterday. In that report the Council states:

"There appears to be a shortage of one major energy fuel, natural gas; that is, its production is clearly falling short of desired consumption at current prices. Current prices for interstate sales have been kept low by the Federal Power Commission, which sets these prices under law. Not only have prices been too low for desired consumption to be met, but they appear also to have retarded development of new gas supplies. The only satisfactory solution of this problem is to allow the price, at least of new gas not previously committed, to approach the market-clearing level."

The implications of this statement after two frustrating decades of field price regulation of gas must now be clear as to all energy forms.

In particular, I fear that if we still have federal regulation of the wellhead price of natural gas at the time when commercial gasification of coal becomes a reality, some one will suggest that the price of coal used in a gasification plant should be controlled. This could appeal to no one but a connoisseur of chaos. What coal producer would want to sell his coal to a gas plant at a regulated price when he has the prospect of selling it in unregulated markets? It is time to regain our faith in the law of supply and demand.

The nation can have ample supplies of energy in the 1970's and the decades which lie beyond if it will only adopt a rational energy and environmental policy. If we put our trust in domestic supplies and encourage their conversion and use, we have at our command the world's largest coal reserves—energy enough for centuries.

I invite your support for accelerated government research to speed the day when the gasification of coal becomes a reality. I invite research toward this goal by the gas industry itself. There are increasing signs of activity in this field by gas companies. Only last week, the Columbia Gas System announced that its new subsidiary, Columbia Coal Gasification Corporation, is launching a long-range program to identify coal reserves and possible sites for gasification plants in the Appalachian area. There are reports from the West of other firms interested in gasification, and of gas companies acquiring coal reserves.

The coal industry has supported research to the limit of its own ability, but this limit has been low because of the fragmented nature of the coal industry and its low profit margin. We now seek help from the government, not in our own interest but in the interest of the nation.

As long as nuclear energy research and

development is concentrated in a single agency, i.e., the Atomic Energy Commission, and continuing Congressional concern is reposed in the Joint Committee on Atomic Energy, and the nation's industrial complex is involved in nuclear development through the Atomic Industrial Forum, while fossil fuel production, transportation, utilization and conversion is divided among a dozen agencies of government, fossil fuels will inevitably be disadvantaged in the competition not only for the federal R&D dollars but in the public mind as well.

Only an energy policy which seeks to "put it all together," in the current vernacular, will even begin to meet the need to relate our energy policies to our current environmental goals. "Putting it all together" is thus coal's plea to the American public and its final imperative. This can best be achieved by the establishment of an agency comparable to the Atomic Energy Commission to promote and fund clean fossil fuels, a joint committee of Congress on fuels similar to the Joint Committee on Atomic Energy to establish a balanced emphasis on nuclear and fossil fuels and a forum involving the private sector similar in scope to the Atomic Industrial Forum.

Coal's birthright as the nation's primary source of fuel will be attained in this decade despite a host of formidable obstacles. It is our obligation to demonstrate that coal's birthright and the national interest coincide, and that policies relevant to its attainment must be evolved now in the national interest. This is not only the coal industry's but the nation's imperative in this decade of the 1970's.

HUMPHREY CALLS FOR ERA OF PARTNERSHIP

Mr. HUMPHREY. Mr. President, U.S. withdrawal from Vietnam should not signal a new era of American isolationism, but lead to a new age of a constructive, working partnership among the community of nations.

We cannot alone make over the world, nor should we want to. We should not seek to dominate but rather to cooperate. This troubled world needs the moral, political, and economic partnership of America.

The time has come to take off the policeman's badge, lay down the warrior's rifle, and extend the hand of friendship and cooperation.

Let everyone know that we do not want to impose our will or our way of life on anyone, that we do not want to be God or policeman.

What America needs today is a sense of partnership, not power—a sense of worth, not wealth.

We must set the example for this partnership at home. The National Government has a responsibility of partnership with State and local governments, and they in turn must be partners among themselves.

And Government at all levels must have a working partnership and relationship of trust with the people.

Viable, living, functioning partnerships such as these are essential if we are going to provide for the educational and health needs of our children today and a decade from now; if we are going to overcome the ravages of racism and poverty; if we are going to protect and rescue our environment; if we are going to build and expand our economy; if we are going to provide jobs for the jobless and a growing population; if we are going to have any hope of peace in our lifetime and in the years to come.

If we are to accomplish all this, then a working partnership at the international level, at the Federal, State, and local levels, and in communities must be forged and applied in trust and mutual respect.

The formula for the better life in freedom and security is not to be found in massive power or incredible wealth, but in a working partnership—a partnership of people and their government, a partnership of communities, a partnership of nations.

RESERVE OFFICERS ASSOCIATION AWARD TO SENATOR THURMOND

Mrs. SMITH. Mr. President, it was my privilege to attend the midwinter banquest of the Reserve Officers Association this past Friday night when one of our distinguished Members received ROA's highest award, the 1971 Minuteman Award.

The man so appropriately recognized and honored was the senior Senator from South Carolina (Mr. THURMOND). He gave a most eloquent and inspirational address which I feel is worthy of study by every Member of the Senate. I ask unanimous consent that his outstanding speech be printed in the RECORD.

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

THE EMERGING CRISIS

(Remarks by Senator STROM THURMOND)

Mr. Speaker, Admiral Carpenter, Past Presidents and Members of the ROA, Mrs. Gove and Members of the ROAL, Distinguished guests and my Fellow Americans:

I am filled with humility and pride to be the recipient of the 1971 Reserve Officers Association "Minute Man Award." I believe this is my greatest achievement since I persuaded Nancy to say "yes."

SPEAKER ALBERT

It is especially meaningful to me to have this award presented by Speaker Carl Albert, whom all of us in Congress respect and admire. This dedicated American, I predict, will give the House of Representatives powerful and history-shaping leadership in the critical days ahead. I knew many years ago that Carl, affectionately known as "The Little Giant", was going places—not only because of his own talents, but also because he selected as hi~ bride Mary Harmon, a lovely lady from South Carolina.

While speaking of our fine State, permit me to acknowledge and thank the many South Carolinians who are present here tonight. Will they please stand? (Floyd Spence—Sherry Shealy)

MINUTE MAN AWARD

My friends, it is a unique honor for me to receive this award, and I extend to each of the ROA Members here tonight my heartfelt appreciation for this high honor. I am particularly grateful for the award because of those who have stood here before me: Great Americans like the late Richard Russell and my devoted friend and colleague the late Mendel Rivers; John Stennis, Eddie Hébert and Bob Sikes; Margaret Chase Smith, Speaker John McCormack, and Melvin Laird; Bryce Harlow and Carl Vinson, and other distinguished citizens.

As you know, Margaret Chase Smith is the only lady to grace the Floor of the Senate. She is pretty and she is smart. She outranks all of us. Mrs. Smith has been frequently mentioned as a potential presidential candidate. A reporter asked her what she would do if she woke up one morning and found herself in the White House. Mrs. Smith rose to the occasion by answering, "I would go straight to Mrs. Nixon and apologize—and get out of there."

ROA

Being a member of the ROA means a great deal to me because I deeply admire all of you for supporting the security of our country over the years. Any organization headed by such able and dedicated men as Admiral Carpenter and Jake Carlton is bound to be at the top—and that is where ROA stands. The ROA helps the active Armed Forces in many ways. The Association represents grass roots opinion and draws its strength from sound-thinking, dedicated members from all over the land. With this strength and backing, ROA officials are able to speak with authority to the Members of Congress and to the leaders of our Armed Forces. No organization in the United States has done more to help keep this Country prepared and to support a strong national defense than the ROA. The people of the United States appreciate your devotion to your Country and the dedication that prompts you to serve it so well.

RESPECT FOR THE MILITARY

It hurts me today when I see attempts made to besmirch or downgrade our citizens in uniform. If it were not for the man in uniform, we would not have freedom in America today. He deserves the utmost respect, consideration and admiration of all our citizens. Tonight, I am pleased to report to you that things are looking up for the man in uniform.

As I look over this vast audience this evening, I see a number of General and Flag Officers, and I feel certain they will be interested to know of the word I just received about a General who died and went to Heaven. He was received quite warmly and accorded what we know in the trade as "VIP" treatment. The General was housed in a mansion of gold and given full rights to enjoy all of the benefits of Heaven.

At the same time a Priest arrived in Heaven, and he was given only modest quarters and very routine treatment. The Priest observed with some dismay the fine gold house occupied by the General and the VIP treatment he received. Finally, the Priest became so annoyed that he went to St. Peter and complained. He said that he had spent a life in service to the church, and he could not understand why a General, who had spent a lifetime making war, should be given better treatment. To this complaint, St. Peter replied, "Well, we have had thousands of Priests in Heaven, but this is the one and only General we've ever had."

ROTC

In looking about this handsome audience, I see fine young men and women who represent the ROTC program. This program is one of the most important elements of our defense structure. ROTC is the chief source of officers serving on active duty today; 50 percent of our officers come from the ROTC program, exceeding by far the total output of our military, air force and naval academies. I commend our young men and women in ROTC, and urge them to be proud of their service and to wear their uniforms with pride.

Ladies and Gentlemen, our youth today are better educated, more intelligent and more knowledgeable than ever before. Our young people assure a strong future for America. We adults should spend more time talking with our youth about the issues of the day. Their contributions can be tremendous. The future of our Nation rests in their hands.

I am vitally interested in our youth and feel deeply that the hope of our Nation rests with the younger generation. I feel very close to our young people; in fact, I married one. Incidentally, Nancy is about to bring another youngster into the world, so I am doing my part to bridge the generation gap.

POW

As we reflect on our young people, let us not forget the real heroes of the Vietnam War . . . those brave young men who are either Prisoners of Hanoi or Missing in Action. We do not know exactly how many are Prisoners of War, but we do know that those in the prison camps are denied *basic* humanitarian rights. We are all proud of Ross Perot and what he is doing in this cause. I am glad his sister could be here tonight. The North Vietnamese are inhumane in their treatment of POWs and do not comply with the Geneva Convention. I believe it is our sacred trust to see that these men are accorded proper treatment and brought home to their loved ones.

DISSENT

Ladies and Gentlemen, our Nation is approaching one of the watersheds of history. Each Nation at times faces critical moments when its decisions will affect the course of history for its own people and for generations to come.

These crises may be internal conflicts or they may be the result of external aggression.

In the War for Independence and in the War Between the States, we faced great crises with a minimum of dissent on each side. In the American Revolution, the dynamic leadership of our Founding Fathers prevailed over those who were potential dissenters. In the War Between the States, both sides faced internal division and dissension. However, this dissent did not materially affect the outcome on either side.

Similarly, in World War I and World War II, our Nation was so strongly united that dissent did not emerge. Today, the apostles of dissent are given free lip service by the liberal media. Every incident of rebellion against America receives prime time on national TV. We see these misfit, self-righteous anarchists burning their draft cards, but you will never see them burn their social security cards. They derive their tactics from Castro and their money comes straight from Daddy. I say to these modern "revolutionaries" that in the wars past, united we stood and united we won.

CRISIS OF WILL

Today's crisis is different from our conflicts of the past. We no longer seem to have the will to win. We have been engaged in a cold war, a protracted struggle with Communism, for more than 20 years. Our problems in Indo-China today are merely the continuation of the stalemate in Korea. Our seeming inability to achieve a military victory has left the Communists hopeful that if they hold out, they will dominate Asia and ultimately the whole world. We must not permit this to happen.

However, I emphasize the words "seeming inability." Our military planners and armed forces have always had the capability and capacity to produce victory if the military were allowed to achieve that victory in 1962, the Senate Armed Services Committee counseled as follows: "If war should come, it can be conducted successfully only by military professionals in that art; and if strategy or tactics come under the direction of unskilled amateurs, sacrifice in blood is inevitable and victory is in doubt." This sage counsel was ignored.

We know, however, that our problem has not been strictly a military one, but a psychological one. We have seen a dominance of civilian planners over the military—men like Robert McNamara, whose TFX did as much for our security as the Edsel did for transportation. Issues have been exploited by certain political and ideological forces which seem determined to assure that the United States must compromise, thus losing the war and losing the peace. The climate of public opinion has been so badly eroded that it has been exceedingly difficult for our Commander-in-Chief to take the necessary steps in Cambodia and Laos to enable us to withdraw our troops honorably and safely, and turn the fighting over to the South Vietnamese.

If the necessary steps had been taken in 1965, the Communists would never have been able to support the war in South Vietnam. I am pleased to report that the South Vietnamese Laotian campaign has been remarkably successful. Many of the supply lines have been cut, forcing the North Vietnamese out into the open. Our military leaders have finally been allowed to do in Laos and Cambodia what they should have been allowed to do 6 years ago.

CRISIS OF WEAPONS

Today, another crisis is the alarming failure to understand the consequences of the Soviet military build-up in strategic weapons, conventional weapons and naval might. We must stop hiding the threat of the Soviet Union under the bed. It is here that you as Members of the ROA have a special duty. As citizen-soldiers, you have the contacts, the means and the dedication to awaken our Nation to the threat of the Soviet Union. The American people must be informed that what this country needs in weapons is not parity, not sufficiency, but superiority.

In the past five years, the U.S. has moved from a clear strategic nuclear superiority over the Soviet Union to a point where the Soviets have surpassed us in numbers of ICBMs and megatonnage-carrying capability. The Soviets are also making dramatic strides in missile technology.

With this sharp increase in USSR strategic forces, we have concurrently witnessed a buildup in the Soviet Navy of great proportions. Soviet Admiral Gorshkov in April, 1970, declared: "The United States will have to understand it no longer has mastery of the seas."

Concurrent with the rise in Soviet naval strength, we noted at the last Moscow air show that the Soviets flew in one day more new tactical aircraft designs than the U.S. had flown in ten years.

Our Army is undergoing a period of sweeping change. We are now reducing our ground forces from the 19⅔ divisions we had at the peak of the Vietnam War to 13⅔ divisions in the months ahead.

We must remember that as we decrease the size of our regular forces, we must strengthen and increase the size of our Reserves.

Despite the warnings from our military men, the Halls of Congress and the editorial pages of some large metropolitan newspapers resound with cries of "Cut the Military", "Cut Defense", and "Peace now." "Peace now" is not the solution—it would produce a total bloodbath. We must not allow our freedom to be diluted by these false peacemakers who are playing politics with the survival of our Nation. I, like you, am not ready to run up a white flag for the United States of America.

NATIONAL PRIORITIES

Much is being said about the reordering of national priorities. Little note is taken of the fact that such a reordering is not only well underway, but far advanced. Our priorities have already been reordered; but, unfortunately, reordered *away* from military preparedness.

Consider only these *three* facts:

1. The present defense budget represents the lowest percent of our Gross National Product since 1951 and the lowest percent of our Federal Budget since 1950. Few talk about that fact.

2. Since 1964, *non-defense* spending has risen 230 percent, while defense spending has increased only 50 percent, despite the Vietnam War costs. Few talk about that fact.

3. Today defense takes only 21.3 percent of total public spending, while in 1953 the defense share was just under 50 percent. Fewer still talk about that fact.

At present, we are in a period of transition. We are moving from a period of war to a period of peace, from confrontation to negotiation, and perhaps, from conscription to volunteers. This is a period filled with hope, but one from which despair may suddenly spring.

NATIONAL GOALS

Ladies and Gentlemen, we face great problems in the months and years ahead. None is more important than the security and safety of our homeland. We have men and women in the Congress who *do* understand these problems. Many of them are here tonight; working together, and with your help, we can meet this challenge.

Let this message be heard throughout the land: A Communist country does not develop massive military power without the intention of using it. It does not develop power to *defend*, but rather to *coerce* or *destroy*. For these reasons, we *cannot* withdraw from the world arena.

Let this goal be our crusade: To expound the cause of national defense with every resource at our command. We must speak from the lectern, use the printed page, talk with neighbor, friend, stranger and doubter.

In making these efforts:

Let us rekindle the spirit of our forefathers.

Let us re-dedicate ourselves to this Nation we love and cherish.

Let us stand against the tide of isolationist pressures sweeping our country.

Let us enunciate a clear call for military superiority.

Let us demand respect for our men and women in uniform.

Let us stake our lives, our property, and our sacred honor, so our Flag will continue to fly, and our freedom will continue to live.

In short, let us *all* be Minute Men for America.

JOURNALISM AND PUBLIC RELATIONS COURSES AT UNIVERSITY OF MARYLAND

Mr. MATHIAS. Mr. President, in this complex age in which effective communications are becoming increasingly more vital, there is a corresponding need to provide more extensive training to those who have chosen the communications field for their careers.

The University of Maryland has recognized this need, and with this semester is enlarging its curriculum with graduate level courses in journalism and public relations to reflect the growing demand for professionals in these areas.

A lecture delivered recently to the students of the University's Department of Journalism by Washington public relations practitioner James N. Sites emphasizes the relevance of this expanding field to our modern society.

I ask unanimous consent that Mr. Sites' remarks be printed in the RECORD.

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

THE ACTIVIST EXPLOSION: LEADERSHIP CHALLENGES ON A NEW PUBLIC BATTLEGROUND

(By James N. Sites)

On every side in today's tumultuous world is a startling, portentous growth of activism in public and political life. Much of this is

gradually being directed against business, posing wholly new demands on management for effective responses—and unprecedented challenges to its public relations.

It is a privilege to speak to a university group on this subject since it gives both of us a chance to examine some of the directions our profession is taking—you as people whose careers will be wholly devoted to coping with the public relations future, I from the vantage point of relating Washington and the expanding influence of the Federal government to Byoir clients in particular and to PR practice in general.

Now, as all of you know, the future is a notoriously slippery subject to get a grip on. Most of us have a hard time telling what's going on today, not to mention over the next decade. Yet I know these unknowns concern you deeply for you must prepare your minds and skills to handle tomorrow's challenges, however vague these seem right now.

Actually, after spending 23 years in public relations and political and economic reporting—the bulk of that in Washington—I've come to feel it really isn't that hard to discern basic trendlines that point generally toward where we're heading in certain fields. And even though such projections often go awry, I will try to unearth some of the more meaningful ones here today.

To get right to my ultimate point, I believe public relations practice in America is becoming an entirely new ball game.

And you, the future players, are going to have to cope with an entirely new set of contest rules.

These rules are being shaped right now by your intense questioning about our society's standards and institutions, by the rising volatility of national issues, by the activist groups' growing clamor for organization effectiveness, responsiveness and public accountability. Under particular attack for several reasons is the so-called Establishment—the centers of national political and economic power.

In this climate, public relations people and methods are not only being put squarely on the spot—effective PR help is also *needed* as never before. We thus face untold new opportunities.

Forced out onto the public stage, leaders in every field must increasingly turn to you for your broad understanding of the nature of public opinion, your professional counseling on the factors shaping it and your communications expertise.

Businessmen especially are being impelled toward a much greater involvement in all those areas where business touches the community and people. This, in turn, is compelling broadened executive grasp of social forces and much more skill in dealing with these forces. And that's where you as professional public relations practitioners come in. Business must rely directly on PR counseling to help develop policies that accord with the public interest; to communicate clearly the positive actions a company is taking; to clear up misunderstandings on the part of the activists; to explain the company's position and to ensure that all sides in a controversy get a fair hearing.

The need grows daily. Washington is fairly bursting with warning signals of ballooning demands on business in the broad social-economic area. To cite the major drives:

Environmental enthusists are daily gaining strength and expertise in harassing polluters of the air, water and landscape.

Consumerism advoactes are launching new attacks for better and safer products, meaningful warranties and a fuller, franker flow of information to the public.

Race organizations continue their demands for political justice, employment equality, minority business aid and a greater share of the economic system's benefits.

The woman's liberation movement is also getting attention, pushing similar demands for "equal jobs at equal pay."

Anti-war groups are mounting wider forays against defense contractors and, joining with liberals, are stepping up pressures for a "re-ordering of national priorities"—the shifting of national resources from military uses into solving domestic problems.

Meanwhile, extremists of all stripes are accelerating their use and threatened use of bombing and violence to disrupt both business and national life.

Now, let's underscore right here that few of the new activist groups this talk deals with are bomb throwers. Most are zealous advocates of particular interests or points of view. As one expert puts it, "they won't hijack the company airplane and hold your president hostage but they *will* keep your law department up all night."

Most protest groups like "Nader's Raiders" have some common characteristics: They are of recent vintage, are fairly weak financially, draw their main support from the young of the affluent classes, and are led by forceful individuals like Ralph Nader himself.

So what does a typical business do about any of these activist demands? Let's look closer for answers at specific pressure points:

On the pollution front, it is becoming obvious that the public will shortly no longer tolerate any organization's damaging the environment in which it operates. Or if it is allowed to do so, this will be for overriding public-interest reasons. As population and production mount into the '70s and beyond—and wastes pyramid—we can fully expect tighter government requirements on all to curb pollution (and perhaps pay for the ultimate disposal of their products).

This, in turn, will force business managements to develop intimate knowledge of pollution control requirements—and to know the public opinion implications both for doing an acceptable job and for not doing so.

Above all, a new premium will be placed on "preventive public relations". To restate an old Byoir PR rule, you can't whitewash a garbage dump. Any organization must be able, in affect, to go into the court of public opinion with clean plants. It is therefore only common sense for a firm to analyze and inventory where it now stands on air, water, noise and even "visual" pollution—and either clean up, or be able to convince the public it is pursuing a program of determined action aimed at doing so.

In fact, an important new principle seems to be shaping up in the pollution field, focusing on this question: Does the presence of a facility make positive contributions to society in the environmental area—or does society suffer because of its presence? It is no longer enough simply to prove we need a particular company's products or services. Managements are being held responsible for their organization's *total impact* on the community. If this cannot be positive in all respects, it should be at least neutral.

Anyone who thinks the environment pressures now being brought to bear on managements are a passing phenomena should examine the burgeoning groups of activists in this field. There's the Sierra Club, the Izaak Walton League, the Conservation Foundation, the Environmental Defense Fund, the Earth Day backers.

These groups are not only stirring up public opinion against polluters everywhere but, equally important, they are getting a clear track in Washington in forcing government action on what they see as a clear and present danger. They are also bringing the awesome power of litigation in the courts to bear to end pollution—and many think this may prove the most effective clean-up weapon of all.

On the consumerism front, a wave of public demand has been stirred up to make managements adhere to more stringent customer expectations in product quality, servicing, safety, warranties, etc. So bad has this become that many in Washington now wonder if growing public skepticism over quality in the market place may indeed be affecting product sales and expressing itself in the pronounced listlessness of the overall economy.

This disenchantment has certainly expressed itself in tidal demands for new laws on this subject. Some 27 major consumerism bills have been enacted by Congress over the past 8 years—and, as a foremost business leader was recently moved to declare, "some of the most potentially sweeping bills have yet to be passed."

He went on to say there is no question but that a new federal consumer office will be created—that only the form and powers of the new agency are still in doubt.

He said there is no question that warranties and guaranties will be more closely regulated—that only the extent of such regulation is still to be determined.

He said there is no question that consumers will be given new forms of private recovery of damages for business deception or fraud—that only the means of redress is still being debated.

Product safety is also coming in for new government controls. So is truth-in-packaging, truth-in-lending, truth-in-advertising, etc.

Meanwhile, consumer champion Ralph Nader is getting a growing audience—and growing government response—for the revelations being developed by his so-called Raiders. These young lawyers now number over 100 and are busily investigating more and more large national corporations. At the same time, Nader's Center for the Study of Responsive Law is moving deeper into some basic analyses of government regulatory commissions, demanding more effective agency action to insure the public against wrongdoing.

The impact of this one man is amazing to behold. In addition to the Responsive Law Center, Nader recently formed a Center for Auto Safety, which is funded by the Consumers Union and which monitors activities of the National Highway Safety Bureau. Another new off-shoot is the Public Interest Research Group, funded and directed by Nader, and interested in what it considers misleading advertising, packaging, labeling and similar consumer protection matters.

As in the environment area, product design, production control and marketing strategy will hereafter have to respond to more insistent public expectations—even the over-expectations now rising on every side.

Public relations personnel, assuming they have their ear to the grounds well of public opinion in this area, will move into decisive position to help get the organizations they serve more in tune with the times.

Who else can perform this function?

If people are going to demand that business become more responsive to public needs, managements will have to rely increasingly on public relations as the key channels for both measuring the pulse of public attitudes and for implementing and communicating the sound action programs needed to generate favorable public opinions.

As for minority group pressures, even though these have been less explosive since the riots and burnings following Martin Luther King's assassination, a broadening base is being laid for progress toward race equality on all fronts. John Gardner's new organization, "Common Cause," is right now enlisting the support of concerned citizens throughout the country in backing government action to attack poverty, ignorance and the deterioration of our cities. Meanwhile, steady force is being applied to businesses and others not only to step up employment ratio of Negroes and other minority groups but also to upgrade more rapidly and move them on into positions of more responsibility and higher pay. Quality, not quantity, is their overriding job goal.

Indeed, these latter objectives are almost identical to those of the women's liberation movement, which can no longer be dismissed as a joke or passing fad. For example, picture the public relations implications for a firm accused of discrimination against women: Women are not only a big part of the employee work force; they also dominate in buying consumer products and services. Nor should we forget that women are major owners of the nation's wealth of stocks and bonds. Clearly, poor PR in this area could have severe impact.

The anti-war movement also appears to be gathering strength, as you students know better than I. The Washington-based Council for Economic Priorities has just been set up to study what businesses are doing in such social-action areas as pollution control and the creation of equal employment opportunities—as contrasted with government contracting and military production. But this is just one of many groups, like Common Cause and the Businessmen's Educational Fund, which are dedicated to curbing the so-called Military-Industrial Complex and getting government to plow more money into priority domestic programs.

If you think this clamor isn't having effect, note the recent uproar in Congress over voting more funds for the supersonic transport plane. Or note Opinion Research's new poll showing that 83 per cent of manufacturing executives are no longer interested in seeking additional defense contracts. Think of the implications of this to national and Free World security . . .

Strangely, managements are also taking an increased buffeting from an unexpected source—their own stockholders, many of whom have become activists in shareholder clothing. These purchase a few shares in order to apply direct ownership pressure on the economic Establishment. One need only look at the campaign pushed against General Motors by Ralph Nader and others under the Project on Corporate Responsibility to see what intense turbulence is developing in this area, even when most stockholders do not support the movement.

Indeed, such pressures are essentially a public relations problem rather than an investor problem. Managements must fight this new kind of battle out in the open, in the public arena—and, believe me, they need professional public relations aid. But again, as those in the middle of these fights warn, effective business response cannot lie in gimmicks. Achievement of sound public opinion impact has to be backed up by positive action on the part of management. And this must be based on those areas where management can take forceful action—curbing its own pollution; giving quality performance in the market place; hiring, training and promoting minority employees, etc.

As you look across the broad, booming range of today's activist challenges to business, you finally conclude that many political action groups have turned their guns on corporate enterprise because government itself has failed to come to grips with nagging national problems. Since the political process has proved unresponsive, in their viewpoint, the disillusioned seek to force the economic power structure to take the desired action—or else to bring added pressure on government to take such action.

It is important to note that most new activists, unlike the Old Left, consider government as much a target as private business. To quote one of their number in Washington:

"Public interest advocates contend that the fundamental problem is how to make all our institutions, public and private, *accountable and responsive;* to do that, we need what Nader calls a 'new kind of citizenship,' under which citizens take it upon themselves to expose abuse and stop it, rather than delegate their citizenship to others, like public officials, whereupon it may be lost. So while poverty lawyers tend to see government programs as the problem, and vastly better ones as the solution to help the poor, public interest lawyers see both government and private institutions working together as the problem—and sweeping changes in both as the solution for the whole society."

It is obvious that much of the clamor for business action on social problems has an anti-business tone, and this holds some serious danger. As a recent White House report on national goals emphasized, solutions for America's pressing problems will inevitably take the creation of huge new levels of wealth. So it urged that we set goals and shape programs that will yield quantity WITH quality. How else, for example, are we going to rebuild our decaying cities? Indeed, herein lies a gargantuan task which offers the real doers of our society challenges enough, and glory enough, for an entire generation.

It's not necessary in this connection to wax eloquent about killing geese that lay golden eggs. The essential point I'm sure you perceive better than most is that America can solve almost any of its pressing problems IF it can preserve in good working order, and keep improving, its immensely productive economic system. But overload, cripple or damage this wondrous machine, and we're *really* in trouble. . . .

Public relations practise in final analysis must relate to the human spirit, and the American spirit has taken some rough blows lately. We're living through a time of trial, rocked by such shocks as the nightmare of Vietnam and Mylai, the tragedies of Kent and Jackson State, the eruption of campus riots, the ghetto burnings, the lethal spread of narcotics and the sharp rise of crime and violence.

We've discovered with considerable shock some gaping holes in the fabric of our civilization—widespread poverty in the midst of affluence, ignorance in the midst of advanced education, discrimination in the midst of all our inspiring constitutional promises. And, finally, we're facing up to the fact that these must be mended or the whole piece will be rent asunder.

In this awakening lies our greatest strength and hope. At the same time, let's avoid making hard judgments in terms of present condition. America is not, never has been, nor ever will be a finished product. It is a process. Here is one of the world's great peoples, a vast continent in transition, in dynamic movement, struggling with the distressing problems that beset all humanity—and, despite all the crashing sound and fury, making unprecedented progress in coping with these. And now we must get on with this historic task.

Yet, as we get rid of our illusions—the old conventional wisdom that refused to acknowledge or take seriously those holes in the civilization our forefathers fashioned—let's not also throw out our ideals. Truly, the best hope for building a bright new era in America and the world lies in recognizing—and honoring—the inherent greatness in the American beliefs.

Viewed in the best light, the new challenges hurled at our institutions revolve around the central demand that this nation, its leaders and its people live up to their ideals. The young, the activists seem to be saying that the old contradictions are no longer tolerable. Nor is the hypocrisy that goes along with them.

As a distinguished U.S. Senator recently put it, the younger and better educated see more clearly than others the gap in this wealthy, powerful land between things as they are and things as they could be—and insist on creating a new reality nearer to the nation's ideals.

A more aware, more informed, more sophisticated public is plainly getting tired of rhetoric as a cover-up for reality, or promises in the place of performance. People want it told like it is. And they are saying in no uncertain terms that deeds speak louder than words.

This is the vital counsel that the best public relations practitioners have always offered. Even more so in the future will all of us be charged with getting this message across to employers, associates, clients. We are finally getting an open chance to practice the kind of public-interest PR we've always talked about.

As you look ahead to serving on this expanding PR battleground, you can see coming the most stringent new demands on your talents. You can also be sure there will be a wholly new pay-off for performance from those managements beset by mounting activist, government and marketplace pressures. The art of relating a key organization to the public will require far more knowledge of all the factors motivating people and making our civilization tick, including those sensitive governmental processes which increasingly influence the ways we live and work. And, of course, you will need to know and be able to apply communications skills of an ingenuity and diversity far exceeding those at our command today.

Activism on the political front, in conclusion, can only lead to greater activism all across the public relations front.

LITHUANIAN INDEPENDENCE DAY

Mr. TUNNEY. Mr. President, the history of mankind contains countless stories of supreme courage against tremendous odds. The struggle of the Lithuanian people should be added to this list.

During the last 176 years, Lithuania has experienced only 22 years of freedom from foreign domination. War brought freedom to Lithuania as well as conquest. World War I saw the establishment of a democratic government, free from foreign domination. World War II saw the destruction of this tiny nation's efforts as it became a military bridge for the armies of Germany and the Soviet Union, trampling across this small but valiant nation, crushing the structure, but not the spirit of freedom.

Throughout World War II the people of Lithuania prayed for the return of peace and the re-establishment of their independence. For during the 22 years in which the Lithuanian people attempted to build a viable democracy they learned what freedom was all about. They learned of the value of individual liberty. They learned of the chances for personal fulfillment which democracy fosters. Only foreign intervention prevented them from succeeding. In 1945 while free peoples everywhere celebrated the defeat of fascism, the world momentarily forgot about the struggling Lithuania—all except the Soviet Union. Stalin entered the void, making felt his iron boot of tyranny. Not only did these proud people lose their liberty, they lost their nation as well, and were forced at gunpoint to become a colony of the Soviet Union.

These gallant people still cling to the desire for freedom and independence. I join with Lithuanians throughout the world in saluting not the dying memory of a conquered nation, but the living dream for rebirth of liberty.

TRIBUTE TO PFC. THOMAS J. PARKS

Mr. GRIFFIN. Mr. President, I wish to join with the editors of the Saginaw News in paying tribute to a young soldier, Pfc. Thomas J. Parks, who has sacrificed more for his country than most of us.

I ask unanimous consent that an editorial dated February 2, 1971, be printed in the RECORD.

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

THE SOLDIER'S RESOLVE

There has never been anything heroic about nations starting wars, getting involved in wars—or in men dying in them. We call it heroic mostly because man hasn't figured out the more truly heroic means of avoiding them.

But the histories of wars are filled with the brave way in which countless numbers of good men have stoically accepted adversity frequently visited upon them in the line of duty while performing unpleasant tasks.

One such is Pfc. Thomas J. Parks of Saginaw who at 18 is now learning to walk on artificial legs at Valley Forge General Hospital in Phoenixville, Pa. Parks, a member of the 173d Airborne Division serving in Vietnam, lost both legs when he stepped on a land mine Jan. 3.

It is not simply Pfc. Parks' great personal sacrifice which draws our attention—though, heaven knows, that of itself is enough to feel great sense of compassion for this young man, husband and father. What grips us is the manner in which paratrooper Parks has accepted his rotten luck. For many, that could have been the end of everything. For many, maybe, but not for Mr. Parks.

Already stateside, Parks is reported up and about and making first strides on his artificial limbs. He vows he'll be home soon and out skiing again. His mother reports he is most grateful for the interest shown by his friends in the Saginaw area. Skiing again!

Pfc. Parks may have left part of himself in Vietnam—but the man has come back. His attitude is at least enough to silence complaints about the weather and a few other personal discomforts which, from time to time, seem a bit too much to bear.

Hurry home Pfc. Parks.

MUNICH—AN INTEGRATED TRANSPORT SYSTEM

Mr. ALLOTT. Mr. President, the January 1971 edition of the International Nickel magazine contains a splendid article entitled "Munich: An Integrated Transport System," written by Klaus Zimniok.

The article indicated the steps taken by Munich to improve its transportation network. The first stages of this development will be ready in connection with the 1972 Olympics to be held in Munich.

Since Denver, Colo., is in much the same position looking ahead toward 1976, the article underscores the necessity for taking action as swiftly as possible.

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:

MUNICH: AN INTEGRATED TRANSPORT SYSTEM

(By Klaus Zimniok)

(NOTE.—Munich's problems are typical; its solutions are not. All over the Western world, urban complexes—and especially the older cities—are facing strangulation. To spend an hour in a traffic jam—or to cross the Atlantic in six hours and then to spend another hour (or more) in moving the few miles between airport and city center—may lead one to despair. Munich, however, did not despair, coming up instead with solutions interesting to harassed travelers and commuters all over the world. Dr. Klaus Zimniok, who has had much to do with these solutions, speaks at firsthand.)

"No, thanks, I'm in a hurry; I'd rather walk." An unusual answer—from a pedestrian to a friend who had offered him a lift in his car? Not in most large cities in Europe and North America today. And it is certainly true in Munich.

Of all the German cities with over 500,000 inhabitants, Munich, capital of Bavaria, has experienced the greatest increase in population. Between 1950 and 1960 the population increased by almost one-third, from 850,000 to 1,000,000; from 1956 to 1960 there was an increase of 3.7 per cent or about 35,000–40,000 persons; and in 1968 the population increase reached a new record of 48,000. Now the population of Munich is approaching the 1.4-million mark.

Munich's favorable geographical position, together with its excellent recreational facilities, the concentration of cultural, scientific, and economic institutions in the area, and excellent opportunities for the individual, brought about this "population avalanche." The number of jobs has increased even more sharply, mainly as a result of changes in the structure of the secondary and tertiary economic sectors.

Despite all efforts, traffic conditions have deteriorated rapidly. By the end of 1969 there were about 365,500 motor vehicles on Munich's roads, not including postal, railway, and military vehicles. For years, private and public transport have been causing each other increasing difficulties. The speed of tramcars at times amounts to only 13 kilometers (8 miles) per hour, and in the city center, during rush-hour periods, it drops to between 4 and 6 kilometers (2 and 3 miles) per hour! Motor vehicles run at speeds one would associate with the age of the horse and carriage.

Studies indicate that the population of the entire Munich area will increase to 2 million by 1975 and to between 2.8 and 3 million by 1990. About half of these people will live in the city itself. The number of jobs in the city should by then amount to about one million and to another 470,000 in the surrounding area. By 1990 the number of motor vehicles will have risen to between 290 and 340 per thousand inhabitants, so there will be one vehicle for every three inhabitants. At the end of 1969 the ratio was one vehicle to every 3.8 persons.

This concentration means that the individual will experience major changes in his environment. Apart from the ever-increasing distance between his home and place of work, and the increased time taken to cover that distance, the problems of noise-nuisance and air and water pollution in a densely populated area such as Munich can no longer be disregarded. For decades and centuries our towns expanded without being planned; they "overspilled;" and often people failed to see that the time had come for such uncontrolled "natural" growth to be checked.

ORGANIZATION AND INTEGRATION

A dynamic city like Munich must check such uncontrolled development by means of clear plans for reorganization. After exhaustive study by municipal officials, and advice from noted city planners and traffic experts, a development plan was devised and, in 1963, was accepted by the Munich Town Council. Primary was the decision that the basic structure of the city and the surrounding area will be preserved. Working on the basis of this structure and taking into account predicted future developments, the city and region are to be arranged into a series of units—areas immediately bordering the city and outer areas—grouped in segments around the city center but separated by open spaces. Each resulting complex should carry out the everyday functions of a town; it should have its own economic and cultural center while at the same time being related to the city center. Plans have been made to intensify building in the outer areas, spreading outwards along the public transport routes in star formation to avoid merging with the surrounding countryside.

The distances that have to be covered between home and work demand that specific arrangements be made for the various forms of transport in and around the town. Pedestrians are to have their own zones. In addition, it is considered essential that recreation areas in the form of open spaces be provided within the city, which would at the same time be an integrating factor in the organization of the individual complexes.

A vital part of the reorganization is the integrated transport plan, which is to coordinate travel by air, rail, local public services, and private transport. It will thus help to maintain the vitality of the "city organism."

Munich is surrounded by six airfields, only one of which, Munich-Riem, handles civil air traffic. Although near the city center, this airport has two main disadvantages: The height of buildings along the flying lanes is severely limited, and the noise-nuisance to residents is increasing with today's larger airplanes. The decision to build a new airport at Erdinger Moos, some 35 kilometers (22 miles) north of Munich, has been doubly welcome; it will be at a reasonable distance from the city yet have relatively easy access to road and rail transport, and will release a large area in the southeast for the development of an overspill town, "Neu-Perlach," in which 80,000 people will live.

PUBLIC TRANSPORT VERSUS PRIVATE TRANSPORT

Essential to the integrated transport plan is the immediate establishment of an efficient public transport system, with the aim of redressing the balance between public and private transport. In 1968, only 44 per cent of the population traveled on public transport, the remainder using private vehicles. But by 1990 the ratio should be 65 per cent to 35 per cent. Our roads will then be clearer, thanks to more efficient public transport facilities. For example, a subway train with six coaches will carry an average load of 1,000 people. Four trolleys or twelve to fifteen buses can transport the same load. But to carry the same number of people, 700 private cars would have to be on the road and if each moving car requires, on average, about 40 square meters (430 square feet) of space, then 28,000 square meters (300,000 square feet) of our precious roads are being occupied. It is the aim of the plan to concentrate public transport mainly in the built-up areas, while in the open, less built-up areas private transport can be used more freely.

The suburban railway lines, which converge radially on the city, will be connected by a 4.2-kilometer (2½-mile) tunnel between the Hauptbahnhof, in the center, and the Ostbahnhof, and the public transport network within the city has been designed to coordinate with this. Thus the suburban network of the German Federal Railways, which will become the Metropolitan Line, will be drawn into Munich's local transport system. By their coordination with the city's north-south public transport facilities, an efficient interchange of traffic will rapidly be achieved.

In 1963, after extensive study, Munich decided that, for the part of the public transport network which came under municipal control, a completely separate underground railway should be developed, independent

of all forms of transport on other levels. After the completion in 1972 of the first stage of the subway network, the remaining tram routes will be retained and divided into four groups, enclosing the city center in the form of a rectangle. When the entire subway network has been completed, some of these tram routes will still be retained. This, however, does not rule out the possibility of building an underground circle line later on. The system of bus routes will be kept flexible and, according to building progress, will be connected to the present termini and intersection points of the underground railway and the Metropolitan railway routes.

The capacity of the city's public transport network when complete will be about 300,000 passengers per hour, as against 100,000 at the present time. The combined underground tunnel system will comprise about 40 kilometers (25 miles) of tunnel.

ROAD DEVELOPMENT

By the end of the planned period a system of three ring roads will be available to private transport, supplemented by tangential roads and overlapped by interconnecting urban expressways, which will link up directly with the four existing autobahns (to and from Stuttgart, Nuremberg, Salzburg, and Lindau).

The old city ringway is intended to keep private transport away from the inner city area to a great extent and to carry traffic from the Federal highways. A rectangle of tangential routes, supporting the old city ringway, will carry out the same functions over a larger area, and will link up neighboring districts. The middle ringway is a series of tangents linking the outer districts; at the moment it also has to serve as an inner link for the autobahns.

Finally there is the outer trunk road ringway which will run partly outside the town. As yet it can only be regarded as a suggested system. Later on it will provide an effective by-pass around the town for the increasing long-distance traffic. The Federal highways and State highways, which run radially through the town, supplement as necessary the ringways and tangential routes.

REDUCED PARKING

Stationary vehicles are also taken into consideration in the integrated transport plan. As a result of a traffic survey in 1961, it has been decided that the number of available parking spaces should be adjusted to the capacity of the road system, and should not exceed 70,000 for the whole of the city area. Many spaces are to be restricted to short-period parking, which will spread private traffic out evenly over the day, and reduce the problems caused by long-term parking at peak traffic times.

Within the old city ringway a system of pedestrian zones will help preserve the character of the city center. The Neuhauser-Kaufingerstrasse roadway between Karlsplatz (Stachus) and Marienplatz is also to be used exclusively by pedestrians. A city-planning competition produced some good suggestions for these pedestrian areas.

ATTRACTIVE PUBLIC TRANSPORT

Concurrent with the development of the integrated traffic system, considerable effort is being made to make public transport more attractive to the local population. Emphasis is being laid on speed and safety, wide and comfortable cars, and well-equipped, attractive stations with widespread use of escalators. To facilitate easy changing from one form of transport to another, the passenger should be given the opportunity to use the same ticket for all transport. However, there are several problems, particularly concerning the cost, which can only be solved by means of a traffic and fares association similar to the one in Hamburg. A Munich traffic association, consisting of representatives of the State of Bavaria, the German Federal Railways, and the City of Munich, is being organized to solve this problem. It has already been proved that the German Federal Railways and the City of Munich alone cannot, for financial reasons, form an association to operate outside the city boundaries as well. The participation of the State of Bavaria and the German Federal Republic is therefore essential.

The various public transport facilities are to be linked together at focal points. This is essential for the construction of the combined system and also contributes to its overall attractiveness. Trolley routes and bus routes, supplying the underground and metropolitan railway network, will be linked to the "park-and-ride" facilities on this network. Examples of this are the underground stations *Olympiastadion, Scheideplatz, Munchener Freiheit, Sendinger-Tor-Platz,* and *Am-Harras,* and the metropolitan railway stops *Pasing* and *Ostbahnhof,* where the traveler can park his car and continue the journey by public transport. In addition, underground intersection points—such as the underground and metropolitan station at Marienplatz, in the heart of Munich, the Stachus development under the busiest traffic area in Europe, and the interchange of the underground and metropolitan railways at the Hauptbahnhof—will help alleviate congestion. Car parks along the old ringway around the city center are also included in the integrated transport plan. Parking space for 800 cars will be available at the Stachus development on the third and fourth levels underground.

THE IMMEDIATE AIM: OLYMPIAD

With the 1972 Olympics now less than a year away, great effort is being made to complete several miles of new underground railway before the expected arrival of thousands of visitors. A new 16-kilometer (10-mile) line will run from the north to the south of Munich; a 4.2-kilometer (2½-mile) tunnel running east to west will join up the suburban railways, and the new "Olympic" line will transport visitors to the stadium from the city center. The two new stretches of underground railway will require an expenditure of about 850,000,000 DM ($230,000,000).

In order to carry out this vast building program efficiently, the municipal development plan has been divided into a series of short projects with limited time periods, which can be supervised more easily. This leads to the "Mehresjahres" investment programs, in which money is invested in the individual building projects in order of importance for three or four years. To date, the following important projects have been undertaken: the further development of a network of efficient public transport facilities connected by railways, the completion of the middle ringway and the old city ringway roads, and the building of parking facilities on the outskirts of the old city.

We in Munich hope that we have done, and are doing, everything humanly possible to aid the efficient flow of traffic in our city. This problem is the cause of many headaches, here and all over the world. Only the future will show whether we have succeeded.

SOCIAL SECURITY

Mr. PERCY. Mr. President, several weeks ago, the Senate Special Committee on Aging issued a report on the Economics of Aging. This report revealed a number of startling facts. For example:

Americans over age 65 have only half the median income of Americans below age 65;

During the past 2 years, the number of aged Americans living below the poverty level increased by 200,000, and it was only among the aged that the percentage of poor individuals rose;

As many as one-quarter of the elderly citizens in this country live in abject poverty;

Medical care costs, as reflected in the Consumer Price Index, rose from 147.4 in October 1968 to 167.19 at the end of 1970;

The average health bill for a person 65 and over during 1969 was $692, or 2½ times that for a person aged from 19 to 64;

Medicare, in the meantime, covered only one-half of the health care expenses incurred by the elderly.

In short, the report of the Committee on Aging focused attention on what can only be termed a national disgrace. We have allowed what used to be a retirement income problem to become a retirement income crisis. Americans over 65 are not only the most neglected group in this country; they are the worst off in financial terms.

Largely dependent upon fixed incomes such as social security for a living, the elderly are hit hardest by inflation. Indeed, the inflationary impact is almost calculatingly cruel for the elderly in that price increases are most rapid in the areas of critical importance to them—hospital and medical care, housing, and transportation. Property taxes, which the elderly must pay if they wish to continue living in their own homes, have skyrocketed. And older Americans sometimes face the pathetic choice of buying a loaf of bread or taking a bus ride to see a friend.

Passage of the pending social security bill, H.R. 1, is vitally important to the 20 million Americans over 65. In its present form, this legislation contains a 10-percent increase in social security benefits, retroactive to January 1, 1971. It also includes one proposal of my own; namely:

Full benefits for widows—100 percent instead of 82½ percent of the deceased husband's primary insurance amount.

When H.R. 1 reaches the Senate, I plan to work again for the passage of four additional proposals, all of which were accepted by the Senate last December, but which died because time ran out before differences between the House and Senate versions of the social security amendments could be resolved. These four proposals are:

One, automatic benefit increases to correspond with rises in the cost of living, so that recipients will have some measure of protection against inflation;

Two, an increase from $1,680 to $2,400 in the earnings limitation, so that a social security recipient, struggling to improve a meager income by working, will not be so harshly penalized;

Three, benefits for grandchildren unadopted by, but dependent upon, their grandparents with whom they are living; and

Four, a removal of the present lan-

guage in titles X, XVI, and XIX of the Social Security Act, which declares that a blind or permanently disabled person is still primarily the financial responsibility of his parents after the age of 21.

It seems to me that we should enact these social security amendments as quickly as possible, for our elderly citizens have waited long enough. My constituents cannot understand how Congress can fail to complete action on a 10 percent social security benefit increase, while it easily manages to slip through a $35,000 increase in the pensions of ex-Presidents and their widows, and a generous office allowance for the former Speaker of the House of Representatives. Indeed, my constituents raise a valid question when they ask: "Why can't Congress pass a social security increase? It quickly enough approved an increase in Members' salaries."

Our older citizens have no high-powered lobby to push legislation through Congress for them. In fact, they are so proud and so unwilling to make demands that they suffer quietly and patiently, hoping that Congress will show a minimum amount of concern for their problems. There is something wrong when literally hundreds of thousands of older citizens, who have worked all their lives to contribute toward a better country, must spend their retirement years in poverty, loneliness, and despair—and this is exactly what is happening.

I think it is time for us to help restore some dignity to the lives of our senior citizens, and we can do this by quickly passing the pending social security amendments. Again, I urge the House of Representatives to approve H.R. 1 as soon as possible so that the Senate can follow with quick action as well.

NEW DOUBTS ABOUT THE ANGLO-FRENCH SUPERSONIC PLANE

Mr. PROXMIRE. Mr. President, Sunday's Washington Post contains a dispatch from the London Observer which raises serious new doubts about the economic viability of the Concorde, the British-French supersonic airliner.

According to the dispatch, BOAC has told the British Government that it sees no way of operating the Concorde economically. BOAC has calculated that it will cost twice as much per seat mile to operate the Concorde as it costs to run the much larger Boeing 747 subsonic jet.

Even with the most favorable seating and fare structure, BOAC expects that operating losses would occur. Such a structure would involve two classes of seating, with first-class passengers paying a surcharge of 20 to 30 percent. In the draft contracts sent to BOAC, Air France, and Qantas, a price of 28 million was quoted for the Concorde. This price was based on a production run of between 50 and 100 aircraft. However, because of the very substantial drop-off in airline traffic growth, the market researchers for BOAC now believe that sales of the Concorde probably would number about 30, instead of the hoped-for 72. If this happens, the sale price of the Concorde would have to be increased about 60 percent—which, according to the London Observer dispatch, "would almost certainly put the plane out of the market."

A companion study to the BOAC study was apparently done by Air France, and given recently to French transport minister Jean Chamant. The dispatch indicates that the Air France valuation of the Concorde is even worse than BOAC's.

Mr. President, it may be that if the British and French Governments expect to subsidize Concorde operations, as well as production, then national airlines such as BOAC and Air France may be able to operate the Concorde on a competitive basis. But it is patently absurd to expect private airlines in other countries—particularly U.S. airlines—to buy the Concorde and run it at twice the seat-mile cost of the 747.

As of this date, no airline has yet converted its option to a firm order. And given the present financial status of our airlines, and the economic loss that such a purchase would almost certainly represent, it seems highly unlikely that the airlines will be in any rush to sign binding contracts to purchase the Concorde.

Mr. President, we can hardly ignore the impact of these findings on our own SST program. The price of the American SST will be at least $40 million per copy; and if present traffic demands prevail, the cost could well rise to $50 or $60 million per plane. Any airline attempting to amortize such an investment, and at the same time coping with seat-mile-operating costs that are double the 747's, will have an enormous headache on its hands.

The conclusion is all too clear: the marketplace simply is not ready for a commercial supersonic jetliner. When it is, and when the numerous environmental problems have been solved, private capital should be eager to invest in an American SST. But the Federal Government has no business doing so now.

Mr. President, yesterday the New York Times published a column by Anthony Lewis on this subject also. Mr. Lewis' column makes a point which often has been overlooked when the SST proponents tell us we have to have an SST to keep up with the British-French competition; namely, that:

> Concorde is sold here (in Britain) as necessary to fight the Americans, the Boeing plane over there as essential to compete with the Concorde.

In other words, Mr. President, we are on a vicious merry-go-round. Each program is being used to prop up the other, because neither one can properly be justified on its own merits. Mr. Lewis hopes that Congress ought to be able to penetrate that sham when it votes again soon on the American SST. I hope so, too.

Mr. President, I ask unanimous consent that the Washington Post article entitled "Concorde Too Costly, BOAC Says" and the New York Times article entitled "People and Machines" be printed in the RECORD.

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

CONCORDE TOO COSTLY, BOAC SAYS

(By Andrew Wilson)

LONDON.—The British Overseas Airways Corporation (BOAC) has told the British government that BOAC sees no way of operating the Anglo-French supersonic airliner Concorde economically.

The BOAC verdict is bound to affect the government's imminent decision on the $2.4 billion project, cancellation of which would cause an industrial crisis in Britain more serious than the collapse of Rolls-Royce earlier this month.

BOAC's finding was known to Frederick Corfield, England's minister of aviation supplies, before he flew to Paris for talks with his French opposite number last Thursday.

In Paris, French transport minister Jean Chamant is believed to have given Corfield the results of a study by the French national airline, Air France, which showed that the French valuation of the Concorde has come out even worse than BOAC's. Both airlines calculate that it will cost twice as much to operate per seat mile as the subsonic Boeing 747.

[BOAC declined to confirm or deny the Observer report officially, but a spokesman said, "All we can say is that BOAC continues to want to operate the Concorde, and in conjunction with the manufacturers and the government we are looking for the best ways of doing so," AP reported.]

BOAC's figures are based on a detailed analysis of nine months' subsonic and supersonic flight tests by two Concorde prototypes which are being test flown, direct and indirect operating costs and the expected demand for supersonic travel on 1974–80, the likely first six years of Concorde's operation.

The flight results were encouraging in that that they demonstrated that the Concorde is capable of flying from Paris to New York with its promised payload of 25,000 pounds, equivalent to 125 passengers and their luggage.

But these technical results are only a small part of the whole picture.

It was when BOAC and Air France began to calculate the running costs and overheads—fuel, crew pay, maintenance and so on—that the alarming disparity between the Concorde and the "jumbos" began to emerge.

According to those who have analyzed its performance, operating losses are expected even with the most favorable seating and fare structure—a two-class aircraft in which both first and economy class passengers would pay a surcharge of between 20 and 30 per cent.

In practice this arrangement might be difficult to apply, because members of the International Air Transport Association would veto any Concorde economy fare that threatened to steal their first class business traffic.

Already potential airline customers for Concorde are having grave doubts about securing enough passengers to justify services before 1980—a reflection, in part, of the general fall in airline traffic growth estimates since the palmy mid-1960s when BOAC, like Air France and Pan American, increased its purchasing options from six Concordes to eight.

For BOAC, the diminished market means that even if the government subsidized its operation of the Concorde, only four or five aircraft would be needed instead of the original eight.

A similar reduction could be expected in the requirements of other customers—a move which is bound to be reflected in a spiraling selling price of Concorde.

The price quoted in draft contracts sent to BOAC, Air France and Qantas earlier this month is believed to be $28 million. But this was almost certainly based on the hope of

breaking even with a production run of between 50 and 100 aircraft.

If, as seems likely, the hoped for sales figure should drop from 72 aircraft (the present number of options) to about 30, the figure indicated by BOAC's market researches, the price would have to be substantially increased, perhaps by 60 per cent.

Such an increase would almost certainly put the plane out of the market.

According to the communique issued after last week's Paris meeting, the decision of the British and French governments on Concorde's future will be made when Corfield meets Chamant again at the end of next month.

Before then three things can happen:

The French government could order Air France to buy Concorde, in the belief (which remains to be tested) that BOAC and U.S. airlines would feel bound to follow suit.

An American airline could place the first order, despite increasing economic difficulties and a proposal by Pan American for a five-year trial period before introducing full-scale operations.

The British government could offer BOAC a subsidy to fly the plane, although BOAC dislikes this solution and argues that it would not improve the plane prospects.

REACTIONS DIFFER ON EFFECT ON SST

BOAC's conclusion that the Concorde would be a commercially uneconomic aircraft provoked widely divergent reactions in Washington from those who favor and oppose development of an American supersonic plane.

Sen. William Proxmire (D-Wisc.), leader of the anti-SST forces in the Senate, called the report "a very telling point against our proceeding with the SST."

He noted that the plane's supporters repeatedly have argued that the United States risks loss of commercial air supremacy if it does not have a competitive supersonic plane. "That's their one strong argument," Proxmire said, "and it seems to me this goes a long way toward undermining that argument."

However, William M. Magruder, director of the SST program in the Department of Transportation, said the report doesn't change his opinion "a bit."

Magruder said BOAC's analysis probably represented the airline's jockeying for a better price on the plane as it enters final negotiations for the initial purchases.

"It always happens—airlines will say nothing kind about a plane while they are negotiating for the sale," he said.

PEOPLE AND MACHINES

(By Anthony Lewis)

LONDON.—Boeing and British Aircraft Corporation officials held a joint press conference here the other day to promote their proposed supersonic transports, the American SST and the British-French Concorde. They aimed to show that SST's would not harm the environment, but they did not stop there.

Jet planes in general, they said, are "the cleanest means of transportation we know . . . Busy airports are cleaner than the cities they serve . . . The more that people use jets instead of surface transport, the cleaner the world's atmosphere." And the Concorde itself would be "a spectacular way of defending the environment."

Listening to that, one felt like Yossarian—trapped in a lunatic world where the inhabitants talk sage nonsense to one another.

Just imagine what the world would be like if we followed aerospace logic and all the people who now travel by train or car or bus used jet planes instead. In that "cleaner" world the sky would be darkened by jets, the air filled with maddening noise; the planet would have to be paved over for runways.

How can intelligent men live by such mad logic? It is not just money or corporate loyalty that moves them. It is a burning belief in the cause of airplanes and, more broadly, technology.

With all respect for sincerity, their cause is our enemy. It is the cause of the machine, oblivious to the human values that we must restore and nourish if our civilization is to endure.

There is no clearer test of the opposing values, human and technological, than the supersonic transport. As a machine, it has a powerful appeal. Even the skeptical environmentalist might find himself drawn to the brute beauty of the Concorde prototype as it roars overhead on its test flights. But by this time we surely know that there are other considerations. In terms of both economics and human tranquillity, these weigh overwhelmingly against the SST.

Concorde has already cost the British and French Governments $1.2 billion for development, and that figure will probably double before the end—little of it likely to be recovered even if production models are sold. The plane will carry 108 to 126 passengers across the Atlantic, one-third the capacity of a 747. The seat-per-mile cost to the airline using Concorde will be double that of a 747, and the passengers would therefore have to pay much higher fares. Crossing the Atlantic would take seven hours instead of ten, door to door, if there are no landing or ground delays.

At supersonic speeds, Concorde causes a boom whose devastating impact even the SST promoters do not deny. They say that the plane will not be allowed to fly over populated places. But given the economic yearning for more routes, Charles Lindberg was inevitably correct when he said recently that he did not believe such promises could be "practical or lasting."

In any case, the noise made by Concorde as it lands and takes off will be substantially more painful than the maximum now permitted by London airport authorities or the Federal Aviation Agency for new subsonic planes. The position of Concorde's promoters is that it should be allowed to make more noise. Why? Because otherwise their machine cannot work: machines before men.

A Briton who symbolizes the ideology of the machine is visiting the United States this week to argue against noise limits that would affect Concorde. He is Anthony Wedgwood Benn, who as Minister of Technology in the late Labor Government became a cartoonists' figure of fun with his earnest manner of saving souls by technology. It was Benn who applauded and supported, as a superb example of British technology, the RB-211 engine contract that has just sunk Rolls-Royce.

While Benn is in America, the voices opposed to Concorde are growing stronger in Britain. A leading opponent, Richard Wiggs, has just published a compelling book, "Concorde: The Case Against Supersonic Transport." One important point he makes is the way backers of SST's have used the fear of trans-Atlantic competition: Concorde is sold here as necessary to fight the Americans, the Boeing plane over there as essential to compete with Concorde.

Congress ought to be able to penetrate that sham when it votes again soon on the American SST. For the truth is that the British Treasury would dearly love to be relieved of Concorde, and more and more independent analysts are coming to agree with the view of Concorde taken by the Spectator, a conservative weekly:

"The non-flying majority is not only subsidizing the rich flying minority with its cash. It is also putting up with the very great nuisance created by the rich flying minority. Seldom can a majority have been more strenuously taxed to benefit a minority and at the same time to deafen and to poison itself."

CHANGES IN NATIONAL RAIL PASSENGER CORPORATION SYSTEM

Mr. ALLOTT. Mr. President, recently Secretary Volpe designated the final National Rail Passenger Corporation System for the United States. The changes he made in his original plan are sound and realistic. He is to be commended for developing a workable system which will provide adequate service and which is not burdened with unnecessary and useless service.

A letter to Secretary Volpe, a copy of which was made available to me by Dr. Richard L. Day, associate professor of geography at the University of Idaho, expresses my sentiments completely.

So that all Senators might share this excellent expression, I ask unanimous consent that Dr. Day's letter be printed in the RECORD.

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

UNIVERSITY OF IDAHO,
Moscow, Idaho, January 30, 1971.

HON. JOHN A. VOLPE,
Secretary of Transportation,
U.S. Department of Transportation,
Washington, D.C.

DEAR MR. VOLPE: I wish to express my appreciation for the additional Western routes you designated in the final National Rail Passenger Corporation system which you announced on January 28, 1971. I am referring to the Seattle to San Diego route along the West Coast, the Los Angeles to New Orleans route, and the routing via Denver of the Chicago to San Francisco trains.

It will be especially desirable if the Los Angeles-New Orleans trains are operated via Phoenix, El Paso and Houston; and the Chicago-Denver-San Francisco trains via the highly scenic "California Zephyr" route.

I hope it will still be possible for responsible groups to charter special trains after the National Rail Passenger Corporation takes over on May 1, 1971. This has been one of the most effective means of attracting both business and attention to the railroads' passenger operations in the past. Not infrequently, as many as 1,000 persons have been attracted to such trips and additional potential riders have been turned away.

I wish to especially commend you for your highly inspirational statement when you announced the final system last Thursday. Your words, "This lays the foundation for what in my opinion is destined to become the all-time comeback in the history of American transportation" indicate that the new system of passenger trains will operate in a most favorable psychological atmosphere. This is vitally important to the success of the undertaking.

Thank you very much, Secretary Volpe, for the excellent approach you are making in setting up the National Rail Passenger Corporation system.

Sincerely yours,

DR. RICHARD L. DAY,
Associate Professor of Geography.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. CURTIS. Mr. President, in this world of power politics a small nation can retain its freedom only if geography

permits. If nature does not provide barriers behind which the smaller land may protect itself, its people inevitably are victims of greedy neighbors.

This is the tragic history of the tiny little country of Lithuania living in the shadow of the great powers which have struggled for centuries to control eastern Europe. The giants have used Lithuania as a prize for their political maneuvers since the 13th century.

The Lithuanians are a fiercely proud people, and although overshadowed by their bigger neighbors, have always fought bravely to maintain their freedom. But it has been a long and bitter struggle against great and overwhelming odds.

As most tragedies of history demonstrate, bravery, intellect, and a burning love for freedom are not in themselves enough to guarantee that freedom if others, bigger and more ruthless, are willing to smash your freedom for political or territorial gain.

Lithuanian has suffered just that fate.

Her lands have been the battleground where great armies have fought. Her people have been the victims of wanton aggression. Her freedom has been sacrificed by the great nations around her.

From the 13th century on the Lithuanian people were the pawns of the greater powers. But on February 16, 1918, some 53 years ago, all this seemed to have changed. It was on that date, and with the backing of the Germans, then engaged in the great World War, that the Lithuanian people declared their independence and a new era opened for the long-oppressed people.

During the following year the Lithuanian people battled to maintain that independence against invading armies of the newly created Soviet Union. They won. Their independence was firmly established and their freedom guaranteed.

For the next 20 years Lithuania developed as a free and independent nation, enjoying the fruits of liberty and holding dear the rights their people had won with their blood and toil.

But history was against this tiny, brave land. The dogs of war were on a loose leash in Europe during the waning days of the 1930's, and Lithuania was once again being bartered over by two giants, Nazi Germany and Soviet Union.

In the infamous Treaty of Non-Aggression of August 23, 1939, there was a secret protocol which gave Lithuania to the Nazis, or, in the delicate but deadly wording of such power politics, included Lithuania in the sphere of influence of the Germans. During the German invasion of Poland the Nazis desperately tried to draw Lithuania into the war on their side so as to provide them with protection.

The Lithuanians declined the honor and chose instead to remain neutral. But even this was not long permitted. In the treaty of September 18, 1939, Lithuania was again up for barter between the Soviets and the Germans. This time the Soviet Union won the figurative toss of the coin and the freedom of the Lithuanian people was placed in the bloody hands of the Russians. On December 10 of that year the Russians forced the Lithuanians to accept a treaty of occupation, and from that moment on the flame of liberty flickered low.

During the Second World War the Lithuanian plains were the battleground of the Soviet and German Armies and the people of Lithuania suffered for it. They were occupied first by the Soviets, then by the Nazis, and, finally, by the Soviets once again.

This time the occupation was complete, the domination was total. The Lithuanian people became not only the vassals of the greater power to the north and east, but also the slaves of the Soviet Union.

Since the end of the war Lithuania has ceased to exist, insofar as the Russians are concerned. The small island of liberty has been wiped out and has become merely a part of the Soviet Union itself. There is not even the pretense of a national state such as those allowed by the Soviets in their larger satellite colonies.

Although the country is no longer on the maps, and tyranny again seems to loom triumphant, Lithuania still is a nation and a country in the hearts and minds of the Lithuanian people, both in the Baltic States and those who live abroad.

For many centuries the Lithuanian people have lived in adversity and their land has been ravaged and pillaged by invaders. Always they have survived. They know they will survive again.

They are a patient people. They are a brave people. And they are a people loyal to their traditions and to the tradition of freedom.

They will outwait their conquerors. They will suffer through this present time of slavery.

And always, in their hearts, the tiny flickering flame of freedom will burn. Some day that flame will burst into full and fiery glory. Lithuania will again be a proudly free nation.

Until then, those of us who love freedom and cherish it must help where we can, must give sustenance where we can, must share with them their hopes and their ambitions.

For our people, too, have known adversity and oppression. And our people have in the past thrown off the yoke of imperial might. And we have maintained that freedom.

But geography was on our side. There were vast miles of water between us and those who would have oppressed us. And so we were able during our years of formation to build our strength to withstand the threats from abroad.

The Lithuanians have not had that advantage. They make up for it with the depth and intensity of their love of homeland and freedom.

PRESIDENT NIXON'S MESSAGE ON HIGHER EDUCATION

Mr. DOLE. Mr. President, yesterday Congress received an important and far-reaching message on higher education from President Nixon. I would urge its careful and immediate consideration by Members of Congress. With the present legislative authority in higher education expiring this June, the time for action is short. But equally important, the President's proposals could greatly increase the amount of financial aid available to students of all income levels who desire to enter college next fall.

In his message, the President emphasizes two major goals: Expansion and reform of student financial assistance programs, and reform and revitalization of our institutions of higher education.

To accomplish expansion and reform of student financial assistance programs, the President proposes the Higher Education Act of 1971. This act would require that Federal higher education student aid be distributed in such a way as to guarantee that students from low-income families would be assured of a certain level of support, based on the ability of their families to contribute to the cost of their education. The aim of this provision is that students from low-income families will have financial resources which will enable them to pursue a higher education on the same basis as students from middle-income families. And most significantly, as the President has emphasized, that no qualified student who wants to go to college should be barred by lack of funds.

To increase the availability of federally guaranteed loan funds for all students, the President has proposed the establishment of the National Student Loan Association. This association NSLA, would be a secondary market modeled after the Federal National Mortgage Association. It would buy student loan paper from colleges and commercial lenders, thus providing new capital for more students. With the establishment of the NSLA, the President estimates that an additional $1 billion would be available for student loan funds.

Mr. President, I am impressed with the extent to which the President's program would improve access for students to higher education, both in my own State of Kansas and across the Nation. Nationwide, it is designed to assist 1 million more students this year than last. But most important, by a reordering of priorities in the allocating and financing of educational resources, it would help support students from all income levels and give each an equal chance to the advantages of a higher education. In addition, the President's budget submitted this January has provided for these funds.

Also, the President quite properly recognizes that making higher education accessible to more students is only part of an overall strategy for higher education. In addition, there must be an improvement of our institutions of higher education so that their programs can more effectively meet the needs of the public. To this end, the President has proposed the establishment of the National Foundation for Higher Education.

This Foundation would provide support for new and innovative programs on our college campuses. These programs

would provide greater access to higher education for our citizens, young and old; increase the number of educational courses available to include learning which is useful in the world of work; and explore the uses of educational technology as a device for bringing the benefits of continuing education to the American people.

Mr. President, I commend President Nixon for the balanced approach and the new directions he has introduced in this message. He has placed emphasis at the points of greatest needs: enhancing the opportunity of higher education, and making higher education more responsive to the needs of the people. I feel that his ideas will be particularly valuable as we respond to our inherited task of enhancing the quality and scope of higher education.

THE 25TH ANNIVERSARY SESSION OF THE UNITED NATIONS

Mr. BROOKE. Mr. President it has now been 25 years since the free nations of the world first affixed their signatures to the Charter of the United Nations. That document, signed in great hope even before the dreadful conflict of the 1940's had been brought to an end, was designed to enable the nations of the world to focus their attention on peaceful pursuits. Its first aim was simply "to save succeeding generations from the scourge of war"; this we are still trying to do. But in its other aims, it has realized greater progress: the nations of the world have cooperated, to a great extent, "to reaffirm our faith in fundamental human rights," "to establish conditions of justice and respect," "to promote social progress and better standards of life" for all mankind. What is more, the fact that a world body has continued to press for these ends has made all the nations and peoples of the world, individually, more conscious of the rights of other men.

Recently, the U.S. mission to the United Nations issued a summary of the accomplishments and concerns of this historic anniversary session just concluded:

The 127th nation was admitted to the world body.

A treaty prohibiting the use of nuclear weapons in the seabeds of the world was adopted by the General Assembly.

U.N. peacekeeping responsibilities in Cyprus and Korea were considered and extended.

The nations of the world once again expressed their profound distress over the continuing remnants of colonialism and racial injustice in Southern Africa.

A new strategy for development in the U.N.'s second development decade was adopted, encompassing new approaches to world trade and transfer of financial resources.

A U.N. volunteer corps, similar to the Peace Corps, was established, and plans were made for the creation of an international university.

Narcotics control and airline hijacking were major concerns of the U.N. and progress was made in reaching international agreements on both troubling issues.

Mr. President, the United Nations is an important and constructive arm of American and world foreign policy. Its accomplishments should be recognized and applauded.

In the belief that the summary prepared by the U.S. mission will be of interest to all Senators, I ask unanimous consent that it be printed in the RECORD.

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

THE 25TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

INTRODUCTION

Twenty-fifth Anniversary of the United Nations

The 25th anniversary commemorative session, held from October 19 through October 24 as part of the 25th General Assembly, included addresses by representatives of 87 member states, the Secretary General, and Assembly President Hambro.

The commemorative session culminated on October 24, the 25th anniversary of the charter's entry into force, with the adoption by acclamaion of three declarations:

Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

An International Development Strategy for the Second United Nations Development Decade;

Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations.

The Friendly Relations Declaration has been widely acclaimed as an important statement of international law, elaborating and clarifying seven of the most basic principles of international law contained in the United Nations Charter.

The development strategy is a comprehensive statement of essentials for national and international action during the Second Development Decade, 1971–80. Despite reservations by the United States and other counries on various point, the document is a major step toward a systematic and more rational approach to economic and social development.

The 25th anniversary declaration embodies the Assembly's consensus on common purposes, reflecting basic aims of the chapter with particular emphasis on development, disarmament, and the abolition of racism and colonialism.

President Nixon, who made a major address on October 23, was one of 45 heads of state and heads of government to speak either at the commemorative session or at other times during the 25th Assembly. Participating also were three vice presidents, three deputy heads of government, 91 foreign ministers, and 12 other ministers of Cabinet rank.

The President's speech reaffirmed continuing United States support for the United Nations and discussed several areas where he felt international action through the United Nations was necessary. These areas are:

Furthering economic development in the spirit of the Second Development Decade;

Strengthening the U.N.'s capacity to make and to keep the peace;

Coordinating worldwide protection and restoration of the environment;

Devising means to insure that the resources of the sea are developed for the benefit of all mankind;

Supporting national efforts to control the population explosion;

Curbing international traffic in narcotics;

Putting an end to the practices of sky piracy and the kidnaping and murder of diplomats;

Insuring that the human rights of prisoners of war are not violated.

On October 24 President Nixon was host at the White House for a dinner in honor of the 25th anniversary of the United Nations. Heads of state and government from 29 nations attended the dinner, along with members of the President's Cabinet and other U.S. Government officials.

Secretary Rogers, who was in New York for the bulk of the period from October 15 through October 24, met with 41 Presidents, Prime Ministers, and foreign ministers in an extended series of bilateral meetings. He also attended a dinner given by the Secretary General for the foreign ministers of the four permanent members of the Security Council on October 23. Following the dinner a statement dealing with the Middle East was issued in which the ministers agreed to exert efforts to enable Ambassador Jarring to resume his mission, to search for possibilities to extend the cease-fire, to find a peaceful solution based on Security Council Resolution 242.

SECURITY COUNCIL

First periodic council meeting

Secretary Rogers represented the United States in the first periodic meeting of the Security Council, convened under article 28, paragraph 2, of the charter. The meeting took place *in camera* on October 21, and the foreign ministers of all but four of the 15 Security Council members were present. The members of the Security Council were unanimous in agreeing that the holding of such periodic meetings constituted an important step toward strengthening the Council's ability to act effectively for the maintenance of international peace and security.

Council elections

Five countries were elected to 2-year terms on the Security Council on October 26. They were: Argentina, Belgium, Italy, Japan, and Somalia. As is its usual practice, the United States cast its vote in the General Assembly for those countries running for the Security Council who had received the endorsement of their respective regional groups.

Admission of Fiji

Fiji was admitted as the 127th member of the United Nations by the General Assembly on October 13 on the unanimous recommendation by the Security Council.

During the discussion of Fiji's application for membership in the Security Council, the United States proposed that the application be referred to the Council's admissions committee, as provided for in rule 59 of the provisional rules of procedure of the Security Council.

The United States held that return to such a procedure, which has not been observed in recent years, would better enable the Council to determine whether an applicant is willing and able to bear the burdens and obligations of membership. The United States stated that Fiji clearly met the qualifications for membership and therefore felt that the time was particularly appropriate to reestablish use of the admissions committee.

The United States also made clear that it considered that provisions in rule 59 calling for an application to be submitted to the General Assembly at least 35 days before a regular session and 14 before a special session did not apply to applications received during a session of the General Assembly. Nevertheless, opposition led by the U.S.S.R. and Zambia defeated the U.S. proposal. Although the U.S. effort was defeated this time, we believe that in the future the proposal to use the admissions committee will be more favorably received. Both the United Kingdom and France have stated that they believe the rule should be followed in the future, and we hope that such procedure will prevail at the time of consideration of any new ap-

plication for membership in the U.N. by any state.

Guinea complained

The Security Council on November 22 convened on an urgent basis at the request of Guinea concerning an armed attack against the Government of Guinea by external forces. The United States took the position that it would be more expeditious for the Security Council to have the Secretary General send out a special representative to examine the facts of the situation and to report back to the Council. However, since this approach proved difficult to achieve, it was decided that a five-man investigating mission of the Security Council be sent to Guinea.

Upon the return of the mission, and after carefully examining the report of the mission, the Council agreed that the action against Guinea was one which should be condemned as contrary to the charter's injunction that states should refrain from the use or threat of force directed against the territorial integrity or political independence of any state. While the United States was unable to support the resolution adopted by the Council, the United States abstained in the belief that the resolution did not constitute a finding under chapter VII of the United Nations Charter and that it committed the Council to taking action under chapter VII in the future.

Question of Cyprus

On December 10 the Security Council met to consider the question of Cyprus and the renewal of the Council's mandate to maintain the United Nations Peacekeeping Force in Cyprus (UNFICYP). After hearing statements by representatives of Cyprus, Turkey, and Greece, the Security Council voted unanimously to extend UNFICYP's mandate for another 6 months, to June 15, 1971.

In a statement in explanation of vote, Ambassador Phillips expressed his appreciation of the skill and efficiency of UNFICYP. He went on, however, to express his disappointment that the intercommunal talks on Cyprus had lost their momentum and both sides had stiffened their positions. Ambassador Phillips said that the purpose of this extension of UNFICYP's mandate, like previous extensions, was not intended to give UNFICYP a permanent status and reminded members that peacekeeping was not a substitute for peacemaking.

GENERAL ASSEMBLY

Middle East

The Middle East was the dominant political concern of the 25th General Assembly. The general problem of a peaceful settlement was debated in plenary, while the Special Political Committee dealt with the problems of the Palestinians and the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which is in serious financial straits. The question of human rights in the occupied territories was considered in both the Special Political Committee and the Third Committee.

Behind the scenes there were discussions between the foreign ministers and the permanent representatives of the Arab countries, Israel, and the four permanent members of the Security Council directly concerned with the Middle East conflict. Secretary Rogers met bilaterally several times with the foreign ministers of Israel, the U.A.R., and the U.S.S.R.; and following a dinner given by the Secretary General on October 23 there was issued a statement that the foreign ministers of the four continued to support Security Council Resolution 242 as the basis for a peaceful settlement and pledged their countries to do their utmost to enable discussions for this purpose between the parties under the auspices of Ambassador Jarring to resume as soon as possible.

The diplomatic discussions and the plenary debate focused on how to bring about a resumption of discussions under Ambassador Gunnar Jarring's auspices and how to preserve the advances toward a peaceful settlement achieved through the U.S. initiative of June 19–20, 1970. These advances included:

(a) An explicit, categoric commitment by Israel, the U.A.R., and Jordan to carry out Security Council Resolution 242 in all its parts;

(b) Agreement by Israel to negotiate indirectly, at least in the first instance;

(c) Strict observance of the cease-fire, at least for a limited period.

There was a related military standstill provision of the agreement, whose violation caused the interruption of talks under Ambassador Jarring's auspices. However, the other elements remained intact, and prospects for a resumption of discussions are improved. The relative moderation displayed by the U.A.R., Jordan, and Israel during U.N. consideration of Middle East questions is one reason prospects for a peaceful settlement are better than might have been expected.

The Assembly voted on two draft resolutions, both of which called for the implementation of Security Council Resolution 242 as the basis for a peaceful settlement in the Middle East, called for the resumption by the parties of contact with Ambassador Jarring and called for a 3-month extension of the cease-fire. However, the Latin American draft (which lost 45 (U.S.) to 49, with 27 abstentions) maintained the balance of Security Council Resolution 242 and noted that violations of the standstill cease-fire were responsible for the interruption of talks under Jarring's auspices pursuant to the U.S. initiative. The draft resolution which was adopted as General Assembly Resolution 2628 by 57 votes to 16 (U.S.), with 39 abstentions, did not refer to the U.S. initiative nor to the standstill cease-fire violations, and it was unbalanced in favor of one side of the conflict. The most notable aspect of the voting was the split between the U.A.R., Jordan, five other Arab states, and the Soviet bloc, who supported General Assembly Resolution 2628 (and Security Council Resolution 242), and seven Arab states (Algeria, Syria, Iraq, the two Yemens, Saudi Arabia, Kuwait), who refused to participate in the voting because they objected to Security Council Resolution 242.

Chinese representation

The General Assembly again reaffirmed its 1961 decision that any proposal to change the representation of China in the United Nations is an important question requiring a two-thirds vote for adoption. This resolution was adopted 66 in favor (U.S.), 52 against, with 7 abstentions.

A resolution, sponsored by Albania and 17 other countries, to expel the Republic of China and to seat representatives of the People's Republic of China in the United Nations obtained a simple majority (51 in favor, 49 against (U.S.), with 25 abstentions) but failed to obtain the required two-thirds votes for passage.

While the Albanian resolution gained a majority for the first time, there is nevertheless a growing and strong sentiment in the Assembly that the People's Republic of China should not be admitted at the price of expelling the Republic of China, which effectively governs 14 million people and has always faithfully carried out its obligations under the charter.

This feeling was perhaps strengthened by the realization by many countries after the vote on the Albanian resolution that had it not been for the two-thirds rule, the Republic of China would have been expelled from the General Assembly.

Even some of the sponsors of the Albanian resolution have reluctantly noted the growing unwillingness on the part of many supporters of the admission of the People's Republic of China to take this action if it means the expulsion of the Republic of China.

Rationalization of General Assembly procedures

On November 9 the General Assembly adopted by 88 votes to 0, with 12 abstentions, a resolution sponsored by Canada and 24 other members to deal with the question of rationalizing procedures and organization in the General Assembly. By virtue of the resolution the President of the Assembly will appoint, on the basis of equitable geographic distribution, a 31-member committee which will study and report on the question at the 26th General Assembly.

The United States strongly supported this resolution. The United States has long believed that the procedures and organization of the General Assembly are in need of reform. The United States is particularly concerned at the length of time taken to complete the work of the General Assembly, which often has gone beyond the appointed 3 months. Ambassador Finger, in his statement to the General Assembly on this matter, stressed the absolute necessity of completing Assembly work within the agreed time. He furthermore suggested that with more careful planning and organization and with the session attended by more senior government officials, who can make policy decisions, the essential work of the Assembly might be completed within a considerably shorter period than the present 3-month session. The United States expects to be a member of the committee and will participate actively in its deliberations.

COMMITTEE I

Disarmament

The most important disarmament issue before the Assembly, the seabed disarmament treaty, was commended by an overwhelming majority. The United States strongly supported the treaty and, as Cochairman of the Conference of the Committee on Disarmament, the principal forum for the development of the treaty, played a major role in its drafting and negotiation. The First Committee and the Assembly accepted the draft treaty from the CCD without any amendments, and the vote puts the U.N. Assembly unequivocally on record as favoring the opening of this significant new disarmament agreement for signature. When ratified, the treaty will prohibit the emplacement of nuclear weapons or other weapons of mass destruction on the seabed, ocean floor, and in the subsoil thereof.

Chemical and biological warfare was again the subject of much discussion. The tenor of the debate was generally restrained, and the Assembly adopted a resolution requesting the Conference of the Committee on Disarmament to carry out further work on the problem and to consider, without prejudice, the various proposals made. These include:

The revised United Kingdom draft Convention on Chemical and Biological Warfare (submitted to the CCD on August 25, 1970), which is supported by the United States;

The revised draft Convention on Chemical and Biological Warfare (submitted to the CCD on August 25, 1970), which is supported by the United States;

The revised draft Convention on Chemical and Biological Weapons submitted to the Assembly on October 23, 1970;

The Joint Memorandum on the Question of Chemical and Biological Warfare submitted to the CCD on August 25, 1970, by 12 of its nonaligned members.

The November 2 resumption of the SALT talks (Strategic Arms Limitation Talks between the United States and the U.S.S.R.) was widely welcomed by U.N. members, a number of whom recognized that the task

before the talks was both delicate and demanding. However, a number of countries pressed the adoption of a resolution which noted with satisfaction the continuation of the SALT talks but called upon the nuclear powers to accept a moratorium on the testing and deployment of nuclear weapon systems. The United States abstained on this vote while the Soviet Union and its allies voted for it. The United States informed the U.N. that it sympathized with the general objectives of the resolution. Nevertheless, the issues involved in the SALT talks are extremely complex, and the resolution, laudable though its purposes may be, could not in reality contribute to progress.

Eight other resolutions dealing with disarmament and disarmament-related problems, all supported by the United States, were also approved by the First Committee and adopted by the Assembly with large majorities.

Korea

The Assembly again adopted by a large majority a resolution reaffirming the objectives and responsibilities of the United Nations in Korea. The resolution, cosponsored by the United States and 19 other countries, was approved by a vote of 67 (U.S.) in favor, 28 against, with 22 abstentions. As in 1969, the resolution called for cooperation in easing tensions in the area and for the avoidance of incidents and activities in violation of the 1953 armistice agreement.

As in previous years, resolutions were introduced by the supporters of the North Korean regime calling for: (a) the dissolution of the United Nations Commission for the Unification and Rehabilitation of Korea and (b) the withdrawal of all United Nations forces from Korea. Both resolutions were decisively rejected in the First Committee.

Outer space

The General Assembly adopted four constructive resolutions on outer space on December 16.

One resolution, which deals with the work of the Outer Space Committee on the scientific and technical side, carries forward the President's initiative in 1969 when he undertook to associate the United Nations with experimentation with earth resources satellites. As a part of this cooperative effort, scientific panels and other activities are being planned for 1971.

A second resolution calls for urgent action to complete the outer space liability convention, which the United States strongly supports.

A third resolution, a joint Philippine-U.S.-Madagascar-Thai initiative, calls on the World Meteorological Organization to intensify the effort to develop typhoon prediction technology and to take action to minimize the destructive effect of such ocean-generated storms as the recent (November 1970) disaster that struck East Pakistan.

The fourth resolution summarizes the agreed results of an Outer Space Committee study on direct broadcast satellites and notes the potential of this infant technology for improving the telecommunications infrastructure of developing countries; for economic, social, and cultural development in education, agriculture, health, and family planning; and for better understanding among peoples through expanded exchange of information, knowledge, and culture.

The work of the United Nations concerning outer space and space-related activities continues to be extremely positive. We are proud of the leadership of the United States in contributing to and stimulating this work.

Strengthening international security

The United States is pleased at the outcome of the lengthy negotiations on the Declaration on Strengthening International Security, but as Ambassador Yost stated in his general debate speech on September 30, and in First Committee on December 14, we do not believe that is is worthwhile to devote so much of the time and effort of the United States to producing such sweeping hortatory declarations. This is especially so when declarations restate charter provisions or paraphrose previous declarations and resolutions.

"Strengthening international security" was an item introduced by the Soviet Union at the last General Assembly and carried over to this one. It represents the main Soviet initiative in the 24th and 25th sessions. The main Soviet goal was to improve their image as "peacemakers" in the U.N. At the same time they wanted a U.N. "endorsement" of the Brezhnev doctrine of limited sovereignty and to produce a document underlining certain provisions of the U.N. Security Council Resolution 242 on the Middle East as a point of departure for propaganda attacks on Israel and the United States.

Attempts to secure General Assembly approval for such a one-sided declaration bogged down last year, and this year competing drafts submitted by Western European, Latin American, and nonaligned countries were submitted. In our view the Western draft, which was the product of much hard work, was clearly preferable to the others. The United States followed closely the intensive negotiations leading to the introduction of the compromise draft approved by the Assembly. As the Soviet Representative himself admitted, the compromise declaration contained less of the Soviet language than that of any of the other groups of cosponsors. The Brezhnev doctrine is laid to rest in operative paragraph 1 of the declaration, which establishes the sovereign equality of states as an absolute principle of international relations. One-sided references to the Middle East have been eliminated or carefully balanced. Several references to peaceful settlement of disputes, peacekeeping operations, and development have been inserted which the Soviet Government strongly opposes. On the whole, the declaration is a good one.

Whatever the merits of the text itself, however, we must consider its cost. Had the efforts expended in producing this document been devoted to solving the real problems of the world community this would have been a more successful session and international peace and security would have been strengthened.

Seabeds and the law of the sea

The Assembly gave broad support to a proposal for a new law-of-the-sea conference to be convened in 1973. The conference is expected to conclude treaties establishing a seabed regime and on certain longstanding law-of-the-sea issues related to the breadth of territorial waters, international straits, and fisheries questions

The Assembly, with U.S. leadership, approved the resolution for the conference on seabeds and law of the sea, a declaration of principles to insure seabed resources are exploited peacefully and for the benefit of all mankind, and resolutions to study the economic impact of exploiting underocean resources and the problem of landlocked states.

Thus it is hoped to achieve agreed means to regulate the seabed and its resources for the common benefit of mankind before developing technology triggers a race among states to extend unilateral claims far into the marine environment, threatening conflict situations and new underwater colonial empires.

President Nixon told the General Assembly on October 23:

"It is in the world interest for the resources of the sea to be used for the benefit of all—and not to become a source of international conflict, pollution, and unbridled commercial rivalry.

"Technology is ready to tap the vast, largely virgin resources of the oceans. At this moment, we have the opportunity to set up rules and institutions to insure that these resources are developed for the benefit of all mankind and that the resources derived from them are shared equitably. But this moment is fleeting. If we fail to seize it, storm and strife could become the future of the oceans."

In May the President announced a U.S. ocean policy in which he called for a new international regime for the seabeds beneath the high seas beyond a depth of 200 meters and called upon other nations to join the United States in assuring that licensing of exploitation during the interim period would be subject to the international regime upon its establishment. In August the United States tabled in the United Nations Seabed Committee at Geneva a draft convention proposing creation of an international seabed resource authority, through the United Nations, to provide for orderly exploitation of seabed resources and to provide a vast new source of revenue for international development purposes. Senator Claiborne Pell, speaking in support of the proposal, envisaged a substantial flow of funds for development within the decade, with greatly expanded potential.

The United States argued that all these questions, including the related law-of-the-sea issues such as the breadth of the territorial sea and transit through international straits, demand urgent attention by the international community if agreements are to be reached which can lessen the risk of conflict in the marine environment. The need for action is particularly compelling with regard to such seabed issues as creation of the international regime, appropriate international machinery, and definition of the international area. Man's demands for deep sea resources are steadily driving the technology of exploitation deeper in the seas and further out from coastlines.

The work of the proposed 1973 conference will be prepared by an enlarged United Nations Seabed Committee, which will report its progress to the 26th and 27th General Assemblies.

SPECIAL POLITICAL COMMITTEE

Peacekeeping

In delivering the U.S. opening statement in debate on this item Ambassador Yost expressed his deep disappointment that the Special Committee on Peacekeeping and its working group were not able to show progress on questions of substance which would have made possible an agreement on how U.N. peacekeeping efforts should be authorized, established, and carried out. He expressed pleasure at the many statements made by distinguished leaders from all parts of the world in both the general debate and the commemorative session in which they urged that steps be taken now to improve U.N. peacekeeping capabilities. Although virtually all subsequent speakers in the debate in the Special Committee shared Ambassador Yost's concern at lack of progress on guidelines for peacekeeping, no support for seeking even limited agreements was forthcoming. Instead the committee was content to pass unanimously a resolution which instructs the Special Committee on Peacekeeping to intensify its further efforts with a view to completing its report on U.N. military observer missions by May 1, 1971, and to submit a completed report to the 26th session of the General Assembly in September 1971.

In a closing statement Ambassador Yost again expressed U.S. regret that this session had been unable to take any concrete actions to strengthen U.N. peacekeeping. He recalled that he had hoped frankly for an initiative that might have resulted in insuring the readiness and availability of men and facilities for peacekeeping emergencies.

The above resolution was unanimously

adopted by the General Assembly on December 8.

United Nations Relief and Works Agency for Palestine refugees in the Near East

Five resolutions were adopted on this subject. One urged UNRWA to continue its efforts. Another created a working group to try to resolve the serious UNRWA financial crisis. Two resolutions reaffirmed the right of those persons displaced as a result of the 1967 conflict to return to their homes in the occupied territories, and another affirmed that the "people of Palestine" have the right to self-determination and declared that their "inalienable rights" are "an indispensable element in the establishment of a just and lasting peace in the Middle East."

The only controversial resolution was the last, and its most ardent supporters gave to it the interpretation that the "people of Palestine" were entitled to self-determination without any regard for the sovereign rights of Israel or Jordan or any other state in the area, despite the fact that they are members of the United Nations and entitled to full rights under the United Nations Charter. The United States opposed this resolution on grounds that it was intended to call into question Israel's right of existence and to distort Security Council Resolution 242. The advocates of this resolution were those who had refused to participate in the voting on General Assembly Resolution 2628, alleging that Security Council Resolution 242 was antithetical to the rights of the Palestinian people. The Special Political Committee resolution on "inalienable rights" was adopted in plenary by a slim vote of 47 to 22, with 50 abstentions. The vote on a similar resolution at the 24th session of the United Nations General Assembly had been 48 to 22, with 47 abstentions.

Human rights in occupied territories

Debate on this item focused on the report by a three-member committee established by a General Assembly resolution (A/RES/2443) of December 19, 1968. The committee was unable to visit the occupied territories but did visit adjacent countries. It reported violations of the 1949 Geneva Convention dealing with this subject, a convention to which Israel, Jordan, Syria, and the U.A.R. are party but whose provisions (such as the appointment of a protecting power) have never been actualy invoked by the Arab states whose territories are occupied. The United States opposed the establishment of this committee on grounds that its mandate should have covered human rights violations in the entire Middle East. The United States supports the invocation of the 1949 Geneva Convention as the only effective means of dealing with this problem in the occupied territories.

Apartheid

The General Assembly adopted seven resolutions dealing with apartheid. The first resolution dealt with the reaffirmation of Security Council Resolution 282 concerning the application of an arms embargo against South Africa. The United States had to abstain on the General Assembly resolution for the same reasons that it expressed in the Security Council when Resolution 282 was adopted. These reasons were that the United States believed that Resolution 282 contained sweeping provisions to which the United States could not commit itself.

Regarding the resolution concerning the decision to expand the membership of the Apartheid Committee, the United States, because it had not supported the original resolution establishing the committee, was unable to support its expansion.

The United States was pleased after modifications were made by the cosponsors to vote in favor of the resolution calling for assistance in the economic, social, and humanitarian fields to oppressed people of South Africa.

With respect to the resolutions on dissemination of information on apartheid and on convening of a seminar on apartheid by the trade unions, the United States was unable to support these resolutions because of some of the provisions contained in them.

As in previous years, the United States voted in favor of the resolution dealing with the South Africa Trust Fund.

On the general question of apartheid, the United States found it necessary to vote against this resolution because it gave much stronger emphasis to sanctions under chapter VII of the charter. The position of the United States with regard to apartheid in general is well known in that it continues to unequivocally oppose the practice of apartheid in South Africa.

COMMITTEE II

International Development Strategy for the Second U.N. Development Decade

Undoubtedly one of the major achievements of the 25th anniversary session was the adoption on October 24 of the International Development Strategy for the Second United Nations Development Decade, to begin January 1, 1971. This culmination of nearly 2 years of intensive negotiations in a 54-member preparatory committee, in the Economic and Social Council, and in the Second Committee of the General Assembly was the unanimous adoption of an 84-paragraph comprehensive strategy document.

This covers goals and objectives; policy measures in international trade, financial resource transfers, invisibles including shipping, special measures in favor of the least developed among the developing countries and also for landlocked countries, the transfer of science and technology, human development, expansion and diversification of production, and plan formulation and implementation; review and appraisal machinery of both objectives and policies; and the mobilization of public opinion.

One of the key provisions of the document was the recommendation that each economically advanced country should endeavor to provide to developing countries, by 1972 and not later than 1975, financial resource transfers of a minimum net amount equivalent to 1 percent of its gross national product. Although the United States participated actively in the negotiations, gave its approval to the document in general, and joined in international reaffirmation of the aid target, it was unable to say when it might meet the 1-percent objective.

The most immediate task ahead is seen as the establishment of a comprehensive and viable system for the review and appraisal of the objectives and policies of the strategy.

United Nations volunteers

Another major accomplishment of the Second Committee was the adoption of the resolution recommended by the 49th session of the Economic and Social Council which established the U.N. volunteers effective January 1, 1971. The resolution requested the Secretary General to designate the administrator of the U.N. Development Program as administrator of an International Volunteer Corps and to appoint a coordinator of these volunteers. The Secretary General is also requested to invite governments and interested organizations to contribute to a special voluntary fund for the support of the activities of the volunteers.

By adopting this resolution, the General Assembly completed the necessary legislative action within the U.N. system to authorize the setting up of a practical and viable solution for creating "a legion of volunteers in the service of mankind" as proposed 2 years ago by the Shah of Iran. This initiative has had the strong support of the U.S. Government.

United Nations development program

An important sequel to the strategy for the Second Development Decade as a milestone in the history of U.N. activity in the economic and social development field was the adoption by the Second Committee of ECOSOC Resolution 1530 (XLIX) on the capacity of the U.N. development system.

This resolution incorporated the comprehensive "consensus" which had been carefully worked out at the 10th session of the Governing Council of the UNDP as a result of the recommendations contained in the Jackson capacity study. The major features of the consensus were the formulation of the UNDP country programing procedures based on indicative planning figures, the elimination of remaining distinctions between Special Fund and technical assistance resources, provisions for overall disposition of resources, and the strengthening and reorganization of the program at the country and at headquarters level.

Although there were some aspects of the consensus which the United States believed could stand improvement, we considered it to be the best compromise that could be achieved at this time, and as a consequence we were successful in our efforts to see the statement adopted without change by the General Assembly.

International university

Further significant progress on the question of the establishment of an international university was made in the Second Committee as a result of the adoption of a resolution inviting UNESCO to prepare studies of the educational, financial, and organizational aspects of such a university. It also authorized the Secretary General to establish, in due course, a panel of 10 government-sponsored and 5 U.N.-sponsored experts for the purpose of assisting him in his further consultations and studies concerning the establishment of all international university. A possible jurisdictional conflict between the Secretary General and UNESCO was averted by the careful wording of the resolution, which received wide support.

World Population Year

The Second Committee held an extended debate in connection with the consideration of a resolution recommended for adoption by ECOSOC designating the year 1974 as World Population Year and requesting the Secretary General to prepare a detailed program of activities in this connection. The final version of the resolution adopted by the committee with an unusually high number of abstentions, had been revised by qualified statements in several paragraphs to reflect the concern of many developing countries over the trend toward considering population as a key factor to economic and social development. Statements made in the committee by Latin Americans, Francophone Africans, and the Soviet bloc revealed that the attitudes of these countries were hardening in opposition to the need for U.N. activities in the field of population control.

U.N. Conference on the Human Environment

The debate in the Second Committee on the U.N. Conference on the Human Environment to be held in Stockholm in June 1972 was somewhat overshadowed by the holding of a 2-day informal meeting of the preparatory committee for the conference just 2 weeks previously. Nevertheless, as the result of Second Committee action, the General Assembly adopted a resolution requesting the Secretary General to convene the second and third sessions of the preparatory committee February 8–19, 1971, and September 13–24, 1971, at Geneva and New York, respectively. At the insistence of the developing countries, led by Brazil and Chile, what was to be essentially a procedural resolu-

tion was amended to include paragraphs recommending the inclusion in the agenda of the forthcoming sessions of the preparatory committee of items relating to economic and social aspects as they affect the environmental policies and development plans of developing countries. It also recommended that the preparatory committee consider in its preparations for the conference the financing of possible activities for the protection of the human environment in developing countries.

Most developed countries, including the United States, voted for the resolution despite their opposition to the financing provision. Opposition to this controversial paragraph was based to a large extent on the confrontation tactics used by the developing countries to secure their views. As a result of this clash of views, it was clearly evident that much remained to be done to persuade the developing countries that their concern that environmental activities would detract from development objectives was unfounded.

COMMITTEE III

High Commissioner for Human Rights

Establishment of the post of High Commissioner for Human Rights was given highest priority last year by the 24th General Assembly, when the question was deferred to this year's General Assembly. Actual debate on the issue in this Assembly, however, was prevented by a manifest filibuster by its opponents throughout the Third Committee debates. Thus, although the High Commissioner item was fourth on the agenda of 15 items, the committee did not commence the debate until the last week of the session. It began only after several confusing and delaying sessions during which the committee decided to allot only five of the remaining meetings to the High Commissioner item.

The debate was marked by long and tendentious speeches by opponents of the establishment of the Office of High Commissioner. The United States was unable to speak because of lack of time. Canada moved to close the debate in order to permit a vote on a resolution agreeing in principle to the creation of the post. A motion by Ceylon to adjourn the debate without voting on any resolution was adopted, however, by a vote of 54 to 38 (U.S.), with 15 abstentions. Thus, action was deferred for at least a year.

The United States will continue to support the proposal to establish a High Commissioner for Human Rights, and we hope that it will be adopted at the 26th General Assembly.

We attach special importance to this proposal since we believe it is an important step to further respect for human rights everywhere in keeping with the human rights provisions of the charter.

Humane treatment of prisoners of war

During consideration of an agenda item on human rights in armed conflict, Senator Claiborne Pell, speaking for the United States, made a major statement calling for humane treatment of all prisoners, and in particular of American captives held prisoners of war in North Viet-Nam and Southeast Asia. The Senator stressed the importance of strict compliance with the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. He said mere assertions of humane treatment of captive U.S. citizens by North Viet-Nam could be no substitute for inspection of places of detention of the prisoners by the International Committee of the Red Cross or by a neutral government or humanitarian organization. The Senator cited provisions of the Geneva Convention requiring the application of internationally agreed minimum standards of humane treatment to all prisoners of war. He said that humane treatment was not a political issue but a human rights question, one behind which all segments of opinion could unite.

In addition, a specific resolution sponsored by the United States, along with Belgium, Dahomey, the Dominican Republic, Greece, Haiti, Italy, Madagascar, New Zealand, the Philippines, Thailand, and Togo called for strict compliance with the Geneva Convention. The resolution was adopted by the General Assembly on December 9 by a vote of 67 (U.S.) to 30, with 20 abstentions. Key provisions stress the obligations to permit inspections of all places of detention and to repatriate seriously sick and wounded prisoners. In addition, the resolution endorses the continuing efforts of the International Committee of the Red Cross to secure effective application of the Convention, urges the Secretary General to exert all efforts to obtain humane treatment of prisoners of war, urges humane treatment for those captives who do not meet all the requirements of the definition of prisoners of war, and in general urges compliance with international humanitarian instruments applicable to armed conflict.

The United States also supported other human rights in time of armed conflict resolutions calling for humane treatment of civilians and of journalists, a resolution put forward by France, as well as a procedural resolution asking among other things, for governments to comment on the Secretary General's reports on human rights in armed conflict and for the 26th General Assembly to consider the reports and the comments.

Narcotics control

President Nixon, in his address to the commemorative session, stressed the need for international cooperation to curb narcotics traffic and abuse. In keeping with this initiative the General Assembly adopted two strong resolutions on this question.

One resolution strongly endorses the decision of ECOSOC for the establishment of a program of action on drug abuse including the creation of a United Nations Fund for Drug Abuse Control. The other resolution calls on members of the U.N. and appeals to nonmembers to "consider seriously the possibility of enacting adequate legislation providing severe penalties for those engaged in illicit trade and trafficking of narcotic drugs."

The United States expressed its pleasure at this constructive action toward a problem which affects many nations.

COMMITTEE IV

Colonial and racial issues

The problems of Southern Africa, Rhodesia, the Portuguese territories, and Namibia commanded more than two-thirds of the Fourth Committee's time.

As in recent years, most of the Assembly's resolutions dealing with colonial problems contained provisions calling for measures which prevented the United States from fully supporting them. Regarding the resolutions on Namibia, the United States was able to vote for the creation of a Namibia fund to aid Namibians, and it was pleased that the cosponsors made certain modifications to that resolution so that the United States could vote affirmatively. Unfortunately, on the general resolution on Namibia, the United States was unable to support it because of its failure to recognize the actions of the Security Council and its call for the invoking of chapter VII of the U.N. Charter. Other resolutions, on Southern Rhodesia, for example, called for condemnatory measures which under the charter are clearly within the competence of the Security Council. As such they were unacceptable to the United States, and we were compelled to vote against them.

Resolutions against activities of foreign economic and other interests said to be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and calling for implementation of that declaration by the specialized agencies were likewise unacceptable to the United States. The first resolution was based on false assumptions regarding private foreign investment. The second called upon the specialized agencies and international institutions to take actions which in many cases are inconsistent with their own statutes and with their agreements with the U.N.

The United States continued to make clear its unswerving opposition to colonialism and racial discrimination in all of its forms. We remain convinced, however, that the U.N. can best contribute to progress against these evils by actions which are intrinsically sound, widely supported, and within the capacity of the U.N. to carry out.

COMMITTEE V

1971 budget and scale of assessments

Responsive to the wishes of member governments concerned with the issue of economy, the Secretary General in introducing his budget estimates for 1971 announced that he had decided to review his estimates with the objective of reducing the total requirements from an estimated $200 million projected for 1971 to the level of $193 million. This saving of $7 million would represent a reduction in the percentage increase of the 1971 budget over 1970 from 18.8 percent to 14.8 percent.

In projecting a level of $193 million, the Secretary General took into account an 8-percent salary increase effective January 1 for professional and hired staff which had been recommended by the International Civil Service Advisory Board, amounting to $8.8 million, and an estimated $3 million for new construction costs in 1971. During the course of the Assembly, the salary increase was reduced through deferment of the effective date of the increase from January 1 to July 1, 1971, with a savings to the budget of $4.4 million. The cost of new construction, however, was increased from $3 million to $4 million, and additional appropriations unforeseen in the Secretary General's initial estimates and resulting from decisions reached by the General Assembly resulted in a total budget for 1971 of $192.1 million, an increase of 14 percent over the budget for 1970.

Believing that this rate of growth was excessive and that the 8-percent salary increase was not fully justified, the United States for the first time in 25 years did not vote in favor of the U.N. budget, but instead abstained. The United States abstention was designed to emphasize the urgent need for certain measures of reform in United Nations fiscal, budgetary, and programing policies and procedures.

The General Assembly approved a new scale of assessments for contributions from member states to the regular budget for the 3-year period 1971–73. The U.S. assessment rate under this new scale was reduced from its previous level of 31.57 percent to 31.52 percent.

COMMITTEE VI

International court of justice

The United States joined with 11 other delegations in requesting inscription of this item on the agenda. The cosponsors requested inscription of this item in the belief that the International Court of Justice has not been used as fully as it might be and that it would be useful to focus international attention at the 25th anniversary session on the principal judicial organ of the U.N. We believe the court has a greater contribution to make to the peaceful settlement of disputes than it has been enabled to do so far.

Speaking for the United States, Senator Jacob Javits, a member of this year's U.S.

delegation, said he was pleased that the General Assembly discussed this matter in a serious and positive manner and decided to commence a review of the role of the International Court of Justice. We believe the comments which will be received from governments and from the International Court itself, if it deems it advisable, will be a further positive contribution and will enable the General Assembly at its next session to take further steps in the review process, including the establishment of an ad hoc committee to explore the matter in depth.

Declaration on friendly relations

One of the highlights of the 25th General Assembly and in particular the anniversary celebration was the adoption by the General Assembly of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

The declaration, which is the product of 6 years of work, represents the contemporary view of states on the following vital charter principles of international law: the prohibition of the threat or use of force, the obligation to settle disputes by peaceful means, the duty not to intervene in matters within the domestic jurisdiction of any state, the duty to cooperate, the principle of equal rights and self-determination of peoples, good faith in fulfillment of obligations, and the sovereign equality of states.

The declaration represents a positive and balanced legal clarification of the rights and duties of states contained in the charter. We believe the long search for agreement on the definition of these principles was an important contribution to the vigor and health of the United Nations organization and the charter upon which it is based.

Interference With Civil Aviation (Hijacking)

The General Assembly by a vote of 105 to 0, with 8 abstentions, adopted a strong resolution condemning all forms of interference with civil aviation. The resolution, in addition to condemning such acts, calls upon states to punish or extradite those who perpetrate such acts, to adhere to the Tokyo Convention, and to take other steps to deter such acts.

While the resolution did not include everything the United States proposed and supported, it is a strong and useful resolution which complements the current efforts of the International Civil Aviation Organization in this field.

We regard the overwhelming adoption of this resolution as one of the most positive developments of this General Assembly.

Charter Review

The General Assembly discussed the question of charter review, which had been carried over from last year. Several delegations, in particular the Philippines, made concrete proposals for charter revision. Other delegations, particularly the Soviet Union, strongly opposed any consideration of the matter.

The United States is not opposed to the principle of charter review. We suggested in the course of the debate that charter review is not the sole means of enhancing the capacity of the United Nations and urged that states not be distracted by the less immediate goal of charter review from the work of existing committees on such matters as peacekeeping and the functioning of the General Assembly.

The United States believes the decision to seek government comments and to inscribe the item on the agenda of the 27th General Assembly was an appropriate method of handling the matter at this time.

We shall examine with interest the comments governments will be submitting on this important matter between now and 1972.

RETURN OF MAIL TO LONG-DISTANCE PASSENGER TRAINS

Mr. ALLOTT. Mr. President, for many years now I have advocated a return of mail to long-distance rail passenger trains. I am somewhat encouraged by recent statements by Transportation Secretary Volpe to the effect that the new Railpax Corporation has negotiated with the Post Office Department for increased usage of high-speed trains for mail transportation.

I shall not repeat again the sorry tale of how William J. Hartigan, Assistant Postmaster General for Transportation under the Kennedy and Johnson administrations, converted hundreds of railway post office routes to air service.

I would, however, like to invite the attention of the Senate to the views of E. George Siedle, who served as Assistant Postmaster General for Transportation during the Eisenhower administration for 5 years.

Mr. Siedle, who speaks from direct experience in the field and who presently is a transportation consultant, makes some excellent points. I ask unanimous consent that his recent letter to me be printed in the RECORD.

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

LANCASTER, PA.,
February 2, 1971.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Having read of your remarks advocating the return of mail to passenger trains, I am tempted not only to write complimenting you but also to say that it can be and should have been done years ago.

My convictions are based on knowledge stemming from the five years I served as Assistant Postmaster General, Bureau of Transportation, during President Eisenhower's Administration. Arranging for the transportation of all mail—domestic and international—was one of my responsibilities.

Losing the mail was largely the fault of the railroads. By the same token they could have recovered much of that lost and prevented further erosion had they been amenable to suggestions and change. They likewise could have resumed the handling of less carload freight which, latter, today is moving mainly via Highway Carriers, and at charges which impose a severe burden on commerce—particularly that of the small business firms. Today's widespread practice of holding inventories to a minimum, purchases are made more frequently and shipped in small lots ranging in weight well under 5,000 pounds. Because of the need for repeated rehandling under their present methods, the Motor Carriers find their costs are substantial and, consequently, try through high freight charges and poor service to discourage such small shipments or have shippers reconcile themselves to constant increases in freight charges.

I continue to believe that the solutions we suggested to the railroads back in the late nineteen fifties have merit, are workable and would prove beneficial to all concerned. The need for better and less costly mail service goes hand and hand with a like need for small shipments of freight. You could not champion a more meaningful cause.

Respectively yours,

E. GEORGE SIEDLE.

COMMEMORATION OF LITHUANIAN INDEPENDENCE

Mr. PROXMIRE. Mr. President, today we celebrate the 53d anniversary of the independence of Lithuania. On February 15, 1918, the people of Lithuania regained their independence after two centuries of subjugation. Lithuanian history records many instances when these brave people battled for their freedom. During the 16th century, these people battled the same Russian tyranny that would later, in 1940, engulf them again.

For 22 years after 1918, the people of Lithuania thrived in the light of freedom and independence which we as Americans look upon as a man's birthright. After Russian troops were allowed to enter Lithuania in 1939, Russia then annexed her in 1940. The German Nazis then drove out the Russians, replacing one cruel totalitarianism for another. The country was reconquered in 1944 by the Soviet Union.

For these people of Lithuania there is little opportunity for freedom—culturally, politically, individually. These people are subject to relentless pressure to give up their culture, their religion, their language.

The people of Lithuania will not be subdued by the Soviet Union. The spirit of independence still lives in these people for they have tasted it before.

In this connection, I urge the Senate to give its advice and consent to the Convention on the Prevention and Punishment of Genocide. I strongly feel that this action would give strength to the Lithuanian people and persuade the Soviet Union, in part, that their callous and brutal disregard for the spirit of life in mankind is condemned by all nations of the world. The Genocide Convention should be acted upon now.

THE PRESIDENT'S MESSAGE ON THE ENVIRONMENT

Mr. BEALL. Mr. President, on February 8, President Nixon sent to Congress his environmental message. I have examined this message, and I congratulate the President for his comprehensive and forward-looking proposals on the environment.

I believe that future historians may record that 1970 was the turning point of the Nation's fight to preserve, enhance, and restore our environment. This national awakening and sense of urgency with respect to our environment was overdue and did not come a moment to soon. For as President Nixon has stated it is now or never insofar as our environment is concerned.

The very first act of President Nixon in this new decade of the 1970's was the signing of the National Environmental Protection Act. Last year, he submitted to Congress a 37-point environmental program. Congress responded by enacting important legislation to deal with the problems of air and water pollution and the most difficult problem of solid waste disposal. I strongly support these measures and I am confident that they will

substantially improve the quality of our environment. In addition, the President established a new Environmental Protection Agency to coordinate and accelerate the Nation's antipollution efforts.

Building on these substantial accomplishments, the President's environmental message continues that momentum. Just a reading of the President's summary makes one aware of the sweep and significance of this new legislation.

In the words of the President this includes:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

Charges on sulfur oxides and a tax on lead in gasoline to supplement regulatory controls on air pollution.

More effective control of water pollution through a $12 billion national program and strengthened standard-setting and enforcement authorities.

Comprehensive improvement in pesticide control authority.

A Federal procurement program to encourage recycling of paper.

MEASURES TO CONTROL EMERGING PROBLEMS

Regulation of toxic substances.

Regulation of noise pollution.

Controls on ocean dumping.

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND USE DECISIONS

A national land use policy.

A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas.

Preservation of historic buildings through tax policy and other incentives.

Substantial expansion of the wilderness areas preservation system.

Advance public agency approval of power plant sites and transmission line routes.

Regulation of environmental effects of surface and underground mining.

FURTHER INSTITUTIONAL IMPROVEMENTS

Establishment of an Environmental Institute to conduct studies and recommend policy alternatives.

TOWARD A BETTER WORLD ENVIRONMENT

Expanded international cooperation.

A World Heritage Trust to preserve parks and areas of unique cultural value throughout the world.

We are aware that pollution problems that were years in the making cannot be solved overnight. We also recognize that all of us—private citizens, State and local governments, private industry and the Federal Government—are part of the problem and therefore, must be part of the answer. Each of us in our communities across the country can in a small way contribute and make the country a better and cleaner place to live. We should begin that undertaking immediately.

To preserve and restore the quality of our environment is rightly one of our Nation's priorities. The President in his state of the Union address listed the environment as one of the six "great goals." Not since President Theodore Roosevelt has a President of the United States taken such a great interest and expressed such determination to make certain that future generations will indeed inherit a beautiful America with clean air and water.

Indeed, on examining the President's proposal for the environment over these past 2 years, I doubt whether any President has ever submitted more far reaching and comprehensive legislation on environmental problems.

Only recently, I was appointed to the Committee on Public Works and I am very grateful that I was named to the important Subcommittee on Air and Water Pollution, which will have jurisdiction over many of the President's environmental proposals. I am looking forward to working with the President and the committee in fashioning legislation that will advance our antipollution efforts and bring to the American public the quality of the environment which they rightfully demand and deserve.

I ask unanimous consent that a summary of the President's environmental proposals be printed in the RECORD.

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

THE 1971 ENVIRONMENTAL PACKAGE

The Administration is committed to a vigorous program of cleaning up air and water pollution, preventing new environmental problems, and improving our ability to deal with land use problems. To control water pollution, the Administration is proposing a 3-year $6 billion financing program and greatly strengthened and streamlined enforcement procedures. To control harmful emissions of sulfur oxide pollution, the Administration is proposing a tax on sulfur emissions. The proceeds from this tax will be used in an Environmental Trust Fund, providing money for new environmental and conservation programs. The Administration is also proposing a comprehensive pesticide control bill and new authority to control noise.

It is not enough to clean up existing pollution. It is also important to prevent problems from becoming serious in the future. Legislation will be proposed to provide controls over new toxic substances being introduced into the environment. Also legislation, based on the recommendations of the Council on Environmental Quality's report on ocean dumping, will be submitted to control disposal of wastes in the marine environment.

Of special importance will be a proposed land use policy to encourage States to plan for development in key areas. To supplement this national policy, a number of tax incentives to use our land more wisely and to preserve buildings of historical significance will be submitted. This, coupled with increased funds for open spaces and parks and new legislation to provide advanced clearance for power plant sitting and to control strip mining, will provide Government with the tools to deal effectively with land use problems.

NATIONAL LAND USE POLICY

Land use is currently influenced by a welter of competing, overlapping government institutions and programs, private and public attitudes and bases, and distorted economic incentives. The National Land Use Policy proposal will call upon the States to bring some order to land use by identifying and developing methods for exercising State control over (1) areas of critical environmental concern (e.g., the coastal lands, lands fronting on rivers and lakes of Statewide importance); (2) large scale development and areas impacted by major growth-inducing facilities (e.g., major airports and highway interchanges, major recreational facilities); and (3) development needed in the regional interest which local regulations may otherwise exclude or unreasonably restrict (e.g., charitable institutions such as hospitals and universities, waste treatment facilities, multi-family housing). Much discretion will be left to the States to evolve their own methods for implementing it. The program would begin at about $20 million and rise to $45 million in Federal grants over four years.

COASTAL WETLANDS

Coastal wetlands are being lost at an alarming rate due to dredging, draining, and filling activities. Wetlands serve as sources of food and breeding grounds for over two-thirds of all marine species in the waters surrounding the United States. They provide needed habitat for migratory waterfowl, shore birds, and other wildlife. Proposed tax code changes will tend to shift the burden of full costs to the developer by limiting depreciation deductions, deductability of carrying charges and related tax benefits. By removing tax benefits, an incentive would be created to divert constuction away from the ecologically valuable wetlands to other sites.

OPEN SPACES AND PARKS

The major thrust of the President's open space program is to bring parks to the people. The open space grant program of HUD is being completely redesigned to give special emphasis to center city acquisitions and to neighborhood-sized parks. Funding will be at the $200 million level, compared with $75 million under the old program. Additional changes are being proposed for the open space grant programs of the Land and Water Conservation Fund. These, too, will require States to give more careful consideration to the location of recreation facilities nearer to or within urban areas. Full funding for programs under the Fund will result in an appropriation of $380 million for acquisition and development of recreation lands, the largest amount in history for parks.

POWERPLANT SITING

The power shortage in late summer highlighted the need for power producers to project needs and plan for facilities further in advance and to get clearance of the environmental aspects of these facilities. Under the proposal, a single agency with responsibility for the certification of specific power plant sites and transmission line routes would be established in each State or region. Utilities would be required to identify for the appropriate agency needed electric energy generation and transmission needs ten years in advance of the commencement of construction of required facilities. These requirements would be reported annually with rolling projection figures. Utilities would identify the range of sites under consideration for power plants five years before construction is planned to begin. And they would need to apply for certification for specific sites, facilities, and transmission line routes two years in advance.

HISTORIC PRESERVATION AND REHABILITATION

Changes in the tax code are proposed to minimize the difference in tax settlement between demolition and rehabilitation of buildings. Present preferred treatment for demolition results in the destruction of many older buildings of architectural character that could have been renovated and saved. By providing accelerated depreciation benefits to owners who substantially rehabilitate their structures, it is hoped that a wider variety and appeal in urban structures will result. Additional new provisions are being proposed to benefit the owners of buildings on the National Register of historic buildings. These would allow 5 year write-off of renovation expenditures and would invoke tax penalties for the demolition and substantial alteration of such historic structures.

WATER POLLUTION LEGISLATION

The 1970 proposal to authorize $4 billion in Federal grants for construction of waste treatment facilities over a 4-year period (a $10 billion program when other funding sources are counted in) has been expanded. The Administration will now propose a $6 billion Federal grant program over the next

three years (in all, a $12 billion program). The Congressional appropriation of $1 billion for FY 1971 in effect adopted the President's 1970 proposal on a one-year basis.

The President will resubmit his proposal to create in the Federal Government an Environmental Financing Authority to purchase waste treatment plant construction bonds from any municipality otherwise unable to see them on reasonable terms.

The legislation will again provide for extension of the Federal-State water quality program to all navigable waters. (At present it covers only interstate waters.) It will also provide again that water quality standards should include specific effluent standards for each individual source and that Federal enforcement authority be streamlined and expanded to include both intrastate and interstate violations. It will provide statutory deadlines for achievement or water quality standards. Federal standards for hazardous substances, special standards for new industrial facilities to insure that available technology is fully utilized to protect water quality, authorization for legal actions by private citizens against violators of standards, and authority for the Administrator of EPA to require periodic reports on the nature and amount of effluent from those discharging into waterways.

PESTICIDES

A comprehensive revision of our laws on pesticides has been developed. Use of the more dangerous pesticides will be controlled by requiring that they be applied only by qualified personnel and in some cases that written permission be obtained for each application of the pesticide. The bill will also provide for experimental registration and temporary suspension of pesticides and will allow tolerance levels to be set for the amount of particular pesticides in the environment.

NOISE REGULATION

Excessive noise from airplanes, vehicles, construction equipment, and machines is at the threshold of becoming a major environmental problem. Noise produces annoyance and stress and can damage hearing and cause other adverse health effects. We propose that basic noise control authority be given to the Environmental Protection Agency. That proposal would authorize EPA to establish noise generation standards for vehicles, machinery, and other products; to approve noise standards set by the Federal Aviation Administration for aircraft; to approve the noise configuration of federally aided airports; and to require the labeling of noise characteristics of certain products. The Environmental Protection Agency will also perform noise research and provide assistance to other Federal and State agencies.

OCEAN DUMPING

A report by the Council on Environmental Quality last year indicated the potential adverse impacts from ocean dumping. The President endorsed the Council's recommendations for a national policy to protect our oceans. In particular he endorsed the recommendations to phase out harmful practices and encourage land-based recycling and reuse of waste materials. The report called for, and the President is now submitting, legislation that would ban unregulated dumping of materials in the oceans and strictly limit or prohibit the dumping of harmful substances. A permit from the Environmental Protection Agency would be required before dumping could proceed and issuance of the permit would be based upon the materials involved, their potential damage and the area of proposed dumping.

STRANGE NATURE OF AMERICAN JOURNALISM TODAY

Mr. ALLOTT. Mr. President, today's Washington Post contains a spirited column by a distinguished journalist. The journalist is Kenneth Crawford, and his subject is the strange nature of American journalism today.

He begins his column with a humorous note, but he uses humor to make a very serious point about the distortions involved in some current journalistic practices.

So that all Senators can profit from Mr. Crawford's intelligent words, I ask unanimous consent that his column be printed in the RECORD.

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

HO CHI MINH AS HERO: ON PRESS COVERAGE OF THE VIETNAM WAR

(By Kenneth Crawford)

How would the modern media have reported George Washington's crossing of the Delaware at McKonkey's Ferry on Christmas, 1776? J. Russell Wiggins, former editor of The Washington Post, asked this important question—and answered it—in a speech to the Washington Association of New Jersey on Washington's arbitrary new birthday, February 15.

Television camera men would have focused their zoom lenses on the rag-wrapped feet of Washington's troopers. When it was over, microphones would have been thrust under the noses of stripling recruits to catch their answers to the question: "How do you feel about some of your buddies being lost in this sneaky operation?" The writing war correspondents would have salted their dispatches with suggestions that the whole bloody venture was ill-conceived by an incompetent commander, ill-excused by a badly trained and equipped army and predestined to fail.

New York editorial writers would have followed up with lamentations about the plight of Trenton's civilian population, driven from its snug houses into the cold on a sacred holiday, caught in the crossfire between Hessian defenders and attacking colonials, and forced into a fight against its will over a questionable cause: something about taxation without representation. Washington, instead of attacking, should have been negotiating. His occupation of Trenton and quick withdrawal showed that he was still engaged in search-and-destroy operations—"following the will-o-the-wisp of military victory," as Wiggins thought the editorial writers would have put it.

Wiggins' fantasy was, of course, a wry comment on the way the media of the 60s and the start of the 70s have dealt with the war in Vietnam. This war is the first in which American media, measured by weight of viewership, readership and influence, have been kinder to the nation's enemies than to its friendlies. This has been partly inadvertent, partly not. In any case, Ho Chi Minh has come off as this war's greatest hero, the Vietcong as its most admired fighters, American and South Vietnamese leaders as its most mistrusted participants, American GIs as its least appreciated warriors, especially since My Lai, which has been made the basis for unjust generalization, and South Vietnamese soldiers as invariably unreliable, also unjust.

All this is something new for Americans. They have always before tended to be home-team rooters. In British pubs Rommel may have been the favorite hero of the second world war but Americans stood by their own even when correspondents on the scene in North Africa intimated, insofar as intimation could be slipped through the censorship, that the "Darlan deal" and mistreatment of De Gaulle were compromising the morality of the allied war effort.

Wars have never been pretty but their ugliness has never before been conveyed to American households in living color, as it has this time, and always from our side because the other side is out of reach of cameras and correspondents. But it is more than that. War correspondents have often been instant experts and critics and they seem even more so this time. They have to be youthful to stand the physical rigors and brave to take the chances they must run in Vietnam. More than 30 of them have been killed. They are admirable in action but sometimes wrong in their strategic and tactical judgments and simplistic in their politics.

Prize committees, Pulitzer included, have rewarded the most captious. The self-styled "cowboys" who constituted themselves a sort of get-rid-of-Diem committee in the early days of the war made a point of being on hand for every bonze immolation and of representing the Saigon disorders as a sort of holy war between the ruling Catholics and the subject Buddhists. Reputations were forged in the bonze fires.

Here in Washington, too, there has been a lively journalistic contest to be first with the worst. One of its high points was The New York Times revelation in the aftermath of the Tet attacks that the military was asking for 206,000 more troops to take advantage of the enemy's overextension. Coming, as it did, two days before the New Hampshire primary, the Times report had enormous political impact. It almost certainly contributed to the big McCarthy vote and, in turn, to President Johnson's subsequent decision not to run again.

The genesis of the expose, if that is what it was, has just been publicly revealed for the first time by Philip Potter, Washington Bureau Chief of the Baltimore Sun. It was leaked to the Times by Townsend Hoopes, then a Pentagon official of dovish persuasion. Actually, the plan Hoopes made available to the Times was one of the alternatives under consideration and one which had little chance for Presidential approval in the Washington atmosphere of post-Tet distress. Hoopes had to violate a specific presidential order of secrecy pending decision to spring the leak.

Things haven't changed much, as the suspicious reporting of the South Vietnamese effort to cut the Ho Chi Minh trails in Laos demonstrates. By part of the press it is treated as a cunning scheme to inject Americans into an expanded war rather than what it is, a bold attempt to prepare for continued evacuation of American forces. Reporters and editors keep telling themselves and others that they have been more perceptive about this war than have military and political leaders. They may be right. But they have enjoyed the advantage of ultimate irresponsibility. In President Nixon's place, they would probably be doing about what he is doing. And history may be more approving of him than of them.

THE VICE PRESIDENT'S GOLF TROUBLES

Mr. COTTON. Mr. President, on behalf of the millions of duffers across the country who slice a golf ball as badly as Vice President SPIRO AGNEW sometimes does, I rise today to speak their collective conscience.

I suspect that across this Nation there is a vast segment of the golfing population—I hesitate to call it a silent majority—which secretly relates to the Vice President and endures his golfing agonies with him. These persons themselves have sliced, hooked, topped, or otherwise dubbed their respective ways around golf courses for years. They do not attract audiences of 25,000 or 30,000, as

SPIRO AGNEW does, but among them are those who also have had the misfortune to hit someone.

The Vice President's golfing deficiencies make fine political fodder for those who enjoy his discomfiture. But the jibes at Mr. AGNEW's golf game make him the champion of every other golfer who can not hit a golf ball consistently either. These people are lined up shoulder to shoulder in his defense.

Unfortunately, in the deluge of column space lampooning the Vice President over his latest golfing episode, the comments of his playing partners have been dismissed.

Said golf pro Doug Sanders, who has missed a few shots in front of TV cameras himself:

He's a man's man. I was pleased and honored to play with him. He showed me something the way he came back.

Said baseball's Willie Mays, who knows considerable about crowd pressure:

He's a pretty nice guy. He showed a lot of courage. It's not easy to come back the way he did.

Tribute is paid by men like that only when it is deserved.

I do, indeed, hope that Mr. AGNEW's golfing fortunes improve. But in the meanwhile, I join with those millions of other amateurs who identify sympathetically with the Vice President's golf troubles. He makes us feel better.

LIGHTWEIGHT, ELECTRIC INTRACITY TRANSIT SYSTEMS

Mr. ALLOTT. Mr. President, as we all grapple with the problems of making urban living more commodious, and with the problems of reducing the environment hazards that result from excessive reliance on the automobile, we should give ample attention to the wide variety of options available in the field of urban mass transportation.

Miss Helene C. Monberg, who covers Washington for a number of fortunate Colorado papers, recently wrote an interesting report on a neglected topic—lightweight electric intracity transit systems.

Her report makes clear that many cities have the necessary conditions for a successful development of such systems. One hopes that all such cities will give due consideration to them.

Mr. President, so that all Senators may profit from Miss Monberg's informative story, I ask unanimous consent that it be printed in the RECORD.

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

REPORT BY HELENE C. MONBERG

S. F. Taylor, urban traffic expert, *Traffic Quarterly*, 10-70: "In spite of obvious improvements there is almost universal dissatisfaction with today's urban transportation."

Washington—Today's medium-sized city need not rely solely on buses or expensive heavy urban mass transit; it may use lightweight electric trains or trams for public intra-city transportation.

About 30 European cities already are using lightweight intra-urban trains to serve the core downtown areas and portions of suburban areas where there is a railroad track and/or a rail right-of-way, according to Stewart F. Taylor, an urban traffic expert writing in *Traffic Quarterly* in October 1970. And five other European cities are presently installing rapid tramways, Taylor said.

In this country San Francisco plans to order 78 light rail cars which will operate on five lines underground from Market Street to the Twin Peaks tunnel in the core area of the city. Three lines will operate for six miles underground and two lines will operate for three miles underground. San Francisco has applied to the Urban Mass Transportation Administration for $28 million in a federal capital grant to help finance the cost of this new fleet of light rail trains. Under this UMTA grant-in-aid program, the federal government will put up two-thirds of the funds and the local government must put up a matching one-third to improve public urban mass transit. So San Francisco will have to match the federal grant—if it gets it—with $14 million of its own funds, according to Robert L. Abrams, who has been handling the San Francisco application within the technical studies section of the UMTA grant program.

Meanwhile, the Department of Transportation is putting up $2 million during this fiscal year and hopes to put up $6 million into urban light rail vehicles and systems for public use, according to Joseph S. Silien, who works on research and development programs for UMTA.

With the construction of the San Francisco light rail cars going on simultaneously with DOT R&D—the San Francisco fleet's first deliveries are scheduled for 1973—American transportation experts will soon learn a lot about the use of lightweight trains to meet our urban needs.

CONTRACT TO BE LET

Silien said here on Feb. 16 UMTA plans to let a systems management contract between now and June 30 to have the contractor study the use of light rail vehicles and systems in Europe and the likely application of light rail transit in urban areas in this country. Last September interested firms were invited by UMTA to submit proposals for this purpose and as of the Feb. 16 deadline 12 did. They include AVCO Corp. of Wilmington, Mass.; Aerojet, the Southern California areospace firm; Boeing of Seattle; Booz Allen and Hamilton, Inc., of New York City; Budd Co., of Fort Washington, Pa.; Consad Research Corp. of Pittsburgh; Coverdale and Culpitts Corp. of New York City; Institute of Public Administration of Washington, D.C.; Louis T. Klauder and Associates of Philadelphia; Planning Research Corp. of McLean, Va.; Renssalaer Research of Troy, N.Y., and Wilbur Smith and Associates of Washington, D.C.

Silien said the firm selected will study, in particular, the costs of the lightweight electric trains being used in European cities and the density of demand for public transit necessary to make installation of such a system feasible. UMTA is considering having its contractor import several European light trains for use in American cities on a demonstration basis and to test at the DOT new test facility near Pueblo, Colo. Or an American light train may be built for demonstration purposes and to test at Pueblo. Or both.

Silien, Abrams and Jerry A. Fisher, all urban transportation experts with UMTA, Paul Weyrich, a transportation expert on the staff of Sen. Gordon Allott, R-Colo., Taylor and Henry D. Quinby, a transportation engineer who worked on the new San Francisco Bay Area Rapid Transit System (BART) due to start operating this year, all think light rail public transit has a real potential particularly for medium-sized cities in this country.

Weyrich and Abrams singled out Denver, Salt Lake City, Portland, Seattle, El Paso and Omaha as Western and Midwestern cities where traffic patterns have developed along rail lines, hence probably would find light rail transit feasible for public use. Traffic patterns in Los Angeles, San Diego, Phoenix and Albuquerque would make them less likely candidates.

Other cities mentioned as likely candidates for light rail urban transit include Boston, the Cleveland-Shaker Heights area, Pittsburgh, Philadelphia, Newark, Dayton, Ohio, New Orleans and Fort Worth, according to these experts.

Despite all of the screams about urban traffic problems, Cleveland is the only city to put in a new urban transit system since World War II, and San Francisco-and-the-Bay area and the Washington, D.C., area are the only cities with big heavy-duty urban subway lines under construction. In recent years, according to Taylor, Seattle, San Francisco, Los Angeles and Atlanta voters have rejected proposed mass transit bond issues. And Washington's Metro subway construction is in a financial hang-up.

RIGHT-OF-WAY NEEDED: ASSETS

All of the above transportaion experts agree that a rail right-of-way into the center of a city is a basic must for a light rail urban transit system. They also generally agree that there should be a well-developed pattern of public use of the present transit system, which is now almost exclusively a bus system in this country's urban areas. Using these two basic criteria tends to rule out—or make very marginal as possibilities—Los Angeles, Phoenix and Albuquerque. Their urban bus systems are not well patronized by the public, in comparison with other cities. And Los Angeles took up 1100 miles of rail trackage in the mid-50's, so it is without the necessary rail right-of-way, according to Abrams and Weyrich.

Cities with the necessary rail rights-of-way and a pattern of use of public transportation will almost certainly take a hard look at light urban rail transit in the near future because of its many advantages. First, it is from three-to-five times less costly than the big heavy-duty subways. San Francisco's BART line is now estimated to cost $1.3 billion for 75 miles of line, and Washington's Metro subway is currently estimated to cost $3 billion for 98 miles of line, according to Abrams Taylor, who noted in his recent Traffic Quarterly article that the San Francisco Municipal Railway turned to its light rail trains after a bond issue for a full-fledged subway to serve the inner city had been rejected by the voters in 1966. The 78 light rail cars on order will cost about $200,000 a car, according to Abrams. The San Francisco intra-city subway would have cost a half billion dollars, at 1965 estimates.

The light rail trains are as comfortable as the best of the old trolley cars, and they can hold more passengers. And they have a key advantage over the old trolleys in that they run on a rail track segregated from the rest of the traffic. The light rail cars that will be running under San Francisco's Market Street in 1973 will be underground at one level. The BART subway will be underground at a lower level. In Europe most of the light rail trains run underground in the core areas of cities. Most urban trolley lines in this country were laid down the center of urban streets and contributed to urban traffic congestion and fought for space with the auto; hence there are very few urban trolley lines left in this country.

The light rail trains are nearly always electrified, so they do not contribute to air pollution as does a fleet of buses. With air pollution a problem in so many Western cities, the pollution-free quality of the light rail train is nearly always mentioned as its prime asset. And the light rail trains can hold more passengers than buses.

Cities with several million inhabitants really need a big heavy-duty subway system for most efficient channeling of traffic on

the main arteries of travel and in the core inner-city, according to most urban mass transit experts. Even here the light rail urban train can fill a number of roles. Its system can be built so that it can be heavied up to become a full-fledged subway in the future if needed, both Taylor and Quinby have observed in separate articles in Traffic Quarterly. This has been and is being done in a number of European cities. Light rail systems can also be used as intermediate lines laid partially above ground to serve suburban areas and partially underground to serve the inner city; they connect with both the big subway systems within the downtown areas of large cities and with feeder bus lines on the outskirts of large urban areas and in the suburbs. Also the light rail systems can be built in stages. Weyrich, for instance, believes that the city of San Diego may someday need a big subway system. It could start out with a light rail system and heavy it up later, if needed.

GO OR NO GO

Taylor has said the light rail urban transit system "can spell the difference between realizing a broadly attractive mode" of public transportation "or no effective mass transit at all." His breakdown of the European light rail or rapid tram systems reveals their versatility. They are serving six cities of more than a million inhabitants and also a half dozen cities of 300,000 or less. Most European trains are large three-section articuled or partitioned transit vehicles. The new San Francisco light trains will be two-section units about 72 feet long, according to present specifications.

Taylor and Quinby, in separate articles in *Traffic Quarterly* in 1970 and 1962 respectively, made some comparisons of the relative carrying capacity of each type of transportation. Quinby said the three-unit European rapid light train or tram car can carry up to 330 passengers sitting and standing, while the trolley car can carry 125 and the average bus 85. The Rotterdam rapid tramway system in the Netherlands can carry 35,000 passengers an hour in one direction, Taylor said. In contrast the big heavy-duty urban subways in this country carry between 45,000 and 55,000 passengers an hour in one direction, he said. Quinby said the per-hour carrying capacity of trolley systems was 11,000 passengers; of bus systems was 7,000 passengers and of individually-driven automobiles 800–1200 passengers, all in one direction. Taylor said the big urban subway systems have a maximum speed of 75 miles an hour, while the top speed of a light rail system is about 50 miles an hour. Taylor and Quinby agreed the light rail train accelerates and decelerates faster than the heavier subway train. Other characteristics of the light rail train listed by the experts are high speed, close spacing or frequency, convenience, economy, safety, reliability, little or no vibration, comfort, attractiveness, little disturbance of environment, relatively low maintenance, and adaptability to later technology.

WITHDRAWAL FROM VIETNAM

Mr. MILLER. Mr. President, in his column published in Life magazine for February 12, Hugh Sidey had some pertinent observations on Vietnam. Several bear repeating:

It is symptomatic of the country's attitude toward Richard Nixon that despite his pledges and despite his performance so far, almost every maneuver made to cover the Vietnam withdrawal touches off in Congress the bizarre argument that Nixon somehow wants to spread massive land war all over Southeast Asia and come home with that "coon skin" which Lyndon Johnson desired. It is palpable nonsense. Richard Nixon is conducting a steady march to the boats, using every device he can—verbal, diplomatic and military—to stave off disaster until the troops are off the beaches. One can argue the tactical value of each separate action, but the strategy is clear.

There are two levels of awareness in this city. One has to do with what is really on the President's mind. Anyone who watches closely knows the President seriously intends to get out of the war. The other involves rhetoric, so superficial and misleading, and all those day-to-day battlefield errors which, while deeply unfortunate, are a part of any war. Thus, grown men who know better argue for days that a few men sent across a border to bring home damaged helicopters constitute some kind of invasion, or that Defense Secretary Melvin Laird's tortured syntax hints at a profound change in policy.

I ask unanimous consent that the column entitled "Don't They Know We're Getting Out?" be printed in the RECORD.

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

"DON'T THEY KNOW WE'RE GETTING OUT?"

(By Hugh Sidey)

A few days ago 11 college editors filed silently and politely into the Oval Office and ringed the President's desk, expecting only a perfunctory handshake.

Nixon greeted them one by one and for each he had a word or two. Colgate: the Secretary of State went there. Indiana: a fine school for radio and TV. Tulane: ah, the "Green Wave."

A few of them thought back on the night less than a year ago when Nixon had visited the Lincoln Memorial at dawn, talking about football after sending the troops into Cambodia. The President introduced Aide John Ehrlichman, his expert on revenue sharing. One of the young men thought Ehrlichman reminded him of his gym teacher. Then Nixon launched into a discussion of revenue sharing. All of them listened politely, but restlessly. Suddenly Carl Nelson, of the College Press Service, raised his pencil for recognition. Was not the activity in Cambodia a violation of the congressional prohibition against using American troops? Ehrlichman answered quickly with a forceful "No." But the young editors would not be turned off. Princeton's Luther Munford asked again, and the President proceeded to talk for 15 minutes.

He had, he said, "no intention of placing ground troops in Cambodia," and "air support will be used only as I determine." His intention to wind down the war was clearly demonstrated, he continued. He had stated his position no fewer than eight times. "The previous administration was continuously making decisions that were getting us in. We are continuously making decisions that are getting us out."

Nixon stood there, intent and serious, once again reiterating his course of retreat in that unfortunate war. "Of the more than 200,000 troops in Vietnam in May, only 40,000 will be ground combat troops," he said flatly. It was another commitment in a long series which Nixn has made—and has kept.

Then the young people filed out. They had heard the pledge, but they seemed undecided whether to believe it or to be skeptical. As a young man left, he muttered his hope that the withdrawal would be complete by the time he was drafted and through basic training.

It is symptomatic of the country's attitude toward Richard Nixon that despite his pledges and despite his performance so far, almost every maneuver made to cover the Vietnam withdrawal touches off in Congress the bizarre argument that Nixon somehow wants to spread massive land war all over Southeast Asia and come home with that "coon skin" which Lyndon Johnson desired. It is palpable nonsense. Richard Nixon is conducting a steady march to the boats, using every device he can—verbal, diplomatic and military—to stave off disaster until the troops are off the beaches. One can argue the tactical value of each separate action, but the strategy is clear.

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"Don't they know we are getting out?" asks an anguished Secretary of State William Rogers in private. His energy is given to the futile oral sparring, as if, having exhausted every other argument, he wonders why the critics don't understand "the political imperatives" are such that the Administration has to get out. He thinks ahead to 1972 as Nixon does.

Some of the pundits write about how the military juggernaut only wants to be loosed. Maybe in a time gone by. Not now. In the Pentagon, General William Westmoreland, who designed that war, long ago shrugged and admitted to himself and to those around him that with the restrictions now imposed on us, there was only one place to go; home. From the Joint Chiefs' staff came the voice of one expert: "Get your dinghy out of there now with as few holes as possible." It is part of current military lore that Admiral Elmo Zumwalt, the Navy chief who earlier commanded the naval forces in Vietnam, said way back in 1968, "Let's get this over . . . . Vietnam has taken great amounts of our treasures." Zumwalt urged his men to turn to the job of building up the U.S. Navy for that greater threat—Russia.

The men who are conducting our withdrawal use B–52s and tanks and paratroopers, but there isn't much difference between their tactics and those of Jeb Stuart back in the Civil War when the fight went bad. The "cavalry" jabs and feints and blusters and fakes, and all the time the Army is drifting back.

When Nixon looked back on the Cambodian incursion, he decided about the only mistake was having publicly built up the operation to be something like D-Day of World War II, thus alarming a great many people. For the operation last week in Laos he was sequestered in the Virgin Islands, the battlefield news blanked out. There was still domestic outcry, the price that must be paid in these nervous days. But the operation was at least kept in perspective.

Nixon's critics would do better to argue about whether or not he should set an early deadline for total withdrawal and meet it. There's where Nixon still flirts with danger, believing that his "cavalry" will somehow protect him from the enemy, that the Vietnamese will fill the American boots in time. The notion that retreat need not be defeat is rooted in him. While he was in the Virgin Islands, he summoned his valet Manolo Sanchez and asked him to serve up the books he had brought along, including a biography of Queen Victoria's great Prime Minister Benjamin Disraeli. It was Disraeli who implanted in modern diplomacy the phrase "peace with honor," a watchword that Nixon has never discarded in his inexorable march toward the boats.

REVIEW OF "CRIME IN AMERICA," BOOK BY RAMSEY CLARK

Mr. ALLOTT. Mr. President, Fortune magazine for February 1971 contains a book review which deserves thoughtful

reading by every Member of the Senate. The review is by one of America's most distinguished philosophers, Prof. Sidney Hook, of New York University. The book he is reviewing is "Crime in America," written by former Attorney General Ramsey Clark.

Both the book and the review are important, because each gives lucid expression to important points of view. Mr. Clark's point of view is one which Professor Hook—correctly, in my judgment—calls "a sentimental view of crime." Professor Hook's view is what I would call a sober view of crime. The different thinking of the two men is most clear when it comes to assigning blame for criminal behavior. The crucial question is the extent to which the individual—including the law-breaking individual—can be considered responsible for his actions.

Mr. Clark feels that most people—or at least most law-breaking people—are not responsible for their actions, and society is responsible. Professor Hook vigorously disagrees and in the process makes some important points.

So that all Senators may consider these points, I ask unanimous consent that Professor Hook's lucid review be printed in the RECORD.

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

A SENTIMENTAL VIEW OF CRIME

(By Sidney Hook)

There can hardly be many adult Americans, no matter how remote from the highways of life, who are not by now aware that crime is a major national problem. Accordingly, it was to be expected that a book on crime by a former Attorney General of the U.S. would attract a lot of attention, and such has indeed been the case with Ramsey Clark's *Crime in America* (Simon & Schuster). It is an extraordinary book—in content, in style, and in the uncritical plaudits it has so far received. Were a reader to pick it up unaware of the author's identity, he would regard it as the effusions of a naive and sentimental social worker rather than the sober reflections of a man who for a time was the nation's principal law-enforcement officer.

The basic theme of the book is that responsibility for most crime lies not with the criminals but with society, and more specifically that poverty is the main cause of crime. The basic solution of the crime problem is therefore economic. We must reform society. We must "contain our acquisitive instinct" and relegate "selfishness" to the past. Our failure to do all this is attributed to deficiencies of our will. But the American character in which the American will is rooted has been as much determined by its social and physical environment as the character of criminals by *their* environment. The criminal, it nevertheless appears, is not morally responsible for his actions, while society—an abstraction that stands for the rest of us—*is* responsible.

The old and overly simple thesis that most crime is caused by economic deprivation is difficult to prove. First of all, it is based on statistical correlations that cannot by themselves establish causal connections. Second, as economic conditions have improved, crime rates have increased instead of decreasing. Third, at any economic level, the behavior of most individuals is not criminal. There must, therefore, be some other factors at work.

The prevention and control of crime, although guided of course by what we think we know, do not have to wait upon full elucidation of the multiple causes of crime, anymore than the control of population has to wait upon full elucidation of, and agreement upon, all the causes that make for overpopulation. Those who, in either matter, keep insisting that we devote all attention to the "real" or "true" or "underlying" causes perform a double disservice. They not only oversimplify complex and subtle questions of causation, but also impede and undermine imperfect but nonetheless worthwhile efforts to reduce the amount of actual harm being done.

Ramsey Clark ranges over the entire field of crime including the methods of detection and the procedures of arrest, parole, and corrections. At every point he displays a heartwarming and commendable interest in the human rights of criminals—but alas, little concern for the human rights of their victims. The fundamental weakness of his analysis is his failure to realize that there are conflicts of human rights, and that the requirements of wise decision making impose an order of priority. In the long run, were crime totally abolished in Clark's utopia, the human rights of all would be safeguarded; but in the succession of short runs that constitute the continuing present, we must often chose between the rights of the potential criminal and the rights of his potential victims. In a period when the number of violent crimes is rising rapidly, when in almost every large city citizens fear to leave their homes at night, it is psychologically unrealistic as well as morally unjustifiable to expect the potential victims of criminal behavior to give priority to the human rights of criminals if these conflict with their own rights.

Clark's failure to face up to the necessity for hard choices in the prevention and control of crime results in a shocking absence of common sense. "There is no conflict between liberty and safety," he declares. "We will have both, or neither." This is sheer balderdash. In many situations, liberty and safety are inversely related. If plane passengers were free to carry anything they please in their baggage and enjoy freedom from search, the safety of passengers in this age of hijacking would be correspondingly reduced. The safety of a traffic system depends upon restriction of motorists' freedom to drive in any lane or at any speed they please. Clark himself, with characteristic inconsistency, urges that, in the interest of safety and crime prevention, we severely abridge the freedom to acquire handguns and other lethal weapons.

The uncritical use of large abstractions leads Clark to positions that are little short of bizarre. He reiterates again and again that the end of law is justice. But surely this is not the only end of law, or always the most important. Most philosophers of law consider other ends to be at least as important: security (or reliability) and the ordered regulation of human affairs, so that human beings, knowing what to expect, can arrange their lives and business accordingly.

If justice were the sole end of law, then many of the procedural safeguards that shield the criminal from prosecution—and in defense of which Clark is rightly vehement—would have to be abandoned. For example, if conclusive evidence of a defendant's guilt has been acquired without a proper search warrant, justice in the case would certainly require that the evidence be admitted. And the privilege against self-discrimination, it has often been pointed out, has nothing to do with the ends of justice, for it is more often a shelter for the guilty than a shield for innocent. One may of course say, as Blackstone did, "It is better that ten guilty persons escape than one innocent suffer." But no one can say this in the name of *justice*.

Clark's prejudices and one-sidedness are also manifest in his case against creation of a national police force in this country. (The F.B.I. is primarily an investigative agency.) The idea deserves fairer treatment than he gives it. He contends that concentration of police power would pose a threat to liberty. He believes in the dominance of local law enforcement, although in some areas of our country it is local law enforcement that has violated the basic rights of citizens, especially minorities. Nor is citizen participation in local law enforcement the unmixed blessing Clark apparently thinks it is. The lynch mobs and vigilante parties of yesteryear were made up of local citizens insisting on participation in law enforcement. And it certainly cannot be argued that in recent years local law enforcement has adequately protected the citizenry against criminal outrage.

It seems at least possible that a federal police force could be coordinated with local police in such a way as to avoid the danger of concenration of power and at the same time afford all citizens greater protection of the laws. But Clark disregards the possibility. He does not even ask, much less examine, the central question of whether, granting all the difficulties, dangers, and potential corruption in both local and federal police authorities, it would be easier to cope with them if we had a central police agency.

Clark makes some sound points, to be sure. He is certainly right in contending that we should put more effort and resources into rehabilitation of imprisoned criminals. And he is certainly right that speedier trials would be more effective than harsher punishments in reducing the incidence of crime. The book's merits, however, are outbalanced by faulty thinking and ritualistic rhetoric. Clark speaks eloquently of justice, of human dignity, and of reverence for life, but his words have a hollow ring because they are combined with judgments, exhortations, and sometimes insinuations that are incompatible with elementary fairness. It is possible, for example, to criticize the arguments for preventive detention of repeated offenders or for limitations upon abuse of the Fifth Amendment, without smearing those who hold such views as demagogues. (In a contrasting spirit, Clark refers to the Black Panthers and the Weathermen as "poor and unpopular groups and individuals" who might suffer from preventive-detention laws.)

THE IMAGINARY SHUDDER

On the whole, *Crime in America* holds the police up to obloquy. One gets the impression, indeed, that the country has more to fear from its police (who, of course, are not undeserving of criticism) than from its criminals. "A major portion of the American public, for a variety of reasons," Clark tells us, "feels a little shudder when a squad car goes by."

On the basis of my own experience—as one born and raised in a big-city slum, a lifelong city dweller, and a visitor to many of the nation's large metropolitan centers—I doubt that Ramsey Clark knows what a "major portion of the American public" feels. There have been times in the past, to be sure, when activist radicals were harried by municipal ordinances. But today the police squad car is usually welcomed as a sign of safety. The most common complaint about the police I have recently heard from people who live in cities (as opposed to people who write books about city problems) is that there are not enough policemen around.

Typical of Clark's book as a whole is the final sentence (final, that is, if we disregard a hectic, italicized Epilogue). "Our greatest need," it runs, "is reverence for life—mere life, all life—life as an end in itself." Like many other dubious assertions in *Crime in America*, this seems vaguely appealing on a

first, hurried reading. But on scrutiny, it is a dangerously muddled sentiment. Devotion to life as an end in itself is incompatible with, among many other things, the passionate devotion to justice that Clark also urges upon us. Whoever glorifies "mere life, all life" is evading the necessity for making the distinctions that are required for a life worthy of man.

PHILADELPHIA POLICEMAN KILLED

Mr. SCHWEIKER. Mr. President, over the weekend a shocking and distressing killing of a Philadelphia police officer occurred. At approximately 10 o'clock Saturday night, Officer John McEntee, 25, was shot in the back of his head as he was sitting in his patrol car in North Philadelphia, writing a report. Press reports indicated that Officer McEntee was shot at such close range that there were powder burns on the back of his head. Philadelphia Police Commissioner O'Neill has termed the slaying an "execution."

Over this weekend, five other policemen were also killed. Although early reports on the other incidents do not indicate that they were execution-type slayings, nevertheless these tragic and useless incidents continue to occur across this Nation.

During the last Congress I introduced a bill, S. 4348, to make assaults and killings of State and local law enforcement officers, firemen, and judicial officials a Federal crime. Hearings were held on that bill, along with other similar bills, by the Senate Internal Securities Subcommittee last fall. At that time, convincing evidence was presented by eminent police and law enforcement officials that the killing of these officers is a national problem and that there is substantial justification for Federal legislative action. Regrettably, because of the lateness of the session, no action was taken on that legislation last year.

I have reintroduced the bill this year, slightly redrafted, as S. 120. The bill would make it a Federal crime to assault or kill a State or local law enforcement officer, fireman, or judicial officer because of his official position. Let me emphasize that I am talking about situations where a policeman, for example, is intentionally killed simply because he is a policeman.

While it is too early to pass judgment on whether or not the brutal and senseless killing of the Philadelphia police officer would fall under the specific terms of my proposed legislation, I believe that the mounting number of incidents of this nature makes it imperative that the Senate act at the earliest possible opportunity on the bill which I have introduced.

CONSTITUTIONAL TIES OF BERLIN TO WEST GERMAN GOVERNMENT

Mr. ALLOTT. Mr. President, today's New York Times contains a most lucid letter from a distinguished student of German affairs. The author of the letter is Prof. Jean Edward Smith, and he is alarmed about the recent suggestions that it is now time to weaken Berlin's constitutional ties with the West German Government.

Professor Smith suggests that weakening such ties will reduce the authority of the occupation power and will reduce West Berlin to a status resembling that of Danzig in the 1930's. It will be recalled that that status was a threat to the freedom of Danzig and, ultimately, to world peace.

Professor Smith believes that the current situation in West Berlin is awkward but livable, and he wonders why we have allowed ourselves to become preoccupied with it to the extent that, in a seriously troubled world, we invest so much energy in tampering with a relatively stable situation. Professor Smith suggests an answer to that question:

Obviously the U.S. State Department has too many people with too little to do. The result is to continually dredge up livable but nevertheless awkward problems for refinement. In the case of Berlin, such efforts can only be self-defeating. Gradually, points that were non-negotiable prove negotiable, and gradually positions of strength become hostages to doubt. In the case of Berlin, let sleeping dogs lie.

Mr. President, so that all Senators can profit from Professor Smith's reasoning, I ask unanimous consent that his important letter to be printed in the RECORD.

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

IN BERLIN: LET SLEEPING DOGS LIE

To the Editor:

Recent Times articles suggesting reduced ties between Bonn and West Berlin indicate that the consequences of Chancellor Willy Brandt's Eastern policy now must be reckoned with. Since the beginning of Brandt-Soviet discussions last year, the Western public has been assured that Moscow would bring East Germany to heel, that the Kremlin's eagerness for better relations with Bonn would compel Walter Ulbricht to yield unaccustomed concessions on West Berlin.

When senior U.S. statesmen with decades of experience in German matters—Dean Acheson, Lucius D. Clay and John McCloy—sounded a note of caution, The Times was among the first to condemn them [editorial Jan. 3]. The sad fact is they were all too correct. Rather than Moscow forcing Ulbricht to submit (a perennial illusion of Western planners), Brandt's urgent need to show results brings the West, not the East, to the brink of dangerous concessions on Berlin.

This sorry turn of events caps a decade of muddle-headed policy on Germany. Current difficulties in Berlin—if there are such—derive not so much from Berlin's exposed location as from bureaucratic penchant to tidyness. The disease is congenital. Its outbreak in 1961 saw Washington escalate a largely internal East German crisis to the very threshold of thermonuclear war. The result was the construction of the Berlin Wall and a dangerous erosion of West Berlin morale.

Paradoxically, the U.S. Government has refused to recognize the results of the Wall, namely, a stable and resurgent East Germany. An agreement with East Germany guaranteeing West Berlin's status in return for full diplomatic recognition—perhaps an agreement formalizing the entire situation in Central Europe—now would appear logical, yet, strangely, it proves unacceptable to the U.S.

The result is a continued, piecemeal decay in the status of West Berlin with no offsetting advantage. Rather than consummate the natural, Washington delves for the peculiar, for the gimmick. Consider the matter of access. The right of occupation implies the right of access. This system has prevailed 25 years. An entire common law has developed around it. It is enforced, as ultimately any written accord must be, by the determination of Western powers.

In such case it is difficult to see what benefits a purely written accord would bring. Especially one which weakened Berlin's already tenuous ties with the Federal Republic of Germany. Do we really need another Danzig?

Obviously, the U.S. State Department has too many people with too little to do. The result is to continually dredge up livable but nevertheless awkward problems for refinement. In the case of Berlin, such efforts can only be self-defeating. Gradually, points that were nonnegotiable prove negotiable, and gradually positions of strength become hostages to doubt. In the case of Berlin, let sleeping dogs lie.

JEAN EDWARD SMITH.

ACCELERATED INFLATION—STATEMENTS BY FEDERAL RESERVE BOARD CHAIRMAN ARTHUR F. BURNS

Mr. BYRD of Virginia. Mr. President, Dr. Arthur F. Burns, the Chairman of the Board of Governors of the Federal Reserve Board, has made two public statements of great importance in recent weeks.

On January 31, Dr. Burns was interviewed on the National Broadcasting Co., network by Deena Clark. And on February 19, he appeared before the Joint Economic Committee of the Congress.

Dr. Burns is an economist of great ability. It has been my privilege to know him, and to have served with him as a trustee of the Tax Foundation for many years. I hold him in high regard.

As Chairman of the Board of Governors of the Federal Reserve System, Dr. Burns is in a position to play a key role in the economic future of the United States and in the daily lives of its citizens.

Much will depend on his judgment, on his independence, on his willingness to say "no" when high officials want him to say "yes."

President Nixon has proposed what the President calls an "expansionary budget."

This is another way of saying that Mr. Nixon has chosen the route of deficit financing, and in so doing, has completely reversed the course he charted only a year ago.

It was then that the President emphasized the need for the Government to put its financial house in order, and stated, "We must balance our Federal budget so that American familiies will have a better chance to balance their family budgets."

Of course the President is concerned about unemployment, as are all thoughtful Americans. He feels that if the Government embarks on a course of heavy deficit spending, that unemployment will be reduced.

Possibly so.

But I submit that many Presidents, beginning with Franklin D. Roosevelt

nearly 40 years ago, have tried to solve the Nation's problems with more and more Federal spending, more and more Federal deficits.

The interest on the debt—just the interest—costs taxpayers $20 billion annually. This means that 17 cents of every dollar of income taxes paid to Government goes to pay the interest on the public debt, which now stands at $388 billion.

In 40 years, the Government's budget has been balanced only a few times.

During this period, the value of the dollar has decreased sharply.

I am convinced—and during the 1968 campaign, Republican candidates for the Congress and for the Presidency proclaimed again and again—that the huge deficit spending of Lyndon Johnson played a major part in bringing about the recent sharp inflationary spiral.

In studying the President's state of the Union address, and his budget message, it seems clear that Richard Nixon will give the American people more red ink Government than did Lyndon Johnson.

Does that mean more inflation? I think it does.

To me, it seems clear that the huge spending bills must be paid for in one of two ways—either increased taxes or increased inflation, and increased inflation is the cruelest tax of all. It is a hidden tax, and it hits hardest those on fixed incomes, and those least able to pay.

The degree of inflation that this country will have, as a result of the President's expansionary budget, will depend to a considerable extent on the attitude of the Board of Governors of the Federal Reserve System.

The Federal Reserve System was designed to be, and should be, independent of political pressures.

It was designed to be, and should be, independent of the President and of the Congress.

Whether it is in fact independent depends a great deal on the judgment, the ability, the strength and the courage of its members, particularly its Chairman.

In the interview with Deena Clark, Dr. Burns gives one the impression of realizing he is in a difficult position, torn between a desire to work closely with the President and a feeling that the expansionary budget concept of the President is a dangerous one.

The passage in the exchange with Deena Clark which gives me the greatest encouragement, is this assertion by Dr. Burns:

> Now as for Federal Reserve Policy, I think we have met our obligation very fully, and we shall continue to do so. There was great alarm in the country, particularly in financial circles about a shortage of liquidity in May and June. Well, we dealt with that problem, we dealt with the problem that was posed after Penn Central failed, and we have moved promptly—we have been expanding the money supply, but we have done it at a moderate pace, recognizing that while the needs for expansion must be met, we at the Federal Reserve also must not become the architects of a new wave of inflation.
>
> We owe that obligation to the President, we owe it to the Congress, and above everything else, we owe it to the American people.

As Dr. Burns indicated, I think it would be terribly unfortunate if the Federal Reserve System should become the "architects of a new wave of inflation." For that reason, the Board must be very careful about the length to which it goes in assisting the deficit spending views of the President.

In his appearance before the Joint Economic Committee on February 19, Dr. Burns repeated his assertion about inflation. This was the context:

> I can assure this Committee that the Federal Reserve will continue to supply the money and credit needed for healthy economic expansion. But I also wish to re-affirm the assurance that I gave to this Committee and the nation a year ago—namely, "that the Federal Reserve will not become the architects of a new wave of inflation."
>
> We know that the effects of monetary policy on aggregate demand and on prices are spread over relatively long periods of time. We are aware, therefore, that an excessive rate of monetary expansion now could destroy our nation's chances of bringing about a gradual but lasting control over inflationary forces.

The overall thrust of Dr. Burns' testimony before the Joint Economic Committee seemed to be that while he supports what he calls moderate monetary expansion, he will resist pressures for a rapid rate of expansion.

I have reservations about the overall fiscal and monetary policies of the Government. But I recognize the difficult position of the Chairman of the Federal Reserve Board, and I commend Dr. Burns for his expressed concern about the dangers of inflation.

I have confidence in Dr. Burns. As Deena Clark stated after researching his record, "there is one word used more often than any other" to describe Dr. Burns, and that is "independent." This is fortunate.

It is vitally important, I feel, that the Federal Reserve System remain independent. The Nation needs a financial balance wheel, one that responds to sound economics rather than to the vacillations and variations of politics.

The disciples of deficit spending are riding high. The Republican Party, which, through the years, sharply, and in my judgment justifiably, condemned the deficit financing of Democratic administrations, seems to be embarking on programs which will out-deficit the Democrats—and I must say, that is hard to do.

The senior Senator from Virginia is alarmed and discouraged by the fact that our President has deliberately embarked on a deficit spending program that will increase the national debt by $40 billion during the next 15 months.

Dr. Burns and his colleagues on the Board of Governors of the Federal Reserve System have the opportunity to apply some braking to an accelerated inflation.

Because of the importance of Dr. Burns' position, I ask unanimous consent that the text of the colloquy between Deena Clark and Dr. Burns and the text of Dr. Burns' statement before the Joint Economic Committee be printed in the RECORD.

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

STATEMENT BY ARTHUR F. BURNS, CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, BEFORE THE JOINT ECONOMIC COMMITTEE, FEBRUARY 19, 1971

I appreciate the opportunity to meet with this Committee once again to present the views of the Board of Governors on the condition of our national economy.

Our overall economic performance during the past year has left much to be desired. Unemployment rose more than 6 percent of the civilian labor force by year end. Idle industrial capacity increased. Business profits deteriorated further. The price level continued to rise sharply. Our balance of payments remained in an unsatisfactory condition. These frustrations and disappointments cannot be overlooked; but they also must not be allowed to blind us to the progress that our nation has been making toward the restoration of its economic health.

Underneath the surface of aggregate economic activity, major changes took place during 1970, and they have been—on the whole—in harmony with the aspirations of the Congress and the American people. Thus, the defense sector of our economy has continued to shrink, with employment in this sector—when the reduction of the armed forces is counted in—declining three-quarters of a million during the past year. Also, the protracted investment boom in business fixed capital—whose continuance would have necessitated a major retrenchment later on—has tapered off. Meanwhile, the homebuilding industry has in recent months been experiencing a great upsurge of activity. And our trade surplus—which had plummeted from 1965 to 1969—began to recover as our exports rose relative to imports. These several developments have imparted better balance to our national use of resources, and thereby promise to contribute to economic and social progress.

Another highly significant development of the past year was a dramatic change in business attitudes toward the control of costs. As production markets become more competitive and costs continued to mount, business managers in increasing numbers finally recognized that their profit margins, which had been gradually eroding since 1965, would drop sharply further unless ways were found to improve efficiency substantially. Vigorous efforts to eliminate loose and wasteful practices resulted by the second quarter of 1970 in a renewed increase of output per manhour, ending a stagnation which had lasted nearly two years. The rate of advance in unit labor costs therefore moderated last year, even though wage rates continued to rise at an undiminished pace.

The new attitude toward cost controls had its counterpart in business financing. The speculative mood of the latter years of the 1960's had given rise to loose financing practices that posed a threat to financial stability. This became abundantly evident last summer, when conditions approaching crisis prevailed for a time in some of our financial markets, notably in the commercial paper market.

These developments served as a pointed reminder to the business and financial community that canons of sound finance are still relevant in our times. Chastened by experience, many firms have of late been reducing their exposure to risk by funding short-term debt or by enlarging equity cushions. In turn, many lenders have been screening loan applications with greater care and upgrading their investment portfolios. Households, too, have been placing greater emphasis on liquidity and safety in the management of their financial assets. The prospects for maintaining order and stabil-

ity in financial markets during the years immediately ahead have thus been enhanced.

The processes at work in our financial markets during the past year have strengthened the prospects for recovery in economic activity this year. The liquidity of commercial banks and of other financial institutions has improved markedly. Credit has become more readily available to prospective homebuyers, State and local governments, and small businesses, as well as to the larger industrial and commercial enterprises. Interest rates have tumbled.

Indeed, the decline in long-term interest rates since the middle of 1970 has been the largest and most rapid of the postwar period. Even interest rates on consumer loans and mortgage interest rates—which often display downward inflexibility—have declined during the past several months. And the decline of interest rates brought, of course, welcome relief to a badly depressed bond market.

As bond prices rose and cost-cutting by business firms continued, investors began to look forward expectantly to renewed expansion in business activity and earnings. Interest in common stocks therefore revived, and share prices—particularly of "blue chips"—have staged a spirited recovery. With the financial underpinnings of the economy improved, housing starts have already risen briskly and State and local construction projects—delayed earlier by tightness in credit markets—are being financed more readily and at much lower cost.

Thus, when we look beneath the surface of aggregative measures of economic behavior, we find that a large part of the foundation needed for an enduring prosperity was rebuilt during the past year. Let me turn next, therefore, to the role that monetary policies played in fostering this achievement.

Monetary policies during 1970 at first sought to create an environment in which progress could be made in unwinding from the inflationary excesses of the past, while providing sufficient stimulus to prevent economic weaknesses from cumulating. As the year advanced, the Federal Reserve gave increasing attention to liquidity problems and to the need for establishing the financial basis for a resumption of economic growth.

At the beginning of 1970, as this Committee knows, monetary restraint reached its peak of intensity. The monetary policy pursued during the preceding year had become increasingly restrictive because of the urgent need to curb inflation. During the latter half of 1969, the narrowly defined money supply—that is, currency plus demand deposits—had grown by an annual rate of only 1 per cent, while time deposits of commercial banks actually declined sharply. Bank liquidity was at a very low level; heavy deposit withdrawals were draining funds from mutual savings banks and savings and loan associations; the supply of mortgage credit had shrunk severely; many State and local governments were unable to arrange financing of their construction projects; even some of the largest business enterprises were having difficulty in satisfying their financing needs; interest rates were at or soaring toward historic peaks; and confidence in financial markets was waning.

As I have already indicated, conditions in our money and capital markets have since then changed dramatically. Confidence in financial markets and institutions has been restored; liquidity positions have improved; credit has become both cheaper and more readily available to a broad spectrum of borrowers; and all this was accomplished with a moderate—and I believe a prudent—rate of monetary expansion.

Last year, the narrowly defined money supply rose by 5½ per cent. This is by no means a low rate of growth by historical standards. Indeed, it was exceeded in only four years during the postwar period—1946, 1951, 1967, and 1968, each a year of intense inflation. However, when the economy is sluggish, and when very unusual demands for liquidity are encountered, as they were in 1970, a rate of monetary expansion that is appreciably above the historical average is not inappropriate.

Broader measures of the money supply indicate even more clearly the rather expansive course of monetary policy during 1970. For example, if the concept of the money supply is broadened to include commercial bank time deposits other than large-denomination certificates of deposit (CD's), we find that growth in money balances during 1970 was at an 8 per cent rate—accelerating from 6 per cent in the first half to more than 10 per cent in the second.

An assessment of recent monetary policy requires, of course, attention to numerous financial variables besides the money supply, whether defined narrowly or broadly. By the second half of 1970, the increase in total funds available for lending and investing by commercial banks had risen to an annual rate of 10 per cent. Of course, this high rate of expansion partly reflected some rechanneling of borrowing from financial markets to banks after the ceiling rates of interest that banks could pay on short-term CD's were suspended. Allowing for this factor, the increase in available bank funds was still far above the growth of demand for bank loans. Consequently, banks added substantially to their holdings of short-term Treasury securities, and became aggressive buyers of State and local government bonds. They also took steps to encourage additional borrowing by bank customers. Commitments of funds to the mortgage market rose, and growth in real estate loans picked up towards the close of the year. The prime rate of interest on bank loans was reduced to a series of steps from 8½ per cent at the beginning of last year to 5¾ per cent presently. Other lending policies too were relaxed, as banks began actively to seek out prospective loan customers.

The effects of these easier monetary policies gradually spread from the banking system to financial institutions at large. At life insurance companies, the drain of investable funds through policy loans decreased over the course of the year, encouraging larger commitments to corporate borrowers. At nonbank thrift institutions, the rate of inflow of deposits rose by the final quarter of last year to levels not seen since the early 1960's—except for a brief period in 1967. Exceptionally high rates of deposit inflow have continued in recent weeks. Indeed, with the supply of mortgage money temporarily outrunning the demand, some institutions find themselves unable to acquire the volume of real estate loans they desire.

These are the indications, I believe, that the monetary policies pursued last year have created the financial conditions needed for a sustained expansion of production and employment. Underlying economic trends have been obscured in recent months by the effects of the prolonged auto strike. Nevertheless, some major economic series suggest that a general recovery of business activity may already be under way. For example, stock prices have been rising briskly for a number of months, as I noted earlier. The increase in residential building activity that began last spring has gathered momentum. New orders for durable goods rose in December, and the ratio of inventories to unfilled orders for durable goods declined for the first time since April 1969. In January, initial claims for unemployment insurance fell somewhat further; the length of the factory workweek increased for the third time in four months; industrial production rose again; and the demand for business loans at commercial banks strengthened measurably.

These indicators suggest that either a real recovery in production and employment is actually under way or that such a development is likely to occur in the near future. A review of trends in several of the major categories of spending points to the same general conclusion.

Let us consider first the principal economic sectors that may display weakness in 1971. Defense spending is one of these. Judging by the January budget message, the outlook is for little change in outlays for defense in the year ahead, which would imply some decline after allowance for price increases. Other Federal expenditures, however, will be rising substantially in the course of the year, thereby adding to the disposable income of consumers and strengthening the financial position of State and local governments.

Business capital spending is also likely to remain sluggish, at least during the early months of this year. Thus far, the recovery since last spring in new orders for capital equipment has been modest, and surveys of business investment plans do not suggest an early upswing in outlays for plant and equipment. Nevertheless, it would not be surprising to see some strengthening in business spending for equipment as 1971 progresses—the encouragement coming in part from the recent liberalization of depreciation allowances.

In contrast to the relative weakness in the defense and business capital sectors, outlays for State and local construction and for residential building should rise vigorously this year. With housing vacancies at a very low level, the decline of mortgage interest rates spreading, and the likilhood of overall economic recovery high and rising, the expansion in the home-building industry should continue; housing starts in the fourth quarter were at the highest level since the early 1950's. We can be reasonably confident also that a substantial revival in State and local government capital outlays will occur this year, although—as this Committee well knows—many municipalities are facing serious shortages of funds. These financial difficulties may be relieved by Federal grants, and in any event they are much less likely to limit capital spending than the operating programs of State and local governments.

Changes in the rate of inventory investment typically play a strategic role in the course of a business recovery. At present, ratios of factory stocks to sales and to unfilled orders are still quite high in many durable goods lines. This, however, is characteristic of the early stages of recovery. A pickup in the tempo of economic activity in the months ahead would encourage businesses to increase inventories in anticipation of a rising trend of sales. I would not rule out the possibility that a rise in the rate of inventory accumulation will contribute materially to increased production and employment this year.

Ultimately, the shape of business conditions during 1971 will depend on what happens to spending in the largest sector of our economy—the consumer sector. For many months, the mood of the average consumer has been cautious, if not pessimistic. The personal savings rate has remained high, and consumer liquid assets have been built up at an unusually rapid rate. No one can foretell how soon this mood will change.

The caution of the American consumer is due in part to greater awareness of the hazards of unemployment. But a more important factor may well be the steady erosion of the real value of his income and his savings through inflation. Since he sees no effective way to hedge against inflation, the consumer seems to respond to rising prices by increasing his current rate of savings in an effort to stretch the paycheck far enough to cover

tomorrow's higher living costs. The consumer's lack of confidence is thereby communicated to the business community. For when consumer buying patterns are weak, businessmen often lack the confidence to undertake new ventures to expand markets, introduce new products, or increase productive facilities.

The strength of economic expansion during and beyond 1971 will depend, in my judgment, principally upon our success in restoring the confidence of consumers and businesses in their own and the nation's economic future. Restoration of confidence must be a central objective of economic stabilization policies in 1971.

In the present economic environment, there can be no doubt that monetary and fiscal policies must for a time remain stimulative, as they have been recently. The degree of stimulus coming from the budgetary policy announced by the President is, it seems to me, broadly consonant with the needs of an economy operating well below full employment.

However, if past experience is any guide, actual expenditures might run above those currently projected, and we must therefore be extremely careful not to let Federal expenditures again get out of control. To do so would seriously undermine confidence at a time when we need to do everything in our power to increase confidence.

An appropriate monetary policy for the months ahead probably would require sufficient growth in the reserves of the commercial banking system to foster continued expansion in monetary and credit aggregates at rates above their long-term averages.

Let me assure you, in this regard, that the slowdown of the past few months in the growth rate of the narrowly defined money supply does not reflect a change in Federal Reserve policy. Provision of bank reserves through open market operations during this period has, in fact, been quite generous. The public, however, has chosen to hold additions to its deposit balances in the form of time accounts rather than demand deposits. Most recently, in fact, growth of a more broadly defined money supply—that is, currency plus demand deposits plus commercial bank time deposits other than large CD's—has actually accelerated to an average annual rate of over 12 per cent during the months of December and January. Short-term variations of this kind in the public's preferences for demand and time deposits are not uncommon.

We do not understand them fully, but we should not let them distort judgment of the course of monetary policy.

Continuation of a monetary policy that is consistent with economic recovery will enlarge the supply of available funds, and borrowers should therefore find it easier to obtain credit. Later this year we might perhaps see interest rates somewhat lower than they are now—particularly on mortgages and longer-term securities. In areas where monetary policy affects credit conditions with a rather long lag—for example, in the nation's smaller communities and in the credit terms available to smaller businesses and consumers—we could look forward to seeing more evidence of the effects of monetary stimulation as the year progresses. And as easier monetary and credit conditions work their way through the financial system, we could anticipate cumulative effects on spending, on production, and on employment.

Financial developments of this kind might have adverse effects, in the short run, on our balance of payments—in the form, particularly, of a net outflow of interest-sensitive funds. The extent of this outflow may be limited, however, by measures such as those taken recently. These involved discouraging the repayment of Euro-dollar borrowings by our banks to their branches abroad, or the recapture of these funds through the sale of special securities to the foreign branches.

More fundamentally, I am convinced that policies which promise a healthy and prosperous domestic economy are essential to long-run improvement in our international payments position. To be competitive in international markets, our economy must operate with a maximum of efficiency and a minimum of inflation. A prosperous domestic economy will encourage American citizens to invest more at home rather than abroad. Moreover, some forms of capital inflow will be stimulated by economic recovery. Thus, the rate at which foreigners invest here by buying corporate securities or establishing affiliates has risen since the middle of last year, and might well increase further this year.

In view of the interest rate differentials that have recently emerged between the United States and other countries, as well as because of the persistence of inflation, closer attention will need to be given by our government to the balance of payments. I do not expect, however, that these considerations will prevent us from pursuing the course of monetary policy needed to achieve a good recovery in employment and production in 1971, especially if further progress is made in moderating inflationary pressures.

Past experience supplies some broad indications of what the appropriate course of monetary policy might be. We know, for example, that while a high rate of growth of the narrowly defined money supply may well be appropriate for brief periods, rates of increase above the 5 to 6 per cent range—if continued for a long period of time—have typically intensified inflationary pressures. We also know that periods of strong cyclical recovery in production and employment in the postwar period have typically been financed with relatively modest increases in the money supply. In such periods, the income velocity of money—that is, the ratio of GNP to the money stock—has risen substantially, reflecting the more intensive use of cash balances by the public. Following each of the past three postwar recessions, for example, the income velocity of money rose during the first four quarters of recovery by amounts ranging from 5½ per cent to nearly 7 per cent.

We cannot, of course, be confident that history will repeat itself. If the income velocity of money does not rise in 1971 in line with past cyclical patterns, then relatively larger supplies of money and credit may be needed. One of the great virtues of monetary policy is its flexibility, so that adjustments can be made rapidly to unexpected developments. The Federal Reserve will not stand idly by and let the American economy stagnate for want of money and credit. But we also intend to guard against the confusion, which sometimes exists even in intellectual circles, between a shortage of confidence to use abundantly available money and credit, on the one hand, and an actual shortage of money and credit, on the other.

I can assure this Committee that the Federal Reserve will continue to supply the money and credit needed for health economic expansion. But I also wish to reaffirm the assurance that I gave to this Committee and the nation a year ago—namely, that the Federal Reserve will not become the architects of a new wave of inflation. We know that the effects of monetary policy on aggregate demand and on prices are spread over relatively long periods of time. We are well aware, therefore, that an excessive rate of monetary expansion now could destroy our nation's chances of bringing about a gradual but lasting control over inflationary forces.

We recognize also, as do an increasing number of students around the world, that the problems of economic stabilization policy currently plaguing us cannot be solved by monetary policy alone, nor by a combination of monetary and fiscal policies. Monetary and fiscal tools can cope readily with inflation arising from excess aggregate demand. But they are ill suited to dealing with a rising price level that stems from rising costs at a time of rising unemployment and excess capacity.

During the past year, despite an increase in unemployment of 2 million persons, we have once again witnessed advances in wage rates substantially above the growth of productivity. In industries such as retail trade and finance, wage rate increases have slowed somewhat. In others, such as manufacturing and construction, the rate of advance in average hourly earnings has not diminished. Wage settlements granted in major collective bargaining agreements during 1970 were, in fact, considerably larger on the average than in the previous year. For the first year of the new contracts, they averaged 8 per cent in manufacturing and 18 per cent in the construction industry.

There have been earlier instances in our history when price increases have continued for a time despite weakness in business activity. But, as far as I know, we have never before experienced a rate of inflation of 5 per cent or higher while the unemployment rate was rising to recession levels. Continuation of this situation much longer would, I am afraid, sap the confidence of the American people in the capacity of our government and in the viability of our market system.

We are thus confronted with what is, practically speaking, a new problem. A recovery in economic activity appears to be getting under way at a time when the rate of inflation is still exceptionally high.

The stimulative thrust of present monetary and fiscal policies is needed to assure the resumption of economic growth and a reduction of unemployment. But unless we find ways to curb the advance of costs and prices, policies that stimulate aggregate demand run the grave risk of releasing fresh forces of inflation.

In view of this new problem, it is the considered judgment of the Federal Reserve Board that, under present conditions, monetary and fiscal policies need to be supplemented with an incomes policy—that is to say, with measures that aim to improve the workings of our labor and product markets so that upward pressures on costs and prices will be reduced.

The Administration has already taken significant steps in this direction. Public attention has been called pointedly to areas in which wage and price changes are threatening the success of our battle against inflation. Restrictions on the supply of oil have been relaxed. Part of the recent increase in prices of structural steel has been rolled back as a result of governmental intervention. And the President has clearly conveyed to the construction industry that the government will no longer tolerate the runaway labor costs that are destroying construction jobs and depriving so many of our families of the opportunity to buy a home at a price they can afford to pay.

These steps have put our nation's business and labor leaders on notice that the government recognizes the character of the present inflationary problem, and that it is serious in its intent to find a cure. If I read the national mood correctly, widespread public support now exists for vigorous efforts to bring wage settlements and prices in our major industries within more reasonable bounds. Such efforts should bolster consumer and business confidence, and thus contribute materially to getting our economy to move forward once again.

"DEENA CLARK'S MOMENT WITH . . . " DR. ARTHUR F. BURNS, CHAIRMAN OF THE BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM

DEENA CLARK. This is Deena Clark inviting you to spend "A Moment With . . ."

the Nation's number one money manager—the Honorable Dr. Arthur F. Burns, Chairman of the Board of Governors of the Federal Reserve System.

One of President Nixon's first acts as chief executive was appointing Dr. Burns to a position without peer or precedent on the White House staff. He named the distinguished economic analyst "Counselor" to the President. As such, he was the only Nixon staffer with cabinet rank. Now, as Chairman of "The Fed" Dr. Burns is, according to the Wall Street Journal, "The Free World's leading central banker."

A brilliant scholar, Austrian-born Arthur Burns spent his boyhood in New Jersey and graduated from Columbia University with a Phi Beta Kappa Key and a dean's scholarship. Making a smooth transition from taking economics to teaching it, immediately upon receiving his degree, he joined his alma mater's faculty.

He continued his distinguished professorial career at Rutgers and Stanford, interspersing campus life with positions of economic responsibility in both business and government. These included the presidency of the prestigious National Bureau of Economic Research, and the chairmanship of President Eisenhower's Council of Economic Advisers.

When he took over as head of the Federal Reserve System, fellow economist Milton Friedman said in Newsweek: "My close friend and former teacher, Arthur Burns, is not just another chairman. He is the right man in the right place at the right time." Unquote.

In Wall Street terms, Chairman Burns would be considered a blue chip, high performance stock, one which, through the years, has demonstrated a remarkably steady growth rate.

It is an honor to welcome him now, Dr. Arthur Burns.

Dr. ARTHUR BURNS. Well thank you so much Deena.

DEENA CLARK. Well it is very nice of you to come and talk to us today. I don't pretend at all to be an economist. I may not even understand the answers that you give me, but I listen and I learn.

Dr. Burns, I want to begin by saying that one of the six goals that President Nixon emphasized in his revolutionary State of the Union message, of all the six, he called "welfare reform" the most important—characterizing it as a "monstrous consuming outrage." His new welfare reform plan, calls for taking employable people off welfare and putting them to work. Monetary policy, which you control, has a great deal to do with how much employment opportunity exists. What if, when welfare reform is enacted, there are not enough jobs to take the employables off the welfare list? Will you then be forced to pump more money into the economy to create more jobs to make the welfare system work?

Dr. BURNS. Well, I think, Deena, if I may say so, you overemphasize the role of the Federal Reserve System. The—I think many people do nowadays. We do control the Nation's money supply, and the Nation's money supply is of great importance. But at the present moment, for example, the chief retarding factor in the economy is not the money supply—there's ample money around, ample liquidity. We had a problem back in May and June but we have solved that quite satisfactorily, we have been expanding the money supply, the banks are now looking for customers. The S & L's are now looking for customers—"S&L's" are savings and loan associations as you know. I think the confidence is far more important, and what we need in our country more than anything else, is a regaining of confidence—regaining of confidence in government, regaining of confidence in economic policy. And I think the President's "State of the Union" address, if I may say so, is contributing to the rebuilding of confidence that we need.

DEENA CLARK. Dr. Burns, you bring up the question of confidence which enables me to ask a question now that I intended to ask a little later. It's a question concerning the administration's optimistic "upturn" claims—subtitle: "Is there any light at the end of the tunnel?"

The Harris Survey, results appearing nationwide on Christmas Day, asked the question: "Do you have a great deal of confidence that the Nixon administration will keep the cost of living under control, and will reduce unemployment in 1971?" Only 18% had a great deal of confidence in President Nixon's assurances. Thirty-eight percent had hardly any confidence. What about yourself? Do you have any crisis of confidence or can you confidently predict a definite dated upturn in the nation's economy?

Dr. BURNS. Oh, I am not a prophet. I can't date the upturn precisely. For all that you and I know, a recovery may already be underway. I sometimes think so, but I do want more evidence before I say so definitely.

As for the Nation's state of confidence, I don't think we have been a happy country during the past year—two, three, four, five—and during the past year we had too much unemployment, and also an uncomfortable increase in the price level. Now—but I think that psychology is beginning to change, and I think it will change more as the year progresses. I think the President's new depreciation policy, as far as business is concerned, is helping to restore confidence in the business community.

I think that what the President did in the case of Bethlehem Steel price increase helped to build confidence on the part of the general public—consumers—that the government will not stand by and let prices continue to rise and rise indefinitely.

DEENA CLARK: Do you feel Dr. Burns that Mr. Harris and the Harris Poll just asked the wrong people the question?

Dr. BURNS: No. I think they probably got the right answers at the time they asked the question, but I think the sentiment is in process of changing. Now I may be too optimistic, but I think I will be proved right on this point.

DEENA CLARK: Now Dr. Burns, continuing with the unemployment problem, may I take just one industry as an example? With the de-emphasis on the space program, both borders of our country are in trouble. At Cape Kennedy, there are 14,500 jobs which disappeared, and on the West Coast, there are 125-foot towers that were built to assemble the rockets that put the man on the moon—they are all outdated and nobody knows what to do with them. The question being asked in the aerospace industry is, "convert to what?"

Do you feel the government is obligated to provide the contracts that will enable the specialized aerospace technology to profitably transfer from—transfer into commercial production, and as a tail to the question, are you "for" or "against" the controversial SST?

Dr. BURNS: Well if we take the first part of your question, I don't think it is the government's obligation to shore up any and every industry that finds itself in difficulty. If the government tried to do that, the initiative, the imagination, the boldness, the enterprise, of the American people would be lost, and I think we would be a weak country.

Now I do think that there is an adjustment problem and I think the government should provide some assistance but industry must do its own thinking and its own planning, and individuals who are affected must not look entirely to the government for a solution to their problems.

Now as for the SST, Deena, in all candor, you are so kind and gentle always,—I wish you hadn't asked that question—I have struggled with it over the years.

I wrote a report for the President, recommending that he scrap the SST on economic grounds. But later on, as I thought about the role of the U.S. in the entire world, of the importance of not stopping advances in science and technology—in fact promoting them—the destiny of this country in the field of science—I changed my mind, and I became a proponent of the SST. And of late, I am examining my position once again.

DEENA CLARK. Well you are so kind to say I am so kind, I withdraw the question about the SST. (Laughter)

Now Dr. Burns, to continue with unemployment which stands at a nine-year high of 6%. The President expects to fight it—quote—"With an expansionary budget" and for this he calls for—quite—"the commitment of the independent Federal Reserve System to provide fully for the monetary needs of a growing economy." Unquote.

Reporter Lee Cohn in the WASHINGTON STAR stated that "full cooperation from the 'Fed' before committing itself fully to stimulating the economy through expansionary budget policies would come only if President Nixon moves effectively against wage-price increases."

Is Mr. Cohn correct? Do you feel that a wage-price freeze would be in the best interest of the nation's economy?

Dr. BURNS. I am not in favor of a wage and price freeze at the present time—no. I think if we had such a freeze we would need an army of inspectors to enforce the freeze and I think that the flow of resources would be impeded and we would be less efficient in the economic sphere. The time may come when even a wage and price freeze may seem to me to be desirable or unavoidable but that time hasn't yet come.

Now as for Federal Reserve Policy, I think we have met our obligation very fully, and we shall continue to do so. There was great alarm in the country, particularly in financial circles about a shortage of liquidity in May and June. Well we dealt with that problem, we dealt with the problem that was posed after Penn Central failed, and we have moved promptly—we have been expanding the money supply, but we have done it at a moderate pace, recognizing that while the needs for expansion must be met, we at the Federal Reserve also must not become the architects of a new wave of inflation.

We owe that obligation to the President, we owe it to the Congress, and above everything else, we owe it to the American people.

DEENA CLARK. Now Dr. Burns, everyone of those proposals made in the President's "State of the Union" message will cost money. The Family Assistance Plan, the Crusade against Cancer—all six goals——

Dr. BURNS. Well the reorganization may possibly save money—I hope so.

DEENA CLARK. Well we will hope so, but there will be a lot of money required actually, and the White House says that the revenue-sharing plan money will not come from raising taxes, or from cutting existing programs, but from general tax revenue.

Now of this sixteen billion dollars—five billion plus one billion is new money. If we aren't going to raise taxes, where is that money coming from?

Dr. BURNS. Well at the present, the governmental finances are in a state of deficit, and that is due largely, not entirely, due largely to the fact that we have had a sluggish economy, and when the economy is sluggish, tax revenues fall off.

Now while tax revenues have been falling off, the need for governmental expenditures has not diminished. We have a crisis in our cities—and that's why the President has proposed the revenue-sharing program. The—to raise taxes at a time like this, would mean a sluggish economy would probably become more sluggish still. So while the present deficit is—makes me quite unhappy, I think we better put up with it for a little while, but let's still be prudent on the side of spending. I support the revenue-sharing program. I had a good deal to do with it in starting it in the first place, and I think it is a bold program. I think it should be examined very

carefully by the Congress—and needless to say it will be.

DEENA CLARK. I am sure it will be.

Dr. BURNS. But, by and large, I think, the President is on the right track.

DEENA CLARK. Do you—do you have any idea where he is going to get the money to pay for it?

Dr. BURNS. Well at the present time—the government being unable to meet all of its expenditures from tax revenue, we will have to borrow, but in another year or two, I hope that this condition will be corrected. And I just read in the press,—this is all that I know—that, that Mr. Connally is going to undertake a complete new study of our tax system and perhaps he will find some new tax sources.

DEENA CLARK (Laughs). You are rubbing your hands with glee!

Now Dr. Burns, they say "figures don't lie," but with your fine economic mind, I would like to ask you to listen to the burden of a recent cartoon I clipped from the DAILY NEWS.

A wife is pictured just returned from a shopping spree, and she is loaded down with hat boxes and parcels, and she says happily to her panic-stricken husband, "The money I withdrew from the bank was only making 5%. By shopping at the 20% discount, I made a 15% profit for us."

Now those figures lie, don't they? At least they seem to stand for different things which brings me to a question about different things meaning different things to different people.

The President's proposed revenue-sharing plan: Chairman Wilbur Mills of the House Ways and Means Committee strongly opposes the proposal, maintaining that states and cities will receive less money under revenue-sharing than under present conditions. And Dr. John Erlich—or Mr. John Erlichman, Assistant to the President for Domestic Affairs, sharply disagrees with Chairman Mills. They both work with the same figures. Who is right?

Dr. BURNS. Well I would not want to get into a debate with Congressman Mills on fiscal matters. He's a great authority and indeed, he's one of the great assets of this country.

Now, Mr. John Erlichman is not a fiscal specialist. Offhand, without examining what Wilbur Mills said explicitly, or what John Erlichman said explicitly, I have the impression most tentatively that John Erlichman may possibly be right.

But I never take Congressman Mills lightly.

DEENA CLARK. I see. Now, Dr. Burns, in the reading I have done to prepare for this interview, there is one word used more often than any other to describe you—can you guess what it is?

Dr. BURNS. No—I haven't the slightest idea.

DEENA CLARK. Don't have the slightest idea? Well it is "independent."

Dr. BURNS. Oh.

DEENA CLARK. President Nixon commented back in May on the controversial speech that you made at Hot Springs to the American Bankers Association, telling Treasury Secretary David Kennedy "Arthur's independent you know." And—

Dr. BURNS. Well he has gone beyond that. I heard him say once, I am the most independent man he knows.

We've had an independent Federal Reserve System—we have insulated the monetary authority from politics, and as a result, our record in the financial sphere, while not a very good one, is very much better than the record of practically any country in the world. And I attribute this reasonably good—in an imperfect world—financial record in large part to the independence of our monetary authority.

Now the Congress in its wisdom set up the Federal Reserve System in a way that would protect it from political pressures, and I think particularly at a time like this, when political pressures are multiplying, it is especially important not to violate the tradition that has served our nation well.

DEENA CLARK. Well, you have proved you're independent Dr. Burns and we know you are not only independent but you are industrious. The Wall Street Journal says that "you work 11 hours a day at your office and then go home and work more." Is that true?

Dr. BURNS. Not every night—no.

DEENA CLARK. Quite often?

Dr. BURNS. Quite often. Yes.

DEENA CLARK. Well "independent" is the word. Now it crops up again in the President's "State of the Union" message when he used the phrase "with the commitment of the independent Federal Reserve System to provide fully for the monetary needs of a growing economy."

In view of the legislation recently introduced by Congressman Wright Patman, Chairman of the House Banking and Currency Committee, which legislation would have the Federal Reserve Chairman serve "at the pleasure of the President" rather than for the present set term of four years; and the Governors—it would reduce their term from fourteen, to five years. Do you feel (a) a threat to your personal independence? And (b), a threat to the traditional independence of the Fed?

Dr. BURNS. Oh I am not concerned about any threat to my personal independence. I think I can manage. Now—if nothing else, I can go back and teach a class at the university and I might find usefulness elsewhere besides. And then again, if Congressman Patman's proposal were adopted, I don't think it will be—I hope it won't be—I might still stay on, and the President might have "pleasure" in having me stay on.

Now I—I think it's a bad proposal, and I am going to try to convince Congressman Patman—who is a very reasonable and very knowledgeable man—that he may be on the wrong track.

DEENA CLARK. Now this brings us into the personal part of our interview. May I ask you something about the "man behind the money man?"

Dr. BURNS. Well let's see.

DEENA CLARK (Laughs). Let's see whether it is dangerous. Well, this I thought was incredible.

Time Magazine, October 24, 1967 reported "Burns—an earnest scholar was able to translate the Talmud into Polish and German by the time he was six." Is that true?

Dr. BURNS. Well it wasn't the Talmud, it was the Bible.

DEENA CLARK. It was?

Dr. BURNS. A good part of it—yes.

DEENA CLARK. That is incredible—most people can't even read at the age of six.

Dr. BURNS. Oh I guess, I learned how to read at the age of five, and then I enjoyed reading—that's all it means.

DEENA CLARK. It must have taken you your whole sixth year to do that translating. Or even more?

Dr. BURNS. Oh no—just an hour or so in the afternoon. I still played.

DEENA CLARK (Laughs). Just an hour or so in the afternoon. Well—to use a current phrase, you really got your "smarts" early. That's incredible, absolutely.

Dr. BURNS. Now that doesn't mean I understood everything I read—I don't even understand it now. (Laughter) Much of it.

DEENA CLARK. Do you read it often?

Dr. BURNS. Yes.

DEENA CLARK. I have heard it said that in speaking of monetary procedures, you have sometimes said that "prayer might be better than what we are doing now." (Laughter)

Is that a true quote?

Dr. BURNS. It is a true quote.

DEENA CLARK. A true quote. Dr. Burns, your family emigrated here when you were about nine, I believe. What did your father do?

Dr. BURNS. My father was a house painter, merchant abroad, a house painter here.

DEENA CLARK. Did he teach you his trade?

Dr. BURNS. Yes—the—though he didn't have much time teaching, I would accompany him to his jobs and I watched what he was doing—yes, I learned by observation—or by imitation.

DEENA CLARK. Well that's very interesting. Well if Congressman Patman has his way that's another avenue you might explore. (Laughter)

Dr. BURNS. Well it's still interesting work for me—yes.

DEENA CLARK. You worked yourself—worked your way through college. What did you do? What jobs did you have?

Dr. BURNS. Oh well, almost an occupational dictionary. The—I worked as a salesman, I worked as a seaman, I worked as a stock clerk in a department store, I worked in a canning factory—and I can just go on and on—I worked in the post office.

DEENA CLARK. When did you know that you wanted to be an economist. I think you wanted to be a—to follow another trade—another profession first.

Dr. BURNS. Yes, yes. I wanted to be—oh I have changed my profession and I just kept on dreaming but when I started college, I intended to enroll in the school of architecture. I had worked as an architect's assistant, and loved it, loved drawing plans and drawing up specifications, and that was what I was going to do—but I changed my mind.

DEENA CLARK. But I think you still work at your architecture some—Mary Brooks, the Director of the Mint told me that you had a special way of deciding where a study should be put on your place in Vermont.

Dr. BURNS. Oh well I just took down an old barn and drew plans for a new one. This time—this time it was to be a garage, but you can use it as a garage, you can use it as a studio, and you can use it as a living room, and you can use it as a workroom, and my wife calls it "Arthur's folly." (Laughter)

DEENA CLARK. I understand that you went as far away from the main house as you could get where you wouldn't hear any noise and put your study there?

Dr. BURNS. Yes we did that when we bought our farm back in 1946—yes, I—I had to have a place all my own where I could work quietly and not have the children interfere with me and I also didn't want to tyrannize over them—or not "tyrannize" any more than I had to. (Laughter)

DEENA CLARK. So you achieved your goal.

Dr. BURNS. I did—yes—I had my wife on the lawn and I kept on marching and she and the kids and the dog yelling and when I was no longer sure whether I heard them or not, I stopped and that's where I built my study.

DEENA CLARK. Mrs. Burns, who is very interested in poetry herself, tells me that you are quite a country artist. Does that mean you paint in the country, or paint scenes of the country?

Dr. BURNS. Oh I just—I just take brush in hand and use by imagination and she exaggerated I am sure. (Laughter)

DEENA CLARK. She did? Well Dr. Burns, we will go back to a serious question about foreign trade, which is being challenged around the world.

Are you concerned that a disastrous protectionist trade war is in the making between United States and our overseas trading partners?

Dr. BURNS. No I am not. I don't think—I don't think that we are going to deviate very far from the free trade policy.

DEENA CLARK. You are not worried?

Dr. BURNS. Not—well I am concerned, yes, but I think there is enough good sense in our country and certainly in the Congress to prevent that from happening.

DEENA CLARK. Now, Dr. Burns, we have a

final question here. From what we have been talking about today, it is obvious there are no uncomplicated answers. If you spend, you cause inflation; if you don't spend you cause unemployment. But you certainly stay calm and collected. How do you keep cool in an overheated economy?

Dr. BURNS. Well the—number one, I learned years ago that when everybody else is excited, it helps to stay cool.

Second, the economy has not been overheated of late—so it has been a little easier, but we have had inflation in the midst of a serious economic slump, and one reason why I keep cool is, that I expect this country will move into a vigorous price-wage policy. We have been moving in that direction. I think we need it. So I am very confident that while we may have been a bit slow, we will do the right thing in the economics sphere in the end.

DEENA CLARK. Thank you very much Dr. Burns for being with us.

Dr. BURNS. Thank you.

DEENA CLARK. We have been talking with Dr. Arthur F. Burns, Chairman of the Board of Governors of the Federal Reserve System. In describing him, the magazine BUSINESS WEEK quotes an associate as saying "He's a tough boss; 'perfect' is OK!"

In striving for that "perfect" Chairman Burns has set his sights for America on zero inflation, full employment, reduced taxes, free and flourishing economic health, and confidence in the Nation's future.

This is Deena Clark. Thank you for spending this moment with us.

LITHUANIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, last week Americans of Lithuanian origin and descent commemorated the 720th anniversary of the formation of the Lithuanian state and the 53d anniversary of the establishment of the modern Republic of Lithuania.

Every year all Americans extend their sympathy for the plight of all the brave peoples whose desire for freedom is temporarily frustrated by Soviet tyranny. But this year we Americans must feel a special sympathy. Only a few months ago we were horrified by the story of a Lithuanian sailor, Simas Kudirka, whose bold and desperate jump to freedom board a U.S. Coast Guard cutter was frustrated by the bungling of American officials.

We can no longer help Simas. But he has helped all Americans by reminding us of the fierce love of freedom which remains in all those who are trapped behind the Iron Curtain. That is why this year I am especially glad to join with other Americans in honoring Lithuania and pledging renewed dedictation to the freedom which is owned her.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. MATHIAS). The hour of 12 o'clock having arrived and pursuant to the previous order, the time between now and the hour of 1 o'clock will be under the control of the Senator from North Carolina (Mr. ERVIN) and the Senator from Idaho (Mr. CHURCH), to be equally divided between them.

Mr. CHURCH. Mr. President, I yield myself such time as I may require for this opening statement.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the debate on Senate Resolution 9 began with its introduction in the Senate on January 25, 1971. It is now February 23—30 days later. I believe it can be justly said that every opportunity has been extended to the proponents and opponents of this resolution to express their views, pro and con, concerning it. Indeed, as one Senator put it a few days ago, even God in His infinite wisdom could devise no new argument for or against a change in the cloture machinery as embodied in Senate rule XXII.

The reason the debate for the past 30 days has not been better attended is that all the arguments have long since grown stale. We have heard them recited again and again with the opening of each new session of Congress.

With all deference to those who have participated in this debate, nothing new has been suggested, nothing that the Senate has not already heard 100 times over.

The issue presented by Senate Resolution 9 is perfectly plain and wholly understandable. It contains no new or unanalyzed facets that could possibly catch any Senator unaware. It is a straightforward resolution to reduce from two-thirds to three-fifths the number of Senators present and voting required under rule XXII to impose a limitation on debate.

The proposal has the endorsement of a constitutional majority of the Senate, 51 Senators having affixed their names to it.

The purpose of this prolonged discussion is not really to enlighten or instruct the Senate, nor even, in a broader sense, to educate the public at large.

The purpose is, as we all know, to prevent a vote. The purpose is to block the Senate from passing judgment on the merits of Senate Resolution 9, even though a substantial majority of the Senate may favor its adoption.

This is the second effort, Mr. President, to invoke cloture. If we cannot succeed today, even though 30 days of debate have transpired, then we shall try again. Another cloture petition will be filed on Friday of this week, so that the third vote on cloture will come on next Tuesday, if we do not succeed today.

I stress this, to put the Senate on notice that the vote next Tuesday will be crucial. Even the vote today takes on added importance, since it represents the second effort to bring this debate to a close. There comes a time when the Senate should be permitted to work its will on what most of us regard as a prudent modification of Senate rule XXII.

Next week's vote could well spell the difference between the prospect of success or failure for the lengthy effort we have made.

Thus, I plead with all Senators to be present on next Tuesday.

Last week, we were plagued with absences. This week, there are still nearly as many Senators who, for one reason or another, will not be present to respond to the rollcall.

It is altogether fitting that absent Senators should be given adequate notice—a full-week's notice—that if today's vote falls short of two-thirds, as I anticipate it will, a third and very crucial vote will occur a week from today, at which time I earnestly solicit the attendance of all Members of this body.

Having said that, Mr. President, I would close by merely reiterating that the rule modification contemplated by Senate Resolution 9 would not in any way alter the essential character of the Senate. It would not curtail the right of extended debate. It certainly would not change the traditional disposition in this Chamber to permit debate to continue at great length even before any attempt is made to bring it to a close.

If Senate Resolution 9 were adopted, the unique role of the Senate will be preserved intact, but we will have a better basis for anticipating that when an issue comes before us of great moment to the Republic, and when it has been debated exhaustively in this body, so that every Senator has had a full and fair opportunity to speak his mind, there will come a time when, in the interests of the country and of the Senate itself, the matter can be resolved by a vote on its merits.

Under rule XXII as presently constituted, in 49 attempts to limit debate over the past 54 years, only 8 have proved successful. That demonstrates, Mr. President, that the barrier in rule XXII, as it now stands, is practically insurmountable.

So, I plead the case for Senate Resolution 9 as one who believes in the Senate, who would never knowingly contribute to weakening it, nor intentionally undertake to alter the unique role that the Senate plays in our political life.

Rather, I feel, as do the majority in this Chamber, that a prudent modification of the filibuster rule, taken in a timely way, is really a step calculated to preserve the Senate, to protect its prerogatives against the uncertainties of the future. This resolution is the best insurance we can devise for safeguarding the Senate as a viable institution of government, as we look ahead.

It is in that spirit, Mr. President, that I urge the Senate to proceed to a limitation of debate so that it will be possible, after 30 days of familiar argument, 30 days of a refrain all of us already

know so well, to move on to a vote on the merits of this proposition so that the majority may work its will.

If we cannot accomplish that objective in this vote today, I do hope that the attendance in the Senate next week will enable us to secure a vote that will open the way for resolving this issue.

Mr. President, how much time remains to the proponents of the resolution?

The PRESIDING OFFICER. Sixteen minutes remain to the proponents.

Mr. CHURCH. Mr. President, I thank the Presiding Officer.

Mr. ALLEN. Mr. President, acting on behalf of the distinguished Senator from North Carolina (Mr. ERVIN), I yield 3 minutes to the distinguished Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. Mr. President, it is indeed unwise in the judgment of the Senator from Virginia to change rule XXII. Rule XXII provides that whenever two-thirds of those Senators present and voting decide that the time has come to shut off debate, debate shall then be limited.

Mr. President, it seems to me that this is a fair rule and an important one. If it were not possible under the rules of the Senate for a substantial majority of Senators to bring debate to a close when they so desired, the Senator from Virginia would support the adoption of such a rule change. However, the fact is that under rule XXII debate can be brought to a close and has many times under this rule been brought to a close when a substantial majority of the Senate, namely two-thirds of those present and voting, deemed it advisable.

Mr. President, I might say that rule XXII which provides for a limitation of debate goes back to 1917. The then Senator from Virginia, Thomas S. Martin, was the majority leader of the U.S. Senate. It was just prior to World War I. At the request of President Wilson, the Senate incorporated in its rules a proposal that debate be brought to a close whenever two-thirds of the Senators so desired. This rule was approved in March 1917.

In April of the same year the United States went to war. In June of the following year, 1918, with the Nation still at war, a second vote was taken to further restrict the rules. This attempt was voted down.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. ALLEN. Mr. President, I yield 2 additional minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, even in a time when our Nation was at war, the membership of the Senate refused to further liberalize this rule whereby debate might be shut off with a fewer number of Senators agreeing.

Mr. President, I hope the cloture motion today will be defeated. If it is not defeated, it will lead in time to the bringing about, in my judgment, of majority cloture. That, I think, would be extremely unwise. While the present proposal is for a three-fifths vote to obtain cloture, once that figure is obtained, the drive then will be on for majority cloture.

I believe in the best interests of our Nation and in the best interests of the Senate that it will be well to leave rule XXII as it is.

Mr. ALLEN. Mr. President, I yield 10 minutes to the Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, down through the long course of history the purpose of government has been to enable people to live together peacefully, to protect and defend the rights of weaker members against the stronger.

Governments have tried to substitute reason and law—which is an extension of reason—for brute force or overpowering numbers of a majority.

Some of the greatest tragedies of history are the records of minorities being trampled upon, enslaved, and indeed exterminated by a majority, certain of its superiority and the righteousness of its position.

The gas chambers of Germany during World War II and the salt mines of Siberia are vivid reminders to us all that the majority is not always right nor is its cause always just. Jefferson, who contributed more significantly than any other one American to the structure and form of our government, knew the value of the importance of adhering to rules.

As a part of his "Manual of Parliamentary Practice," Jefferson stated:

JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE

IMPORTANCE OF RULES

SEC. 1. Importance of Adhering to Rules: Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are to become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

It should surprise no one that Jefferson should reflect a deep concern for the rights of minorities. After all many of the persons who were among those first coming to America came here because of their desire to escape the oppression that they knew in the old country. America continues to be a nation made up of many diverse elements. We have often been referred to as the "melting pot of the world." People from all other countries proudly call themselves Americans.

In order to be able to achieve the union which did not come about easily, it was necessary to incorporate certain specific guarantees that addressed themselves to the rights of people to be different. Our Founding Fathers insisted upon the right to worship as they believed, the right to free speech; to a free press; to assemble. These guarantees and others became part of the Bill of Rights. They form part of the Constitution of the United States, a most unusual document, a document that has successfully provided the framework of action enabling this country to govern, protect and control itself for nearly 200 years. At the same time, this Constitution with only a few changes that were brought about within the guidelines for change laid by the Founding Fathers has brought a greater measure of freedom to Americans than people in any other country have ever known.

The question facing the Senate today is: Should this important rule of the Senate, a rule which sets this body apart as the greatest deliberative body to be found any where throughout the world, be modified to permit fewer than two-thirds of its Members by their action to terminate debate. Some who believe that we should take this action say that the Senate is denied the opportunity of working its will, usually those who some identify as the more liberal Members of this body are in the forefront in this movement, but simply because we have had this rule since the days of World War I does not necessarily mean it no longer serves our country well. As a matter of fact, both Senators Richard Russell, that great and beloved colleague of ours who left us only weeks ago and the late and dearly loved, greatly respected and admired minority leader, Senator Everett Dirksen of Illinois agreed on many things. With respect to rule XXII, they were in complete agreement. No legislation whose time had come, no idea that had been given wide acceptance by the people of this country has failed to become law because of rule XXII.

Conversely, they each called attention to innumerable occasions wherein we have had better laws, more reasoned laws, laws that reflect a wider spectrum of support throughout our country than would otherwise have been the case, simply because through the operations of the rules of the Senate it was necessary that a majority had to listen to the oftentimes more wise observations of those in the minority. As a consequence, I think we have better laws today than we otherwise would have had.

I know there were many people in the early 1950's who said it would be impossible with the operation of rule XXII ever to pass any civil rights legislation. They said a willful and dedicated group of Southern Senators could make impossible a vote on the important civil rights measures then pending. We know today, as we look back from the vantage point of time, that that was not the case.

More important than those questions raised at that time was the fact that through rule XXII this body, the greatest deliberative legislative body in the world, had to listen to those with whom a majority did not agree, and as a consequence some ideas that had validity, that have made our laws better, were ac-

cepted because of the fact that the minority were able to speak out and their ideas were incorporated within the framework of that body of law.

I recall that when the Civil Rights Act of 1967 was before us, most of the thrust of that legislation did not have within it protection for a majority of the people of this country.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. HANSEN. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. ALLEN. I yield 1 minute to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the concern of many Members of the Senate was, How can we take action best to protect the rights of the minority? We recognize, now, that it was important, with the passage of that law and some of the anticrime legislation passed recently, that the people who are willing to obey the law have consideration given to their rights, also. As a consequence, because of the operation of rule XXII, it is now a Federal crime to go from one State to another to incite riots, to destroy and burn public buildings, and to deny others their constitutional rights. This, in my opinion, represents the good that comes from the continuing application of rule XXII unchanged.

Mr. CHURCH. Mr. President, I yield to the distinguished Senator from Kansas (Mr. PEARSON), cosponsor of the resolution.

The PRESIDING OFFICER. How much time?

Mr. CHURCH. Such time as he may require.

Mr. PEARSON. Mr. President, although I have not spoken often during the last few days—indeed, weeks—in support of Senate Resolution 9, that which I now recite is repetitious of all the arguments that have gone on heretofore.

With respect to the sponsors of the resolution, it is most significant that 51 Senators of the United States joined together and said, "We want to make a change." They want to change the legislative complexion, so to speak, the procedures, the rules that protect all, and a change in a reasonable and modest and balanced way; to seek some balance between the protection of the rights of the minority and the right so that, some day, the majority can govern in this body; to find some balance between the right of full and complete debate and of some day having the Senate have the right to vote at some time.

There is no magic in two-thirds; there is no magic in three-fifths, except as it applies to the business of the Senate and the issues that come before us.

My colleague in his statement has recited the legislative history of rule XXII. It is not a sacred formula. It has been changed many times, in many ways, both as to substantive legislation and as to procedures that have been made applicable to it and as to the formula itself.

I cannot believe that we have forgotten so quickly those last harried days in the 91st Congress, when I think most of us were just a little embarrassed about several filibusters going on at the same time. It is no longer the property of given ideological groups. It is no longer the property of Senators from a given section of the counrty. It is now the instrument of many, both liberals and conservatives, who feel that, in a matter of great conviction, to try, as hard as they can, in extended debate, to hold their convictions is the proper course. I make no objection to that. I simply think we should have a right to consider the issues that surge around us today—not in sequence. We do not have any choice any longer to make a determination to consider a given issue at a certain time. They come to us all at once, from all different directions. It seems to me the Senate, in the shadows of the last days of the last Congress, should now be prepared to move forward and make some changes.

May I remind my colleagues that this has been a contest of no cute tricks, of no legislative maneuvering, of no parliamentary maneuvering, by either side, but of going forward, reserving our rights under the Constitution and under the Senate rules, and proceeding to seek to cut off this debate under the rules and in accordance with the procedures that the opponents of the resolution would insist upon.

Mr. President, I would like to emphasize and to underscore the comments made by the distinguished Senator from Idaho in reference to the next cloture motion, and that is a defensive reference. We hope we will prevail today, but there is no use in going through mental gymnastics. We know what the will of the Senate will be today. We know who the absentees are. We know the attitude of many Senators. Many of them may support us a week from today, but feel deeply about running the course, making sure that everyone has had his full say. Today is important, of course. No vote in the Senate is without its significance. But indeed I do want to emphasize what the Senator from Idaho said. Next week is terribly important. The leadership has been tolerant to both sides in this debate. Bills and other measures will be coming before the Senate and will be upon us. So indeed the cloture motion that will be filed Friday and will be voted on next Tuesday is of great importance. It may be the last chance in this Congress to do what some of us who have put our signatures on Senate Resolution 9 believe is in the best interests not only of the Senate, but of the country.

Mr. ALLEN. Mr. President, I yield to the distinguished and illustrious Senator from Kentucky (Mr. COOPER) such of the remainder of my time as he may require.

Mr. COOPER. Mr. President, on last Thursday I spoke for a few minutes against cloture. Senator ERVIN and some others have suggested that I elaborate the reasons which lead me to oppose cloture.

I oppose cloture because I support rule XXII, not its entire wording, but the principle that it shall take a two-thirds vote of Members present and voting to secure cloture.

I noted in my short statement last Thursday, that this has not always been my position. Years ago, I joined with the senior Senator from New Mexico (Mr. ANDERSON) and with my then colleague from Kentucky, Mr. Morton, in supporting a resolution to change rule XXII, and to reduce the number of Senators required to secure cloture from two-thirds to three-fifths. I have had doubts about my earlier position since that time, but the events of the last session of the Senate, particularly in its later days in 1970, convinced me that the maintenance of the present rule is essential if there is to be, in critical periods of the Senate and the country, a reasoned debate upon issues of great importance for our country.

I call attention particularly to the resolution which would amend the Constitution to provide for the election of the President by popular vote and by its wording confirm as constitutional the election of the President by 40 percent of those voting. It had large support and strong opposition, and I do not say that the question should not be brought to a vote. But it must be recognized that if adopted it would change the Federal structure of our country. Certainly all questions which center around this issue deserve the most thoughtful consideration by the Senate and by the people.

I submit that in the situation the Senate faced in the closing days last year, when amendments were tied hurriedly to bills in committee, or offered on the floor of the Senate, it was impossible for Members, and particularly those who were not members of the committees which had original jurisdiction to inform themselves, to learn the details and the implications of these measures. If for no other reason, there was not time for the Senate to reasonably consider what was wise and best for the future of our country. This situation could occur again and again.

My friend, Senator JACKSON, in the debate of last Thursday, said:

> We can no longer afford the luxury of an unlimited resort to unlimited debate. The work of the Senate has increased enormously—both in volume and complexity—over the last decade. There is every indication that this trend will continue in the 1970's. To handle this workload effectively we must update Senate rules and procedures.

I agree that the workload has increased and will increase and that procedures, particularly in the organization of the Senate's work, should be updated. For example, several years ago I suggested that written speeches be eliminated except for those who have charge of legislation or are in charge of the opposition. But I do not reach Senator JACKSON's conclusion that rule XXII should be changed. The very fact that the volume of bills and resolutions has increased makes it more likely that in the closing days of a session, or at any other time, the legislation of the greatest importance to the country could be rushed to a vote without information, judgment, and the approval of the country.

It is also interesting to recall that the use of the filibuster, so-called, during the closing days of the last session was not confined to Members of one party or to those of any particular section, persua-

sion or philosophy, as has often been charged. I do not believe that the action of those Senators was necessarily capricious, obstinate, arbitrary or evil. It pointed up the truth that Senators of all persuasions know that at times legislation comes before the Senate, controversial in nature and of such importance that it must be fully debated if great harm to our country is to be avoided and beneficial legislation assured.

Like many others, I supported a three-fifth vote before in my earlier service because I felt that a great body of our fellow citizens—black citizens and other minority citizens—were being deprived of their constitutional rights, of their human rights, and I felt it morally as well as constitutionally wrong. But all of us know that reason finally prevailed, that the Senate was able to vote upon these questions and between 1964 and 1968, it approved legislation to secure as far as the Congress could insure to all our fellow citizens their constitutional rights of nondiscrimination and the equal protection of the law. In addition, legislation to secure economic and social justice has been enacted although it is not fully realized. Similarly, other controversial problems which will come before this body can be enacted as the moral and just opinion of the country bears upon the Congress. It is interesting to remember that during the long debate in 1964, the late Senator Everett Dirksen changed his opinion upon some sections of the civil rights bill and was able to throw his great influence in favor of the bill and, perhaps more than any other Member, secure its approval by the Senate.

Mr. President, many great speeches have been made on this question during the debate—scholarly and practical. Without derogation of any of the arguments that have been made, I hope that Members and particularly new Members who did not hear on last Thursday the speech of the Senator from Arkansas (Mr. FULBRIGHT), will read his statement. He pointed out very clearly that the maintenance of rule XXII is important in securing the position of the Senate in relation to the executive and the judiciary, in being able to bring to bear its views upon the Congress, the other branches of our Government and the people. The war in Vietnam is much with us, and the Senate has been struggling to present its views and to protect our country from ill-advised interventions in the future. Debate and extended debate is essential to this process.

Senator FULBRIGHT stated with great force the importance of debate to democratic procedures and the maintenance of democratic institutions. It is rather chilling to reflect that there are only a few countries in the world which are not authoritarian, which work to maintain democratic values. We believe that those values are expressed in our Constitution, particularly in the bill of rights, and in the ceaseless striving of the majority of our people for their fulfillment and protection. Democracy is a tenuous institution, one that could fall apart by arbitrary and ill-considered action by the executive or—and this is what we are discussing today—by the Congress. It depends at last upon a measure of trust between the branches of our Government and trust in the processes of the institution itself. This trust, as far as the Congress is concerned, may depend upon its reasoned action, proceeding from thorough consideration of ideas proposed by the people and the Congress. I mentioned last Thursday that the founders of our country's system of government were men who were children of the enlightenment, men who believed that reason could and would prevail. I believe this continues to be true that the Members of our body believe it to be true.

I submit that the long story of our history, particularly our political history, shows that rule XXII is one means of assuring its truth.

Mr. STENNIS. Mr. President, will the Senator from Kentucky yield to me briefly for a question?

Mr. COOPER. I yield.

Mr. STENNIS. First, Mr. President, let me commend the Senator from Kentucky for his very fine words here with reference to the proposed changes in Presidential elections of last year, and the turmoil—and it was turmoil—that we were having in the closing days of the session, for a month or 6 weeks at least, that caused so many problems. I think that is certainly a matter far removed from any sectionalism. It is not a partisan matter in any way. It goes to the structure, as the Senator from Kentucky says, the very fundamental structure of our entire system of government.

I remember at the time I thought we were debating about the problem we had rather than debating the remedy that was proposed, and many became excited about the problem. We have somewhat of a problem in this area, but certainly time has shown that it will require more deliberation, more minds working on the subject, and more penetrating analyses of the problem as well as the prospective solution.

So I think the Senator has pointed out something here which is borne out by experience.

The Senator and I have both been here a long time. We heard the argument, in the old days, that we have to destroy rule XXII, otherwise the President, faced with defending the Nation, might not be able to overcome a filibuster.

Mr. COOPER. Yes.

Mr. STENNIS. We found out, when we got into a war here, it takes years trying to get out of it, without any resolution declaring war or anything else. We just got in.

So the matter has worked the very opposite way that the proponents of repealing rule XXII 15 years ago, as I am sure the Senator will remember, argued. Our experience has been totally the other way.

This just shows that it is a monstrous problem, really, to try to find the exact depth of the meaning of the rule and its application. I commend the Senator highly.

Mr. COOPER. I think, as I have said before, that these last 20 years have shown that if there is an issue before this body, one which has been reasoned out and is believed in this body and in the country, it will prevail, and that to me is much better than the idea that because speed is needed, some people say action is needed, and that whether it is good action or bad action, we have to take it.

Mr. STENNIS. I commend the Senator highly for his fine reasoning.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. ALLEN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I had expected that the Senator from Indiana (Mr. BAYH) would make some remarks prior to the vote, and I am informed that he is coming to the Chamber for that purpose. But in the time remaining, until he appears, I should like to say a word or two about the expressed misgiving that is constantly surfacing in this debate to the effect that any move by the Senate to reduce from two-thirds to three-fifths the number of Senators required to limit debate is but the first step, the opening wedge, toward majority cloture.

The history of the last 50 years demonstrates that altering the rule from two-thirds to three-fifths would work only a modest change. If three-fifths had applied during that long period instead of two-thirds, cloture would have been invoked 15 times in the 49 attempts, rather than eight. So there is no reason of record for those who champion the present rule to fear that so modest an alteration would have any drastic impact on the Senate.

In fact, implicit in the arguments of the opposition is the recognition that a three-fifths rule would, in itself, do no grievous mischief. But it is said that this is the first step, this is the opening wedge, this is the first slice of a salami tactic, the eventual objective of which is to achieve majority cloture rule in the Senate. Mr. President, I deny that. Both the Senator from Kansas and I, as the two original sponsors of this resolution, are against a majority cloture rule. Many other Senators who support this resolution are against majority cloture. If a count were to be taken in the Chamber today, an overwhelming majority of the Senators would oppose any such drastic revision of rule XXII.

Still, it is said that lowering the barrier to three-fifths could pave the way for some subsequent change in the rule, once it becomes easier to obtain a limitation on debate, and that, in this way, Senate Resolution 9 could contribute to the prospects for majority cloture in the future. Mr. President, I deny that, also. If this is the real concern of the opponents of this resolution, there are ways of addressing ourselves to that problem. There are ways by which we could make certain that, in the future, there would be no enhanced possibility of reaching majority cloture through the enactment of a three-fifths rule. There are ways it could be done, if this is what really bothers the opponents of this very temperate change.

If this is the problem, we can look into it, and consider how it could be resolved.

But surely, after 30 days of debate, a month of reiteration of arguments so familiar to us all, there comes a time when the Senate ought to be permitted to vote. I think that time has come. If we do not invoke cloture today, then I earnestly solicit the attendance of all Senators for the vote next Tuesday. Let the absent Senators come back to their desks. Let them return to the trenches, where this fight must be fought and where a decision must be made.

I would hope that next Tuesday's vote would be a decisive vote, that it would break this deadlock and enable us then to proceed to a settlement of this issue in a way that will meet the legitimate concerns that have been expressed in the course of this debate. That can be done, I am certain, and I hope we can move in that direction.

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

Mr. CHURCH. I yield.

Mr. McCLELLAN. By "breaking the deadlock," does the Senator mean that his side wins? I thought we had broken the deadlock two or three times.

Mr. CHURCH. By "breaking the deadlock," I mean that the Senate be permitted to vote, so that Senators may work their will upon rule XXII.

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

Mr. CHURCH. I yield the remainder of my time to the distinguished Senator from Indiana.

Mr. BAYH. Mr. President, I want to salute the Senator from Idaho for the tenacious leadership he has provided for one of the most critical problems that confront us today.

An increasing number of Americans have begun to ask rather critical questions about the vitality of our system, about the ability of the democratic proccess to meet the problems of our Nation as a whole. This is the most dangerous and damning type of feeling that can exist in the hearts and minds of a people. We must restore the faith of the people in the vitality of their institutions. I think we are asking for trouble if we do not recognize that this feeling exists and take the steps necessary to do something about it.

The effort to amend our dangerously archaic cloture rule, now being led by the Senator from Idaho and the Senator from Kansas, in my judgment is one of the most salutary steps we can possibly take toward making our institutions, the very foundation of our society, more responsive. By making our institutions more responsive, we can, together, see that they come to bear in a responsible way on the problems that confront this Nation.

Mr. President, I was not in the Chamber earlier, so I will not try to respond to the earlier statements of some Senators. But I must say that I do not think we should point to last year's filibuster against electoral reform as evidence of the value of the filibuster. I say this with all deference and respect to those who may have used this argument, but I think that argument is very poorly founded. This subject had been studied by a thorough five long years through thousands of pages of hearings. The joint resolution which we debated passed the House overwhelmingly. This body debated that measure for 4 weeks. And of course final passage would have required a two-thirds vote in both Houses—not just the Senate, but a two-thirds vote in both Houses—followed by ratification by three-fourths of the State legislatures. So yet because of the filibuster mounted by our opponents, the Senate never had a chance to vote on the merits of this proposal. The use of the filibuster in this manner was arbitrary, in my judgment, dilatory, and certainly not in the best interests of our country.

Mr. President, we must protect and we must encourage the right of any minority to exercise its ultimate moral power. But if we go beyond that, if we allow a minority position to dominate and control, to undo by inaction the most careful and thorough efforts at legislative solutions, than we abdicate our responsibility and we encourage those who say that America's problems have gotten beyond the reach of her institutions. I reject that view, and I urge the Senate to reject it. There is no better place to begin than by invoking cloture now, and proceeding to passage of the Church-Pearson resolution.

Mr. CHURCH. Mr. President, how much time remains?

The PRESIDENT pro tempore. Less than 1 minute.

Mr. CHURCH. Mr. President, I express my appreciation to the distinguished Senator from Indiana. I think he has reminded us that government by deliberation is a good and virtuous thing, but government by paralysis can be a very dangerous thing. That is why I hope we can move on and close debate, so that the Senate may work its will.

The PRESIDENT pro tempore. (Mr. ELLENDER). All time has now expired.

Pursuant to rule XXII and the hour of 1 o'clock having arrived, the Chair lays before the Senate the pending cloture motion, which the Chair directs the clerk to state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

FRANK CHURCH, ROBERT GRIFFIN, MIKE MANSFIELD, HUGH SCOTT, JAMES B. PEARSON, ADLAI STEVENSON, JOHN TUNNEY, WALTER F. MONDALE, JOSEPH M. MONTOYA, FRED HARRIS, GEORGE McGOVERN, THOMAS F. EAGLETON, LLOYD BENTSEN, RICHARD S. SCHWEIKER, CHARLES PERCY, ROBERT TAFT, CLAIBORNE PELL, MARLOW COOK, CLIFFORD P. CASE, JENNINGS RANDOLPH.

The PRESIDENT pro tempore. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 7 Leg.]

Aiken	Ellender	Montoya
Allen	Ervin	Muskie
Allott	Fannin	Nelson
Anderson	Gambrell	Packwood
Baker	Gravel	Pastore
Bayh	Griffin	Pearson
Beall	Gurney	Pell
Bellmon	Hansen	Percy
Bennett	Harris	Prouty
Bentsen	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hollings	Ribicoff
Brock	Hruska	Roth
Brooke	Hughes	Saxbe
Buckley	Humphrey	Schweiker
Burdick	Inouye	Scott
Byrd, Va.	Jackson	Smith
Byrd, W. Va.	Javits	Sparkman
Cannon	Jordan, Idaho	Spong
Case	Kennedy	Stennis
Chiles	Long	Stevenson
Church	Magnuson	Symington
Cooper	Mansfield	Taft
Cotton	Mathias	Talmadge
Curtis	McClellan	Thurmond
Dole	McGovern	Tunney
Dominick	McIntyre	Weicker
Eagleton	Miller	Williams
Eastland	Mondale	Young

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGEE), the Senator from Utah (Mr. MOSS), and the Senator from Arkansas (Mr. FULBRIGHT) are absent on official business. I also announce that the Senator from North Carolina (Mr. JORDAN) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

The question is, Is it the sense of the Senate that debate shall be brought to a close? The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (when his name was called). On this vote my distinguished colleague, the junior Senator from Montana (Mr. METCALF), and I have a pair with the distinguished Senator from Arkansas (Mr. FULBRIGHT), who is absent on official business. If he were present and voting, he would vote "nay." If Senator METCALF and I were permitted to vote, we would vote "yea." We withhold our votes.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGEE), the Senator from Utah (Mr. Moss), and the Senator from Arkansas (Mr. FULBRIGHT) are absent on official business. I also announce that the Senator from North

Carolina (Mr. JORDAN) is absent because of illness.

On this vote, the Senator from Wyoming (Mr. MCGEE) is paired with the Senators from Utah (Mr. Moss) and Hawaii (Mr. FONG). If they were present, the Senator from Wyoming would vote "nay" and the Senators from Utah and Hawaii would each vote "yea."

Also, the Senator from North Carolina (Mr. JORDAN) has a pair with the Senators from California (Mr. CRANSTON) and Oregon (Mr. HATFIELD). If they were present, the Senator from North Carolina would vote "nay" and the Senators from California and Oregon would each vote "yea."

Finally, as just announced by the majority leader, the junior Senator from Montana (Mr. METCALF) has contributed toward a pair with the Senator from Arkansas (Mr. FULBRIGHT). If present, the junior Senator from Montana would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote the Senator from Hawaii (Mr. FONG) and the Senator from Utah (Mr. Moss) are paired with the Senator from Wyoming (Mr. MCGEE). If present and voting, the Senator from Hawaii and the Senator from Utah would each vote "yea" and the Senator from Wyoming would vote "nay."

On this vote the Senator from Kentucky (Mr. COOK) and the Senator from Alaska (Mr. STEVENS) are paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Kentucky and the Senator from Alaska would each vote "yea" and the Senator from Texas would vote "nay."

If present and voting, the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

On this vote the Senator from Oregon (Mr. HATFIELD) and the Senator from California (Mr. CRANSTON) are paired with the Senator from North Carolina (Mr. JORDAN). If present and voting, the Senator from Oregon and the Senator from California would each vote "yea" and the Senator from North Carolina would vote "nay."

The yeas and nays resulted—yeas 50, nays 36, as follows:

[No. 8 Leg.]

YEAS—50

Aiken	Eagleton	McGovern
Allott	Griffin	McIntyre
Anderson	Harris	Mondale
Bayh	Hart	Montoya
Beall	Hartke	Muskie
Bellmon	Hughes	Nelson
Bentsen	Humphrey	Packwood
Boggs	Inouye	Pastore
Brooke	Jackson	Pearson
Burdick	Javits	Pell
Case	Kennedy	Percy
Church	Magnuson	Prouty
Dominick	Mathias	Proxmire
Randolph	Scott	Taft
Ribicoff	Smith	Tunney
Saxbe	Stevenson	Williams
Schweiker	Symington	

NAYS—36

Allen	Curtis	Jordan, Idaho
Baker	Dole	Long
Bennett	Eastland	McClellan
Bible	Ellender	Miller
Brock	Ervin	Roth
Buckley	Fannin	Sparkman
Byrd, Va.	Gambrell	Spong
Byrd, W. Va.	Gravel	Stennis
Cannon	Gurney	Talmadge
Chiles	Hansen	Thurmond
Cooper	Hollings	Weicker
Cotton	Hruska	Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—13

Cook	Hatfield	Mundt
Cranston	Jordan, N.C.	Stevens
Fong	McGee	Tower
Fulbright	Metcalf	
Goldwater	Moss	

The PRESIDENT pro tempore. On this vote the yeas are 50, the nays are 36. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

Mr. JAVITS and Mr. CHURCH addressed the Chair.

The PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I wish to make the reservation of record that, as one of the sponsors of this measure, I do not feel bound by any determination made, but reserve the right to contend for myself, and others have the same right, that by virtue of the constitutional situation, debate has nonetheless ended, a majority having voted to end debate.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I wish to announce for the information of the Senate that another cloture motion will be filed Friday of this week, so that the vote will come at 1 o'clock on Tuesday next. That gives the Senate notice of 1 full week. I am assured by the majority leader that telegrams will go out today to all absentees so that every opportunity will be afforded for all Senators to be present for the vote next Tuesday. This matter is most crucial and I hope the leadership on both sides of the aisle will make every effort to have all Senators present.

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

Mr. CHURCH. I yield.

Mr. MANSFIELD. I wish to corroborate what the Senator said. The majority leader intends to send out telegrams tonight to all Democratic Senators urgently requesting that they be here on Tuesday next for the third vote on cloture.

Mr. SCOTT. The minority leader also intends to send out telegrams to all Senators on the minority side, urgently requesting their presence on Tuesday.

Several Senators addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber and in the galleries?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. McCLELLAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, can someone, either those in charge of the motion and the debate on this issue, or the leaders on either side, give us some indication of when this is going to end? Can they give us some indication whether this is going to be repeated continously?

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

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. I would say that there will be a total of at least three votes on cloture, as the Senator is well aware, and very likely four—a possibility of two more after today.

Mr. McCLELLAN. Four.

Mr. MANSFIELD. Total.

Mr. McCLELLAN. Four votes on cloture.

Mr. MANSFIELD. That is correct. There have been two already.

Mr. McCLELLAN. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama.

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 legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. McCLELLAN. Mr. President, on February 5, 1971, I had the privilege to direct some remarks on the proposed change of rule XXII. On that occasion I was limited by time to discuss, in full measure, my reasons for opposing the proposal before us and by unanimous consent I was granted permission to continue my remarks at a later date and that together they would be considered as one speech. I now request that the statement I make today be a continuation of the one I made on February 5, 1971.

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

Mr. McCLELLAN. Mr. President, we have just witnessed the second cloture vote on the pending proposal to change the rules of the Senate, to take up the motion and the resolution that would make the change.

We first voted on the cloture motion to close debate on this issue on, I believe, last Thursday, February 18, 1971. At that time, the vote was 48 yeas and 37 nays. Today, after 5 days having elapsed, 3 of them in which, I believe, the Senate engaged in further debate on this proposal, we had another cloture vote. I believe it to be significant that, after further debate and further deliberations by this body, there has been no significant change in the sentiment of its Members.

Today the vote was 50 to 36—50 Members for cloture and 36 Members against. That would indicate a gain of two votes on the part of those favoring the proposal and a loss of one on the part of those opposing. However, I believe this vote simply indicates the absence of one and possibly the presence of two who were not here on the earlier vote. As far as I can observe, that is the significance of the vote. In other words, there has been no real change in the sentiment of Members of this body. Of the 14 Senators who are absent today, at least four of them are known to oppose cloture. So if those were added to the 36 who were present and were recorded, there would still be 40 Members of this body opposed to cloture, which is quite a significant margin for the opposition.

In other words, Mr. President, there is still a lot of convincing to do and a lot of changing to take place if ultimately cloture is to be invoked on this proposal.

Since the vote on this issuse was announced today, Mr. President, the sponsor of the motion to change the rule, together with the leadership, I believe, immediately announced that another cloture motion would be filed and that another vote will be taken next Tuesday. That will be the third vote, Mr. President.

I was interested, and I requested that the distinguished Senator from Idaho (Mr. CHURCH), who is in charge of this measure for the proponents of the rule change, to yield to me, and he did. At that time, Mr. President, I asked the distinguished Senator from Idaho, or the leadership, to advise us how many more votes would be scheduled, and how long this debate was going to be allowed to continue.

Previous to my inquiry, the Senator from Idaho announced that another cloture motion would be filed and that we would have another vote next Tuesday, in the hope that we could "break the deadlock."

The only rational interpretation of the Senator's words "breaking the deadlock" is for his side to win. That is what prompted me, Mr. President, to ask the question as to how long this debate will continue, because it might be a very long time. I hope it will be indefinitely before a "deadlock" is broken in that fashion, Mr. President.

I do not know how the situation can be referred to as a "deadlock" on the basis of the rules of the Senate, a two-thirds vote being required to bring this motion up for consideration. I do not consider the issue a deadlock when those who propose the change lose, especially after losing twice without making any gain. From my viewpoint that is a new interpretation of "deadlock." When I lose, I know I have lost. If it were a situation where the vote was tied, or even close, that would be a deadlock; but there is not a deadlock here, except that the proponents are determined to carry on this filibuster in the hope that they will wear out the opposition and in that fashion succeed.

I doubt, Mr. President, that those tactics will succeed. I doubt that those who conscientiously oppose this proposal will be worn out or will be overpowered and compelled to yield this great principle that has been a bulwark of our democracy and of our legislative system of government since the founding of our Republic. I do not believe, Mr. President, they will make many more gains, if any, because in all honesty there are many among their own who have some reservations about changing this rule. If time permits before I conclude I shall quote from some articles written by men known to be strong liberals, warning their colleagues of the pitfall in which they are about to fall, warning them that what they are attempting to do would be of great disservice to the cause of liberalism, which they advocate so profoundly and so earnestly.

Yes, Mr. President, I do not think they really know what they are doing because this rule requiring a two-thirds vote to end debate serves minorities. It is designed to prevent the suppression of minorities, and if I correctly understand the great principles of liberalism—the doctrine of liberalism as advocated today: It is to protect minorities.

We have as a body passed many civil rights laws to protect minorities. I did not vote for some of them, because I thought they went too far. But let that be as it may; they have been enacted. They have been enacted notwithstanding that this rule has prevailed. When the country was ready for those laws to be passed, or when Congress thought the country was prepared to accept them, those laws were enacted; cloture or no cloture, they were able to bring about the enactment of those laws.

We witnessed, in the closing days of the last session of Congress, the liberal faction in this body invoking these rules for unlimited debate. They were in the minority. Had they not been, Mr. President, they would have let some of those issues come to a vote. But they were in the minority at the time, for the moment at least, and they exercised their right under this rule, which they now condemn and want to destroy. They used it, Mr. President, because it protected them.

There are those who follow the liberal philosophy in this country who recognize what would happen and what is about to be done if we revoke the two-thirds rule and a mere majority of this body is given the power to invoke its will. Mr. President, the purpose of the majority in extending this debate is to try to persuade a number of Senators who voted with the minority today to change their votes, and to vote with them to change this cloture rule.

Mr. President, I understand that we are going to have at least a fourth cloture vote. I do not know when that will come—perhaps 10 days or 2 weeks from now—but I would urge those who are advocating this to reexamine the merits of their proposal and to weigh it in the light of what they, too, will have to confront from time to time in this body. When they are in a minority and, by simply invoking cloture, the majority will be able to force its will upon them.

While they are preaching to others they have some thinking to do. While they are advocating that some Members in the minority should change our position, they might well reexamine their own position. I think that when they do that, if they can do it impartially, without any bias or prejudice, many of them may well come to the conclusion that they are in error and that wisdom dictates that what they are about to do they should not do. That would be my hope. But if that does not prevail, if they are defeated at the time a cloture motion comes up and there is a deadlock, we may stay deadlocked from now to eternity.

Returning for a moment to my February 5 statement, I entered into a colloquy with the distinguished Senator from North Carolina (Mr. ERVIN) and suggested that a survey should be made of the time that has been wasted on this subject during the past quarter of a century. We are all keenly aware of the criticism that has been made, due to the lengthy discussion of this issue and that it was my sincere hope that when a vote might be taken on this measure, the matter would be considered settled and that then we immediately proceed with other pending business before us.

Well, Mr. President, a vote has been taken twice, and the proponents of the rule change have not been able to muster—in fact, they have been able to make no gains—under the rules, a significant number of Senators to agree with their position. A significant number of Senators whom they had hoped would agree with them in their position have not agreed, and the Senate stands recorded today at about the same division as when we voted last week. We are already told that we have to wait for two more cloture votes. But I would hope that, after reconsideration, the leadership and those sponsoring this resolution would be willing to let the next cloture vote next Tuesday end this matter, so that we might get down to business, so that we might return to the many other tasks before us, many of which directly affect the people of this Nation.

Mr. President, at the conclusion of my previous remarks, we were discussing the tremendous importance of full and free debate in the Senate. This tradition, for the most part, has been vital in keeping the American people fully informed with respect to the pending issues of the day. Many legislative proposals involve highly complex issues, as well as the expenditure of large amounts of public money.

Mr. President, I recall that the liberal element, who are here today insisting on

changing this rule, were the primary forces that were opposing the expenditure of certain funds during the closing days of the last session, and they continued a filibuster here for day after day. Finally, a compromise was reached that postponed that issue until some time later this year. I wonder whether they would have appreciated cloture then, because they would have lost. It works both ways.

This is not, as has often been said, just an issue in which the South alone should be made a target. Today finds more filibustering by the liberal element on issues that come before this body than by the conservative forces. We witness it all the time. They know not what they do, Mr. President. That is the problem.

Although a cursory study of these proposed programs might appear to be in the public interest, when subject to close scrutiny, aspects are revealed which demonstrate that they are either not in the best interest of the people or that, as an end result, they would hamper rather than facilitate the administration of our previous efforts. On the other hand, many legislative programs which have been transmitted to Congress by the Chief Executive, although deemed objectional in part, were subsequently enacted, after serious debate, in far better form and substance than when they were introduced.

We can take the record of filibustering in the Senate and add the pluses and the minuses, the instances in which good has come from it and the instances in which harm has been done, and the plus side will have a decided advantage. The balance is on the plus side.

Why do they want to change it? I ask this sincerely. I know that many of my colleagues are very sincere. They believe the Senate ought to expedite its business. Mr. President, the purpose of the rule, one of the fundamental reasons for it, one of the justifications for it, is that the Senate cannot be swayed into hasty and ill-advised action.

I recall when Senator Taft stood on the floor of the Senate—I was here—at the time when the President had sent down an urgent message in connection with labor legislation during the period of a strike. Had we not had the cloture rule then, hasty legislation would have been enacted that would have caused great harm. The fact that we had unlimited debate saved the day and prevented the Senate from acting unwisely and hastily and doing something it would regret and would later have to retract.

Mr. President, reiterating what I said in my opening remarks on this issue when I previously addressed the Senate: Some Presidential proposals have much merit; others have some merit; and still others have little or no merit at all. So it is in the legislative process that these proposals that come from the President prepared by his advisers should be carefully considered and analyzed.

Yes, Mr. President, we will all give great weight to any message or bills the President sends down here to be introduced as an administration bill, but yet, every Member of this body knows what possibly a large segment of the public does not know; namely, that these bills are prepared by staff personnel and not by those elected by the constituencies. The President of the United States, with the great burden of responsibility resting on him, and the exacting demands upon his time and attention, cannot possibly analyze all the bills and proposals and weigh them. None of his recommendations should be accepted by us without careful analysis, examination, and debate—and sometimes long debate. When both Houses of the Congress have considered and acted upon such proposals, they may, and often do, emerge in a form quite different from the original submission, or, in some instances, they may not be acted upon at all.

That is the way it should be, and we should do nothing here that would seriously impair that process. Or they may be acted upon and rejected by affirmative vote of either House or both Houses of Congress. Action in the other body is relatively rapid due, in part, to strict limitations on debate and the party machinery through which it functions.

Yes, Mr. President, those who want speedy action, those who want immediate action, those who insist that everything be expedited can have it expedited in the other House. That is the House of expedition. I do not intend to criticize. The rules are that way and maybe rightly so, but there should be some place where a halt is called, where a sign or a signal of "stop, look, and listen before you go further" is raised—a warning that there may be danger present or imminent, to look and to see before we proceed.

Where is it going to be if it is not going to be in the Senate? Take that away and I say that a mere majority, at their whim, can bring a bill to a vote in the Senate. I realize the proponents say that this proposal does not do that. Of course it does not but it is, as I said before, a whittling away process. Give them today the present modification and tomorrow they will want more changes and more changes and, finally, if they have their way about it, those who are the most extreme in advocating this revision will seek to make mere majority will controlling in the Senate.

Mr. President, I just spoke of the actions in the other body and how relatively rapidly they work. The Senate, however, with its tradition of full and free debate, is in a position to devote more time to legislative proposals, and to keep the American people fully informed with respect to vital pending issues.

Without any reflection upon the other body—and certainly I would not do that, Mr. President—and I had the honor to serve in the other body—this is no reflection, Mr. President, they just do not have the time over there to give full debate to any issue.

If it cannot be debated over there, where is full debate to take place? Take away this rule and it may be nowhere, because majorities in this body are sometimes moved by passion and emotion and will demand speed and evaluating something as an emergency will exaggerate the urgency of the moment. If we are not going to have any brakes, if there are to be no brakes, but if we are to proceed full speed ahead, pell mell, in the enactment of legislation, at the mere whim of a majority, then we are giving up one of our basic responsibilities. From which body is it that the country keeps best informed on the issues of our time?

Is it the Senate? It is the Senate. Not because those in the House are not just as able, patriotic, or as dedicated as we are, but because their numbers are so great and time is of the essence so that they can and must often act hastily and without adequate debate.

And often without necessary information. Whereas, Mr. President, this is the only place where there can be adequate debate and where that debate can be carried through the news media to the people of this Nation. The people have the right to know, they are the ultimate judges, who should be informed, so as to weigh and make the judgments upon which they will exercise their franchise at the next election.

Do we want to stop that?

I do not count the gains or count the losses. I have a minus column and a plus column as to evaluating this issue and as to passing judgment on it.

Mr. President, I spoke of that a few minutes ago. Any candid, fair, thorough, impartial examination of the record on filibusters, evaluating those that did harm and those that prevented harm, any fair and impartial evaluation of that record, any full assessment of it, in my judgment, will show a large margin on the plus side.

For that is the way we often determine the course we should pursue. There is some good and some bad in most legislation that comes before us. I have voted—as does every other Member of this body sometimes—for a bill that has something in it I do not like and I wish it were not in the bill, but I vote for it because I evaluate, make an assessment, and strike a balance between that which is good and that which is bad as best I can. I balance it all out, and that which outweighs the other is the course that I pursue in voting for legislation.

That is the course I am sure that every colleague of mine pursues in this body. That is the course we are pursuing on the pending issue. It is a question of whose judgment is correct, who has made the correct assessment. It is not a personal matter.

We are all dedicated to our country and trying to do what we honestly believe is right for it.

There are those who conscientiously believe that we need to speed up action in the Senate. I would like to see us expedite matters sometimes, too. But if we let speed and haste predominate, if that is to take precedence over merit and quality, then we are traveling a dangerous road.

I think that course is imperative. There is no other way. So why, Mr. President, shall we not be able here to evaluate this proposal on the basis of what we are going to lose and the potential evil consequences if we change the rule, as against what we know the record is now with the experience we have already had? We know. We do not have to guess. We have had 50-odd years of experience with it.

Mr. President, each Senator can evalu-

ate a matter for himself. What legislation is there today, what issue is before the people that this rule prevents the Senate from acting on?

We had an issue up for consideration at the close of the last session of Congress on which those who want to change the rule were on the other side and were making use of the rule to prevent a vote on the issue.

Mr. President, that issue ultimately is going to be resolved. In the meantime the people will be better informed about it, whichever way it is resolved. The delay in my judgment will not have any fatal consequences to the country. It ought to be resolved, but I would not vote for cloture to resolve it immediately. I would want the other side, with whom I may disagree, to have their chance to debate the matter.

Only eight times has cloture been successful out of 51 times it has been invoked by the Senate. Well, there has not been much lost by that, as in most instances the proponents did not even get a majority. On 15 occasions, they were incapable of finding a simple majority of those present and voting to vote for cloture.

Mr. President, it is imperative that there be a majority on any vote. Even a majority did not want what the cloture advocates wanted.

Mr. President, this liberty of debate, enjoyed only by the U.S. Senate during the course of its deliberations, has served and continues to serve as a salutory check on the administration, affords the minority full and adequate opportunity to present its position, and assures at least one open forum in the Nation for the free consideration of issues which might otherwise be obscured or smothered completely.

Mr. President, we now have a President who is not of my political persuasion. During the 32 years I have served in Congress, I have served under both Republican and Democrat Presidents. I have, I suppose maybe not quite as often, but I am not sure, possibly as often, opposed what some Democratic Presidents have recommended as I have what some Republican Presidents have recommended. I am sure that is true, particularly with reference to issues where cloture became involved.

Mr. President, I do not want a Democratic President, with all of the power that is reposed in the Office of the Presidency, to have the power to force legislation through this body by majority vote, to force cloture by a majority vote and cut off debate. It will be a national tragedy if that happens.

I have noticed that some Members here, more liberal in their views and philosophy than I, who have tried to warn their colleagues that they are putting in the hands of the President of the United States, by reducing the number required for cloture, more and more power.

I do not think we want to do that. These are troublesome times. Maybe they are perilous times. Who knows? But I do not think we are ready for any form of dictatorship.

Instead of liberalizing and increasing the concentration of power, we would do well to hold the reins where we now have them and not fall victim to our prejudices or to our enthusiasm for haste and decision.

Mr. President, those of us who, on occasion, engage in extended debate, do not do so lightly, or for the primary purpose of impeding the transaction of the Nation's business. We utilize this shield of democracy to keep the American people informed and to present facts and information to our colleagues which have resulted in major improvements in pending legislation or in decisions which result in considerable benefit to the Nation. Many instances, known to almost all of those present, may be cited in which extended debate has resulted in the adoption of vital amendments to pending legislation, refusal to consent to the President's ratification of a treaty or refusal to consent to the confirmation of a Presidential nominee for high office. It was only through the medium of free and full extended debate that this protective action has been possible. Can such actions, in honesty, and good conscience, be said to hinder and impede the Nation's business? Can the exercise of care, prudence and responsibility be characterized as dereliction of duty? I submit, Mr. President, that the contrary is true. The absence of careful deliberation and the failure to scrutinize Presidential legislative proposals, treaties and nominations would constitute dereliction of duty. For it was for this very purpose that the Senate of the United States was established by the Founding Fathers.

I think it has already been cited in this debate, but I do not think it can be repeated too often, that a concrete example, and one of recent vintage, is the action of the Senate on the nomination of Mr. Justice Fortas to be Chief Justice of the United States. That instance, Mr. President, serves to illustrate the vital importance and the benefits to the Nation of full and free debate in this body.

I do not recall the vote, but there was a cloture effort made to close debate. I am not sure whether a majority voted to invoke cloture. If so, it was a very small majority. Had there been a vote on that nomination at that time, Mr. President, a majority of the Members of this body no doubt would have voted for confirmation. But fortunately for this rule in the Senate, and by exercising this rule, we were given time, those of us who felt that it was an unwise and imprudent nomination, to develop the facts and to influence the country, and to prevent that confirmation. And, Mr. President, I do not know of any tears that have been shed by the public because those who wanted to invoke cloture lost in that effort. I do think there has been rejoicing in many quarters because the facts at that time, as represented here, and perhaps some that have developed since, clearly sustained, I believe, the judgment of those who opposed that nomination. Several important issues concerning this nomination had been raised, making it clear that extensive committee hearings would be required. Those issues and related facts were further developed during committee hearings. Thereafter, they were fully aired and debated on the floor of the Senate where the public could be and was kept fully informed relative to various pertinent facts. Because it was felt by some Members that further debate and discussion was necessary, they insisted upon exercising their right and continuing the debate. As I recall an attempt to cut off debate by invoking cloture failed by a vote of 45–43, as I recall—a very narrow margin, as I have pointed out—and debate continued until the President withdrew the nomination at the request of the nominee.

Mr. President, the ultimate goal of this effort—and there are some who are supporting this cloture who do not fully appreciate what I now suggest—is cloture by majority vote. That will not come immediately, but if we keep whittling at this rule, it is inevitable.

Mr. President, if not for the tradition of full, open, and unlimited debate in this body, his nomination might have been pushed through in routine fashion and the American people might never have been fully informed concerning the basic issues involved, or why so many of us in this body opposed that confirmation. Intense pressure was used by the White House at that time to try to persuade Members of this body to abandon debate and permit a confirmation vote to be taken. Proponents of this nomination required 59 votes to invoke cloture. The fact that they were able to muster only 45 votes in favor of cutting off debate is ample evidence that a substantial number of Senators did not consider this nomination to be in the public interest. Yet, if cloture could have been invoked by a simple majority vote, the nominee would have been confirmed. It might not have been disastrous to the Nation had that occurred, Mr. President, but it certainly would not have served the public interest.

I do not wish to belabor the point. I use it only as an illustration. I use it only to sound a warning, Mr. President, of what we are about to do. A power is reposed in this body which we are now requested to surrender—a power which, as I have pointed out, on balance serves the interest of the country.

With further reference to the charge that unlimited debate impedes the transaction of the Nation's business, a study made by the late Dr. George B. Galloway, then senior specialist in American Government of the Legislative Reference Service of the Library of Congress, clearly refutes this contention. Prepared for use at the 1957 hearings of the Senate Committee on Rules and Administration on proposed amendments to rule XXII, it shows that of 36 bills which had been delayed or defeated by the use of a so-called filibuster, between 1865 and 1950, 25 were later enacted. Subsequent research reveals that of the remaining 11, legislation has since been enacted covering the substance and objectives of nine of those measures. See Table I, which I ask unanimous consent to have printed in the RECORD at this point.

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

TABLE I.—LATER ACTION ON 36 FILIBUSTERED BILLS

Bills	Filibustered	Passed	Not passed
Reconstruction of Louisiana	1865	1868	
Election laws	1879	1909 (repealed)	
Force bill	1800-91		×
River and harbor bills (3)	1901, 1903, 1914	At intervals	
Tristate bill	1903	1907, 1912	
Colombian treaty	1903	1903 [1]	
Ship subsidy bills (2)	1907, 1922-23	1936	
Canadian reciprocity bill	1911	1911 [1]	
Arizona-New Mexico Statehood	1911	1912 (admitted)	
Ship purchase bill	1915	1916	
Armed ship bill	1917		×
Mineral lands leasing bill	1919	1920	
Antilynch bills (3) [2]	1922, 1935, 1937		×
Migratory bird conservation bill	1926	1929	
Campaign investigation resolution	1927	1927 [1]	
Colorado river bills (2)	1927, 1928	1928 [1]	
Emergency officers retirement bill	1927	1928	
Washington public buildings bill	1927	1928	
Resolution to postpone national origins provisions of immigration laws.	1929	1929	
Oil industry investigation	1931	1935	
Supplemental deficiency bill	1935	1936	
Prevailing wage amendment to work relief bill.	1935	1936	
Flood control bill	1935	1936	
Coal conservation bill	1936	1937	
Anti poll-tax bills (4) [2]	1942, 1944, 1946, 1948.		×
FEPC bill [2]	1946		×
FEPC bill [2]	1950		×

[1] In special or subsequent sessions.

[2] Subsequent enactment in some form.

Mr. McCLELLAN. Mr. President, there can be no doubt that all of these measures, before they were finally enacted, were not only thoroughly debated, but many of them were revised, amended, and improved in the public interest.

In a later study, covering the period between 1950 through 1970, of 27 bills, or other measures, which were delayed or defeated because of extensive debate, 14 were subsequently enacted, and the objectives of a number of others have been or probably will be, accomplished at a later date.

See table II, which I ask unanimous consent to have printed in the RECORD at this point.

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

Bills	Filibustered	Passed	Not passed
Slot machine bill	1950	1950	
Tide lands oil bill	1953	1953	
Atomic Energy Act amendment	1954	1954	
Civil rights bill	1957	1957	
Civil rights bill	1960	1960	
Senate rules, adoption of	1961		×
Literacy test for voting	1962	1965-1970	
Communications satellite bill	1962	1962	
Amendment to rule 22	1963		×
Civil rights bill	1964	1964	
Reapportionment amendment	1964		×
Voting rights	1965	1965	
Right to work	1965-1966		×
Civil Rights (open housing)	1966	1968	
District of Columbia home rule	1966		×
Amendment to rule 22	1967		×
Campaign fund financing	1967		×
Open housing	1968	1968	
Fortas nomination	1968		×
Amendment to rule 22	1969		×
Haynesworth nomination	1969		×
Carswell nomination	1970		×
Cooper-Church amendment	1970	1970	
Abolishment of electoral college	1970		×
Family assistance plan	1970		×
Shoe, textile import quota	1970		×
Funds for supersonic transport	1970	1970	

Mr. McCLELLAN. Mr. President, I point out again that many of these bills were subsequently amended, revised or improved in the public interest. So the charge that rule XXII, in its present form, places undue power in the hands of a minority simply cannot be supported for reasons already noted.

The very civil rights legislation, Mr. President, advocated by those who now propose to change this rule, was enacted to protect, as they claim, a minority. Now, conversely, they seek not the protection of the minority in the Senate but they seek to impose a rule that would be oppressive to the minority.

Although a minority can, by means of extended debate, delay final action on a pending measure, or even cause its defeat, as a matter of fact, the majority can always override the minority if it truly desires to do so. The fact that during the period 1865-1970, 39 out of 63 bills which had been delayed or defeated by a filibuster, were ultimately enacted, demonstrates this fact and serves further to refute the charge. Furthermore, there is no indication that the measures so delayed were defeated solely because of the filibuster. It is more likely that, as a result of free and unlimited debate, facts, previously unknown, were brought to light which resulted in unfavorable action on the measures. Finally, it is quite likely that some of the recently-defeated measures may be enacted in the 92d Congress.

That is quite true with respect to some measures or issues that were filibustered by those of liberal persuasion in this body during the last session of Congress.

Mr. President, over the years, unlimited debate in the Senate of the United States has been characterized by some as a heinous device, designed as they claim, for the sole purpose of enabling "a willful minority" to prevent the enactment of civil rights legislation.

I submit that this contention is completely without merit and is abundantly refuted by the record. First, unlimited debate has been resorted to in more measures having no connection with civil rights than with respect to civil rights measures; and, second, unlimited debate has not prevented the enactment of a very large number of so-called civil rights measures. In fact, the civil rights advocates have had passed almost every bill they wanted. I think some of them have been improved. Some of them, by reason of delay and by reason of debate, have been modified so that they are not as harsh and unjust in some of their provisions as they were when originally introduced and as they would have been had they been enacted hastily and had there been no delay and had there not been adequate debate on them.

With respect to the first matter, an examination of the record reveals that, between 1917, when the first cloture rule was adopted, and 1970—a period of 53 years—out of 49 attempts to invoke cloture, civil rights measures were involved on only 19 occasions. The remaining 30 motions to invoke cloture involved a variety of measures, including treaties, foreign loans, labor and labor disputes, communications, banking, atomic energy, public buildings, nominations, and other matters.

With respect to the use of unlimited debate to prevent the enactment of civil rights measures, we find that during the 51-year period under discussion, cloture was invoked 19 times in connection with such measures, broken down as follows: two, antilynching; three, antipoll tax; three, FEPC; two, literacy tests; one, voting rights; four, open housing; and four, other various aspects of civil rights.

Furthermore, three of these measures—the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Civil Rights Act of 1968—involving primarily open housing and other related civil rights matters—were enacted in the Senate following cloture votes in which the minority was successfully deprived of its right of free and full debate.

Looking further at the contention that rule XXII, in its present form, has successfully prevented the enactment of civil rights legislation, we find that, between 1957 and 1958, five comprehensive civil rights measures were enacted, many of the provisions of which are, in my judgment, of doubtful constitutionality. But they have been enacted into law by Congress. However, in the case of the three major enactments, the warnings and outcries of those of us who are concerned with the preservation of constitutional government went unheeded once cloture was voted and gag rule was applied. In any case, rule XXII certainly did not prevent the enactment of these measures; it did result in a brief delay during which an opportunity was afforded to those of us who are concerned with the constitutional rights of the American people, to pinpoint the legal and constitutional weaknesses and depredations which were involved.

Mr. President, I have just been informed that I cannot complete my remarks this afternoon which I had prepared for my first speech on this vital issue. Since it has been announced that there will be two more attempts at cloture, I feel that for today I have spoken as long as I should, since other Senators wish to speak.

So I ask unanimous consent, as I conclude, that my remarks today be considered a continuation of my first speech

and that I be permitted to conclude my first speech on this issue on some other day during the course of this long, protracted cloture motion.

Mr. PACKWOOD. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection? The Senator from Oregon reserves the right to object.

Mr. PACKWOOD. I have no objection.

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

THE PANTHERS, THE POLICE AND THE PRESS

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, an editorial published in the Washington Star of Sunday, February 21, 1971, entitled "The Panthers, the Police and the Press."

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

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, I will no take time to comment at length upon this editorial. I wish to commend and congratulate the Star for having published this editorial, which is somewhat of a confession of its error in the past. I note that it calls attention to an editorial published a few days earlier in the Washington Post—which I observed—regarding misinformation that had been disseminated by the press and by the news media throughout the country regarding the number of Panthers who had been killed by policemen during the period of time referred to in the article.

These editorials, and what they refer to, are an indication of how often the press can and does, without searching out the facts, take some rumor and publish it as truth. A rumor that is calculated to mislead, a rumor that does mislead, a rumor that may reflect unjustly upon the innocent.

Sometime early last year, that questionable report came from an attorney in California, who had been representing the Panthers. The attorney had obviously just picked a number out of the air. He said that during the year 28 Panthers had already been killed by policemen, giving the impression or trying to convey the impression that there was a crusade by the police to exterminate the Panther organization and those who were members of it.

That statement caught fire and was carried all over the country. It was not only a great injustice to the police but also a national tragedy that such false information should be conveyed to the public.

I appreciate, and I believe that every Member of this body appreciates, as well as the public at large, the courage of the newspapers, the Evening Star and the Washington Post—I do not have the Washington Post's editorial, and their fairness in retracting what they had heretofore published as fact. I commend them for letting the public know that they were in error, that they were careless in not searching out the facts before publishing information that was calculated to do such a great disservice to the police forces of our country, those upon whom we must depend, those who are in the frontlines, giving the people of this country protection, providing safety for their lives, and their properties.

Mr. President, I will not say more about this editorial, but I have had some experience with the Panther group and other militant groups in this country, in the course of conducting investigations on the Permanent Subcommittee on Investigations. I am glad that the newspapers are now retracting and telling the truth rather than continuing to disseminate false information that slanders the policemen of our country.

EXHIBIT 1

[From the Sunday Star, Feb. 21, 1971]

THE PANTHERS, THE POLICE, AND THE PRESS

Rumors are to the newspaperman what weeds are to the farmer.

Unwanted seeds, falling on the fertile soil of preconditioned public opinion, take hold, spread and threaten to choke out the truth. It is the duty of the newsman to identify the falsehood and to uproot it before it becomes firmly implanted. It is a duty that is not always fulfilled. There is, for example, the matter of the Black Panthers and the police vendetta.

On December 4, 1969, the Chicago police staged a pre-dawn raid on the Illinois headquarters of the Black Panther Party in a search, according to their warrant, for illegal weapons. The Panthers' state chairman, Fred Hampton, and a party member, Mark Clark, were shot to death. Four of the seven other Panthers present and one member of the 13-man police raiding party were wounded. Less than a week later, three Panthers were seriously wounded in a similar raid on the Los Angeles headquarters.

The press dutifully reported the facts and quite properly started asking some questions. Was the similarity between the raids a coincidence, or did it indicate a federally orchestrated assault on an organization that preaches race hatred and revolution? Was the gunfire a justified response, or was it an inexcusable use of police power? Had the Panthers, in fact, been marked for extermination?

In the prolonged journalistic debate that followed, one very specific item of information was repeated time and again. The police, it was said, had shot to death 28 members of the Black Panther party. The figure appeared in news stories, columns and editorials, sometimes qualified by attribution to Panther sources, sometimes stated simply as a fact. But, in effect, the press accepted the figure as a fact, contributing to the growing suspicion that the Panthers were the victims of police persecution.

Now we know that the debate was unnecessary, that the figure was a phoney, and that the press as a whole failed in an important part of its job. We know because of an article in The New Yorker, a magazine noted for its wit and its literary quality, written by Edward Jay Epstein, who is a teaching fellow at Harvard working for a Ph. D. in political science.

The original source of the figure was readily identifiable. Charles R. Gary, the chief lawyer and frequent spokesman for the Black Panthers, was interviewed shortly after the Chicago and Los Angeles raids. Hampton and Clark, he announced, were "in fact the 27th and 28th Panthers murdered by the police" within the year. There was, he said, "a national scheme by various agencies of the government to destroy and commit genocide upon members of the Black Panther Party."

That quotation, Epstein notes, was widely reported. So it should have been. The statements and opinions of a recognized spokesman for the Panthers constituted a legitimate part of a major news story. But within the week, Epstein discovered, two journalistic giants—the New York Times and the Washington Post—had reported that figure as a fact, without attribution or qualification. The flat assertion that 28 Panthers had been killed by police during 1969 was, Epstein said, sent by those two newspapers to hundreds of clients of their wire services. Civil rights leaders, on the basis of the stories, took up the cry: Roy Innes of the Congress of Racial Equality demanded an investigation into "the death of 28 Black Panther members"; Whitney Young of the National Urban League spoke of the "nearly 30 Panthers . . . murdered by law-enforcement officials"; Ralph Abernathy of the Southern Christian Leadership Conference talked about "a calculated design of genocide"; Julian Bond of the Georgia State Legislature said that the Panthers "are being decimated by political assassination."

The rumor—or, more properly, the flat misstatement of fact—began to fatten on itself. The newspapers now could quote those civil rights leaders (who were commenting on the press statements), lending still more credence to the picture of wanton police murder and widespread querrilla warfare in the streets of the inner cities.

There were some attempts to verify the facts and some questioning of the Gary figures, primarily by individual columnists. James J. Kilpatrick, in a column that appeared eight months ago, challenged the Garry figure and suggested that a top investigative reporter should be assigned to digging out the truth.

But no major newspaper, it seems, did what Epstein did. None of us asked Garry just who those 28 victims were. And so none of us found out, as Epstein did, that the Garry indictment was a work of fiction.

When Epstein asked for the names, Garry amended the total number of victims to 20. Of these, 19 were actually members of the Black Panther Party. Nine of these were killed by non-policemen: One by a store owner during a holdup, one by his wife, one died in a shootout with an acquaintance, four were killed by a rival black-militant organization, one—according to three confessions—was tortured and killed by fellow Panthers, one was shot by an unknown gunman using a foreign-made pistol that was not a police weapon.

That leaves 10 Panthers who were, in fact, shot to death by police. Six of these, Epstein's investigation disclosed, were killed by policemen who had been seriously wounded by those they subsequently killed, or by an accomplice. Two were shot after threatening the police with a gun. One was shot while running from the scene of a gun battle in which three policemen were wounded. One—Fred Hampton—was killed in what must, on the basis of the official inquiries into the case, be termed unnecessary, uncontrolled and unjustified police gunfire.

A reading of Epstein's documented indictment of the press led, as might be expected, to a quick check of The Star files. We had, it developed, avoided the obvious trap. The figure of 28 police killings was, in observance of the first law of cautious journalism, always attribued to Garry or to a Panther spokesman. Our first instinct was to congratulate ourselves for being less embarrassed than our competitors on the Post, who ran a forthright editorial last Friday confessing their error. We were technically clean.

But, in this case, technical cleanliness is not enough. The ritual handwashing of attribution may suffice the first time a statement is reported. But when the statement is repeated, as it was in The Star, more than a dozen times over the course of a year, the covering phrases just won't do. The failure to check a statement so shocking in its

implications from so obviously biased a source was a cardinal sin of omission. Indeed our own measure of blame is increased by the fact that Kilpatrick, in his column of June 18, had cited many of the facts later verified by Epstein's research—including the conclusion that the Chicago shootout was the only case of suspect police action. Kilpatrick's column appears in The Star, and is distributed by The Star syndicate.

But we failed to take the hint and went on repeating the lie. And the repetition, even with the qualifying cliches, must be counted as a contribution to the climate of uncertainty and fear in a society that was already dangerously divided. It fed the myth that the Panthers are the targets of a police vendetta—a myth that has, with the passage of time, become a fixed part of American thinking, and that has contributed to the distorted picture of the police in the minds of much of this country's youth, both black and white.

Garry has been frank about his role in the affair. He picked the figure 28, he said, because "it seemed to be a safe number." He was, he said, justified in using any figure, however inflated, if it focused attention on even one improper killing of a Panther by police.

Epstein tends to clear Garry of blame for the fiasco. "I think a lawyer has a license to exaggerate," he said. "It's the press that should be suspect of Garry."

Epstein is correct—at least in his condemnation of the press. We should have learned to suspect the casual statistic from the bitter history of Senator Joseph McCarthy, who transformed the numbers game into an impure art.

The charge is justified. The plea is guilty. The pledge is to resharpen the instinct for skepticism that is the first requirement of responsible journalism.

ORDER FOR RECESS TO 11:45 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 11:45 a.m. tomorrow.

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

(This order was subsequently changed to provide for the Senate to convene at 11:30 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR SPONG TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, following the approval of the Journal, if there is no objection, and the recognition of the two leaders under the standing order, the able Senator from Virginia (Mr. SPONG) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the Senator from Virginia (Mr. SPONG) tomorrow, there be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 10(a), Public Law 474, 81st Congress, the Speaker had appointed Mr. HALEY, Mr. UDALL, and Mr. STEIGER of Arizona as members of the Joint Committee on Navajo-Hopi Indian Administration, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 2(a), Public Law 91–474, the Speaker had appointed Mr. DONOHUE, Mr. BURKE of Massachusetts, Mr. KEITH, and Mr. CONTE as members of the Plymouth-Provincetown Celebration Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 15 United States Code 1024(a), the Speaker had appointed Mr. PATMAN, Mr. BOLLING, Mr. BOGGS, Mr. REUSS, Mrs. GRIFFITHS, Mr. MOORHEAD, Mr. WIDNALL, Mr. CONABLE, Mr. BROWN of Ohio, and Mr. BLACKBURN as members of the Joint Economic Committee, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 3(a), Public Law 86–380, the Speaker had appointed Mr. FOUNTAIN, Mr. ULLMAN, and Mrs. DWYER as members of the Advisory Commission on Intergovernmental Relations, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of 16 United States Code 715a, as amended, the Speaker had appointed Mr. DINGELL and Mr. CONTE as members of the Migratory Bird Conservation Commission, on the part of the House.

The message also informed the Senate that, pursuant to the provision of section 2(a), Public Law 85–874, as amended, the Speaker had appointed Mr. RONCALIO and Mr. FRELINGHUYSEN as members ex-officio of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 2(b), Public Law 89–491, as amended, the Speaker had appointed Mr. DONOHUE, Mrs. HANSEN of Washington, Mr. SAYLOR, and Mr. WHITEHURST as members of the American Revolution Bicentennial Commission, on the part of the House.

PRESIDENT'S POLICY PROCEEDS

Mr. DOLE. Mr. President, this morning my Democrat colleagues in the Senate adopted a policy resolution "to end the involvement in Indochina and to bring about the withdrawal of all U.S. forces and the release of all prisoners in a time certain."

In their announced aim of withdrawing American forces and securing the release of all American prisoners, my colleagues are supporting the long-declared goals of the Nixon administration—goals which are shared by all responsible Americans.

To the extent that the Senate Democrats' action signifies a sincere endorsement of President Nixon's strategy for peace, I am for it. Each day is bringing fresh evidence that the President is on the right track. By May 1 of this year, some 265,000 Americans out of a high of more than 540,000 will have been withdrawn from Vietnam. This includes, for the most part, the great majority of our combat troops.

Just this morning, it was reported the number of American fighting men in South Vietnam is at the lowest point since the fall of 1966. Casualty figures have decreased by as much as 60 and 70 percent.

The President has kept his word in Southeast Asia, and American troops continue to come home. The war is winding down after the steady escalation of the 1960's.

The questionable portion of the Democrat resolution is that part containing the words "in a time certain." If this is an effort to tie the President's hands and limit his options, then it is totally unacceptable. The President has a plan—his plan is working—the troop withdrawals are on schedule and to second-guess the President on the terminal date only weakens our position in the field and at the negotiating table.

President Nixon inherited this war and, thankfully, he is ending it. Since the resolution admittedly is not specific, I would urge my Democrat colleagues to spell out their plan for withdrawal and their plan for obtaining release for American prisoners of war.

In my opinion, President Nixon's greatest single achievement has been ending the war he inherited—and a recognition of this fact by the Democrat Senators speaks for itself.

LETTER FROM GEN. AGHA KHAN, PRESIDENT OF PAKISTAN, TO VICE PRESIDENT OF THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, a letter has been addressed to the President of the Senate by the Administrator of Pakistan, with which a letter was forwarded from Gen. Agha Muhammad Yahya Khan, the President of Pakistan, expressing gratitude to the Senate for the resolution of November 19, 1970, adopted by the Senate following the catastrophic cyclone in East Pakistan.

Notwithstanding paragraph 5 of rule VII of the standing rules of the Senate, Mr. President, I ask unanimous consent that both letters be received and printed in the RECORD.

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

EMBASSY OF PAKISTAN,
Washington, D.C., February 17, 1971.

Hon. SPIRO T. AGNEW,
The Vice President of the United States and President of the Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: I have the honour to forward herewith a letter dated January 31, 1971, from General Agha Muhammad Yahya Khan, the President of Pakistan, expressing gratitude to you and through you to the Senate, the Majority Leader and the Minority Leader for the resolution of Novem-

ber 19, 1970, adopted by the Senate following the catastrophic cyclone in East Pakistan.

May I take this opportunity of expressing my best personal regards to you.

Yours sincerely,

A. HILALY.

PRESIDENT'S HOUSE,
Rawalpindi, January 31, 1971.

From: General Agha Muhammad Yahya Khan, H. Pk., H.J., President of Pakistan

Hon. Mr. SPIRO T. AGNEW,
Vice President of the United States and President of the Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: I am deeply moved by the Resolution of November 19, 1970, adopted by the Senate of the United States of America following the catastrophic cyclone and tidal wave that overtook my country on November 13, 1970. I wish to express to you, Mr. Vice President, and through you to the Senate of the United States of America, the profound gratitude, on my own behalf and on behalf of the Government and the people of Pakistan, for this spontaneous expression of deep sympathy. I also wish to express our sincere appreciation for the initiative which the Majority Leader Mansfield and Minority Leader Scott had taken in introducing the Resolution as also for the unanimous response with which it was approved by the members of the Senate.

The feelings expressed in the Resolution and the prompt and generous assistance extended to us by the Government and the people of the United States of America, in support of our own efforts, to bring relief and succour to the victims of this disaster of November 13, 1970, reaffirm the close bonds of friendship and goodwill which exist between Pakistan and the United States.

With the renewed expression of my sincere thanks to you and to the President of the United States as well as to the Government and the people of the United States of America.

Yours sincerely,

M. YAHYA KHAN.

AMERICAN JOBS AND THE FREE TRADE POLICY

Mr. FANNIN. Mr. President, week after week we stand witness to the wholesale exportation of American jobs to low-wage foreign countries. I refer, of course, to the inundation of our marketplace by products manufactured abroad.

The jobs I refer to are not those associated with nominal or marginal American producers. On the contrary, these are the rank-and-file jobs associated with such basic U.S. manufacturing industries as steel, electronics, footwear, flat glass, automobiles, bicycles, and many more.

This import penetration of the U.S. markets for these industries has now reached critical proportions. It is critical in terms of the capability of these industries to play any positive role in the attainment of our national employment goals; it is critical in terms of the questionable continued economic viability of major portions of our basic American industrial complex; it is of critical significance to each U.S. wage earner who has been forced onto the unemployment rolls as a result of these imports.

This continued erosion of our Nation's economic vitality can be laid at the doorstep of an international trade policy based on blind adherence to the doctrinaire slogan "free trade."

As you are aware, Mr. President, I have risen before in this Chamber on many past occasions to advocate my sincere belief that this country must move forward to freer trade. However, you will recall, that on each of these occasions I stressed that the only road to truly free trade was through the multilateral implementation of fair trade policies. In short, for the past 34 years, we have systematically laid the American market open to low cost imported products while at the same time abjectly failing to secure reciprocal access to those foreign markets for American manufactured products.

With the implementation of the final Kennedy round cuts next January, we will have exhausted all of our negotiating currency. We have nothing more to exchange for the dismantling of the tariff and nontariff barriers now effectively excluding our manufactured goods from participating in foreign markets.

Japan and the EEC member countries in blatant violation of their commitments under the General Agreement of Trade and Tariff have systematically erected roadblocks for the sole purpose of impeding, and to this date effectively precluding, U.S. participation in their marketplaces. These are the same countries that, with a great sense of self-righteous indignation, loudly protest any efforts taken by this country, feeble as they may be, to protect our Nation's workers against this onslaught of foreign produced goods. As a matter of national policy, the concept of free trade to these countries is that of a one-way street: free access to our markets for their manufacturers without reciprocal access to their markets for our goods.

Our fault lies not in the pursuit of free trade but in our failure to temper this pursuit with a reciprocal commitment of fair trade.

A dramatic case in point is our domestic steel industry. In 1969 our unfavorable balance of trade in steel exceeded $843 million. Further, in 1969, U.S. imports of steel accounted for 13.3 percent of U.S. consumption. Against this backdrop of foreign participation in our U.S. market, the question is asked whether we can expect to offset this market loss through participation in foreign steel markets. The answer is a stark "No." As a result of our rather one-sided Kennedy round concessions, the average post-Kennedy round U.S. tariff for steel products is 6.9 percent compared to 7.2 percent for the EEC and 9.6 percent for Japan. The 7.2 percent EEC tariff is somewhat misleading. In addition to the duty which is impressed upon the CIF landed value (in contrast to U.S. duties which are impressed on the FOB port of origin value of the steel) a border tax is superimposed upon the CIF duty paid landed value which effectively raises the aggregate of duties and border taxes to 19.4 percent.

Under the impact of the import rise of steel products, employment in our steel industry declined from an average of 583,900 workers in 1965 to 544,000 in 1969. During the first 9 months of 1970, this average dropped to 537,000. I submit that this absolute loss of 47,000 jobs is a price that should not be paid for the sole purpose of enhancing our foreign relations.

In 1968, under the threat of mandatory quota legislation to curb the foreign appetite for our steel market, Japanese and Common Market steel producers "voluntarily" agreed to limit steel exports to the United States. It can be said that this "voluntary" limitation has provided the industry with a brief respite. But this approach is akin to treating the symptoms rather than the cause. The long-range answer lies elsewhere—possibly in the reevaluation of our basic trade policies and the establishment of an order of priorities different than those heretofore followed in U.S. trade relations.

Even as to this "symptomatic" approach there has been an interesting question raised as to what the actual effect of such restraints has been on the foreign steel producers marketing policies in the United States. In this respect, an article appearing in a January 23, 1971, issue of Business Week magazine offered an incisive evaluation of how foreign steel producers have actually fared under the "voluntary" agreement.

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

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

THE IRONY OF QUOTAS THAT PROJECT IMPORTS

The latest boosts in steel prices and President Nixon's attempt to jawbone the industry have focused attention on some curious side-effects of the "voluntary" import quotas protecting U.S. steelmakers. Oddly enough, Japanese and European steel producers are garnering a price windfall from the quotas.

Foreign steel producers have discovered that the import curbs, limiting their sales volume in the U.S., also serve as a price umbrella for them in this market. The quotas mean that none of the Japanese and European steelmakers can better their market share by price competition.

As a result, they now price their products just a shade below U.S. domestic levels. The practices adopted by some foreign producers have led Hendrick Houthakker, a member of the President's Council of Economic Advisers, to complain that pricing of foreign steel exports to the U.S. smacks of a "full-fledged cartel."

Nippon Steel Corp., the world's biggest producer, reportedly has a 35% share of Japan's annual export quota of 5.7-million tons to the U.S. And, though Nippon denies the charge, Japanese steel sources say that, for cold-rolled sheets, Nippon is using a "sliding scale" of prices about 10% below U.S. prices. Japanese steelmen acknowledge that their export prices to the U.S. have crept upward in the last two years, at least partly because of the quotas.

European steelmakers are also taking advantage of the quota agreement to sustain prices on their U.S. exports. Belgian sources say that representatives of European steel mills, meeting recently in Paris, fixed minimum prices for the industry. As a result, for the first time in years, export prices from the Common Market to the U.S. are higher than to third countries such as Britain and Africa. Merchant bars shipped FOB Antwerp, for example, are quoted at $109 per metric ton compared to $108 for third countries.

Exceptions. Though the quota system ended most price competition among steel imports, it has actually spurred competition in some products, particularly high-priced specialty steels. The reason is that, while the

quotas limit the total tonnage that foreign mills may sell to the U.S., no restrictions are placed on the types of steel that make up this total. As a result, each producer strives to "enrich" his share of this total by filling it with higher-profit items, such as the specialty steels.

The expansion-minded Japanese, in particular, have shifted their export emphasis to stainless and other specialty steels. So eager are they to capture a bigger market share that now U.S. producers accuse the Japanese of dumping some products in the U.S. Roger S. Ahlbrandt, president of Allegheny Ludlum Industries, Inc., charges that Japanese stainless steel sheets, for example, are selling between $903 and $917 a ton in the U.S., compared with $1,236 in Japan. "In the last year," he says, "the U.S. has become more of a dumping ground than ever."

Mr. FANNIN. Mr. President, this article is both extremely enlightening and educational in a number of respects:

First, it appears that the brief respite afforded the domestic industry by virtue of the voluntary restraints has also provided the foreign producers with a vehicle for increasing prices while at the same time maintaining U.S. market share. The result is "a price windfall."

Second, it is interesting that although the foreign producers participating in the "voluntary" restraint program have more or less adhered to the overall tonnage limitations imposed by the agreement, there has been a dramatic shift to higher priced specialty steels. The article notes that since no restrictions are imposed upon the types of steel that make up the total tonnage limitation, foreign producers are striving to "enrich" their share of the market by filling it with higher priced, higher profit, specialty steels. I would like to clarify this point. The foreign steel producers did make a commitment to maintain historical product mix under the voluntary agreement. This commitment was spelled out in a memorandum to the Secretary of State from the Japan Iron & Steel Exporter's Association dated January 23, 1968, and a letter to the Secretary from the steel producers of the European Coal and Steel Community dated December 18, 1968.

Finally, it is noted that the United States has become a "dumping" ground for foreign steel producers. As a result, three major specialty-steel producers filed a formal dumping charge with the Treasury Department earlier this month. This dumping is not only a violation of our own fair trade laws, but a violation of the General Agreement on Trade and Tariff to which these countries are signatories.

Mr. President at this time we must reevaluate our priorities in the area of international trade. We can no longer stand idly by and watch the erosion of the basic underpinnings of our domestic economy under the onslaught of low wage imports from countries who blatantly refuse to afford us reciprocal access to their markets.

ORDER FOR RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the recognition of the majority and minority leaders under the standing order, the able Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 tomorrow morning following a recess.

Immediately following the approval of the Journal, if there is no objection, and the recognition of the two leaders under the standing order previously entered, the able Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes, to be followed by the able Senator from Virginia (Mr. SPONG), who will be recognized for not to exceed 15 minutes.

Upon the conclusion of the remarks of the Senator from Virginia (Mr. SPONG), there will be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 3 minutes.

At the conclusion of the routine morning business, the Senate will proceed to the further consideration of the pending business.

RECESS UNTIL 11:30 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 recess until 11:30 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 19 minutes p.m.) the Senate recessed until tomorrow, Wednesday, February 24, 1971, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 23 (legislative day of February 17), 1971:

IN THE COAST GUARD

The following-named graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Charles Stuart Allen
Thad William Allen
Robert Donald Alling, Jr.
James Thaddeus Armstrong
Paul David Barlow
Peter Allen Barrett
Charles Curtis Beck
Kenneth Wesley Bicknell
Charles Edward Bills
Hallie Dennis Bohan
Kenneth Richard Borden
Anthony Bordieri, Jr.
James Alan Brokenik
Don Erol Bumps
Robert Michael Bush
Kelly Scott Callison
Robert James Camuccio
Philip James Cappel
James Thomas Clarke
Dennis Wayne Cleaveland
Kenneth Martin Coffland
Michael Allen Conway
Gregory Steven Cope
Steven Joseph Cornell
Roger Warren Coursey
Richard Ernest Cox
Ray Warren Coye
Stephen Joseph De Cesare
Norman Joseph Dufour, Jr.
Alan Richard Dujenski
David Lance Edwards
Craig Donald Eide
Richard Xavier Engdahl
Donald Edward Estes
Timothy Joseph Flanagan
Robert Charles Foley
Fred Sutter Fox
Ronald Howell Frazier
William John Gamble
Robert Alan Gau
Thomas Morton Gemmell, III
Donald Charles Gerber
Larry Harold Gibson
Donald Booth Gilbert
Robert Francis Gonor
Alan Stephen Gracewski
Robert Walter Gulick
Richard Vincent Harding
Wynn Orion Harper
Charles Shepherd Harris
Tony Edward Hart
David Edward Henrickson
John Gregory Hersh
Laurence Hobart Howell
William Joseph Inmon
David John Isbell
Albert Alan Joens
Bo Christian Josephson
Daniel Edward Kalletta
Robert Anthony Kasper
Charles Harold King
James Albert Kinghorn, Jr.
Brian Thomas Kingsbury
Frank Jack Kline
Alan Lee Klingensmith
Gerald George Kokos
Charles Douglas Kroll
Michael Mark Krystkiewicz
Joseph Terrance Kuchin
Bruce Earl Lee
Michael Anthony Leone, Jr.
Robert Marcel Letourneau
Ralph Duane Lewis
Henry Paul Libuda
Paul Waldemar Ljunggren
Roland Harry Loomis
Rand "D" Lymangrover
Thomas John Marhevko
Gordon Dean Marsh
Stewart Iden Marsh, Jr.
Kenneth Richard Mass
Thomas Stephen Mawhinney
Gary Robert McCaffrey
James Rogers McGuiness, Jr.
William Marshall Miller, Jr.
Paul Henry Millewich
Joseph Gasperine Milo
Robert Paige Moore
Gregory Deane Mucci

Edward Francis Murphy
Richard Anthony Myszka
Bryant Marsh Nodine
Stanley Jay Norman
Robert Kenneth Oja
John Thomas Orchard
Richard Douglas Phillips, III
William Robert Phillips, Jr.
Charles Dean Pike
Donald Erich Plake
Bruce William Platz, II
Stephen Charles Ploszaj
Henry Ray Przelomski
David James Ramsey, Jr.
James Ryland Riesz
John Kenneth Roberts
Terry Alan Robertson
Jon Ewart Rosselle
Kenneth Paul Rothhaar
Thomas Alan Rummel
Richard Charles Sasse, Jr.
Carl Robert Schramm, Jr.
Norman Lennard Sealander
Albert Francis Sganga, Jr.
Walter Bennett Sherwin
Daniel Fletcher Shotwell
Charles Edwin Sibre
Ronald Frank Silva
Robert William Patrick Slack
John Malcolm Roderick Smith
Carl Albert Swedberg
James Andrew Sylvester
Robert Novy Tabor
Jay Evan Taylor
Peter Anthony Tebeau
Robert Hamlin Trainor
Bradley Rex Troth
Patrick Arthur Turlo
Wayne Earl Verry
Philip Charles Volk
Jonathan Kent Waldron
David Franklin Wallace
Steven Andrew Wallace
John Richard Walters
Robin Alan Wendt
Donald Terry Wetters
Daniel Ray Whicker
John Patrick Wiese
James Bryan Willis
William Emerson Willis
Larry Mark Wilson
Tom Russell Wilson, Jr.
John Phillip Wood, Jr.
Charles Devine Wurster

The following licensed officer of the U.S. merchant marine to be a permanent commissioned officer in the Regular Coast Guard in the grade of lieutenant (junior grade):

Robert S. Varanko.

The following-named Reserve officer to be a permanent commissioned officer of the Coast Guard in the grade of lieutenant:

James W. Szymanski

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, Title 10, United States Code, with a view to designation under the provisions of section 8067, Title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

DENTAL CORPS

To be major

Ingari, John S. xxx-xx-xxxx

MEDICAL CORPS

To be captain

Blattman, John E. xxx-xx-xxxx
Goodson, John P. xxx-xx-xxxx
Martindale, Richard E., Jr. xxx-xx-xxxx
Reaves, Charles E., xxx-xx-xxxx
Stetten, Maynard L. xxx-xx-xxxx
Wunder, James F., xxx-xx-xxxx

NURSES CORPS

To be captain

Coombs, Marilyn R., xxx-xx-xxxx

CHAPLAIN CORPS

To be captain

O'Keefe, Francis J., xxx-xx-xxxx

JUDGE ADVOCATE CORPS

To be first lieutenant

Rakowsky, Ronald J., xxx-xx-xxxx

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, Title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be major

Mohon, Robert W., Jr., xxx-xx-xxxx
Williams, Robert D., xxx-xx-xxxx

To be captain

Allen, Verne K., xxx-xx-xxxx
Andrews, David W., xxx-xx-xxxx
Andry, Ernest E., Jr., xxx-xx-xxxx
Applegate, Edward T., xxx-xx-xxxx
Arena, Joseph A., xxx-xx-xxxx
Arnold, Terry A., xxx-xx-xxxx
Austin, Maxwell K., xxx-xx-xxxx
Baker, John J., III xxx-xx-xxxx
Banford, Robert B., xxx-xx-xxxx
Barrett, Thomas J. xxx-xx-xxxx
Bauer, John G., Jr. xxx-xx-xxxx
Bauser, Philip A., xxx-xx-xxxx
Bautsch, Norman D. xxx-xx-xxxx
Baynor, Gene C., xxx-xx-xxxx
Begg, Mary J., xxx-xx-xxxx
Belina, John L., xxx-xx-xxxx
Beyer, Jon N., xxx-xx-xxxx
Birmingham, James E., xxx-xx-xxxx
Bosley, William H., xxx-xx-xxxx
Brewer, James D., xxx-xx-xxxx
Brewer, Marcus A., xxx-xx-xxxx
Bridger, Barry B., xxx-xx-xxxx
Brown, Robert C., xxx-xx-xxxx
Buck, Joseph A., Jr., xxx-xx-xxxx
Budesheim, Stephen C. xxx-xx-xxxx
Bullock, Ronald J. xxx-xx-xxxx
Burger, Norman A., xxx-xx-xxxx
Burnett, James D. xxx-xx-xxxx
Callahan, Hubert J. xxx-xx-xxxx
Carpenter, Thomas E., xxx-xx-xxxx
Carter, Charles O. xxx-xx-xxxx
Chiarello, Vincent A., xxx-xx-xxxx
Chwan, Michael D., xxx-xx-xxxx
Clabaugh, Carroll A., xxx-xx-xxxx
Clancy, Roger E., xxx-xx-xxxx
Clark, Darrell L., xxx-xx-xxxx
Clearman, Jerry D. xxx-xx-xxxx
Clopton, William F. xxx-xx-xxxx
Colsch, Gary P., xxx-xx-xxxx
Compton, Raymond C. xxx-xx-xxxx
Culler, Donald E., xxx-xx-xxxx
Cummings, Paul A., Jr., xxx-xx-xxxx
Cunningham, David K., xxx-xx-xxxx
Cunningham, James F. xxx-xx-xxxx
Cunningham, Thomas J. xxx-xx-xxxx
Daly, George M., xxx-xx-xxxx
Darnall, Charles T., xxx-xx-xxxx
Davis, Robert E., xxx-xx-xxxx
Davis, Stephen H., xxx-xx-xxxx
Deady, Ronald F., xxx-xx-xxxx
Deariso, Edward H., xxx-xx-xxxx
Dennes, Rodger W., xxx-xx-xxxx
Denny, William A., Jr., xxx-xx-xxxx
Dilley, Harvey L., xxx-xx-xxxx
Ditommaso, Robert J., xxx-xx-xxxx
Dougharty, Marvin E., Jr. xxx-xx-xxxx
Douglas, David K., xxx-xx-xxxx
Dreyer, William E., xxx-xx-xxxx
Edwards, Harold B., xxx-xx-xxxx
Ellis, Ronald D., xxx-xx-xxxx
Endlich, Robert W., xxx-xx-xxxx
Ericksen, Eric N., xxx-xx-xxxx
Estes, Robert L., xxx-xx-xxxx
Evans, Lorin S., xxx-xx-xxxx
Evatt, Bobbie B. xxx-xx-xxxx
Fagerberg, Gary E., xxx-xx-xxxx
Farless, Irvin L., xxx-xx-xxxx
Ferguson, James A., xxx-xx-xxxx
Finan, John L. xxx-xx-xxxx
Flynn, David L., xxx-xx-xxxx
Fox, Charles E., Jr., xxx-xx-xxxx
Fujishige, Kenneth T. xxx-xx-xxxx
Garvin, William L., xxx-xx-xxxx
Gauthier, Paul E. xxx-xx-xxxx
Geiger, William H., xxx-xx-xxxx
Georgeson, Gary C., xxx-xx-xxxx
Gerth, Paul G., xxx-xx-xxxx
Gleichman, Gerald A., xxx-xx-xxxx
Golden, Lee E., xxx-xx-xxxx
Gorman, Robert F., xxx-xx-xxxx
Grimes, Harold J., Jr. xxx-xx-xxxx
Hagen, Antone W., xxx-xx-xxxx
Hager, Ronald L., xxx-xx-xxxx
Hall, Ronald E., xxx-xx-xxxx
Hanes, Jimmie W., Jr. xxx-xx-xxxx
Hargett, Erskine W., xxx-xx-xxxx
Harrop, Jerry N., xxx-xx-xxxx
Hartman, Robert F. xxx-xx-xxxx
Hayes, William L., xxx-xx-xxxx
Heck, Richard W., xxx-xx-xxxx
Hebert, Herman N., xxx-xx-xxxx
Helmuth, Dwight H., xxx-xx-xxxx
Hensley, Thomas T., xxx-xx-xxxx
Herrold, Ned R., xxx-xx-xxxx
Hill, Wesley R., xxx-xx-xxxx
Hinckley, Robert B., xxx-xx-xxxx
Holdenbach, Warren M., xxx-xx-xxxx
Holland, James T., xxx-xx-xxxx
Holmes, Aubrey N., Jr., xxx-xx-xxxx
Hooper, Lee P., xxx-xx-xxxx
Houlgate, Jack L., xxx-xx-xxxx
Houston, Forrest R., xxx-xx-xxxx
Howell, Thomas W., xxx-xx-xxxx
Hull, Norman R., xxx-xx-xxxx
Icard, Fred, Jr., xxx-xx-xxxx
Jaborek, James G., xxx-xx-xxxx
James, Roy N., xxx-xx-xxxx
Jewell, Eugene M., xxx-xx-xxxx
Johnson, David B., xxx-xx-xxxx
Johnson, Dennis P., xxx-xx-xxxx
Johnson, Howard L., xxx-xx-xxxx
Jordan, James P. xxx-xx-xxxx
Joslyn, Kenneth K., Jr. xxx-xx-xxxx
Kantor, Edmund M., Jr. xxx-xx-xxxx
Karnasiewicz, Edward, xxx-xx-xxxx
Kawamoto, Calvin K., xxx-xx-xxxx
Kemmerer, Donald R., xxx-xx-xxxx
Kerlin, James, xxx-xx-xxxx
Kerr, David E., xxx-xx-xxxx
Kiechlin, Edmond F., xxx-xx-xxxx
King, James O., xxx-xx-xxxx
Klenda, Dean A., xxx-xx-xxxx
Koenemann, William S., xxx-xx-xxxx
Konen, Paul E., xxx-xx-xxxx
Kontny, Rodney A., xxx-xx-xxxx
Kosco, Richard J., xxx-xx-xxxx
Lamis, Nicholas, Jr., xxx-xx-xxxx
Lasecki, Lawrence S., xxx-xx-xxxx
Law, Kenneth S., xxx-xx-xxxx
Lee, Robert E., Jr., xxx-xx-xxxx
Leroy, Howard L., xxx-xx-xxxx
Letz, Robert A., xxx-xx-xxxx
Lewis, Lynn G., xxx-xx-xxxx
Liaguno, David R., Jr., xxx-xx-xxxx
Lillund, William A., xxx-xx-xxxx
Linville, Frederick A., xxx-xx-xxxx
Liu, Franklin K. Y., xxx-xx-xxxx
Loadholt, New B., III xxx-xx-xxxx
Lundstrom, Susan L., xxx-xx-xxxx
Lynde, Ronald H., xxx-xx-xxxx
MacCracken, James C., xxx-xx-xxxx
Mair, Alexander, xxx-xx-xxxx
Mangum, Peter B., xxx-xx-xxxx
Marr, John J., xxx-xx-xxxx
Marshall, James K., xxx-xx-xxxx
Martin, Charles L., Jr., xxx-xx-xxxx
Martin, Robert C. xxx-xx-xxxx
Marzano, Edwin F., xxx-xx-xxxx
Massey, Walter D., xxx-xx-xxxx
Massucci, Martin J., xxx-xx-xxxx
McAdoo, Lowell F., xxx-xx-xxxx
McDonald, Charles W., xxx-xx-xxxx
McGoey, Louis M., xxx-xx-xxxx
McGrath, Ronald J., xxx-xx-xxxx
McKenna, Paul J., Jr., xxx-xx-xxxx
McKeon, Daniel J., xxx-xx-xxxx
McNicol, Kenneth D., Jr., xxx-xx-xxxx
Melnychenko, Galina A., xxx-xx-xxxx
Mielbrecht, Robert D., xxx-xx-xxxx
Milikin, Richard M., III xxx-xx-xxxx
Minton, William R., xxx-xx-xxxx
Mitchell, George G., xxx-xx-xxxx

Moats, Richard N., Jr., xxx-xx-xxxx
Moody, Robert A., xxx-xx-xxxx
Moon, Arnold R., xxx-xx-xxxx
Moore, Harold A., Jr., xxx-xx-xxxx
Moore, Herbert W., Jr., xxx-xx-xxxx
Newcomb, Wallace G., xxx-xx-xxxx
Nicholson, John C., xxx-xx-xxxx
Nohrenberg, Larry C., xxx-xx-xxxx
North, James C., xxx-xx-xxxx
O'Donnell, Owen J., III, xxx-xx-xxxx
O'Hara, Dennis M., xxx-xx-xxxx
Olson, Duane A., xxx-xx-xxxx
O'Neill, Gerald C., xxx-xx-xxxx
Owens, Thomas E., xxx-xx-xxxx
Parsons, Melvin L., xxx-xx-xxxx
Peacock, Robert V., xxx-xx-xxxx
Pearce, Harry A., xxx-xx-xxxx
Petersen, James W., xxx-xx-xxxx
Pitts, Julius T., xxx-xx-xxxx
Prescott, Dennis G., xxx-xx-xxxx
Prince Samuel M. O., xxx-xx-xxxx
Puusti, Richard H., xxx-xx-xxxx
Pyle, Darrel E., xxx-xx-xxxx
Queen, John T., xxx-xx-xxxx
Quirk, John T., xxx-xx-xxxx
Ramos, Rafael, xxx-xx-xxxx
Ramsey, Stephen F., xxx-xx-xxxx
Redmond, William W., Jr., xxx-xx-xxxx
Reedick, Ronald J., xxx-xx-xxxx
Rexroad, Ronald R., xxx-xx-xxxx
Reyes, Rogelio, Jr., xxx-xx-xxxx
Richards, Paul A., xxx-xx-xxxx
Richter, Carl J., xxx-xx-xxxx
Robson, Henry P., Jr., xxx-xx-xxxx
Romero, John E., xxx-xx-xxxx
Ruhling, Mark J., xxx-xx-xxxx
Saddler, James L., xxx-xx-xxxx
Scherer, James A., Jr., xxx-xx-xxxx
Scholl, David M., xxx-xx-xxxx
Schwalber, Richard L., xxx-xx-xxxx
Seaton, Robert J., xxx-xx-xxxx
Sehorn, James E., xxx-xx-xxxx
Shawver, Joe M., xxx-xx-xxxx
Sheffield, Robert L., xxx-xx-xxxx
Short, David L., xxx-xx-xxxx
Silva, Claude A., xxx-xx-xxxx
Simonson, James H., xxx-xx-xxxx
Skrocki, Jerome V., xxx-xx-xxxx
Smethurst, Dale L., xxx-xx-xxxx
Smith, Leslie E., xxx-xx-xxxx
Smith, Stanley G., xxx-xx-xxxx
Spitler, Allan C., xxx-xx-xxxx
Stagg, Franklin B., xxx-xx-xxxx
Stinson, William F., xxx-xx-xxxx
Stogsdill, Estel P., xxx-xx-xxxx
Stoll, Donald H., xxx-xx-xxxx
Strones, Martin E., xxx-xx-xxxx
Sutherlen, Jerald L., xxx-xx-xxxx
Swarm, James E., xxx-xx-xxxx
Taubinger, Richard C., xxx-xx-xxxx
Taylor, Phillip E., xxx-xx-xxxx
Thompson, James D., xxx-xx-xxxx
Thrash, James A., xxx-xx-xxxx
Todd, Thomas M., xxx-xx-xxxx
Tribbett, James V., xxx-xx-xxxx
Troike, Jon C., xxx-xx-xxxx
Trout, Gary G., xxx-xx-xxxx
Vankirk, David G., xxx-xx-xxxx
Vanoverschelde, Eugene L., xxx-xx-xxxx
Vitamvas, Albert T., Jr., xxx-xx-xxxx
Walker, Gary T., xxx-xx-xxxx
Walker, Hubert C., Jr., xxx-xx-xxxx
Walker, Richard L., xxx-xx-xxxx
Warren, David J., xxx-xx-xxxx
Waters, James P., Jr., xxx-xx-xxxx
Weigl, Herbert, Jr., xxx-xx-xxxx
Whitis, Kenneth G., xxx-xx-xxxx
Wickham, Donna L., xxx-xx-xxxx
Williams, Albert M., Jr., xxx-xx-xxxx
Williams, Carl E., xxx-xx-xxxx
Wineteer, Stephen A., xxx-xx-xxxx
Wojcik, Richard G., xxx-xx-xxxx
Wollam, Daniel L., xxx-xx-xxxx
Woolsey, Donald E., xxx-xx-xxxx
Wright, Richard P., xxx-xx-xxxx
Writer, Lawrence D., xxx-xx-xxxx
Young, Frank W., xxx-xx-xxxx
Young, Jerry D., xxx-xx-xxxx
Zak, Joseph A., xxx-xx-xxxx
Zelinka, Joseph J., xxx-xx-xxxx

To be first lieutenant

Black, Clarence, xxx-xx-xxxx

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officer Training Corps for appointment in the grade of second lieutenant, under the provisions of chapter 103, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Andrew, Myron C., xxx-xx-xxxx
Bain, Thomas C., Jr., xxx-xx-xxxx
Barrett, Ronald R., xxx-xx-xxxx
Bennett, Christopher P., xxx-xx-xxxx
Blewett, Robert W., xxx-xx-xxxx
Boyle, Patrick M., xxx-xx-xxxx
Carlson, Bruce A., xxx-xx-xxxx
Chase, Gregory M., xxx-xx-xxxx
Eshelman, Douglas W., xxx-xx-xxxx
Frysinger, Willard D., xxx-xx-xxxx
Graf, Peter G., xxx-xx-xxxx
Hasko, Robert J., xxx-xx-xxxx
Hayes, Christopher J., xxx-xx-xxxx
Hulin, Steven A., xxx-xx-xxxx
Hunt, Robert V., xxx-xx-xxxx
Johnson, Robert E., Jr., xxx-xx-xxxx
Keal, Donald A., xxx-xx-xxxx
Keeney, Robert L., xxx-xx-xxxx
Lawrence, Neil M., II, xxx-xx-xxxx
Maloney, Michael W., xxx-xx-xxxx
McDaniel, James C., Jr., xxx-xx-xxxx
McDonnell, Edward F., xxx-xx-xxxx
McTammey, John M., III, xxx-xx-xxxx
Morehouse, James W., xxx-xx-xxxx
Parker, Donald J., xxx-xx-xxxx
Parker, James S., xxx-xx-xxxx
Phillips, Kevin D., xxx-xx-xxxx
Platt, Richard A., xxx-xx-xxxx
Poore, Michael F., xxx-xx-xxxx
Pressley, Danny R., xxx-xx-xxxx
Ramos, Juan R., xxx-xx-xxxx
Richards, David H., xxx-xx-xxxx
Ross, Steven J., xxx-xx-xxxx
Russo, Peter W., xxx-xx-xxxx
Scruggs, Eric T., xxx-xx-xxxx
Sewall, Roy E., xxx-xx-xxxx
Smith, Herman W., xxx-xx-xxxx
Spaeth, Richard C. J., xxx-xx-xxxx
Steve, John F., xxx-xx-xxxx
Teague, Donald E., Jr., xxx-xx-xxxx
Tokunaga, Philip I., xxx-xx-xxxx
Vickers, Thomas E., xxx-xx-xxxx
Virgilio, Stephen T., xxx-xx-xxxx
Waller, Thomas W., xxx-xx-xxxx
Williams, Stephens V., xxx-xx-xxxx
Wingo, Gary A., xxx-xx-xxxx
Wood, Ronald D., xxx-xx-xxxx

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Abbe, Robert R.
Adams, Curtis D.
Altaker, Lawrence L.
Ashworth, Halbert E.
Baker, Fred L.
Baksic, Russell W.
Beidler, Jon G.
Bendixen, Romaine L.
Billings, William E., Jr.
Blanchard, Peter B.
Blanton, Terrell D.
Bohan, Lawrence D.
Bohan, Michael E.
Braun, William E.
Briska, Philip T.
Broussard, Nicholas D.
Browning, William H., III
Brownlow, Wilfred J., Jr.
Buell, Howard A.
Campbell, Axel F.
Candela, Harry J.
Carr, Raymond E.
Cattano, Andrew N.
Caudill, Robert P., Jr.
Cave, Robert H.
Closson, Jon B.
Collins, Jack R.
Cook, John P.
Corcoran, Francis H.
Crafts, Robert, Jr.
Crittenden, Frank M.
Crosson, Robert C.
Crum, Paul M.
Day, Daniel H.
Deane, Frederick R.
Dickinson, Johnny A.
Dooley, John R.
Downing, John E.
Ervin, James F., II
Eyre, Warren G.
Eytel, Charles S.
Farrier, Paul H., Jr.
Flagler, Nicholas R.
Fong, Don L.
Fowler, Donald R.
Gaskins, Ronald D.
Gaudry, Charles L., Jr.
Gibbs, Robert L.
Gillingham, David R.
Goscienski, Philip J.
Griffin, George E., III
Grumbling, Hudson V., Jr.
Hand, John J.
Harris, Michael A.
Heath, Victor C.
Holm, William W.
Holmstrom, Robert D.
Holt, David N.
Honigman, Joseph
Hood, Richard N.
Howell, James W.
Huff, Arden L.
Huurman, Walter W., Jr.
Jackson, Neil D.
Jarzynski, Donald J.
Johnson, Raymond B.
Jones, Lawrence A.
Karney, Walter W.
Kreider, Stanley J.
Lachowicz, Michael R.
Lewis, David H.
Lloyd, Morgan P.
Looney, George R.
Lucas, John T.
MacLeod, William A. J.
Mangold, Harry A.
Maraist, Donald J.
Marcel, Jesse A., Jr.
Marlor, Russell L.
Marriott, John D.
Masar, Maurice F. P.
Matan, Joseph A.
Maxwell, George D.
Mayes, Kenneth L.
McDonald, Kenneth M.
McDonough, Edward R.
Meighan, Jacob W.
Merritt, Thomas B.
Miller, William W.
Mixon, William A.
Mollerus, Robert J.
Morioka, Wilfred T.
Mueller, Maurice J., Jr.
Mullen, James E.
Musser, John R., Jr.
Nelms, Robert J., Jr.
Nelson, Lawrence E.
Nicholas, William R.
Perkins, Richard E.
Phelps, LeGrande J.
Prendergast, Neal J.
Purvis, Gene H.
Reid, James W., Jr.
Roberts, James G.
Sandri, Sandro R.
Sawyer, Robert N.
Schaeffer, Berton T.
Schenk, Thomas M.
Schmidt, Rainer S.
Schroeder, Charles F.
Scott, Cornelius C., III
Sears, Henry J. T.
Slate, Robert W.
Smith, Lee E.
Snyder, James L.
Sokolowski, Joseph W.
Stetzer, Lloyd W.
Stone, George M., II
Sturtz, Donald L.
Summitt, James K.
Turaids, Talvaris
VanTassel, Peter V.
Wasson, Robert D.
Worsham, Jerry C.
Young, Stanley B.
Young, William D.

SUPPLY CORPS

Abele, Robert B.
Aldenderfer, William D.
*Allnutt, Alvin H.
Andersen, Thomas C.
Anglim, David L.
Avilesalfaro, Bolivar, Jr.
Balding, David W.
*Banas, John M.
Barbary, Howard J.
Barstad, Clarence H.
*Baxter, John W.
Berg, Robert K.
Beyer, Robert K.
Bittner, Burton F., Jr.
*Borchardt, Heinz R.
Briggs, John M.
Brown, Lee
Bryant, James N.
*Buffoni, Thomas J.
*Carenza, John L.
*Chafey, William D.
*Chipley, Charles L., Jr.
Collins, Charles J.
*Corbitt, James R.
Craft, Thomas G.
*Crawford, James L.
Croeber, Hans R.
*Cronin, George W., Jr.
Crouch, Robert L.
*Cunningham, John H
Delduca, Ronald M.
DeShaney, Donald J.
*Devine, Paul L.
*Dewey, Edward P.
*Dickinson, Thomas D.
Divelbiss, Carl D.
Drury, William R.
*Dunn, Bernard D.
*Eizenhoefer, David J.
*Eppen, Eugene D.
*Finbraaten, Laurence K.
Fischer, Gregory F.
Fish, Dennis J.
Furiga, Richard D.
Garner, Fred S.
*Girman, Robert J.
Godsey, Shirley T.
*Gumpert, Leroy C.
*Hahn, Gary E.
Hale, Joe M.
*Hamilton, James W.
Harlow, Charles E.
*Hinkle, Otis R.
Hinz, Dan H.
Hogan, Richard C.
*Irons, John H.
Iverson, Ronald I.
Jahn, Donald R.
Johnson, Rodwell C.
Jones, Leland B.
*Juncker, Carl F.
Kachigian, George N.
Kaplan, Sumner H.
Kasputys, Joseph E.
*Knoth, Robert L.
Lane, Dean S.
*Lantsberger, Robert E.
Lee, Gerald L.
*Linehan, Daniel J., Jr.
*Loftus, Raymond P.
*Magee, Gilbert L.
*Malzahn, Walter G.
*McCarthy, Leonard D.
*McHugh, Thomas H.
McKelvey, Paul N.
McNall, Phillip F.
Miller, James E.
Milliken, Gail L.
Mummert, Dale R.
*Murphy, Ronald D.
*Murray, Harlan E., Jr.
Nace, Richard H.
Nace, Wilbert J.
*Naughton, Thomas J.
Nichols, Gerald M.
Noland John E.
Nuss, Gary B.

*Indicates appointment issued ad interim.

Nygaard, Richard B.
*O'Connell, Arthur B.
Phillips, Robert A.
Pierce, Leon L.
Pinnell, Joseph K.
*Platt, Stuart F.
Powell, William E., Jr.
Powers, Richard F.
Reed, John D.
Reeder, VanLear L.
Reilly, Joseph V., Jr.
Renner, Richard B.
*Ridley, David E.
Robinson, Robert L.
Rook, Eugene C., Jr.
*Rupe, Charles H.
Schulte, Conrad P.
*Sechler, John L.
Sellers, James B.
Shirley, Kenneth R.
Shroeder, John, Jr.
Skelly, James F., Jr.
Sodrel, Donald L.
*Sofley, Billy R.
Squibb, Rodney K.
St. Martin, Robert W.
Swartz, Alex E.
*Terry, Victor W.
*Thomas, Gary B.
Thompson, Robert L.
Vail, James C.
Walker, Paul D.
Wallace, Edwin R.
*Weinberg, Harry H.
Weller, Thomas C., Jr.
Whittaker, James B.
Wilbur, James R.
*Williams, Thomas C., Jr.
Wolcott, John N.
*Youmans, Raymond W.
*Young, Jack L.

CHAPLAIN CORPS

*Baggott, Frank B.
Barcus, Richard E.
*Berg, Vernon E., Jr.
*Bertulio, Caesar J.
Borden, Robert S.
*Brown, Robert G.
Cook, Gordon S.
Graven, Allen B.
*Davis, Eugene B.
Dolaghan, John
*Franklin, Robert C.
Glynn, John J.
Goetz, Herbert M., Jr.
*Kaelberer, John H.
*Keefe, Lawrence F.
Magor, Warren F.
McElroy, John W.
McMorrow, James E.
*Murray, George P.
O'Brien, Eugene C.
Parker, Alton M., Jr.
Respess, Thomas B., Jr.
*Six, Jack E.
Spencer, Carroll R.
*Struthers, Basil H.
Takesian, Eli
*VanTassel, Lowell W.
Vogel, Leroy E.
*Young, Christopher B.

CIVIL ENGINEER CORPS

Barczak, Jerome J.
Bauer, John G.
Boyce, Heyward E., III
*Busche, Robert E.
*Chin, William
Clearwater, John L.
Connor, William C.
*Cope, Ronald P.
*Crisp, Hugh A.
Dunn, Jerome R.
Earnest, Rossell A.
*Endebrock, Frank L. III
Fegley, Charles E., III
*Filbry, Herman W.
Fort, Arthur W.
Fraser, John C., Jr.
Gawarkiewicz, Joseph J., III
Grady, Noel A., Jr.
*Johnson, Don P.
*Kelch, John A., Jr.
Kelley, Frederick G.
Kirkpatrick, James D.
*Klein, Dale M.
Ledder, William R.
Lewis, Edmund F.
Lowrey, Richard A.
Matthewson, Maurice F.
McMenamin, Lester E., Jr.
*McNeill, James E.
Murphy, Frank J.
*Nash, Archie R.
Neugent, Charles L.
*Siegle, Richard L.
Simmons, William A., Jr.
*Tobin, James M.
*Totten, John C.
Westcott, John A.

DENTAL CORPS

Ashton, Loye A.
Badger, Daniel G.
Batenhorst, Kenneth F.
*Bisson, Roger E.
Bloch, George A.
Bourgeois, Aubrey J., Jr.
Bowen, Lathe L.
Brazil, Robert W.
*Brown, Max W.
Callihan, Michael D.
Carroll, Peter B.
Cassidy, Robert E.
Ciardello, Carmen A., Jr.
Clark, George E.
Cottle, Kenneth L.
Eisenburger, Michael M.
*Esposito, Richard A.
Hesby, Richard A.
Holcomb, John B.
Holroyd, Samuel V.
Huttula, Charles S.
Kelly, James C., Jr.
Lowman, Jack V.
Luhtala, Jay L.
McCoy, Richard B.
McMahon, Joseph P.
*Murphy, Richard A.
Pedrick, George R.
Pierce, Gerald L.
Schonbrun, Robert G.
Sconyers, Jimmy R.
Thibodeau, Richard A.
Triplett, Robert G.
*Turner, Donald W.
*Vernino, Arthur R.
Walker, Oscar B.
*Walsh, John D.
Watkins, Owen T.
Wheetley, Woodrow D.
Wittgow, Walter C., Jr.
Yeager, James E.

MEDICAL SERVICE CORPS

Angelo, Lewis E.
Auton, William J.
Baldauf, George W.
Bertka, Robert E.
Bowden, Ronald R.
Bowdren, Laurence P.
Brideau, Donald J.
Bryant, Eugene M., Jr.
Collier, Patrick J.
Condon, Earl N.
Correll, Joseph M.
Dietz, Bruce J.
Dunham, Chester J., Jr.
Erwin, Richard E.
Freeman, Benjamin C.
Gobbel, Henry D.
Goodson, James E.
Graves, Joseph L.
*Halverson, Charles W.
*Hatten, Ann C.
*Joseph, Sammy W.
Kane, George P.
Kessler, Raymond B.
Lawson, Donald R.
Leadford, William M.
Lecas, Kenneth E.
Littner, Henry D.
McFee, Charles A.
Millard, George W.
Moore, Charles J.
Mullinix, Chloe A.
*Nelson, Paul D.
Nourigat, Earl R.
Pearce, Charles J.
Peckenpaugh, Normand L.
*Risko, George J.
Rucker, Thomas J.
Sowers, Hubert H., Jr.
*Springer, Martha J.
Stephens, Bobby L.
Surface, Robert L.
Swindall, Victor A.
Tandy, Roy W., Jr.
Thompson, James C.
White, Robert L.
White, Sheldon A.

JUDGE ADVOCATE GENERAL'S CORPS

Brown, Charles E., II
*Christian, Alvern D.
Coughlin, Leo J., Jr.
Eoff, Albert W., II
Farrell, Lawrence M.
*Flynn, Thomas E.
Gladis, John T.
Googe, James P., Jr.
*Gresens, Larry W.
Grunawalt, Richard J.
Howard, Ronald C.
*Howay, John W.
*King, Melbourne P.
*Laitsch, Lowell C.
Legg, Billy J.
*Mario, David A.
Olson, Roy A.
Slater, Richard L.
Wille, Paul A.
*Woods, Theodore K., Jr.

NURSE CORPS

*Adams, Louise J.
*Aunan, Patricia M.
*Beveridge, Robina W.
Burrell, Margaret M.
Bynum, Joan C.
*Chisholm, Marie A.
Chute, Judith R.
*Eisiminger, Vetah M.
Emond, Lucille G.
*Gillespie, Jacquelin C.
*Golebiewski, Rita J.
*Gomes, Alma M.
*Haile, Evelyn
Hall, Mary F.
Hines, Alyce M.
*Jacobson, Dorothy M.
Jones, Beverly J.
Kelly, Mary
Klaetka, Irma E.
Leuenberger, Patricia I.
Lunquist, Nancy L.
*MacEnery, Joan M.
Marcotte, Natalie M. G.
*McGuckin, Dorothy E.
*Miller, Eleanor J.
*Miller, Eva F.
*Mooney, Geraldine T.
*Morton, Jo A.
*Nicora, Adeline
*Noble, Frances A.
Pechulis, Verna M.
*Sampson, Natalie T.
Schrock, Doris M.
*Shepherd, Luana
*Whitesell, Margaret L.
*Wilson, Lela B.
Yelle, Dorothy A.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abbey, Donald L.
Abrams, Steven S.
*Adair, Roy E., Jr.
*Adams, Alton L.
Adams, Charles E.
*Adams, Chester A.
*Albright, Richard C.
*Allen, Henry C.
*Allen, Temple L.
Allin, John W.
Alison, William S., III
Anawalt, Richard A.
Andersen, Franklyn D.
Anderson, Ross K., Jr.
*Andrews, James R.
Anselmo, Philip S.
*Anson, Robert, Jr.
Armstrong, Arthur J., Jr.
Arnold, William T.
Astor, Lawrence I.
Aucella, John P.
Austin, Donald G.
*Austin, Leon
Avery, Donald W., Jr.
*Avery, Robert Y.
*Babb, Dewey E.
Baffer, Roger A.
*Bailey, Larry W.
*Baird, Dean D.
Baker, Brent
Baker, David J.
Baker, Milton S., Jr.
*Baker, Willard D.
Ballan, Alexander G.
Ball, Harry F., Jr.
*Ballard, Don E.
Baltutis, John S., Jr.
*Balut, Stephen J.
Bard, Albert E.
*Barker, Herbert C.
Barker, Ross D.
*Barnes, James C., Jr.
Barnett, William R.
Barney, William C.
*Barnicle, Paul E.
*Barrows, Blair
Bartlett, Robert C.
*Bartol, John H., Jr.
Bassett, Larry A.
*Bates, Allen W., Jr.
Batzel, Thomas J.
*Bauer, Wayne E.
Baumhofer, William J.
Beal, Richard F.
Bean, Charles D.
Beard, Travis N.
Becker, Dennis E.
*Becker, Richard E.
*Begley, Jerry N.
*Behrend, Robert M.
Beland, Conrad L.
*Belanger, Raymond L.
Bell, Corwin A.
*Bellingham, Herbert J.
Bellis, James R.
*Benedict, Joseph C.
*Bennett, Richard A.
Benson, Jeffrey L.
*Berigan, Francis M.
*Berry, Billy W.
*Berry, John D.
*Betz, Dale S.
Betzner, Hugh W., Jr.
*Beumer, Theodore H.
*Beyman, David E.
Bilbrey, Harlan K.
Billingsley, Christopher
Bisbing, Raymond H.
*Blevins, Ladelle F.
*Blunden, Alec R.
*Boesenberg, John J.
*Bogard, Thomas H.
Bohley, Carl M.
Bolka, David F.
*Bone, Charles R.
*Boone, George J.
*Borghoff, Francis A., III
*Boston, Michael R.
Boswell, Dale E.
*Bowers, Fred F.
Bowman, Terry L.
Boyce, Robert W.
Boydston, James L.
Boyen, Richard E.
Boyer, Philip A., III
Boyle, Robert H.
*Bradberry, Brent A.
*Branch, Allen D.
*Brickett, John F.
*Bright, Calvin F.
*Brink, James A.
*Brocken, John F., Jr.
*Brokaw, Charles R.
*Brooks, Edward J.
Brough, Robert F.
*Brown, Charles F.
Brown, Emory W., Jr.
*Brown, Joseph R.
*Brown, Ronald L.
*Brown, William B.
Browne, Joseph M.
*Bryant, Herbert V.
*Bryant, Raymond, Jr.
Bryant, William H.
*Buchans, James C.
*Buckley, Peter P.
Buell, Kenneth R.
Buescher, Stephen M.
Bugg, William E.
*Burch, Othney P.
Burcham, Devirda H., III
Burgess, Andrew L., Jr.
Burke, Michael E.
*Burns, Robert L.
*Burrows, John S., III
Burt, John A.
*Bussey, Laurence T.
Bustamante, Charles J.
Butler, Francis W.
Byrnes, David T.
*Byrnes, Henry F., Jr.
*Cacchione, David A.
Calande, John J., Jr.
Calvano, Charles N.
Camp, Norman T.
*Campbell, Edward L.
Canepa, Louis R.
*Capewell, John, Jr.
Carl, Lester W.
Carlmark, Jon W.
*Carman, Jesse L.
*Carpenter, Allan R.
Carroll, Hugh E., II
Carroll, Joseph F.
Carter, Clyde L.
Carter, James O.
Cash, Roy, Jr.
*Cashin, Joseph W., Jr.
Cassidy, Tom K.
*Cassiman, Paul A.
Chapman, Austin E.
*Chappell, Stephen F.
*Charles, David M.
*Christensen, Clyde V.
*Christensen, George A.
*Christian, Howard B.
*Ciotti, Anthony
*Ciszewski, Robert A.
Clark, Arthur D.
Clark, Christopher M.
*Clark, George N.
Clark, Hiram W., Jr.
*Clark, Howard B.
*Clason, Aryl B.
Clawson, Carl H., Jr.
Cochran, Frederick F.
*Cockrell, Milford N., Jr.
Cohen, William D.
*Cole, LeGrande O., Jr.
*Coleman, Jon S.
*Coleman, Thomas M.
*Collins, Richard X.
Collins, William G., Jr.
Colthurst, Wallace R.
Comfort, Anthony J.
Comstock, George A.
*Cook, Bruce C.
Cook, Douglas W.
Cook, John F., Jr.
Cook, Raymond L.
*Cooke, Oren B.
Corgan, Michael T.
*Corn, Robert H.
Coshow, George H., II
Costello, John P., II
Coulter, William L.
Coward, Asbury, IV
Cox, Landon G., Jr.
*Cox, Virgil G.
Craig, Philip C.
Crane, Mark F.
*Crawford, Leslie P., Jr.
Cressy, Peter H.
*Croix, Larry E.
Cronin, Michael P.
*Crossman, Walter A.
*Cummings, Vincent P., Jr.
Cunha, George D. M.
Curtin, Andrew J.
Curtis, Donald L.
*Curtis, Richard B.
Curtis, Robert E.
Dade, Thomas B.
*Daley, Michael J.
Dalton, Henry F.
*Daniels, James E.
*Dannheim, William T.
Daramus, Nicholas T., Jr.
Dau, Frederick W., III
Daugherty, Shaun M.
*Davidson, Alan N.
Davis, Gerald, Jr.
*Davis, Leonard G.
*Davis, Robert L.
*Davis, Thomas C., Jr.
Day, Patrick A.

DeCarli, Wiley P.
*DeClercq, Keith L.
*DeFloria, Joseph G., Jr.
DeFries, Melton E., Sr.
Dehnert, Charles E.
*Deklever, Vaughn G.
*DeMark, Ramon S.
*Denning, William J., III
Dennis, James A., Jr.
*DesRosiers, Richard A.
Deutermann, Peter T.
*Dick, Allen H.
Dietz, Gary C.
Dixon, Douglas M.
Dobberteen, James D.
*Dodd, James L.
*Domaloan, Paul
Donahue, Drake A.
Donegan, John J., Jr.
*Donn, Alan H.
*Donnelly, John J.
*Donofrio, Anthony L.
Donovan, Charles A., Jr.
Dorman, Merrill H.
Dotterer, Kenneth R.
*Drake, Albert W.
Drew, James J.
Driscoll, Kurt A.
Duchock, Charles J., Jr.
*Dunlap, Howard D.
Dunne, Gerald W.
Durham, Jere C.
Earner, William A., Jr.
*Easley, George A.
Eckstein, Eric R.
Edge, Jacob, II
Edwards, Joseph W.
*Eischen, Gerald N.
Eissing, Frank E., III
Elberfeld, Lawrence G.
Ellis, Richard H.
Ellis, Samuel H.
Ellison, William T.
*Ellsworth, Thomas B., Jr.
Elrod, Stephen A.
Emery, George W.
Emrich, Roger G.
Endrizzi, Raymond L.
*Engwell, Darrel W.
*Ennis, Michael K.
*Enriquez, Jose
*Erlandson, John L., Sr.
*Esbeck, Leonard J.
Estes, Donald H.
*Eubanks, Glen E.
*Evans, Irvin C., Jr.
Fake, Barnet L.
*Falcon, Michael F.
Farmer, Michael A.
Faticoni, John A.
*Feist, Eugene P.
*Ferguson, Jerry E.
Ferguson, Thomas E.
*Ferranti, Nicholas A.
*Ferrell, John L.
Fields, James R.
Finley, John C.
Fiori, Mario P.
Fischer, John N., Jr.
Fishburn, Charles G.
Fister, George R.
*Fitzgerald, James R.
Fitzgerald, John E.
*Flaningam, James D.
Fleming, Richard T.
*Flint, Lewis W.
Fontana, James D.
Ford, Henry, IV
Ford, Jack C.
Foust, James E., III
*Fox, Brett H.
Franson, Alvin L.
*Franz, Rodney C.
*Frasher, John A.
Fredericks, Roy C.
*Fredette, Roger A.
Freeman, Ernest R.
Freibert, Ralph W.
*French, John C., Jr.
Freidman, Marcus V.
Fritz, Thomas C.
*Fritz, Thomas W.
Frost, David E.
*Frost, John A.
Fugard, William H.
*Furlong, Joseph W.
*Furry, Richard P.
*Gailey, Lonnie D., Jr.
Gaines, George L.
Gainor, John W., III
*Gallegos, Joe R.
*Gapp, Donald R.
Garde, James C.
*Garns, Keith M.
Gaston, Mack C.
Gates, Jonathan H.
*Gaudiano, Antonio W.
Gautier, James B.
*Gehrlich, Richard E.
Geissler, Richard F.
Genung, Edward N., Jr.
Georgius, David R.
*Gerwe, Franklin H., Jr.
*Gilchrist, Orville L.
*Gill, Russell C.
*Giorgio, Frank A., Jr.
Glaes, Roger B.
Glass, Arnold L.
Glenn, Danny E.
*Glover, Jimmy N.
*Gobbel, James T., Jr.
*Golden, George H., Jr.
*Gompper, James H.
Goodgame, Billy D.
Goodloe, Robert V., Jr.
*Goodwin, James H.
*Goss, Robert W.
Gower, Leon H.
Grabowsky, Theodore E.
Grace, Robert F.
*Graf, John G.
*Graff, Russell J.
Graham, Clark
Grantham, Wiley G.
*Graves, Bibb L.
Graves, George W., Jr.
*Graves, William T.
Gray, Francis D.
Green, Thomas R.
Greene, James B., Jr.
Greeneisen, David P.
Gregory, Francis C.
*Griffith, Douglas K.
*Griffiths, David J.
Gross, Charles N.
*Grubb, Robert G.
Guest, George R.
Gushaw, Gregory V.
*Gyle, Robert B., III
Hagy, James H. D., Jr.
Hahn, William D.
*Hames, William J.
*Hammer, George C.
Hancock, William J.
*Handberry, John E.
*Hanks, William L.
Hanley, James J.
*Hansen, Laurence R.
Hardman, Herbert F.
Harken, Jerry L.
*Harley, James H.
Harmon, Edward K.
*Harms, John H.
*Harper, John N., Jr.
Hart, Ronald J.
*Hassell, Benny K.
Haubert, Patrick C.
Hayes, Cornelius C., Jr.
Hays, James M.
*Heatherly, Sherman L.
Heins, Raymond R.
*Heintzelman, Thomas G.
Helsper, Charles F.
Hendon, Jerry E.
*Hermann, Kermyn J.
*Herring, Arthur E., Jr.
Herron, Francis J.
Hess, Donald R.
*Hightower, Roger W.
Hilton, Francis W., Jr.
Himchak, William A.
*Hines, Henry L., Jr.
*Hingsberger, Andrew J., Jr.
Hinkley, William L.
*Hitch, James H.
Hobbs, Marvin E.
Hodell, John C.
Hoff, Robert G.
Hoffman, Carl W.
*Hohlstein, Julian G.
Holvik, Thomas H.
Hokanson, Anders, Jr.
Holian, James E.
*Hollingsworth, William L.
Holme, Thomas T., Jr.
Holmes, Frank C.
*Holt, Richard W., Jr.
Honhart, David C.
Hood, John M., Jr.
Hooven, Harry C.
*Horn, Floyd E., Jr.
*Horner, Donald W.
*Howie, Robert J.
*Howson, Richard J.
Huchting, George A.
Hughes, William C., Jr.
*Hull, Kent S.
*Humphrey, David D.
*Hurst, Cecil R., Jr.
Huss, Jerry F.
Hutcheson, James E., Jr.
*Hutchinson, Robert A.
Hutter, George R.
*Hyde, Walter J.
Iber, William R.
*Idleberg, Norman
*Isenburg, William, Jr.
*Ishiguro, Guy A.
Itkin, Richard I.
Iverson, Michael M.
*Jackson, David E.
Jackson, Marshall N.
*Jackson, Robert J.
*Jackson, Virgil F., Jr.
*Jacobs, Philip H.
*Jacobs, Ralph E.
Jacobson, Herbert A.
*James, Aaron C.
*James, Charles L.
James, David R.
*Janke, Roger A.
Jarratt, John M.
*Jarvis, Gary T.
Jaudon, Joel B.
Jeffords, John M.
Jenkins, Alan K.
Jenkinson, William R.
*Jewell, Robert M.
*Johnson, Alan J.
Johnson, Charles E.
Johnson, Earl P.
Johnson, Edwin A.
Johnson, Gerald A.
Johnson, Patrick W.
*Johnson, Richard L.
Jones, Dennis R.
*Jones, William D.
*Joplin, James E., Jr.
Jordan, Jerry W.
*Jordan, John A.
Jordan, John F., Jr.
*Joyner, Thomas W., Jr.
Juarez, David V.
Juengling, Robert G.
*Juerling, James R.
*Justis, Edward T., Jr.
Kahrs, "J" Henry, III
*Kaiser, David G.
Kaiser, John M.
*Kaiserian, Harry, Jr.
*Kammerdeiner, Roger N.
*Kane, David C.
*Karp, Leonard
*Karr, James D.
Karr, Kenneth R.
Kaup, Karl L.
Keck, Leland S., Jr.
*Keim, Edward F.
Kell, Richard E.
Kelley, Thomas J.
*Kelley, William E.
*Kelsay, Leslie R.
*Kephart, Robert M.
*Kerns, Alexander H.
*Kerns, Kenneth H.
*Kesel, Philip G.
Key, Wilson D.
Kiem, Robert L.
Killian, James E.
King, George L., Jr.
King, William W.
*Kinne, William B.
Kinnear, Richard J.
*Kinsley, Dudley J.
Kirk, Gary L.
Kirkpatrick, Max H.
*Kiser, Hoyt, Jr.
*Kislack, Arthur
Knight, John M.
*Knight, Ralph W., Jr.
*Knight, Windall R.
*Knosky, Michael J., Jr.
*Koch, Dean H.
Koczur, Daniel J.
*Kohler, Charles L.
*Korhonen, Kenneth R.
Koss, Howard E.
Kost, John G.
Kottke, Robert A., Jr.
*Kozlowski, Neil L.
Kreinik, Eugene G.
*Kreitzburg, John W.
Krekich, Alexander J.
Krieger, Eric W.
Krohne, Theodore K.
Krotz, Charles K.
Krueger, Rudolph V.
*Kruger, Richard W.
Kruse, Dannis K.
Kyzar, Sammy B.
Laabs, Stephen K.
Lachata, Donald M.
Ladwig, James C.
Lagassa, Robert E.
Lamay, Thomas V.
Lamb, James J.
*Lamb, John P.
Lamping, James R.
*Landers, Michael F.
Lasswell, James B.
*Lauer, John N.
Lautenbacher, Conrad C., Jr.
Lawson, Joseph H., Jr.
*LeCroy, Floyd G.
*LeDoux, Lawrence J.
*Lee, Ronald A.
Leeke, Howard W., Jr.
*Leightley, Albert L., II
Lemon, Frank M.
Lennox, Richard J.
Lents, John M.
*Leonard, William J.
LeRich, Barry H.
Lesemann, Donald F.
Lett, Austin S., Jr.
*Levasseur, Marshall J., Jr.
Lewis, Jary W.
*Lewis, Lyle E., Jr.
Lilly, Joseph W.
Lindell, Colen R.
*Lindsay, James H., Jr.
*Lindstrom, Gordon E.
Linn, Larry E.
Little, Robert D.
Livingston, Donald J.
Logan, Carl F.
*Long, Glenn U.
Long, Michael D.
*Lonsdale, Paul T.
Lord, William F.
Lounsbery, William J.
Lovett, Billy R.
Lovig, Lawrence, III
*Lowery, Fred H., Jr.
Lunde, Roger K.
Lundy, George W., Jr.
*Lusby, John F.
*Lynch, Anthony J.
*Lynch, Floyce M.
Lyons, Robert W.
Lytikainen, Robert C.
*MacAuley, Phillip H.
*MacDonald, Michael J., III
MacDonald, Timothy A.
Mackin, Jere G.
Maclin, Charles S.
*Maddox, George N.
Mahaffy, Lorrence A., Jr.
Mahoney, Patrick F.
Maier, Robert A.
*Major, Watson H.
Malchiodi, Michael A.
*Manlove, William W., Jr.
Manning, Edward F.
Mansell, Waymond
*Marchetti, Michael J.
Marik, Charles W.
Marsden, Phillip S.
Marsh, William L.
*Martin, Charles B.
*Martin, Michael J.
Martin, Ralph K.
Martin, Ronald W.
*Martin, Wayne A.
Martinache, Charles G.
Masciangelo, Frederick J., Jr.
Mascitto, Eddy J.
*Matheson, Norm K.
Mathis, Donald W.
Matjasko, Louis S.
Mattson, Gary H.
Maxwell, Malcolm D.
Mays, Michael E.
*McAllister, James P.
*McAloon, Albert J., Jr.
*McBride, Kenneth B.
*McCallum, James A.
McCann, William R., Jr.
McCarthy, Michael J.
McCleary, Joseph R.
McClellan, William D.
*McCloskey, David J.
*McColly, John C.
*McCraith, Laurence P.
McCrory, Donald L.
McCrumb, James B.
McDonald, Jay G.
McDonald, John J., Jr.
*McEwan, Donald P.
McGee, Robert T.
McKay, Dennis A.
McKearn, Michael C.
McKenna, Richard B.
McKenna, Russell E., Jr.
*McLane, David J.
McLaughlin, George T.
*McLean, John H.
*McNeely, Ellis E.
*McNew, Clyde E., Jr.
McQuown, Michael J.
*McRoy, Willie C.
*McSherry, Bernard P., Jr.
*Meddings, William A.
Meek, Danny L.
*Meisner, Julian R.
Meyers, David W.
Meyett, Frederick E., Jr.
Miles, Richard J.
*Miller, Albert E.
Miller, George M., III
*Miller, John M.
Miller, Thomas H.
*Miller, William C., Jr.
*Millikin, Stephen T.
*Minard, Julian E.
*Minnick, Thomas A.
Minter, Charles S., III
Mister, Richard W.
Mitchell, Albert H., Jr.
Mitchell, Robert M.
Mitchell, William J.
*Mizner, Malvern M.
*Monash, Richard F.
Montana, Richard T.
*Mooberry, William J.
Moody, William B. B.
Moore, David B. A.
*Moore, John A.
Moran, William P., Jr.
Morgan, William L.
Moritz, Dennis M.
*Moroney, Joseph M.
*Morris, Robert, III
Morse, Clayton K.
*Morse, John A.
Moser, Alan B.
Mulholland, Lyle J.
*Mumford, Stanley E.
Mundell, Jack L.
Mundis, John A.
Musick, George M., III
*Mustard, James D.
*Myers, Collin K.
*Mysliwiec, Richard J.
*Naldrett, William J.
*Nanney, Robert G.
Nash, Malcolm P., III
*Neeb, Karl A.
Nelson, Richard C.
Newell, Thomas L.
Nickerson, Robert G.
Niss, Robert J.
Nolan, George F.
*Norman, Warren A., Jr.
Norris, Dwayne O.
Norris, Jerry D.
Northcraft, Zane W.
Norton, Douglas M.
Norwood, Kenneth E.
*Norys, Robert M.
Nunn, James W.
Nutt, Richard L.
O'Brien, John J., Jr.
*O'Brien, Robert C.
O'Brien, Terence J.
O'Brien, Thomas J., Jr.
Oden, Leonard N.
*Oertel, "E" James
*Ogles, Homer C.
O'Keefe, Cornelius F.
*Okeson, Lars H.
*Oliphant, Gary T.
*Oliver, David E.
Olson, David E.
Olson, Donald M.
Olson, Kenneth P.
*Olstad, Vincent K.
*O'Shea, Donald J.
*O'Shell, Walter E.
Otis, Robert B.
Pagano, Frank P.

Palen, Don G.
Palenscar, Alexander J., III
Palmer, Jerry D.
Palmer, William A., Jr.
*Parker, Charles D.
Parker, Charles L., Jr.
Parker, Gerald T.
Parker, Raymond F.
Parkhurst, Nigel E.
*Parrie, Elman J.
Patch, Frank H.
Patridge, Delmar E.
Pattarozzi, Norman J.
Patterson, Bernard L., III
*Patterson, Donald D.
Patterson, James K.
*Patterson, Jeffrey S.
*Paul, Harold W.
Pauling, David R.
Payne, William J.
*Payne, William M.
*Peirce, Frank H.
Pennington, Chad A.
*Perez, Demetrio J.
Perkinson, Brian T.
*Pesce, Victor L.
*Peters, Thomas J.
Peters, Victor L.
Peterson, John C.
Phaneuf, Joseph T., Jr.
*Phelps, Harold R., Jr.
Phillips, Alexander M.
*Phillips, Jerry A.
*Pieno, John A., Jr.
Pierce, Cole J.
Plummer, Galen R.
*Polaski, Harold E., Jr.
*Polo, Arthur D.
*Pomykal, Glenn W.
*Popp, Arvel J.
*Popp, Robert L.
*Portenlanger, Stephen
Porter, John D.
*Porterfield, Gary L.
Poteat, William O., Jr.
*Powers, William B., Jr.
Prath, Robert L. E.
Prather, Jerauld S.
*Prince, Robert V.
Pulfrey, Charles A.
Punches, Robert L.
*Quarles, Herbert R., Jr.
Quinton, Peter D.
Rabin, William D.
Rackowitz, Marion R.
*Raebel, Dale V.
Rainey, Peter G.
*Raiter, Friedrich E.
*Ramm, Edward J.
Ray, Norman W.
Ray, Roy L., Jr.
*Read, Ray W., Jr.
Reemelin, Thomas E.
Rees, Bob G.
*Reff, Roger G.
Regan, James P.
*Register, Mahlon E.
*Reich, Donald G.
Retz, William A.
*Revesz, William, Jr.
Reynolds, Keith E.
Richardson, David P.
*Richardson, Earnest W.
*Richmond, Frederick J.
*Ridgely, Philip J.
*Riess, James R.
Riggle, Gordon G.
*Riggs, William D.
Riley, David R.
Robbins, Charles B.
*Robbins, David L.
*Roberts, Donald A.
*Robinson, Keith P.
Robinson, Paul M.
Robison, James C.
Rohm, Fredric W.
*Roll, Francis P.
*Roselle, Curtis C.
Ross, Raymond H., Jr.
Roy, Rudolph J., Jr.
Ruckner, Edward A., Jr.
Rueff, James L., Jr.
Ruffin, James T.
Russell, Robert E.
*Ryland, Robert B.
Saber, Gerald W.
*Sagerian, Ara
Salmon, Harry P., Jr.
Sampsel, Michael M.
*Sampson, Harry B.
*Sanders, William M.
Sanger, Kenneth T.
SantaMaria, Donald F.
Sargent, Ian H.
*Saxon, Ross E.
Schafer, Carl E., II
Schantz, John M.
*Schatz, Arthur D.
Schery, Ferdinand M.
*Schetter, Harry W.
*Schiffman, Marvin C.
Schmidt, Donahue H.
*Schneider, George F.
*Schroeder, Gerald M.
Schroeder, Roger G.
Schuerger, Richard F.
Schwab, James A.
Scott, Crawford W.
*Scott, David E.
Scott, Jon P.
Seaquist, Larry R.
*Seay, Marvin E., Jr.
*Secades, Vincent C.
Segal, Harold W.
Segrist, Edward L., Jr.
*Seiler, Richard W.
*Settlemyer, Charles T., III
Shackelton, Norman J., Jr.
*Shaffer, Leslie V., II
Shaffer, Lloyd E.
Shank, Lewis P.
Shapard, James R., III
Sharer, Don A.
Sharpe, Joseph D., Jr.
Shaw, James A., Jr.
Sheehan, John W., Jr.
*Shepherd, Gary L.
Sherman, Allan
Shirley, Cloyce E.
*Shovlin, Daniel M.
*Shreve, Robert L.
*Shupe, Robert D.
*Siebecke, Alfred G.
Simon, William F.
*Simpson, Harold L., Jr.
Simpson, Michael G.
*Simpson, Troy E.
*Skrzypek, John A.
*Slack, William M.
*Slater, Thomas S.
Slaughter, Jimmy R.
*Sloan, Robert E.
Smelley, Allan R.
Smith, Bernard J.
Smith, John M.
*Smith, Joseph F.
Smith, Lary D.
*Smith, Lyman H., II
Smith, Randall R.
Smith, Robert J.
*Smith, William E.
Smith, Wilton J., Jr.
*Smithlin, Michael J.
*Snyder, Christian R.
*Sokol, Stanley E.
Solon, James D.
*Soto, Octavio
*Spinello, John A.
Spruance, James H., III
Spurgeon, Dennis R.
*Stacy, Edward G.
*Stalker, Earl, Jr.
Steber, Forrest E.
Stiger, Robert D., Jr.
*Stoakes, Richmond B.
Stone, William C.
Stout, Michael D.
Stowell, Ralph H., Jr.
*Straughn, Wyatt F.
*Strickland, Walter L.
Striffler, Paul J.
Stromberg, David L.
*Stryker, Lyal M.
Sullivan, Joseph C.
Sullivan, Kenneth D.
Surles, Billy W.
*Swan, Thor O.
Szopinski, Robert W.
*Tague, James R., Jr.
Tanner, Michael
Tate, James A.
Tate, William A.
Taylor, Steven C.
Taylor, Thomas L.
Taylor, Wade H., III
Telfer, Grant R.
Templin, Erwin B., Jr.
Tenney, Stuart L.
*Terry, Michael R.
*Terry, William E.
Testa, Ronald F.
*Testwuide, Robert L., Jr.
*Tettenburn, Howard T., Jr.
*Thibeault, Frederick L.
Thomas, Norman M., III
*Thomas, Peter D.
*Thomas, William A.
Thomason, Harper J., II
Thompson, Lalle H., Jr.
Thompson, Robert G.
Thorn, John C.
Tidball, Douglas D.
*Tiernan, Barry V.
Tillinghast, Theordore V.
Tillotson, Frank L.
*Tinder, William P.
Tobin, Paul E., Jr.
Todd, James N.
*Toft, Richard J.
*Towers, Edwin L.
*Townsend, Okey, Jr.
*Trafton, Robert T.
Traver, James E.
*Trefry, Edwin V.
Truxell, Thomas R.
*Tucker, Albert L.
Turley, John, Jr.
*Turnbull, James L.
Turner, James R.
Turner, Thomas W.
Twardy, Clement R.
Twomey, Daniel T.
*Tynan, Douglas M.
*Tyner, Jimmie C.
Ullman, Harlan K.
*Underwood, Walter J.
Ussery, David L.
VanArsdall, Clyde J., III
VanderVelde, Kent M.
VanHoften, Scott A.
VanNice, Robert L., Jr.
*Van Wormer, Thomas P.
Vaughan, Raymond E.
*Vazquez, Raul
*Veazey, Luther T.
Vernon, Larry J.
Vetter, David A.
*Vincent, James M.
Virden, Charles S.
VonSydow, Vernon H.
*Voss, George P.
*Walker, Jerry D.
*Walker, John A., Jr.
*Walsh, George A., Jr.
*Walters, Jack, Jr.
*Walters, John B., III
Walters, Ronald F.
Walther, Arthur E.
Walton, Don H.
*Walton, James A.
Wanamaker, Gregory
Waples, Robert E.
*Ward, John W.
Warn, Jon C.
Warren, Ferrell D.
*Warren, Roger C.
Warren, Roy D.
*Watkins, James
Waugaman, Merle A.
Weale, Gary D.
Weaver, Charles T.
Weidman, Robert H., Jr.
Weihmiller, Gordon R.
*Weisenburger, Thomas W.
Weisgerber, Donald E.
*Welham, Walter F., Jr.
Wells, David A.
*Wells, Robert M.
Werner, Robert M.
*Wernsman, Robert L.
*West, Walter D., III
*Westin, Brian E.
Whalen, Frank R.
*Wheeler, Gerard C.
White, Chester G., Jr.
*White, Donald C.
White, Larry R.
Whitney, Payson R., Jr.
*Whitt, Eugene N.
*Whitus, Ernest F.
Wiggins, William F.
Wilbourne, David G.
Wilkin, Howard A.
*Wilkins, Stephen V.
Willandt, Theodore A.
Williams, Michael V.
Williams, Ronald L.
*Williams, Thomas J.
*Williams, Thomas D. M.
Williamson, Gordon
*Wilson, Ashley V.
*Wilson, Ernest E.
*Wilson, Frederic S.
Wilson, Gary W.
*Wilson, Torrence B., III
Winters, Curtis J.
Wise, Randolph E.
*Wisehart, Kenneth M.
Witcraft, William R.
*Woehl, Robert D.
Womble, Talmadge A.
*Wood, Richard E.
*Wood, Virgil W.
*Woodbury, Roger L.
Woodroof, Olen C., Jr.
Wools, Ronald J.
Worcester, John B.
*Wright, James J.
Wright, Julian M., Jr.
Wright, Malcolm S.
Wynne, David C.
Yankura, Thomas W.
Yarbrough, Milton E., Jr.
*Yonov, Serge A.
*Zabrocki, Alan D.
*Zaretki, John P.
*Zelfer, Gerald T.
Zimmermann, Claus E.

MEDICAL CORPS

Almy, Gary L.
Anderson, John R.
Arendale, Stephen S.
Ashley, Lillard G., Jr.
Babka, John C.
Barbier, George H.
Barnwell, Grady G., Jr.
Barvick, Edward J.
Beal, Lowell R.
Beatty, Hugh T.
Berryman, John D.
Biesecker, Gary L.
Bigley, Harry A., Jr.
Bogle, Lawrence P., III
Brown, Jay H. J.
Brown, Peter W.
Burnett, John R.
Burns, Arthur C.
Carlisle, John W., Jr.
Carson, Homer S., III
Chalamidas, Stewart L.
Charles, Clive R.
Cooper, Edgar S.
Cotton, John B.
Cox, Joel R., Jr.
Cross, David A.
Daniel, Howard G.
Danzer, David B.
Dawsey, James T.
Dorr, Lawrence D.
Duncan, Matthew W.
East, Samuel R.
Eastridge, Ralph R., Jr.
Edwards, Bruce G.
Eikman, Edward A.
Ellwood, Leslie C.
Emory, Warden H.
Enoch, Tommy E.
Ferrazzano, John V.
Flanagan, Michael C.
Forbes, Thomas W.
Freisinger, Gerhard M.
Gallagher, William J.
Geary, Brian D.
Geraci, Kevin T.
Giedraitis, John B.
Glassman, Peter M.
Glynn, Thomas W.
Golden, Richard A.
Gortner, David A.
Goldschmidt, Mark N.
Gorske, Arnold L.
Greco, Richard G.
Gregson, Michael J.
Hageseth, Christian E.
Hall, Robert F., II
Hammersberg, Jon R.
Hancock, George G., II
Harris, Richard E.
Harter, David J.
Hassan, Robert M.
Hawkins, Michael L.
Hayes, Robert P. B.
Hoglund, William J.
Houghton, James O.
Hunt, Phillip D.
Isenhart, George E.
Izzo, Joseph L.
Jackson, David L.
Jackson, Seth H.
Jacobsen, Paul M.
Janovich, John R.
Kahle, Charles T.
Kaiser, Ralph H.
Keegan, Gerald T.
Kelsey, Gerdi D.
Kimbrell, Fred T., Jr.
Kindschi, George W.
King, Charles R.
Knee, Steven T.
Krasnow, Robert W.
Krebs, Curtis J.
Lee, John P.
Lenington, Jerry O.
Lewis, Ronald W.
Liscomb, Jesse R.
Lomax, William R.
Luppi, Lawrence H.
Lutner, Lawrence
Malone, Patrick T.
McGill, Willis A.
McKee, Edgar G.
McKee, Paul J.
McMahon, Daniel C.
McMillan, Michael R.
McMullan, John B., Jr.
Mendez, Prudencio, Jr.
Murphy, David M.
Murphy, James A.
O'Brien, Michael P.
O'Connell, Kevin J.
O'Hara, James P.
Oller, Dale W.
Orsi, James M.
Parvin, Thomas S.
Paul, Francis F.
Paul, Theodore O.
Pekas, Michael W.
Pinkston, John A.
Pohl, Stephen E.
Pratt, Richard A., II
Pryor, Donald E.
Rader, Thomas E.
Radnich, Robert H.
Redmond, Roy E.
Reed, James C.
Reed, William J.
Reynolds, Walter J., II
Robertson, William C., Jr.
Robinson, James E.
Robinson, Joseph H.
Rodgers, Donald E.
Roduner, Gregory K.
Roelofs, Bruce A.
Ryan, Joseph M.
Safley, Gary H.
Sawyer, Ralph A.
Schaefer, Walter C.
Schang, Steven J., Jr.
Schefsky, Harvey W.
Schloemer, Richard L.
Schmottlach, David R.
Schuler, Frank A., III
Schweitzer, Robert L.
Scott, Kenneth N.
Seal, William C.
Seckler, Jerrold H.
Sibert, Scott L.
Siegfried, George E.
Spenler, Charles W.
Steele, Samuel M., Jr.
Stehr, Christian H.
Steinberg, Steven M.
Stevens, Bruce L.
Stromberg, Murray G., II
Strong, David B.
Stuckey, Charles E.
Swart, Edwin G., Jr.
Templeton, Gilbert W.
Thomas, James M.
Tozer, James M.
Turner, Tommy
Ulch, George A.
VanderBerry, Robert C.
Volcjak, Edward E.
VonEschenbach, Andrew C.
Werner, Leslie G.
Whitlock, Paul A., Jr.
Wilder, William H.
Williams, Robert R.
Worthington, Richard L.
Wyatt, Willie G.
Yauch, John A.
Young, Thomas K.

SUPPLY CORPS

Actis, Charles L.
Adelgren, Paul W.
Andrews, Ernest L., Jr.
Arehart, Robert C.
Atkinson, Larry R.
*Ayers, James D.
*Baldwin, Seth W., II
*Bartel, Joseph R.
Bednar, Edmund J.
Berquist, John R.
Biggins, James A.
*Bissett, John L.
*Blankenfeld, Richard K.
Blondin, Peter W.
Boyd, Terran R.
Bradley, James S.
Bunch, Joseph R., Jr.
*Cangalosi, Davis S.
*Carr, William N.
*Ceo, Jerome J.
Chapman, George A., Jr.
*Chappell, Richard G.
Cole, Chester B.
Conner, John T.
Correll, Charles D.
*Crocker, William G.
*Daniels, John G.
*Dilger, Dean E.
*Dominy, Wilbur D.
Driskell, James D., III
*Dunn, Robert G.
*Duryea, Robert J.
Eadie, Paul W.
Earhart, Terry L.
Evans, George A.
Fisher, Gary C.
*Fisher, Orville L., Jr.
*Flowers, John H.
*Fuller, Franklin B.
*Galligan, David R.
*Gallion, Robert Z.
*Gee, Charles D.
*Glisson, Donald J.
*Green, William T.
Grichel, Dietmar F.
*Griffin, Jon E.
*Groves, William D.
*Habermann, William F.
Hagerty, William O.
*Hanson, Harold C.
Harshbarger, Eugene B.
Hart, Charles A.
Hawthorne, Richard L.
*Helmuth, Robert A.
*Henson, Verlin C.
Hering, Joseph F.
Hickman, Donald E.
Hildebrand, Jarold R.
*Holland, Donald L.
*Hooker, James S.
Hundelt, George R.
Hyman, William M.
*James, William D.
Jenson, Ronald L.
Johnston, John M.
Jones, Eric B.
*Jones, Richard W.
*Kavanaugh, John T.
Kerr, Harold L., Jr.
Lafianza, Bernard J.
Lafnitzegger, Frederick A.
*Lebel, Robert F., Jr.
Leeper, James E., Jr.
*Lewis, James J.
Lovstedt, Joel M.
*Lutz, Gerald G.
Lutz, Harold G., Jr.
MacAulay, Charles P.
MacMurray, Michael M.
*Marshall, Robert K.
*Mastrandrea, Gary A.
McDermott, John E.
McDonald, John F.
McGraa, John R., III
McNutt, Beverly D., Jr.
*Meneely, Frank T.
*Meyer, James R.
Mitchell, John W.
*Mitchell, Willis A.
*Monson, Jon P.
Moore, Thomas J.
Morris, John G.
*Mueller, John J.
Murray, Michael A.
Musgrave, Alvin W., Jr.
Nichols, Clifford J.
Nichols, Edward H.
Norris, David C.
*Oehrlein, William P.
O'Hara, Patrick J.
Olin, William W.
Olio, John F.
Owens, Joseph F.
*Owens, Robert K.
*Packard, Charles A.
*Paine, John S.
Parrot, Ralph C.
*Parsons, Donald S., Jr.
Peiffer, Robert H.
Perry, James H., Jr.
*Peterson, Roland H.
*Pierce, John H.
Pinskey, Carl W.
*Pittman, Harold S.
Ponder, Joseph E.
Rasmussen, Kenneth H.
*Reynolds, Marvin D.
Rumsey, Charles G.
*Savola, Vernon V., Jr.
Schiel, William A., Jr.
Schultz, Robert A.
*Seddon, Thomas A.
*Sewell, John B.
*Shannon, William N
Shields, Edward J.
Siburt, Forrest N., Jr.
Smith, Charles E.
Smith, Richard M.
Smith, William J.
*Sneiderman, Marshall L.
Stafford, Joe R.
*Stebbins, Lynten H.
Stocker, Vernon D.
Stone, Charles W., Jr.
*Sulek, Kenneth J.
Summers, John H.
*Tallant, Arnold
Terwilliger, Bruce K., Jr.
Thomas, Gary L.
Trandum, William I.
Ullman, Robert C.
Unsicker, David W.
*Wagner, Gregory L.
Waldron, Andrew J., Jr.
*Wallace, William W.
Walton, Joseph L.
*Webster, Bert R.
Wells, Paul D.
Wellumson, Douglas R.
West, Karl P.
Williams, Richard H.
Wong, Dennis W. H.

CHAPLAIN CORPS

Bartholomew, Carroll E.
*Bruggeman, John A.
*Coughlin, Conall R.
Dorr, Charles E.
*Fiorino, Alfred L.
*Gill, Francis
*Kuhn, Thomas W.
*Luebke, Robert B., Jr.
*McCoy, Charles J.
*Meehan, Conon J.
Murray, Edward K.
*Riley, Robert J.
*Rowland, William A., Jr.
*Roy, Raymond A.
Smith, Jerry R.
*Stewart, Lisle E.
Winnenberg, John O.

CIVIL ENGINEER CORPS

Andrews, Richard E.
Bergstrom, Robert R.
*Beauby, Stephen C.
*Crane, Thomas C.
*Day, Norman W.
Dillman, Robert P.
Eckert, James W.
Edmiston, Robert C.
Everett, Ernest J.
Greene, Carl D.
Griffith, Harry G.
Hanks, James E.
*Hansen, Robert E.
*Harris, William F.
Hathaway, James L.
Heine, Richard F., Jr.
*Hines, Leslie L.
Hosey, Gary R.
Hudspeth, Robert T.
Hull, David N.
Hyland, Richard J.
Konold, David W., Jr.
*McCullagh, Paul W.
*McManus, Robert G.
*Myers, Larry D.
Nadulski, Michael E.
Pearson, Rufus J., III
Pero, Michael A., Jr.
Rensetti, Joseph L.
Rohrbach, Richard M.
*Rumbold, William W., Jr.
*Sahlman, Claire G.
Scott, Gary H.
*Shaw, Arthur R.
Sheaffer, Donald R.
Smith, Homer F., II
*Stevens, Joseph M., Jr.
Stewart, Stephen E.
Vaudreuil, Wilfred J., Jr.
Wilson, Ronald K.

DENTAL CORPS

Balsiger, Verlin W., Jr.
Barton, Terry L.
*Bauman, John C.
Bosworth, Bruce L.
Butlin, Roderick W.
Chapman, Robert J.
Cholaki, George C.
DeLong, Richard L.
Dunn, William P., Jr.
Esquire, Robert G.
Finger, Richard B., Jr.
Fisk, Bruce D.
*Gustafson, Duane O.
Hancock, Everett B.
Hartman, Gerald E.
Higgins, Joseph P., Jr.
Horton, Charles B.
Ingraham, Richard L.
Jack, Robert W.
*Licking, Thomas C.
Lucas, Michael S.
MacLeod, George
Maiorana, Joseph J.
Merlo, Thomas J.
Moe, Robert C.
Nagel, Norman J.
Orthmeyer, Harold J., Jr.
Ostrowski, John S.
Smith, Gary L.
Sullivan, William W.
*Wight, Thomas A.

MEDICAL SERVICE CORPS

*Adkins, David D.
Alhauser, Robert V., Jr.
*Anderson, Francis G.
*Ashton, George H.
*Baker, Donald E.
Bell, "R" Thomas, III
Bond, James C.
*Brown, Wayne A.
Buckles, Richard G.
*Buhaly, Albert L.
*Cannizzaro, John S.
*Carroll, Jake R.
*Clark, Robert P.
*Cunningham, Robert S., II
Curran, Patrick M.
*Deeter, Victor R.
*Ferguson, John C.
*Ferris, William A.
Fingerett, Sheldon N.
*Fullerton, Jack G.
Funaro, Joseph F.
*Gannon, John H.
*Gay, Kenton W.
*Giard, Emile N.
*Gillespie, Franklin D.
*Gogel, Casper J.
*Green, Charles M.
*Gregoire, Harvey G.
*Hall, Richard T.
Hartman, Carl H.
*Hatten, Arthur D., Jr.
*Henderson, "S" Douglas
*Hill, Thomas A.
*Horne, William O.
*Jenkins, Lloyd M.
*Johnson, Jay A.
*Johnson, Robert A.
*Juda, Thaddeus A.
*Kalfas, Dimitri L.
*Laughlin, Leo L., Jr.
*Mackin, Thomas F., Jr.
*Mason, James J.
*McCurry, Romeo G.
*McPeters, Roland E.
*Patterson, Patrick R.
*Payton, Richard A.
*Praria, Paul A.
*Rath, Arthur R.
*Rhodes, Durward L.
*Rice, Richard T.
*Robinson, Patsy J.
*Rosplock, Jerome D.
*Santana, Frederick J.
*Schmutz, Clinton E.
*Self, William L.
*Schackelford, Paul R.
Shaughnessy, Mary K.
Smith, Lamar R.
*Smith, Robert E.
*Thompson, Bobbie L.
*Tilton, Delmar L.
*Tomczyk, Frank E.
Toops, Paul E.
*Tworzyanski, Chester
Walker, Jerry M.
*Wallace, Robert O.
*Warren, Joseph E.
*Wesolowski, Carl A.
*White, Harry G.
*Wilder, James O.
*Winningham, Joe
*Zettl, Bernard L.

JUDGE ADVOCATE GENERAL'S CORPS

*Boasberg, Robert, Jr.
*Closser, Daniel P., Jr.
*DeRocher, Frederic G.
*Ellis, Donald P., Jr.
*Gall, William D.
*Gilliam, Thomas A., Jr.
*Henkel, George E.
*Hosken, Edward W., Jr.
*Kuhner, Robert L.
*Norgaard, Kenneth R.
*Rowley, Robert D., Jr.
*Turner, Patrick C.
*Wheeler, Matthew J., Jr.
*Woods, Terrence J.
*Wulf, Norman A.

NURSE CORPS

*Ancelard, Madeline M.
*Arndt, Karen I.
*Campen, Kathryn E.
*Dexter, Marion C.
*Dunn, Glenda G.
*Fox, Patricia M.
*Hennessy, Jo A.
Hubbard, Carol A.
*Janik, Barbara A.
*Loughney, Juel A. M.
*Marks, Alita C.
*McKown, Frances C.
*Medina, Elida D.
*Odom, Helen A.
Peters, Shirley
Ricardi, Jean C.
*Riddell, June E.
*Russell, Susanne
Simler, Monica
Triplett, Audrain M.
*Walker, Dorothy A.
Wildeboer, Henrietta M.
*Witherow, Mary A.
*Word, Helena M.
*Yucha, Shirley A.

Alan E. Michel, U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant and the temporary grade of lieutenant commander.

William J. Ford, Jr., U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Richard L. Martens, Supply Corps, U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Lowell R. Norris, III, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Charles M. Polanski, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

William H. Butler, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

The following named officers of the U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of ensign:

Allen, Charles E.
Butler, William H.
Jukkola, Lloyd A.

Ralph D. Bianco, Supply Corps, U.S. Navy, for transfer to and appointment in the line in the permanent grade of ensign.

The following-named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Cohan, Lawrence L.
Mitchell, Ralph M., Jr.
Oswald, John S., II
Richardson, Paul F.
Uris, Richard B.
Vellis, John D., II

The following-named officers of the U.S. Navy for transfer to an appointment in the Supply Corps in the permanent grade of ensign:

Ahrens, Robert A.
Broaddus, Girard T.
Gillette, Robert C.
Harris, Richard A., Jr.
Jones, Samuel L.
McQueen, Thomas W.
Morton, George H. E., III
Mumma, Donald C.
O'Rourke, Brian

Rieve, Roy C. Webb, James A., III
Warner, Paul G.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Gruver, William K. Spinelli, Robert B.

Henry P. Boardman, Jr., Supply Corps, U.S. Navy, for temporary promotion to the grade of lieutenant in the Supply Corps, subject to qualification therefor as provided by law.

James W. Fitzsimmons III, Nurse Corps, U.S. Navy, for permanent promotion to lieutenant (junior grade) and temporary promotion to lieutenant in the Nurse Corps, subject to qualification therefor as provided by law.

The following-named women officers of the U.S. Navy, for permanent promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law:

*Benson, Patricia G.
*Binaghi, Joanne T.
*Bivins, Rita H.
*Blake, Sally A.
*Botzum, Diane
Clark, Georgia
*Delarot, Anna M.
*Derrough, Lois A.
*Hazard, Roberta L.
*Hoag, Jean W.
*Hurlbut, Bonny A.
*James, Mary C.
*Loser, Margit M.
*Mearls, Joanne R.
Nyce, Barbara R.
*Pane, Marietta A.
*Ragozzine, Carolyn M.
*Wylie, Elizabeth G.

Mildred L. Carr, Supply Corps, U.S. Navy for permanent promotion to the grade of lieutenant commander in the Supply Corps subject to qualification therefor as provided by law.

David M. Muschna, U.S. Navy, for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law.

*Indicates appointment issued ad interim.

IN THE MARINE CORPS

Having been designated in accordance with the provisions of title 10, United States Code, Section 5232, Maj. Gen. William G. Thrash, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

Lt. Gen. Raymond G. Davis, U.S. Marine Corps, for appointment as Assistant Commandant of the Marine Corps in accordance with the provisions of title 10, United States Code, Section 5202, with the grade of general while so serving.

Having been designated in accordance with the provisions of title 10, United States Code, Section 5232, Maj. Gen. Wallace H. Robinson, Jr., U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE MARINE CORPS

The following named staff noncommissioned officers for temporary appointment to the grade of second lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Candelario, Rafael
Moore, Terrance L.

The following-named U.S. Naval Academy graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Anderson, R. G.
Annis, Robert E.
Appenfelder, G. D.
Ard, Peter N.
Balcom, John L.
Bayne, Douglas L.
Beck, Mark T.
Bennett, Chris
Bjerke, Thomas E.
Blair, G. W.
Bloomer, David R.
Boteler, Johal R.
Boyer, Charles E.
Bozarth, Errett J.
Brighton, S. H.
Brown, Michael M.
Brown, Stephen R.
Burnette, R. G. Jr.
Cabana, Robert D.
Caouette, T. H.
Carroll, C. T. F.
Carter, William B.
Cheney, Stephen A.
Clarkson, A. F., Jr.
Clydesdale, R. III
Compton, M. R.
Conroy, V. P., Jr.
Crimaldi, Sam B.
Dalton, Thomas R.
Demars, M. W., Jr.
Dodson, Thomas J.
Dunleavy, C. J.
Duscheid, A. L. III
Elsberry, John G.
Erickson, R. H.
Flinn, George W.
Fliszar, John N.
Fretz, O. R., III
Fuchs, Frank C.
Gallagher, F. M., Jr.
Gardner, Mark S.
Geil, Jerome L.
Giacobbe, Peter J.
Graham, Vernon C.
Greene, M. J. L., Jr.
Gregor, C. John
Griffin, Barry P.
Hammond, C. W., Jr.
Harper, James R.
Harris, Gerald F.
Havenstein, W. P.
Hayman, Thomas A.
Hedderly, G. T.
Hemler, Jeffrey F.
Heikes, Lambert C.
Hermann, Peter E.
Hesse, Donald E.
Hield, Roger A., Jr.
Hull, Jeffrey L.
Inskeep, Carl D.
Jamieson, Thomas M.
Jecmen, Reid A.
Jennings, S. C.
Kellogg, John E.
Kinnear, N. T., III
Knott, David A.
Kremian, Frank T.
Lammers, J. R.
Longworth, M. W.
Macklin, Mark S.
Marcy, Hugh W.
Mayes, Robert C.
Mazzara, Andrew F.
McConnell, F.
McKenzie, Scott W.
Meek, Robert W.
Mendelson, J. S.
Mikkelsen, D. J.
Miller, H. K., Jr.
Miller, Raymond T.
Moore, J. T. C., II
Nadolski, Keith E.
Nelson, Ralph D.
North, John R.
Obrien, T. P., Jr.
Olsen, D. A., Jr.
Paul, P. J., III
Perry, A. L., III
Peterson, Dale A.
Pickett, Gerald W.
Porter, John F.
Pullen, G. D.
Queen, James E.
Quinn, John A., IV
Radomski, D. J.
Riggs, Stephen A.
Rodgers, George L.
Rose, Bowen F., Jr.
Santillo, J. C.
Sattler, John F.
Schwelm, Karl T.
Searing, James M.
Settle, Robert H.
Shoaf, Peter J.
Smith, Paul R.
Speer, Martin J.
Spratt, Ronald E.
Stephan, Terry A.
Stiles, Clay O.
Storey, David K.
Storey, J. A., III
Sullivan, Cecil E.
Sullivan, P. H.
Summa, Mario J.
Swords, Michael J.
Tonkin, Terry L.
Travis, Richard F.
Uberman, Joseph S.
Voss, Paul H.
Waterman, Brett N.
Weiss, Terry T.
Williams, P. E.
Winkelman, Jack D.
Winslow, W. E., Jr.
Wnek, Ronald F.
Zaudtke, Peter A.

HOUSE OF REPRESENTATIVES—*Tuesday, February 23, 1971*

The House met at 12 o'clock noon.

Rev. Rudolf Kiviranna, of the Estonian Evangelical Lutheran Church of New York, offered the following prayer:

Father in heaven, we approach Thee in sincere humility.

We live in a world under the shadows of great problems to which there are no easy solutions.

Give us, O God, Thy light to understand the difficulties of our world and our responsibilities to overcome them.

We need courage and wisdom to take a decisive stand against all evil which in many ways threatens the world and our Nation.

On the Independence Day of the Estonian nation we think of all nations who are forced to live under the yoke of atheistic communism.

Through Thy grace these nations have preserved an unconquerable will for freedom and an unquenchable hope that they may one day belong to the family of free nations.

To further this cause bless our President and Government and the endeavors of the Congress of the United States. 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.

APPOINTMENT AS MEMBERS OF THE MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER. Pursuant to the provisions of 16 United States Code 715a, as amended, the Chair appoints as members of the Migratory Bird Conservation Commission the following Members on the part of the House: Mr. DINGELL and Mr. CONTE.

APPOINTMENT AS MEMBERS OF THE PLYMOUTH-PROVINCETOWN CELEBRATION COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 91–474, the Chair appoints as members of the Plymouth-Provincetown Celebration Commission the following Members on the part of the House: Mr. DONOHUE, Mr. BURKE of Massachusetts, Mr. KEITH, and Mr. CONTE.

APPOINTMENT AS MEMBERS OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER. Pursuant to the provisions of Section 3(a), Public Law 86–380, the Chair appoints as members of the Advisory Commission on Intergovernmental Relations the following Members on the part of the House: Mr. FOUNTAIN, Mr. ULLMAN, and Mrs. DWYER.

APPOINTMENT AS MEMBERS OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 United States Code 1024(a), the Chair appoints as members of the Joint Economic Committee the following Members on the part of the House: Mr. PATMAN, Mr. BOLLING, Mr. BOGGS, Mr. REUSS, Mrs. GRIFFITHS, Mr. MOORHEAD, Mr. WIDNALL, Mr. CONABLE, Mr. BROWN of Ohio, and Mr. BLACKBURN.

APPOINTMENT AS MEMBERS OF THE JOINT COMMITTEE ON NAVAJO-HOPI INDIAN ADMINISTRATION

The SPEAKER. Pursuant to the provisions of section 10(a), Public Law 474, 81st Congress, the Chair appoints as members of the Joint Committee on Navajo-Hopi Indian Administration the