States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 11669. A bill to amend chapter 81 of subpart G of title 5, United States Code, relating to compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 11670. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

H.R. 11671. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11672. A bill to increase the contribution of the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. ROONEY of Pennsylvania:

H.R. 11673. A bill to amend the Postal Reorganization Act of 1970, title 39, U.S.C., to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROSTENKOWSKI:

H.R. 11674. A bill to restore and maintain a healthy transportation system, to provide financial assistance, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 11675. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. JAMES V. STANTON:

H.R. 11676. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11677. A bill to provide death benefits to survivors of certain public safey and law-enforcement personnel, and public officials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on Ways and Means.

By Mr. MIZELL:

H.R. 11678. A bill to create a partnership between the United States and the several States for the development of rural America's transportation, industrial growth, education, health, housing, environmental protection, and planning resources and capacity; to the Committee on Agriculture.

By Mr. FINDLEY:

H.J. Res. 954. Joint resolution authorizing the President to proclaim the second full week in October each year as "National Legal Secretaries' Court Observance Week"; to the Committee on the Judiciary.

By Mr. WYMAN:

H.J. Res. 955. Joint resolution proposing an amendment to the Constitution of the United States with respect to participation in silent prayer or meditation in public schools; to the Committee on the Judiciary.

By Mr. BURKE of Florida (for himself, Mr. ABBITT, Mr. ANDREWS of North Dakota, Mr. ARCHER, Mr. BEVILL, Mr. BLACKBURN, Mr. BRINKLEY, Mr. BUCHANAN, Mr. DEL CLAWSON, Mr. COLLINS of Texas, Mr. COUGHLIN, Mr. CRANE, Mr. DERWINSKI, Mr. DINGELL, Mr. DOWDY, Mr. DULSKI, Mr. FISHER, Mr. FLOWERS, Mr. FLYNT, Mr. FUQUA, Mr. GOODLING, Mrs. GREEN of Oregon, Mr. GRIFFIN, Mr. HALEY, and Mr. HOSMER):

H. Con. Res. 449. Concurrent resolution expressing the sense of the House of Representatives objecting to the eligibility of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic for membership in the United Nations; to the Committee on Foreign Affairs.

By Mr. BURKE of Florida (for himself, Mr. HUTCHINSON, Mr. KEMP, Mr. KING, Mr. KUYKENDALL, Mr. LANDGREBE, Mr. LONG, of Maryland, Mr. MATHIS of Georgia, Mr. MICHEL, Mr. MINISH, Mr. MIZELL, Mr. PODELL, Mr. PRICE of Texas, Mr. RANDALL, Mr. RARICK, Mr. ST GERMAIN, Mr. SAYLOR, Mr. SCHERLE, Mr. SCHMITZ, Mr. SIKES, Mr. SNYDER, Mr. STEELE, Mr. TIERNAN, Mr. VEYSEY, and Mr. WHITEHURST):

H. Con. Res. 450. Concurrent resolution expressing the sense of the House of Representatives objecting to the eligibility of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic for membership in the United Nations; to the Committee on Foreign Affairs.

By Mr. BURKE of Florida (for himself, Mr. WILLIAMS, Mr. WINN, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZION):

H. Con. Res. 451. Concurrent resolution expressing the sense of the House of Representatives objecting to the eligibility of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic for membership in the United Nations; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BLACKBURN, Mr. BRASCO, Mr. BRINKLEY, Mr. BURKE of Florida, Mrs. CHISOLM, Mr. CLAY, Mr. COLLIER, Mr. COLLINS of Illinois, Mr. DENHOLM, Mr. DERWINSKI, Mr. DIGGS, Mr. EILBERG, Mr. FORSYTHE, Mr. GUDE, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HORTON, Mr. HOSMER, and Mr. KUYKENDALL):

H. Con. Res. 452. Concurrent resolution expressing the sense of Congress that there should be a boycott in the United States of French-made products until the President determines France has taken successful steps to halt the processing of heroin an its exportation to the United States; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. LEGGETT, Mr. MATSUNAGA, Mr. METCALFE, Mr. MINISH, Mr. PUCINSKI, Mr. ROSENTHAL, Mr. ROY, Mr. SCHWENGEL, Mr. STOKES, Mr. WAGGONNER, and Mr. YATRON):

H. Con. Res. 453. Concurrent resolution expressing the sense of Congress that there should be a boycott in the United States of French-made products until the President determines France has taken successful steps to halt the processing of heroin and its exportation to the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 11679. A bill for the relief of Robert Harris; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 11680. A bill for the relief of Samuel E. Weinberg; to the Committee on the Judiciary.

SENATE—*Tuesday, November 9, 1971*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

O God, our Father, Thou searcher of men's hearts, guide of the Nation's destiny, help us to draw near to Thee in sincerity and truth. Strengthen us moment by moment that we may live above the common levels of life in that higher realm of righteousness which exalts a nation. When the way is hard and the decision difficult, may we, with patience and in prayer, perceive what is Thy will and do it. When the day is long and wearisome, the hours tense and tiring, keep the minds and spirits of Thy servants here alert and strong. Guard us against all flippancy and irreverance in the sacred things of life. Hear the imperfect prayers which our lips frame and those deeper unuttered prayers of our hearts and answer them, not according to our wills, but in accord with Thy higher will and purpose for all mankind. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 8, 1971, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 420 and 421, in that order.

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

INSURED EMERGENCY LOANS

The bill (S. 2559) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end of subtitle C a new section as follows:

"SEC. 328. Loans meeting the requirements of this subtitle and any amendatory or supplementary Act may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309 and the last sentence of section 307 of this title."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–426), explaining the purposes of the measure.

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

EXPLANATION

This bill authorizes the Secretary of Agriculture to make insured emergency loans of the type now authorized to be made as direct loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961. This would assure that funds would always be available for these loans from the Agricultural Credit Insurance Fund provided for by section 309 of the Consolidated Farmers Home Administration Act of 1961 and from private investors. At present these loans can be made only from the Emergency Credit Revolving Fund provided for by sections 326 and 327 of that act, which must be replenished from time to time by appropriation, and which may be inadequately funded at the time an emergency arises.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970 of committee estimates the costs which would be incurred in carrying out the bill at about $800,000 for the current fiscal year and about $875,000 for each of the 5 fiscal years following the current fiscal year. This estimate is based on the estimate contained in the attached letter from the Acting Secretary of Agriculture which shows a cost of about ⅝ percent on a loan volume of $140 million for fiscal 1972. The ⅝ percent represents the estimated difference between the cost of direct Treasury borrowings to provide funds for the Emergency Credit Revolving Fund and the cost of funds raised by the sale of FHA insured notes under the insured loan program. The Department advises informally that the $140 million figure represents a full year's loan program.

About $9.2 million worth of loans have already been made from the Emergency Credit Revolving Fund this year, and it is probable that additional loans will be made from that fund before the pending bill is enacted and becomes operative. Consequently the committee estimate is based on something less than a loan volume of $130 million for fiscal 1972, and is based on a loan volume of $140 million for subsequent years.

Emergency loans under subtitle C, pursuant to section 234 of the Disaster Relief Act of 1970, bear interest at rates below the cost of the funds to the Government. Since this cost is already borne by the Federal Government, it would not represent an additional cost incurred in carrying out the pending bill.

INCREASING AUTHORIZATION FOR INTERNATIONAL PEACE GARDEN

The bill (S. 588) to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize an appropriation to complete the International Peace Garden, North Dakota", approved October 25, 1949 (63 Stat. 888), as amended, is amended by striking out "$400,000" and by inserting in lieu thereof "$1,454,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–427), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 588 is to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota.

The increase in authorization, amounting to $1,045,000, would be in fulfillment of the Federal Government's responsibility with respect to the cost of completion of the garden. This cost is being shared by the State of North Dakota and the Government of Canada.

BACKGROUND

The International Peace Garden commemorates what now been more than 150 years of peace and friendship between the United States and Canada. The overall area is approximately 2,340 acres. Eighty acres in each country are part of the formal garden which is bisected by the international boundary line; the remaining acreage makes up the surrounding informal woodland park. This informal park includes picnic areas, campgrounds, administrative buildings and an amphitheater. The entire area is administered by International Peace Garden, Inc., for the State of North Dakota and the Province of Manitoba.

This development has been financed by the U.S. Government, by the State of North Dakota, the Province of Manitoba, Canada, and the Government of the Dominion of Canada. In addition to the joint efforts of these governments, many private groups have also contributed both money and monuments to the International Peace Garden. It is one of the most beautiful areas in the United States. The fine relationship and cooperation which exists on the Board of Directors of the International Peace Garden is indicative of the relationships which exist between the citizens of our two countries.

INCREASED USE BY PUBLIC

As with all of our parks and recreation areas, public use and enjoyment of the International Peace Garden is increasing annually. In 1969, during the period of May to September, when the garden is open and has tour guides available, 66,000 motor vehicles entered the garden. During the same period this year, some 90,000 vehicles, including 140 buses, entered the garden. The National Park Service advises the committee that a factor of 3.5 persons per car could be applied to these figures to obtain an estimate of the number of visitors to the garden. This would be 231,000 in 1969 and 315,000 in 1970. Without question, the number of visitors to this beautiful spot will continue to increase in future years.

COST

Under the approved plan, Federal funds will be used to defray one-half of the cost to complete the formal area, with the remainder of the cost of the formal area and the entire cost of the informal area to be by other non-Federal sources.

At the hearing held last year by the committee, the Department of the Interior testified that the U.S. share of the cost of the peace tower, which is a central feature of the project, was estimated to be approximately $500,000. The cost to the United States for the remainder of the formal area is estimated to be approximately $554,000, which would increase the appropriation limitation of $400,000 in the existing law by $1,054,000. The Interior Department testified that this additional amount will be all that is necessary to complete the project.

COMMITTEE RECOMMENDATION

Committee action in recommending enactment of S. 588 was unanimous. S. 588 is identical to S. 233 of the 91st Congress as it was amended by the committee and passed by the Senate.

The PRESIDENT pro tempore. Does the assistant Republican leader (Mr. GRIFFIN) wish to be recognized? If not, the Senator from California (Mr. TUNNEY) is recognized, under the previous order, for not to exceed 15 minutes.

THE OKINAWA REVERSION TREATY

Mr. TUNNEY. Mr. President, I have already testified before the Foreign Relations Committee on the importance of the Okinawa Reversion Treaty, but I believe that the urgency of the need for ratification requires me to expand upon those remarks.

Mr. President, America's political, military, and economic interests require the U.S. Senate to ratify promptly the Okinawa Reversion Treaty.

World War II has been over for more than a quarter of a century. Yet, the United States continues to occupy the territory of Okinawa, and an American general exercises executive authority over 1 million Japanese people.

That occupation is the last vestige of a wartime relationship. It continues to affect detrimentally the relations between two close friends—the United States and Japan.

We cannot allow that relationship to continue to suffer because of Okinawa, because to do so would produce continued deterioration in the political and economic relationships between our two countries. That result is hardly necessary, especially since there is no sound military reason for our retaining Okinawa. The fact that the Joint Chiefs of Staff have recommended ratification should be sufficient evidence that the reversion agreement is in America's security interest and does not threaten our ability to meet our commitments.

Although the reversion of Okinawa will have no adverse military consequences for us, the retention of Okinawa might threaten our military position in the Far

East. The United States can effectively maintain an overseas base in Japan only so long as Japan herself perceives our presence to be in her own interests. It makes no political or military sense to attempt to occupy a base in another sovereign nation against the will of that nation. Such a course of action would require force and would destroy amicable relations between the two countries.

Yet, such a posture would be necessary if we were to attempt to continue to occupy our bases in Okinawa in the absence of reversion. That posture, Mr. President, would be untenable.

It is particularly important for the Senate to ratify promptly the reversion treaty in light of the deleterious manner with which President Nixon has treated our Japanese friends in the past several months. In that period of time, this Nation has witnessed a classic example of how not to deal with Japan. First of all, there was a callous disregard for our Japanese friends when the President failed to consult with Japan prior to announcing his trip to Peking, and then there was another failure to consult with the Japanese prior to the time of announcing the new economic policy on August 15. This is the sort of insensitive style of diplomacy that is inappropriate and counterproductive.

Consequently, Mr. President, I believe that a new diplomacy is necessary in the Far East. This diplomacy requires a recognition that American policy in the Far East affects Japanese interests as dramatically as it affects American interests.

This diplomacy requires a recognition that—if stability in Asia is to be maintained—the cooperation of four nations is absolutely essential. These four nations are the United States, Japan, the Soviet Union, and the People's Republic of China.

This diplomacy requires a recognition that we have made a profound moral commitment to Japan; that we have dissuaded Japan from developing an independent nuclear deterrent; and that, consequently, in the quadrangle of four Asian superpowers, three of which possess nuclear weapons, the United States assumes the role of military and nuclear linchpin between Japan, on the one hand, and Russia and China, on the other hand.

Accordingly, Mr. President, this diplomacy requires a recognition that to ignore our relationship with our Japanese ally is to ignore the security, stability, and peace of the Far East. It is deleterious to our own interests to take actions which jeopardize our relations with Japan and which threaten the stability of Asia.

Therefore, I believe that this new diplomacy requires that the United States should take no action which affects the security of the Far East without close consultation with Japan; that the United States should consult fully with Japan on all matters of vital interest to her; and that, if possible, the United States should move in those areas only in full agreement with Japan.

That policy, Mr. President, would demand that the Senate promptly ratify the reversion treaty and that both sides begin anew to put forever to rest the postwar area.

This new diplomacy of ours also suggests a new diplomacy for Japan. Japan must recognize that America's military protection contributes not only to Japan's security but also to her prosperity. Accordingly, the Japanese should divert a greater proportion of their resources to the development of Asia and should become a more active partner of ours in the growth as well as the security of Asia.

Japan contributes a very small portion, relatively speaking, of her gross national product to defense. There is no reason at all why Japan should not make at least a 2-percent contribution of her GNP—in the neighborhood of $5 billion—eventually to the economic development of the underdeveloped countries of that area of the world.

It is in Japan's interest as well as ours to divert some of her resources into aid for developing nations; for stability in Asia will contribute to maintaining the peace in Japan, and will enable Japan to continue to have a very limited allocation of resources to defense. In my opinion, Japan has an opportunity to play a unique role in Asia. It could be known as a nation of development and a nation of peace, a nation which does not feel that it is necessary to become engaged in the arms race, but a nation which feels that, instead of becoming so involved in the arms race, it will continue to devote a considerable amount of its resources to peace and to economic and social development.

Thus, Mr. President, this new diplomacy should be inaugurated both by the United States and by Japan—a new diplomacy which will contribute to political stability and to military security.

That diplomacy should begin with the prompt ratification of the Okinawa reversion treaty. It should be expanded by Japan's increased economic assistance to the developing nations of Asia. It should be nurtured by the closest of consultations between the United States and Japan on matters of mutual interest. And it should be maintained by both the United States and Japan continuously exercising the greatest care when dealing with matters which concern the other.

Mr. President, this diplomacy—and sound international policy—requires that the Senate promptly ratify Okinawa Reversion Treaty.

One further thought: It seems to me very important that Japan treat American business on Okinawa fairly and that the Aichi letter, which indicated that there would be fair treatment of American business, should be lived up to.

There is some concern in the American business community that perhaps once this treaty is ratified, American business will not be treated fairly by Japan. It is my sincere hope that during the course of the debate on this treaty, other Senators besides myself will point out the fact that they feel it is of critical importance that, once this treaty is ratified, American business interests be given the same kind of even-handed treatment that the Senate and the United States will have given to Japan by the ratification of this treaty.

ORDER OF BUSINESS

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

NEEDED: MORE ATTENTION TO CANADA

Mr. SPONG. Mr. President, to the north of our country lies a nation of 20 million people.

We share almost a 4,000-mile border with that nation.

It is by far our largest trading partner in the world.

It is, therefore, particularly tragic and ironic to see relations with that country deteriorating and to hear the Prime Minister, in a nationwide television address, tell his people of us:

> I don't think that they know much or care much really about Canada.

This, however, is what has happened.

And, unfortunately, there is some basis for this feeling.

Today, in our State Department, we have five Assistant Secretaries: for African Affairs, East Asian and Pacific Affairs, European Affairs, Inter-American Affairs, and Near Eastern and South Asian Affairs.

There is a country director for Canada, under the Assistant Secretary for European Affairs.

The country to the north of us, the country with which we have more trade than we have with the Common Market countries and Britain combined does not apparently rate an Assistant Secretary.

I believe this is questionable policy and I am making inquiries to the administration and Department of State concerning it.

It is, also, I believe, unfortunate that most of our colleges and universities, in their political science and government classes, have paid little attention to Canada.

Only about 10 institutions in our country, including Duke, Harvard, and Michigan State University, offer Canadian studies.

The result is that among both laymen and professionals there really is a lack of understanding of the Canadian Government or an appreciation for the problems it faces.

We might have continued along our current path, ignoring State Department organization and emphasis.

We might need not be concerned over the paucity of academic attention to our northern neighbor, were it not for the fact that the imposition of the 10-percent import surtax has brought the differences between the United States and Canada into focus.

In 1970, Canadian-United States trade totaled some $20 billion, compared, for

example, with $15 billion with the Common Market countries and $4.7 billion with Great Britain.

Canadian exports to the United States amounted to $11.1 billion, in comparison to Japanese exports of $5.9 billion.

Canadian imports from the United States totaled more than the combined British and Japanese imports from the United States.

Furthermore, 65 to 70 percent of all Canadian exports are sent to our country.

Canada's exports represent 20 percent of her gross national product, exports to the United States represent about 13 percent.

This contrasts, for example, with the 5 percent of GNP which U.S. goods shipped to all other nations comprise.

Of the $11.1 billion in Canadian exports to the United States, about one-fourth, or between $2.5 and $3 billion, will be affected by the surtax.

Another $300 million to $1 billion in equipment exports to the United States will be affected by the tax credit.

In view of this, it appears that some of the concern over the effect of the economic measures on Japan and Western Europe has been misplaced, that greater attention might be given to the repercussions in Canada, which with a 7.1 percent unemployment is having its own financial problems.

I have been to Canada on several occasions, both in connection with NATO meetings and with the United States-Canadian interparliamentary meetings.

I am aware of the Canadian sensitivity to our insensitivity to their problems and needs.

I cannot picture a world in which relations between our two nations are not the best we can make them.

Yet, that is the situation which is developing under the existing circumstances.

During a recent trip to Ottawa, I was questioned about the surcharge.

At that time, I, along with the distinguished Senator from Alabama (Mr. SPARKMAN) and others, reminded the Canadians that they had resorted to similar actions in the past.

In addition, they have pursued a number of foreign policies which could be interpreted as contrary to the best interests of our country.

As a sovereign nation, that, of course, was their right.

As a neighbor, we reacted in these situations with considerable maturity and restraint.

Now I hope we will continue to act in such a manner.

As a sovereign nation, we, of course, have the right to take actions to protect our economy.

Recently, we have had no choice but to move to resecure the dollar.

We might have, however, been more sensitive to the Canadian problems, especially at a time when their economic difficulties, too, are not small.

We might have sought more discussion of policy differences, such as those over the Amchitka test.

Absent this, we could at least have been more aware of the problems, internally and externally, of our neighbor to the North.

There are actions that our Nation must sometimes take, regardless of extenuating circumstances.

There are reasons and excuses for that.

But there is little reason or excuse for a continuing blindness to the situation north of our border.

Continuation of a course of blindness could, I believe, be both dangerous and detrimental to our Nation.

TRANSACTION OF ROUTINE MORNING BUSINESS

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

Is there morning business?

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of 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.

OUR FEDERAL FUNDS DEFICIT KEEPS INCREASING

Mr. BYRD of Virginia. Mr. President, the Joint Committee on Internal Revenue Taxation estimates that the Federal funds deficit for the current fiscal year will be $35 billion.

That is a smashing deficit.

It comes on the heels of a $30 billion deficit for the fiscal year which ended this past June.

Thus, Mr. President, the Government is faced with a back-to-back deficit in 2 years of $65 billion.

This is a matter that should be of major concern to the Senate and Congress as a whole.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, how much time remains for the conduct of morning business?

The PRESIDENT pro tempore. Nine minutes remain.

Mr. MANSFIELD. Mr. President, is there further morning business?

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1483) to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. MCMILLAN, Mr. JONES of Tennessee, Mr. BELCHER, and Mr. TEAGUE of California were appointed managers on the part of the House at the conference.

TRIBUTES TO VICE PRESIDENT AGNEW ON HIS 53D BIRTHDAY ANNIVERSARY

Mr. ALLEN. Mr. President, today marks the 53d birthday anniversary of the distinguished Vice President of the United States, the President of the U.S. Senate. As the junior Senator from Alabama, I should like to extend congratulations and felicitations to the distinguished Vice President on this, his birthday, and to commend him as a great American, to commend him for having the courage of his convictions, to commend him for his rugged individualism, to commend him for his unswerving loyalty to the President, to commend him for his self-abnegation, to commend him for his patriotism, and to commend him for his dedication to America and to the principles that have made this country the great Nation that it is.

Mr. President, the Vice President of the United States is immensely popular in the State of Alabama. He adds strength to the National Government. He gives the National Government identity as a conservative force in this Nation. And certainly there has been a great absence of conservatism in the direction in which the United States is proceeding.

Mr. President, it is to be hoped that the Vice President of the United States will continue in office as long as he desires, because he is a great American, he is a credit to the administration, and he is a credit to the United States of America.

So on this occasion I should like, on behalf of the people of Alabama, to pay

tribute to the Vice President of the United States, the Honorable SPIRO T. AGNEW.

The PRESIDING OFFICER. Is there further morning business?

Mr. GRIFFIN. Mr. President, I wish to extend to the Vice President not only a happy birthday today but the hope that he will have many more happy birthdays in the future.

The Vice President is a very able and distinguished American, one who is loved throughout the country, in all the States of the Union. He has proved himself to be a very articulate spokesman of the party with which he is affiliated, which happens to be my party. He has done an outstanding job, I think, in sharpening the issues and providing the country in many respects with a perspective that needs to be presented.

I also think today, on his birthday, of his wonderful and lovely wife Judy, who is a great asset to the Vice President and who is loved and admired by all who know her. He has a wonderful family.

I think that not only the Senate but also the whole country can be very proud of the fact that we have Vice President AGNEW serving us in the capacity in which he is serving.

I join in extending hearty best wishes and congratulations to him on this, his birthday.

The PRESIDENT pro tempore. Is there further morning business?

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for not to exceed 4 minutes.

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

TRIBUTES TO VICE PRESIDENT AGNEW ON HIS 53D BIRTHDAY ANNIVERSARY

Mr. MANSFIELD. Mr. President, I wish to join my colleagues in their bipartisan congratulations of the Vice President of the United States on his birthday. I wish to him and his wife Judy and to his entire family the best of everything in the years ahead.

I speak at this time only because the Vice President's name has been brought up; and I do so in relation to an article entitled "Inside the White House 1971," published in Look magazine sometime last month.

In that article the Vice President is very frank in some of the comments he makes. I commend him for his frankness, but I think the record should be set straight.

The Vice President was interviewed by Allen Drury, and this is what he said in response to a question:

I went up to the Senate my first day here, all full of idealism and sentiment. I had spent five or six sessions with the parliamentarian trying to learn the rules of the Senate; I knew the senators by name and I knew their faces; I was prepared to go in there and do a job as the President's representative in the Senate. I even prepared a little four-minute talk to express my pleasure at being there on the first day. When the session opened, the majority leader spoke in a perfunctory way for about a minute to welcome me to the Senate and this was followed by the minority leader doing the same thing.

After that the majority leader said "Mr. President, I move that the Vice President be given two minutes to reply." I was then faced with cutting down a prepared four-minute speech to two minutes, which was awkward in itself. It was like a slap in the face.

Mr. President, I said I wanted to clear the record. May I say that if the Vice President, who did do a lot of his homework on parliamentary matters, in getting to know the Senators and in getting to know the Senate, had indicated in any way, shape, or form to the minority or majority leaders that he would have liked to speak for 4 minutes, he would have been given that opportunity, because we welcomed him with open arms. He did apply himself to his new job, and it was a difficult one for him, coming from the governorship of Maryland.

Our remarks were not perfunctory but were heartfelt because we wanted to make him feel at home, and I am sorry he looked upon the greetings which we extended in our capacity, speaking for both sides, as perfunctory; and I am sorry that when he thought we were extending a privilege to the Vice President to speak for 2 minutes, not knowing that he wanted to speak at all, that he took it the way he did. So I hope the record would be straight.

May I say we have missed the Vice President as our Presiding Officer. He belongs as much to the Senate as he does to the executive branch. I personally would like to see him here more often because I appreciate his personality, his diligence, and his interest, and I would like to see him become a part of the Senate, so far as a Vice President can.

So I am somewhat disturbed, and I am sure the whole Senate shares my feelings, because nothing was further from the thoughts of the joint leaders than to be courteous, than to be generous, than to give recognition, and to do what we could to make the Vice President feel at home.

There is a good deal of merit in this candid article entitled "Inside the White House 1971," written by Allen Drury. There are certain segments I would like to call to the Senate's attention before my time expires. For example, here are some statements by Daniel Patrick Moynihan, a Democrat who worked for a Republican President for a number of months and who did, I think, an outstanding job. He said in the article—and I will quote only excerpts:

To me, it is vital to the way our democracy operates that you respect the office and the institutions of the country.

Further on, he said:

Perhaps the fundamental issue of our time is the erosion of the authority of our American institutions.

Quoting again, he said:

The danger is, however, that if the authority of institutions is eroded enough, it may be succeeded by a power society in which democratic rights and freedoms will ultimately disappear.

I agree with those remarks. I have a great respect for the office of the Presidency regardless of who occupies it. I have great respect for the Office of the Vice Presidency.

In order that this candid, frank commentary by a well-known political writer may be brought to the attention of the Senate, as it has to probably 20 million or 30 million Americans, I ask unanimous consent that the article in toto be printed in the RECORD at this point.

May I say before the President pro tempore renders his decision that if there is any apology forthcoming for the treatment of the Vice President by the joint leadership, the joint leadership desires to apologize, because, I repeat, we had nothing but good thoughts. What we did, we did in good heart; we wanted to make the Vice President feel at home. We hope he will be, and and we would like to see him once in a while so that he can exercise his most important duties as President of the Senate.

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

INSIDE THE WHITE HOUSE, 1971

(By Allen Drury)

Sometimes, if you approach the White House at dusk, you hear a strange screeching sound that seems to be coming from all around you. Startled, you think for a moment that it may be the starlings, which have for so long been the curse of Washington, come to roost in the giant trees. Then you realize the sound is coming from loudspeakers set high in the branches, repeating over and over the high, agonized distress cry of the ubiquitous birds, its purpose to drive away any that might be tempted to tarry here. The strange sound goes on, shrieking over and over again into the cold, misty, luminous evening. Let the imagination run and you are back to the crows cawing ominously over the Capitol in Rome, the Harpies, the Witch of Endor and other dark, foreboding things. The sound goes on and on, frantic, beseeching, agonized, protesting, over and over and over, above the haunted, harried house and all who live and work within it.

Power in a President's house has many faces, many voices. Some candidly for quotation, some candidly for quotation but not for attribution, tell the story of an Administration seeking answers to questions never ending:

Dwight Chapin, the President's appointments secretary, is 30, dark-eyed, dark-haired, rosy-cheeked, good-looking, earnest, intent; he gives the impression that he has so many things on his mind that he simply can't relax for a moment. This is probably true.

"We're responsible for the general scheduling of the President's time and also the daily schedule. I also act as advance man, or send out members of my staff as advance men, when the President is traveling. In addition, I participate with Herb Klein and various public affairs officers at a regular Saturday meeting in which we take up things that might help the President in dealing with the public and decide whether they are worth his taking the time to do them. We are already considering what we want to do on television and radio next year; we are also considering how we want to involve the First Family in the holiday season next year. This year's schedule was already locked up a long time ago. This group is involved, in other words, in the whole merchandising part of the operation.

"The President averages about 12 appointments a day. He also does a lot of telephoning. It's all on the same sheet, a log which is kept by our office and his secretary's office.

"The President says he really works two days in one. He comes to work between eight and eight-fifteen and usually works steadily until 2 p.m. Then after a lunch break, he resumes at three-thirty and works until seven. Then frequently he will return to the office after dinner and work until 10 or 11 p.m.

"Of course, he can do this because, unlike the ordinary businessman, he has everything scheduled for him. He doesn't have to stop and decide whom he's going to telephone or see because his secretary knows already who it will be, or maybe someone has been told to call in at a given time. Bob Haldeman is my boss, and we try to see that whatever the President puts his time on will be worth doing.

"When we get a request for an appointment, we staff it out by sending a memo to the President and to others concerned describing what is to be covered in the appointment, who favors the appointment and who opposes it. That way we make sure his time is not wasted. He has recently established what we call an 'open hour' once a week, during which eight or ten people may see him for as much as five or ten minutes apiece. In addition, we have the 'congressional half hour' once or twice a month in which congressmen who want to talk to him personally can make an appointment for five or ten minutes.

"The President has a real warmth about him. He's very considerate of others. To my knowledge he has never once yelled or gotten boisterous. He also is very quick to think of things to make people happy. For instance, the other day I went in and saw two Rose Bowl tickets [for the Stanford-Ohio State game] lying on his desk. I said, 'Isn't there somebody we could give those to who would appreciate them? Somebody, for instance, who was born in Ohio but grew up in California?' He thought for just a minute and then he said, 'You go find some wife of a prisoner of war who was born in Ohio and grew up in California and I bet she'd like to have them.' So we did find one and the letter has gone out. I don't know whether she'll like them or not, but at least we're starting it through the mill."

"One thing that annoys me a little with the staff," says the President's longtime campaign associate Murray Chotiner, "is that all they release of the President's schedule each day are the formal things, greeting visiting firemen or the medal-giving ceremony in the Rose Garden. There are about three of these, maybe less, each day. This goes right in the paper alongside Congress, with maybe 25 committees at work in the House and another 20 in the Senate. It makes him look almost frivolous compared to Congress. I wonder what the tourists must think who come here and know only his ceremonial schedule that they read in the papers."

Daniel Patrick Moynihan has gone back to his former love, teaching at Harvard, but he maintains his quiet ties with the President. In the White House, he was the principal agitator for the Nixon welfare plan, the idea of guaranteed income, the idea of reducing public hysteria in the approach to social problems. Flamboyant, voluble, well-spoken, decent, he believes he sees in the President a man as good hearted as himself and says so with a forceful and unabashed vigor which brings much criticism from those who were friends of his when he worked for the Kennedy and Johnson administrations. He doesn't care, maintaining his position with a zest that would do credit to a Harry Truman in his younger days.

"Perhaps the principal thing that has struck me during my time here has been the way in which the Presidency has been devalued, degraded and even insulted. There has been a steady decline in respect for it, and this shows itself in many ways. For instance, there was that girl today who got an award from the President and then told him she didn't believe he was sincere in trying to get out of Vietnam. To me, it's vital to the way our democracy operates that you respect the office and the institutions of the country.

"I had another example coming back from a speech last night. A young man on the plane recognized me and asked if he could make a 'citizen's complaint.' I said, 'Are you a citizen?' He said he was and then proceeded with the usual comments about the war, the minorities and so on. Among other things, he said that he had read somewhere that some friend of the President had called him 'Dick' before he took office but since he became President has called him 'Mr. President.' This young fellow said this indicated to him that the President was an egomaniac surrounded by some sort of Oriental court. I tried to point out that George Washington made the decision that he was not to be addressed as 'Your Majesty' but simply as 'Mr. President,' and that this has been one of the fundamental features of our democracy ever since. But I could see that he was not really convinced and that's typical of the attitude a lot of these kids have toward our institutions. They're just plain ignorant of history, of respect, of fundamental knowledge and common sense.

"Perhaps the fundamental issue of our time is the erosion of the authority of our American institutions. Authority relations are consensual, power relations are based on force. If we had a power society and somebody challenged the President, he could say, 'Off with your head!' But in a society resting on the authority of institutions by consent, this can't be done. The danger is, however, that if the authority of institutions is eroded enough, it may be succeeded by a power society in which democratic rights and freedoms will ultimately disappear.

"Another aspect of the erosion of the Presidency, it seems to me, can be found in the way in which it is subjected to political attack and the President's purposes thwarted for partisan reasons.

"The President's political task is made extra difficult because he represents a group which is not fashionable or popular with the major elements of the media. The silent majority is silent because it has nothing to say. It has no popular intellectuals speaking for it, it represents no major cultural breakthroughs, and so everything it says is ridiculed and put down.

"I do think the President has claimed the country substantially. When he came into the White House after a bitter campaign, we were handed forms whereby the President could call out the National Guard to handle riots. He could just fill in the date and the name of the city. That's how bad things were at that point. His inaugural was the first in which Federal troops were brought into Washington in fear of disturbances. It was really something, it gave you an eerie feeling to see troop carriers and tanks roll in here alongside the Executive Office Building, where a command post was set up. Every major presidential aide had a phone connected directly to riot control headquarters of the District of Columbia police. Two years later, no National Guard is mobilized anywhere, no troops are in Washington, we no longer have our riot phones, and as a matter of fact, we have a lot more law and order in the country now than when we walked in two years ago.

"The President is very calm about personal attacks and urges us to be too. This can be a weakness, however, because he and the people around him just assume automatically that the press is going to attack things they proposed, so they don't defend them—they don't seek even the modest support which I believe they could get if they weren't so sure they were going to be attacked. Admittedly the major elements have been and usually are very unfair. But I still think the Administration could get more support than it does get if it had a different approach and a different feeling toward the press than it does have.

"One area, of course, in which there has been great unfairness is the area of his commitment to helping the Negroes. This Administration has been more serious on the Negro than any in history. It has carried through on a rising projection of laws and directives aiding the Negro. I think there is a very genuine compassion on his part—'I was poor, I know what it's like, it's lousy'—yet they have managed to label him anti-Negro.

"He has had the least generous press of anyone I have ever known in the White House. It has been one long presumption of malfeasance, sinister intent, trickery and double-dealing.

"The Vietnam war is killing the American Presidency. [Henry] Kissinger is extraordinarily brilliant, but he is stuck, and the President is stuck, with the end result of other people's mistakes. Personally, I think we should get out of Vietnam even faster than we are, because the stakes involved in world affairs now are so high. I'm a pessimist—I think we really may blow ourselves up. The man you're writing about can literally push the button and destroy the world. And so, of course, can the others on the other side."

Former Eisenhower Administration official, Washington veteran, longtime Nixon friend: "How is Nixon doing? I think he is doing very poorly. He's afraid to be tough and ruthless on issues where a President has got to be tough and ruthless, and where the country would applaud him if he were. He is afraid he will live up to the press attacks about his ruthlessness, but that is exactly what is needed. They have him buffaloed so he doesn't do what he should do to provide strong leadership. I find this very disturbing."

Nixon intimate No. 1: "As of now"—that favorite politician's phrase—"there is no strong dump-Agnew movement. But a lot will depend on how the Vice President conducts himself as we come into the homestretch before the convention. He has a lot going for him, but there is a razor-thin line between a voice which points out things that a lot of people agree with and a voice that becomes strident by talking too much. Of course, the Vice President also has going for him the President's vivid memories of the sort of treatment he received when he was Vice President. There was a dump-Nixon movement in those days, remember." Nixon intimate No. 2: "There are four reasons against a dump-Agnew movement. The first is that the possibility is raised in columns and news stories out of an obvious, and to the President, offensive, hope that it will occur. The second is that even the hope is premature, because Presidents make that kind of decision in the spring of an election year, or maybe in the summer just before, or even during, the convention. Thirdly, I know of no disposition on the part of the President's staff or advisers to do such a thing. And fourth, Mr. Agnew has a rather devoted following among some elements of the Republican party, and an attempt to get rid of him could have quite interesting results. Having talked to him many times, I know that he is very philosophical and is not worried about it. I really think he would be happy either way—and after all, what else can a Vice President do?"

None of which means, of course, that these two suave gentlemen would not gladly

and eagerly assist in the political execution of Spiro T. Agnew if their boss asked them to; or that their boss, bound by the imperatives of Presidents, which are sometimes less subject to conscience and friendship than those of ordinary men, might not perfectly calmly and logically decide to order such a thing at the coming national convention. An Agnew aide sums up the perils of being No. 2, an office in which you do not necessarily, if you wish to retain it, try harder:

"We have received excellent cooperation from the White House staff, partly, I think, because the President is so wholeheartedly for Agnew. However, I think that if they got the word, or if they felt he was a detriment to the President, they would ax him in a minute.

"One interesting episode occurred when the Vice President was speaking to The Associated Press Managing Editors' convention in Honolulu recently. He had about a page and a half in which he specifically named people like the New York Times, Newsweek, Time, Look and Life, NBC, ABC and CBS as those he meant when he talked about the Eastern press establishment. This caused great excitement in the White House staff. They were horrified that he would name these people.

"His point of view was that he wanted to say specifically whom he was criticizing, and not make it just the press in general. However, there was great upset about this in the staff, and they took it to Nixon. He overruled Agnew and asked him to take it out of the speech, which he did.

"I don't really understand this attitude of the President or of some of the White House staff in this, because the way I look at it, these people are your enemies for life. They are not going to change, there is nothing to be gained by appeasing them, and you might just as well sail into them with everything you have. However, the President is apparently still trying to make some points with people who are bitterly critical of him and are never going to change. That could be a factor in what he does about the Vice President next time. . . . It could be a factor."

Sitting quietly in their Sheraton-Park apartment with Mrs. Agnew after a relaxed and intimate family dinner, the storm center of all these battles, pressures and controversies speaks quietly and shrewdly about himself and the perils of his country as he sees them.

QUESTION. What do you think of the Vice Presidency as an office now that you have been in it for a while?

"I think it's the most flexible office in the Government"—sudden laugh. "Certainly it has given me, I think, more opportunity than any other Vice President—to do things in the Government. I didn't really want to get so far away from the Senate, where constitutionally I'm president of the Senate and presiding officer, but it's worked out that way.

"I went up to the Senate my first day here, all full of idealism and sentiment. I had spent five or six sessions with the parliamentarian trying to learn the rules of the Senate; I knew the senators by name and I knew their faces; I was prepared to go in there and do a job as the President's representative in the Senate. I even prepared a little four-minute talk to express my pleasure at being there on the first day. When the session opened, the majority leader spoke in a perfunctory way for about a minute to welcome me to the Senate and this was followed by the minority leader doing the same thing.

"After that the majority leader said, 'Mr. President, I move that the Vice President be given two minutes to reply.' I was then faced with cutting down a prepared four-minute speech to two minutes, which was awkward in itself. It was like a slap in the face.

"However, I tried hard to get to know the senators and to work with them in those first months. Then, unfortunately, the President was called away to Europe at the time of the ABM fight. I was given the job of helping to get that legislation through. When it got to a vote, I went up to Len Jordan [Republican, Idaho] during the vote and just said casually, 'Len, how are you going to vote?' He drew himself up, stared at me accusingly, and said, 'You can't tell me how to vote! You can't twist my arm!' Within a minute he was off the floor calling in the press for a press conference, saying that I was going around the Senate twisting arms.

"It seemed to go on from there after that. And so, after trying for a while to get along with the Senate, I decided I would go down to the other end of Pennsylvania Avenue and try playing the Executive game.

"Down here, the President has found many things for me to do, and on the whole I have been much happier working here with him in the Executive Branch. I still go up to the Senate and preside. And when I preside, I make very sure I impose the rules, and if somebody is talking too long I gavel him down, and if somebody does something he shouldn't do, why, I gavel him down and force him to obey the rules. I've decided that if that's the way they want me to be, that's the way I will be.

"However, I find up there, as I do in the Executive Branch, that I have no real power. It's a damned peculiar position to be in, to have authority and a title and responsibility with no real power to do anything. I think this is the hardest adjustment for a man to make, both coming to the Vice Presidency and coming to the Senate. He has been, as many of us were, a governor, say, in an administrative position, and suddenly he finds he can't do anything effectively. It's a strange sort of limbo, particularly for Vice President. In the early days I used to say to myself, 'Now, tomorrow I'm going to do so and so' . . . and then I would stop and think, 'You aren't going to do anything, you don't have the power.'

"I find the Senate very exclusive and withdrawn into itself . . . almost an arrogance in the club feeling up there. It makes it difficult to deal with them, even in the rather remote fashion that I now do. And yet, you know"—dreamily—"the Senate might not be such a bad place to be, someday. . . .

"I am very much disturbed by the trend of American policy under which, prodded on by the press and the liberals, we are steadily withdrawing from commitments around the world. It is not so much that this reduces our power militarily to a dangerous level as it is that it erodes the faith other nations have that we are strong enough to do something should a crisis arise. When I went to Asia, I found that they said, "You can't do anything, really, if a pinch comes, because you are withdrawing.'

"In the same way, when we sometimes appear to be retreating before the Soviets in some other areas, this erodes the world's confidence that the United States will really do what it says it will do. Frankly, it scares me."

QUESTION. Then how do you explain why the President appears to be withdrawing our power around the world?

"He's in a hell of a position. He has the press and the media and the liberals and the academic community and all the rest after him all the time. He is forced to take that into account. No one who doesn't sit in the catbird seat can really understand his problem. It is all very well for people to criticize, but until you are there, you don't know the pressures he must operate under.

"I find these fellows on the Hill very disturbing, particularly the attitude of the Senate Foreign Relations Committee. Of course, Fulbright is going to get away free. Events will never catch up with him. He'll be dead by the time the results of what he advocates afflict this country. We're talking now about our grandchildren, or at least about the next generation. Then is when the blow will come from the Soviets. By that time, we will be so weak that we will not be able to respond unless we are willing to launch a massive retaliation that could blow up the world. They have been extremely clever in never forcing a crisis. Their method is to work around us and weaken us on every side without forcing a confrontation. Again I say that scares me, because these fellows in the Senate and in the House who oppose our foreign policy are doing things to this country which cannot possibly be reversed unless we start soon to do them. They will soon be irreversible.

"There is an almost masochistic desire on the part of the liberal community to surrender and to back away from any confrontation with Russia—for us to be twice as fair in dealing with them as with anybody else, twice as long-suffering, twice as permissive as we are with anyone else. I find this almost impossible to understand, but I know it exists among many in the liberal community.

"I wish there were some way to create a conservative newspaper in New York and also a conservative television and radio network. It is very hard to get people who have the money to cooperate with one another. It is an example of the difficulty of getting people on the conservative side to organize to combat this intensive liberal drive all the time on the other side.

"I really love foreign policy. I have thoroughly enjoyed my trips abroad and I am looking forward to making more. It is getting now so that they stop by to see me when they come through here. I spent an hour today with King Hussein, whom I had met before. The first time is a formal visit, the second time they get more relaxed, and about the third time they really begin to talk to you. You can begin to understand the signals in their diplomatic language. You know their situation and you know what they are saying. I find it very interesting and I'm glad the President has seen fit to give me this kind of responsibility.

"I'm standing the gaff pretty well. I keep in good shape, and they aren't getting to me. When I first began the '68 campaign, there was a terrific drive to destroy me as a candidate, and at first I took it very seriously. For a little while I thought, 'Well, I've got all those marbles out there. Am I going to be able to keep control of them?' But the President was a tower of strength to me in that situation. 'Ignore them, they're going to be after you all the time anyway. It's a political campaign and there isn't much we can do to stop it, so just say to hell with them and just keep right on doing what you're doing.' And presently I realized when I read the attacks that they were so extreme and exaggerated that they simply were ridiculous. They simply did not make sense. Once I understood that, I got to the point where I could shrug them off and then they didn't bother me any more. Now I'm just going to go ahead and do what I want to do.

"But I do find that one has to be very specific in one's comments, because if not, the press immediately shreds away all the qualifications that you put in. For instance, I said originally that those who *encouraged* the student riots were 'effete snobs.' Within two or three days it had become, in the press, not the people who had *encouraged* the students, but the students themselves. Then presently it became *all* students. Then presently it became *all youth*. And that is the way it goes.

"People asked me why I attacked Kingman Brewster of Yale and I said, 'Well, if I don't make it specific, within a week I will be accused of having attacked *all* college presidents instead of just one college president.' This is a very dangerous thing that the press does, and they do it all the time."

Mrs. Agnew, when asked how she thinks her husband is standing it: "I think he's doing all right. He manages to keep himself in good shape and seems to be in reasonably good spirits. We've learned to roll with the punches and we don't let it bother us any more."

He seems genuinely unconcerned about his political future. He seems to be really, completely philosophical about whether he stays on the ticket in '72 or leaves it. At one point when we were discussing the Vice Presidency I said humorously, "Anyway, you're stuck with it."

He raised a finger with a sudden smile.

"Not forever," he said quickly. "Not forever."

Former high Nixon staffer, amicably resigned, still friendly and concerned: "There seems to be a reluctance in the White House to come to grips with certain problems, both of personnel and of policy. Consequently, a lot of people are still hanging on who are diametrically opposed to the Nixon program and they simply can't seem to get up the guts to get rid of them. Bob Halderman and John Ehrlichman have gotten too far too fast. They have not really been tested in getting where they are. They don't have the experience. They don't really have the backbone about various things. Also, there seems to be a reluctance on Nixon's part really to go after some of these people who are obstructing him. It is a curious thing, which extends also, it seems to me, to foreign policy and what seems to be a reluctance, sometimes, to come to firm grips with the challenges that face him as President from the Russians and elsewhere around the world."

Tricia Nixon talks about her parents—and the press: "How do I regard the press? Well, I think they're a necessary evil—no, I won't say that, because they aren't really evil. They have their job to do and I suppose that without them the public would not be informed, and in a way a President could not really do what he wants to do because he couldn't get public opinion behind him. However, I do think that sometimes the questions in the press conference are not so much questions as they are an indictment. I don't think that is so good. . . .

"How do I regard my parents? I suppose that's the most impossible question for any child to answer. I am glad they are my parents. I love them. They've been very understanding and patient with both Julie and me. They've always been there when it counted. It's true my mother has always said she felt guilty because they had to be away so often when my father was Vice President, when we were growing up. But in a way that's contributed to our independence too.

"If there was ever a disciplinarian in the family—and there never was very much of a one—it was my mother. My father is a real soft touch, from letting the dogs come to the table and feeding them when my mother doesn't want him to, to everything else. He has always been there to give advice but he has always wanted to be asked. He has felt that we were on our own, in a sense—that we should be on our own. . . .

"As for how my father is standing the Presidency . . . if he didn't have the conviction that he was contributing something to the country, and the feeling that he can accomplish something for all Americans, I think that it would be almost too great for him to bear—I suppose too great for any President to bear, because they all must have felt that. . . ."

H. R. "Bob" Haldeman, chief executive officer of the White House, is in his forties, crewcut, with deep-set dark eyes; youthful-looking, trim, frank, straight-talking, obviously intelligent and efficient. He received me in his comfortable office, done in Williamsburg style with dark green paint and heavy drapes. A fire burned in the grate. (Outside the window we could hear King Timahoe, the Nixons' Irish setter, barking as I heard him barking on many occasions during these interviews. He does not like being confined and seems to be ever hopeful that someone will come out and let him run. Haldeman says the Nixons quite frequently let him run on the south lawn and he is constantly reminding them of it.)

"You ask what I do. It's a monumental problem to tell you because I don't exactly know. A little bit of everything, I suppose. My function is basically to be a sort of commander in chief of the White House, basically the administrative manager of the office of the President.

"The President needs one person he can turn to quickly to cover anything he wants to cover. I, of course, will turn to someone else down the staff, but it saves him having to take the time to determine who to send things to and who to contract. He makes wads of little notes to himself about things and I am the beneficiary of that. I send his requests and desires out through the staff and make sure that someone reports back to him as soon as possible with the answer or the result.

"I keep myself free I am always available to the President so that any time he wants to turn a problem over to me he can do so and I can arrange for somebody to work on it as quickly as possible. He is an amazing guy to work with—has a great sensitivity not to interfere with other people's feelings. He is very considerate of the staff—very demanding of results and expects that things be done right, but he is very thoughtful about the people who work for him. Of course, he has so much stuff under way that he has to keep putting it out just to stay abreast of it. He can't afford to slow down for a minute.

"We started out trying to keep political coloration as much as possible out of policy and hiring matters. However, we realize that these things make for variety in decision-making, and so within reasonable limits we have tried to keep a spread of opinion on the staff, so that no one is to the left of the President at his most liberal or to the right of the President at his most conservative. In a staff such as the speech-writing staff, someone like Ray Price could be categorized as 'liberal,' someone like Bill Safire could be categorized as being in the middle, and Pat Buchanan could be categorized as being on the right.

"This type of spread is not accidental. The President goes on the theory that a person's philosophy can be contributive to the ideas around here, that there has to be a counterbalancing, that you don't want people thought of as 'house conservatives' or 'house Jews' or 'house blacks'—but you do need that type of person in each of those areas in order to contribute ideas to the Administration.

"Ehrlichman, Kissinger and I do our best to make sure that all points of views are placed before the President. We do act as a screen, because there is a real danger of some advocate of an idea rushing in to the President or some other decision-maker, if the person is allowed to do so, and actually managing to convince them in a burst of emotion or argument. We try to make sure that all arguments are presented calmly and fairly across the board.

"I'm aware that there has been criticism in Congress that relations have been bad but I don't think Congress is supposed to work with the White House—it is a different organization, and under the Constitution I don't think we should expect agreement. I feel that we have developed a situation in which the President is too much responsible for developing initiatives for Congress, and consequently it has become too much a measure of his Presidency whether his initiatives succeed in Congress or not.

"We find that Nixon is measured by a totally different standard in the press, the academic community and elsewhere than either Johnson or Kennedy was measured. We are told that if he gets something through it doesn't mean anything, because it should have gone through anyway. But if he fails in getting something through, then this is a big mark against him. I don't think there is much we can do about this. I often find it fascinating to ponder by what standards Nixon is going to be judged by history when all the partisan battles we face now are over.

"We are trying to get our case over to the country. Our getting it over has a direct relation to our ability to govern. We hope that things will be understood by some intelligent and effective segment of the population because this is necessary to govern. If this is not perceived by them, then it becomes very difficult.

"However, we don't intend to lie down just because the general run of analysts don't like what we do. I think we have had a pretty darned good two years, in terms of where we were when we came in and where we are now. Nixon is now fighting, in the Family Assistance Plan, for the most far-reaching piece of social legislation perhaps any President has ever proposed. He says we don't know how it will work, but we do know that if we don't try it, we may never know if it will work or not. We are almost at the point in welfare where some change is better than no change and where a change has to be made. . . .

"Has the President changed in office? He may be more no-nonsense than before, but the thing that has impressed me is apparently a great inner feeling of self-confidence in the job. He likes being President. He moved right in and he obviously enjoys it now. There are times, of course, when he gets fed up with petty annoyances, and he works and worries hard over the big decisions. But he likes stepping up to decisions, particularly hard ones. Occasionally, being human, he will get annoyed with the way things are going. But usually he manages to conceal this and to keep going himself in a calm and effective manner."

The press (columnist, male, veteran, longtime friend of the President): "I am very puzzled by Nixon. He does things that an experienced politician wouldn't do. It seems to me that there's almost a feeling that he just isn't interested somehow, almost as though he doesn't want to run again. I can't believe this, but look at some of the things he's done. The Carswell nomination—Carswell's a nice little guy, but he has no more business on the Supreme Court than I do. Firing Wally Hickel from the Interior Department—the only man in the Cabinet who has any kind of reputation for being a conservationist—and then appointing Rogers Morton, who has no interest in it, when the Democrats are making hay over the conservation issue. Some of the things he has done in foreign policy also seem very puzzling to me.

"I'm disappointed because I like Nixon, I want him to succeed, and I think it is vital to the country that he do so. And yet I feel in a sense that he is letting down his country and his party because there's just this curious lack of political smartness about doing things it seems obviously necessary to do—things that a smart politician would not overlook if he were really on top of the job. . . . I find many things the President does very puzzling these days. It just doesn't seem to hang together, somehow."

He was running very late: our interview had originally been set for 4 p.m., then been delayed until 4:15. I was accompanied from the EOB to the West Wing by Herb Klein and Jeb Magruder, Herb's top assistant. The President was closeted with Dr. Arthur Burns, chairman of the Federal Reserve Board. Time passed. His receptionist, Steve Bull, became more and more apologetic, knowing that the President had a reception for members of Congress over at the Mansion

at 5 p.m. At approximately 4:45, the buzzer sounded and I was taken into the Oval Office. The huge room is now almost devoid of furniture except for the President's massive desk and a few chairs and sofas along the walls. "The first thing I'm going to do," he told me soon after his election in 1968, "is take those damned television sets out of the Oval Office." He has done so.

The windows were opened to the cool winter evening and the curtains billowed out from time to time with the wind. Photographs were taken for the first couple of minutes while we chatted about innocuous things. Then the photographer and the others left. He leaned his head in his hands, rubbed his eyes, stayed that way for a moment. But when he looked up he did not look tired, and that was the only time during our talk that he gave any sign of being tired. Mostly he looked, and talked, and appeared to be, entirely relaxed, comfortable and as though he did not have a care in the world. It was perhaps the single most impressive thing about him at that moment. Tiredness and strain are easy to spot: they were not present here this particular late afternoon.

We began with his suggestion that I submit questions in writing and that he take occasion when at Camp David or San Clemente or Key Biscayne to dictate extended answers into his tape recorder. After that, he suggested, I might want to come back and question further on certain points. He said that if he could go to the tape recorder first he would be able to be more relaxed, frame his answers more intelligently and contribute more substantially to what he hoped would be "a thoughtful and worthwhile book."

I told him this would be fine with me, and then expected him to boot me out, since congressmen and their ladies were gathering at the Mansion and the clock was moving on. Instead he sat back and chatted for half an hour, ranging from the press, on which he has some definite and occasionally acrid ideas, to the nature of the questions I wanted to ask.

I said that some of them might be critical in nature, but that I didn't intend to offer hookers: I would simply be seeking answers to some of the opinions I was running into around town.

"Don't worry about that for a minute," he said. "Give me any hookers you want. Be the devil's advocate, make them just as tough as you like. After all, it's my job to answer these criticisms, and if you simply ask me bland questions without any bite to them—'Mr. President, what did you do to save the world today?'—the interview won't add up to very much. I'd prefer to have you make them tough whenever you feel it is justified."

I ask him if he wished to impose any restriction that his answers be paraphrased rather than quoted directly and he said no, he would be perfectly willing to turn them over to me and let me use them in direct quotes as I pleased—with the exception that on some extra-sensitive subjects it might perhaps be wise to paraphrase. In that case he would do it himself, dictating, "It is known that the President believes—" or, "The President is understood to feel—" or some such protective, if easily detected, formula.

He was very curious as to whether I was getting sufficient cooperation from the staff and suggested that I be sure and talk to such people as the chef and others on the domestic staff as well as the professional and political staffs. He said both Julie and Tricia would be good sources about White House operations, as both were very thoughtful and perceptive young ladies.

"You should try to talk to a lot of people and not just these gray men around here"—and from his tone it was impossible to determine whether he meant the description as it stood or was dryly mimicking the press attacks upon them.

I said I would.

Aside from a couple of minor items, I did not ask him anything particularly vital, since he had suggested written questions and I intended to ask them in that form; but I was impressed with how fluently and easily he did talk about things. Earlier in the day I had received intimations that various people on the staff were very concerned that I might be going to ask his opinion of other political leaders and they did not want me to do so.

"You won't ask him about Muskie and Kennedy, will you?" asked one earnest staffer with a real anxiety, as though this were an unsuspecting innocent who could be trapped instead of a 58-year-old political veteran perfectly capable of taking care of himself. Even if I had, I am sure he would have responded directly or sidestepped gracefully. Top men are almost always more relaxed about themselves than their staffs are, and this seems particularly true of the President of the United States.

After a pleasant and comfortable half hour, already 15 minutes late for the congressional reception, but not really seeming to mind so very much, he rose and started toward the door: "Now I have to go and shake hands with four hundred congressmen."

Confused a little by the Oval Office's several hidden doors and thinking he was showing me out, I followed him, for he gave no formal farewell but simply moved along still talking. In a moment, we found ourselves outside in the arcade along the Rose Garden and I realized he was on his way to the Mansion. I asked directions to Steve Bull's office, he told me, I said, "Good night, Mr. President," and turned back into the empty office. He waved and walked away, all by himself in the chill winter night: a suddenly lonely and touching moment.

Back in the hallway outside Steve Bull's office, I found some consternation on the part of Steve and the Secret Service. "Where is he? Is he gone? Has he left for the Mansion? Is he by himself?"

This was apparently against all the rules. It was hard to escape the feeling that he had taken one of those small, secret delights known only to Presidents, in going off, thus unescorted and unannounced, to where he wanted to go.

Intimate comments from one in a position to know:

The President is "usually inhibited by strangers," but once he gets used to someone on the staff, "it is very comfortable, and he hardly pays any attention to the routine work we do for him around here. . . .

"I find this job a very strange one and this house a very strange place to work. I expect a good many of us do too, because actually, here we are and many of us have a lot of talent, many much more than I do, and yet we are all geared to simply helping one man get through his day. Many of us may sit around doing little chicken things such as I do most of the time, and yet you have to figure that you're helping the President and that is what makes it worthwhile, I guess. There are so many small details that have to be handled and they get split up in so many different hands that a lot of us find ourselves sort of spinning our wheels and not accomplishing a great deal in any sense of personal satisfaction or achievement. I guess in the long run it will all add up, but sometimes you wonder what the purpose is, and what you're doing here. . . .

"Sometimes he is under strain, and when he is, he shows it in ways that those of us around him can tell. On the whole, however, he remains very calm. One thing that struck me about him when I first came here is that he is quite profane. This startled me when I first heard him speaking but I've gotten used to it now.

"Most of the good ideas that originate here come from him. He does take much staff advice, but usually the ideas are his own. When he does something, it will be on the basis of his own thoughts and those of many others on the staff. The opinion really flows in from the staff. He solicits the staff's advice on every point. Sometimes he is overruled by the staff—which means that when the weight of evidence or the weight of argument is against him, he will sometimes yield to the advice. Then if the staff is wrong, he will not say anything in particular, but he will let us know by his manner or his way of saying things to us what he thinks of us for having given wrong advice.

"He does not like to bawl people out and he gets upset when he has done something or said something harsh to us. I remember that on a couple of occasions when he has chewed me out, which I deserved, he has never apologized for temper the next day but he has done some little extra, thoughtful thing, which is his way of saying that he is sorry for the argument and hopes that it will not happen again.

"I have been struck here at how easy going some people are in replying to his requests. Of course, many of them have been with him for many years and maybe that's why: they know he's not going to fire them, and he knows them and knows he will keep on depending on them as he has in the past. However, I have heard him say many times, 'I want this or that on my desk by eight o'clock tomorrow morning'. Well, it isn't on the desk by eight o'clock the next morning and frequently it isn't there for several days. Except for a couple of very conscientious people around here, there is a rather slow method of replying to the President's requests. However, as I say, they know he is not going to fire them, so he just grits his teeth and goes along with it."

The press (male, veteran, many years' experience covering Presidents, longtime friend of Nixon): "Nixon is like all Presidents—he can be brutal about people sometimes. Maybe it's the Merlin complex or something, but he thinks he can use you for something and then go away for three years and when he comes back you're supposed to be standing there waiting and still be just as much of a friend as you were before. He expects you to maintain your loyalty to him regardless of whether he's shown any loyalty or interest in you in the meantime. They all do it, it's a funny thing. . . . I've talked to him several times and I've generally found him so serene and untroubled that I sometimes wonder a little whether he really knows what's going on, or what could hit him if things go wrong. I think he does, but I really wonder sometimes. . . . They give you this picture of everybody loving everybody else on the White House staff, and it's probably truer in this Administration than in any other I've known in four decades. But when you get up near the top, there's a lot of jockeying for position behind the scenes. I don't think it's erupted into any real feuds like we've had in some Administrations—yet—but there are frictions there, though they try to hide them. You can't avoid it when people are human beings—and these, although they seem a little bland and faceless sometimes, are human beings. There's this great desire to get near the President, to be the one who's always seeing the great man—they can't help it. If they can't do it, they pretend it. I remember the other day, X started to say to me, 'When I saw the President the other day—' I interrupted, 'Now, X, don't give me that crap. When did you actually see the President last? He grinned a bit sheepishly and said, 'Well, actually, it was about six months ago.' But to hear him tell it, and to read how the press tells it, you'd think he was in there every other day. Among those who really are, there's a lot of competition for the great man's smile. I think it amuses him. He's an intelligent man. I think he rather enjoys it, like all Presidents. They're really all sons of bitches, in some ways. They enjoy being President and they secretly enjoy what the Presidency does to other people."

He is back in private law practice now, but Murray Chotiner is never far from the Nixon White House. A political associate since the President's early days in public life, he looks exactly what he is—a political associate. There is about him the aspect and the air of one who has handled many campaigns, made many deals, attacked and been attacked by many enemies, entered and survived many battles. Against the youthful earnestness, brisk efficiency and glittering good looks of many of the Nixon crew, he stands out like some battled, experienced old badger, claws extended and always at the ready. He is giving behind-the-scenes advice on how to run the reelection campaign in '72, and if he has his way, it will obviously be a rough one.

"You ask me what the issues will be in '72. The war should be in excellent shape. The boys are coming home, the Vietnamization program is moving forward. If we go on as we are now doing to wind it down, the public is going to realize that the President did have a plan to end the war, and that he has succeeded.

"The economy, of course, also is a big issue, but as present signs magnify themselves and prove out, the interest rate is going to go down, inflation is going to drop and the stock market is going to go up. Housing starts are increasing, the auto industry is gearing up for a better year. The unemployed are going to go back to work and there will be a noticeable upswing. By '72 we should either have good times in which people can see that he is cleaning up the mess that he inherited, or really bad times, in which case there wouldn't be any hope for him. But I am sure that we will be having good times.

"He also has cooled off the temper of the campuses and the streets and I really don't see how you're going to beat him. What are they going to run on if they don't have an issue? If you don't have one, you're dead. If there is nothing to complain about, they're going to have nothing to go on. About all they can do is say that they can do what we're doing, only better than Nixon. But that is hardly a real issue or a real campaign.

"The Democrats have a real disadvantage because there is nothing they can really advocate. They had the Government since 1960 and all the crises and errors that we have had occurred in their administrations. So it is very hard for them to complain about what has been going on. Also, they don't have any outstanding personality. There is no one to get a glint in the eye of the public. They just can't get a glint in the public's eye. Ted Kennedy gets a rather bloodshot look—because everybody knows about him. Muskie is not exciting. The same thing applies to Birch Bayh. McGovern doesn't turn anyone on at all. Proxmire is a lot better but still not very good. Jackson won't get moving, he's too opposed by some of his own people on ideological grounds. If we get any kind of team at all on our side, we'll be all right.

"I think Agnew should be on the ticket. The Republicans can lose an election if they sit on their hands. Agnew is one who will get them off their hands and get them working. He represents what a lot of people have been thinking and I don't think the President is unfriendly to him at all. The President remembers that there was a movement in 1956 to remove him from the ticket. He has a good memory and is a sensitive person and he sympathizes with the Vice President now in these publicized efforts to get rid of him. I don't think that these people who are writing that the President wants to get rid of Agnew have checked with the White House, because I don't think that is true. There are a great many Republicans who might even vote against Nixon if Agnew were dumped from the ticket.

"I think the President is amazing in his self-control. I have seen him over the years when he has been uptight about things, but somehow he has learned over the years to control and subdue his emotions. After losing the Presidency in '60 and the governorship of California in '62, he seems to have become completely relaxed. That seemed to settle something inside him.

"It's amazing to me how a man like President Nixon, with all the problems he has and with his past history of political defeats, can sit back with his feet on the desk, so to speak, and be as relaxed as he is. But now he doesn't have to shoot from the hip—he doesn't have to make snap decisions.

"The White House staff operates efficiently. I think sometimes they are a little overprotective, but as far as his being isolated, that's malarkey and a lot of baloney. I don't see any isolation. I think people who want to get answers can get them either from him or from Bob Haldeman. And when he wants to see any of us he can. So I don't think there is any real isolation."

The President's press secretary, Ronald Ziegler, is 32, efficient, effective—and nice when it suits him, which it often does not. It did not suit him to be pleasant to photographer Fred Maroon, and after treating him to a series of broken appointments, false starts and occasionally downright, blatant obstruction of what he referred to sarcastically as "this commercial project," he decided not to be pleasant to me. I had an appointment with him one dark winter afternoon and waited for 55 minutes without even the courtesy of a secretary's hello, after which I picked up my marbles and went home and did not try to see him again. Next morning, after I had mentioned to others on the premises that I now thought I had found out all I needed to know about the character of Ron Ziegler, he called with loud apologies and a long tale beginning "Jesus, I just didn't know you were out there, Al." I told him not to worry, these things will happen. I was told by his colleagues later that indeed they do, and often to people who come to him in good faith for the help he is theoretically supposed to provide on projects basically friendly to the President.

But—those magic words in this or any other White House—"the President likes him." So he stays. And, of course, he does have his troubles. And on the whole he handles them well, under often extreme and deliberate provocation. A sampling of excerpts from the press briefings he holds morning and afternoon on almost every working day gives some of the flavor of the White House press corps and his own flavor:

Tuesday, January 5, 1971, morning—

QUESTION. "Can you give us a rundown on what happened at the Cabinet meeting?"

ZIEGLER. "The Cabinet meeting lasted for an hour and a half. When the President walked into the Cabinet meeting he received a standing ovation, I think marking the Cabinet's approval of how well the President did last night in the conversation [with four television commentators]. Then before the President could get into any topic of discussion, they generally went around the room to express their views as to how the President covered the many areas he covered last night. . . ."

QUESTION. "Did anyone at the Cabinet table say that the President's answer to any questions were lousy?"

ZIEGLER. "No. They didn't."

QUESTION. "Is that the first time the President has received a standing ovation in a Cabinet meeting, Ron?"

ZIEGLER. "No. He has after other—[Laughter]—are you going to ask me about what went on in the Cabinet meeting and then chuckle among yourselves, or do you want to know? The President has received standing ovations in Cabinet meetings following addresses that he has given on television. I have recalled the Cambodian speech and also others that he has given on family assistance, when he introduced the Family Assistance Plan and other speeches that he has given no nationwide television explaining United States policy in South Vietnam. . . ."

Tuesday, February 2, 1971, morning—

QUESTION. "Can you say whether the President had any contact with Souvanna Phouma [Prince Souvanna Phouma, Prime Minister of Laos] in thet past several days?"

ZIEGLER. "No, I wouldn't take that question. . . ."

QUESTION. "Why won't you taken Helen's question, Ron?"

ZIEGLER. "I just am not prepared to do that."

QUESTION. "When do you expect the news blackout in Southeast Asia to be lifted, Mr. Ziegler?"

ZIEGLER. "I have no comment on that."

QUESTION. "Ron, when the American and South Vietnamese troops entered Cambodia last April, the Administration said this was not an invasion because it was done with the assent of the government of Cambodia. Would that definition apply also to Laos, since the head of the government says they have not approved any entry of foreign troops?"

ZIEGLER. I am not prepared to take hypothetical questions such as you put forth and will have no comment on it. . . ."

Wednesday, February 3, 1971, morning—

QUESTION. "Ron, there is an AFP [the French news agency] report which is datelined Quang Tri which says, 'Thousands of military trucks moved bumper to bumper along two highways. Along the sides of the roads, troops with full field packs and arms were also moving in uninterrupted columns. Hundreds of helicopters passed overhead, airports throughout the northern provinces were buzzing with activity.'

"Is that story true?"

ZIEGLER. "As you know, Dan, we don't address [that subject] from the White House and it would be inappropriate for us to talk about details of movements of forces. So, I can't answer your question."

QUESTION. "Could you explain to us why we have to learn from the French and the Japanese what—this question was asked in good spirit—what American soldiers are doing?"

ZIEGLER. "You have read a portion of a report to me, Dan. It related to movement of forces. I assume you were referring to what forces? You didn't say, the portion that you read."

QUESTION. "I don't know whose forces. If they aren't ours, I would be interested in that as well."

ZIEGLER. "That goes to the thrust of my point. Anything regarding movement of forces within South Vietnam, United States forces, would, of course, come from MACV [Military Assistance Command, Vietnam] or come from Saigon. . . ."

QUESTION. "Ron, do you mean to say that if there is an entry into Laos, that this would be merely details of movements of forces that the White House would not address?"

ZIEGLER. "I don't think he raised that point in his question. You raised Laos and I assume—"

QUESTION. "That is right, but you were asked several times in the last couple of days for information about possible entry into Laos and you have referred us to the Defense Department in essentially, the same way."

ZIEGLER. "I have no information to give you from here this morning. I think all of you are aware of the fact that correspondents on the scene and in South Vietnam are being regularly briefed under the basis which you are familiar with. I have no information to give you."

QUESTION. "Have you had the opportunity to discuss your views on the value of an [information] embargo that applies only to one kind of correspondent in situations like this?"

ZIEGLER. "No, I haven't."

QUESTION. "Do you have any views on that?"

ZIEGLER. "None to express here at this time."

QUESTION. "Do you think that is a fair situation."

ZIEGLER. "I have no comment on that."

QUESTION. "Ron, this is a question that you were asked yesterday. I would like to ask it again. Has President Nixon been in touch with Prince Souvanna Phouma?"

ZIEGLER. "Gentlemen, I am just not prepared to get into any discussion regarding Indochina with you at this time."

QUESTION. "Do you plan to coordinate any activity in Laos with a successful landing [by Apollo 14] on the moon? . . ."

ZIEGLER. "Let me just go on Deep Background with you for a moment. In the questions that have come, both from several of you this morning, you have drawn certain assumptions and so forth. I obviously can't address those. But I would caution you as to some of those assumptions. . . ."

QUESTION. "Deep Background means what, Ron?"

ZIEGLER. "Administration officials indicated some of these assumptions. . . ."

QUESTION. "Ron, going back on Deep Background, you said that you have drawn certain assumptions and cautioned us against those assumptions. Are you referring to the assumptions based on foreign press reports that there have been entries of South Vietnamese troops in Laos?"

ZIEGLER. "You will have to determine, without my assistance, what assumptions I was referring to."

QUESTION. "Back on the Deep Background remark, it seems a little silly to me that you won't define the assumptions we are supposed to have made. Why won't you do that? It seems nonsense."

ZIEGLER. "I didn't mean it to be, as you say, nonsensical. I was referring to the premises put forth in some of the questions which were remembered from previous stories, Pete I wasn't relating it to a question that some here asked on their own"

QUESTION. "Would you consider this question, Ron: Because of the confusion and the embargo and silence and everything, which is a very distorted ball of wax, is there anything on a positive note that you can tell us with that in mind?"

ZIEGLER. "I could probably give you some positive answers to some questions, but I can't bring one to mind yet."

QUESTION. "I am asking you whether you can tell us. It is a constructive question."

ZIEGLER. "I really have no information to provide you."

Wednesday, ebruary 3, 1971, afternoon—

QUESTION. "Does the President feel this operation is going well?" [*Laughter*]

ZIEGLER. "I would not comment on that."

And so on—and on—every morning and every afternoon of almost every working day—issue after issue—crisis after crisis—for as long as the Administration stays in power and the press continue to pry and the press secretary to defend.

Earnest young staffer, forehead creased with worry: "We literally have to fight for everything we get from the media. The day we stop fighting, we won't get elected. It's a sad fact, but it's a hard, cruel world. It's very hard to get press and TV to treat us objectively, let alone give us a plug."

He is young, shrewd, sharp: more knowledgeable and more philosophical than most who fit that description—and they are many—around the White House; able to sit back and appraise the operation with the candor and objectivity that the operation needs.

"Probably 1970 is the best thing that could have happened to us, because if we had won that election we would have sailed into '72 thinking that everything we were doing was right, while ignoring various problems in the country and various weaknesses in our own approach.

"The fiasco of the President's God awful final speech on election eve came down basically to the fact that when it is originally taped in Phoenix there was no thought of its being replayed, so it wasn't lighted or recorded or photographed very well. The staff was warned of the poor nature of the tape, but it was finally decided to go ahead and use it anyway, because there was a great time pressure involved—or so it was thought. NBC had agreed to set aside 15 minutes in their L.A. studios that night if the President wanted it, but the President had an engagement in Riverside.

"So after lots of conferring it was decided by one or two top members of the staff that the Riverside engagement had to take precedence. So the lousy Phoenix tape was used, and you know the effect it made alongside Muskie's calm and statesmanlike address for the Democrats.

"I doubt if the matter was ever brought up to the President when the decision was made, so I don't think he can be blamed for it. And while disappointed in the result, I don't believe he has punished anyone who was concerned, and has not even reprimanded them very strongly.

"This indicated, I think, a real weakness of ours, which is that we are so dedicated to getting him where he is supposed to be on time that we are not flexible enough to take advantage of the opportunities that arise, or to do the things we should do to put him and the Administration in the best possible light. This really is one of our problems, but I think we are getting better and I think you are going to see some major changes in that area before too long."

The "Plans Committee" meets every Saturday morning and it is, as Dwight Chapin had told me, the public relations council of the White House—the image factory. It is held in Herb Klein's office, and he asked that the specifics of its discussions be off the record except in limited paraphrase. The committee works from a formal agenda which it sometimes adheres to and sometimes does not. Its debates range from solemn to profane as it struggles with the problem of how best to present more favorably an Administration that nine-tenths of the White House press corps is absolutely and adamantly determined to present in a harsh, suspicious and hostile light.

On this day the first item on the agenda was a memo from Bob Haldeman—signed with a large and imperial "H"—requesting the consensus on possible presidential participation in a satellite conversation with Prime Minister Heath. The consensus was that this would be great if it could be tied to a major event, otherwise it would look contrived and phony.

Second item was a request by the Canadian photographer Karsh to take pictures of the President. Decision was deferred.

Third item was requests from various magazines for information on the President's reading habits. It was agreed that this must be handled with great care, because if the President were disclosed to read anything even remotely frivolous, somebody would be sure to pick it up and make it the basis for snide criticism that would be used against him forever after.

Fourth item was the possibility of the President appearing on various types of informal television shows other than straight press conferences or talks. This too was considered a matter for further study.

Next came a discussion of the proper time for airing the President's State of the Union Message to Congress in January. Should it be at noon, Washington time, the traditional hour? Or should it be in the evening, when it would reach the widest possible television audience, a practice increasingly followed by occupants of the White House? The discussion grew heated as the traditionalists battled the let's-make-the-most-of-it group. Finally someone remarked with some disgust that he thought the idea was to strengthen the President's image and help him get reelected, and he didn't see why in hell it was so important what Congress said about his timing. It was the President's right to go up there when he pleased and talk when he wanted to. It was finally decided to place all the options before the President.

(In the event, he talked in the evening in prime time, which is exactly what all astute Presidents since the advent of television have done and will continue to do.)

Sixth item on the agenda was "how to counter the theme that the President is heartless and cold," and the discussion very quickly got down to a specific: the recent episode in which a little black poster girl had been turned away without having her picture taken with the President, an incident that had brought in its wake great and probably abiding rancor in the Negro community. Those who deplored the incident's effect on the President's image were explosive and blasphemous in their criticism of the way it had been handled. Those who were responsible said crisply that the President was working on a speech and it was decided it was best not to bother him: "It was a judgment. (It was admitted, however, that it was a judgment the President had known nothing at all about until the media went into full cry that night. It had not even been brought to his attention at the time.) Those who were responsible said defensively that the President can't see everybody who comes in. Those who objected said he had damned well better take half an hour, if necessary, to be photographed with a little black poster girl—especially since just a few days later he had been photographed with a little white poster boy. Those who were responsible said well, anyway, the little girl and her parents were going to be invited to a Sunday worship service in a couple of weeks, and maybe he could be photographed with her then. Those who criticized said that of course an apology could be made after an incident like that, but if it were made weeks after the event, "Nobody will hear, nobody will know and nobody will give a damn." Those who were responsible reiterated in a tone that showed they were not to be budged: "It was a judgment." And that ended that.

The discussion began at nine-thirty and ran to twelve-twenty. It was laced throughout, on every topic, with the Administration's obsession with the media—understandable, but in its way as crippling as the media's obsession with the Administration.

There were several in the meeting who remarked with considerable asperity that criticisms could not be evaded or avoided, that they would come even without fair grounds for them, that they were part of the burden this Administration carried and so to hell with it—let the President do what he thought best and stop worrying. But the dominant mood was a fretful obsession which, translated into action down the staff, successfully seem to thwart any presidential action or reaction that might be based on the simple justice of a situation, or the simple response to it that he might make it he were given the option that really counts most in the image of a President—the option to be human.

"I have known Richard Nixon for 20 years," he says thoughtfully, from his vantage point as one of the most independent, and most likable, men on the Hill," and I like him very much. I think he has done a good job in foreign affairs.

"In domestic policy I am damned if I know where he is driving.

"A year ago he said the Federal Government had to balance the budget. Now he

submits a budget which will be very badly out of balance. LBJ's unbalanced budgets became a major cause of the inflation we have now. I don't see how Nixon thinks he can unbalance the budget and control the inflation.

"It appears the President has changed direction radically.

"I still think the most important thing is to put the Government's financial house in order. I don't think the Government in the long run can continue to operate at a deficit. Sooner or later somebody has got to pay. I am afraid this new budget is strictly politics. It is such a sudden change from just a year ago. It just doesn't make sense to me, what he is attempting to do now. I think he has reversed his field completely, and I am afraid it is for political reasons.

"I don't think the President is going to have much success with revenue sharing, and there are great problems involved in the reorganization of the Cabinet. There again, he has offered us only a broad outline with no details, and it is difficult to understand what he is driving at.

"I have to confess this whole change baffles me."

Dick Kleindienst, deputy attorney general, is in his mid-forties; large, round face, large blue eyes that can stare at one blankly but are usually full of considerable humor and life; very strong, very determined, a tough man. If he could get past the Senate, he might conceivably be head of the FBI someday.

"In a sense, I am executive officer for the department under the Attorney General. I see that the policies of the President and the Attorney General are effectuated by the 17 divisions of the department.

"In the area of civil disturbances, the President traditionally delegates to the Attorney General rather than the Secretary of Defense the responsibility of recommending when Federal troops should be used and how they should be used to quell civil disturbances, both in the District of Columbia and in the states. We have a pretty complete operation now, and I am, you might say, in a sense chief of staff of that operation.

"We haven't had the problems in that area that the Democrats had, such things as Watts, Detroit, Washington, Newark. Logically they would occur in a Democratic Administration and logically they should not occur under our Administration, because the Democrats are obligated for a lot of their political support to the black groups which vote overwhelmingly for them, and therefore they hesitate about putting things in order when these groups create disturbances. We don't have that kind of relation and therefore we are able to respond more promptly and more efficiently without hanging back because of political considerations.

"When one of these situations has arisen, it has caused a great outcry from the black leadership because of the pressure on the Democratic President not to do much about it at the start for fear he will be charged with 'repression' and 'attack on black rights.' This has usually been accompanied by the threat that, "if you do take strong measures, we'll go back to our people and suggest that the Democrats are as bad as the Republicans and they might as well vote Republican.' Ramsey Clark, the last Democratic Attorney General, under Johnson, was particularly susceptible to this kind of pressure—as susceptible to pressure as anyone has ever been in the United States Government.

"Our approach is based on plans, intelligence, quick response. We have people in place, we serve notice that disturbances are not going to be permitted to get out of hand and if they do get out of hand they're going to be stopped right now. The whole atmosphere on that changed at once on Inauguration Day, 1969. I was down here within a couple of minutes after the swearing in of President Nixon and I immediately put plans into operation to control any possible disturbances at Inauguration or after. There could have been disturbances on the first anniversary of the death of Martin Luther King and they did not occur. There could have been violent disturbances at the time of Cambodia and they did not occur. This is because we advised people in advance that preparation of Federal troops was being undertaken, and we said to them in effect, 'You can speak, but beyond that, when you get into violence we are going to stop it right now.'

"They can't threaten us because they vote against us anyway.

"At the same time, we have cooperated in every possible way with all these dissenting groups, working with them to determine how they can march, what units will be on hand to control violence and what elements in their own ranks can be depended upon to help us control violence. Our purpose is to make it easier for them, not more difficult, and the fact that we have made it easier is proved by the record and it is one reason why riots and disturbances have not come back. [This was pre-Mayday '71.] We've used a reasonable, evenhanded approach.

"On the race issue as it involves these disturbances and law and order in the country, whether we get credit or not I firmly believe that we turned the corner to end the demonstrations. I think we have gained credibility in winding down the war, revising the draft and providing opportunity for young blacks to make their way economically.

"In the areas of street crime and general city crime, 23 cities of a hundred thousand or more have been having a steady decrease in crime in the last two years. Statistics generally over the country have seemed to be going up a bit, but our statistics here in D.C., which is kind of a pilot project on what can occur, show that crime can be controlled and is being controlled.

"As for political crime such as assassination and kidnapping, in terms of numbers and impact, the effect on society is minuscule. It's only important as it is dramatic.

"Organized crime is another area where in motive power, determination and organization, more is being done by this Administration than was ever done before.

"As far as fighting crime, if you use traditional techniques, you're going to get no place. A gangster or criminal who is brought to the stand can always intimidate or buy other witnesses and just subvert the judicial process.

"Congress provided that we could go to electronic surveillance, which Ramsey Clark again refused to use before passage of the bill, and announced he would not use if the bill became law. This was an open invitation to them to know that the Government was not going to do anything. We have straightened out that situation too. The Attorney General has authorized 250 electronic surveillances. This has brought the indictment in 18 months of between five hundred and six hundred major criminals.

"The court order which covers electronic usages requires that the Attorney General must state specifically what the need is, must specify what is going to be used. The court then grants authority for a given number of days. If you are not able to get what you want in that time, then you can go back and get the time extended. Upon indictment, all the evidence secured by wiretapping and other electronic means is immediately made available to the defendant and his attorney so that they know what is going to be used against them.

"I predict that in a reasonably short time, the narcotics problem will be stabilized and then reduced down to a normal irritant, rather than the major one that it is now. Congress has given every dollar we have asked for in this area. A great deal of this is due to the personal confidence that Congress has in John Mitchell and in this department. Congress has given us all the money we asked, clean across the board.

"Given a few years when the full impact of these revisions and these new programs and planning and all this money can be felt all across the land, there's going to be a strong resultant effect on the statistics of crime.

"These civil libertarian bastards complain about what we are doing, but the fact remains that we are clearing up many of these problems.

"In all of these areas you have to do it with vigor and determination and honest people who don't care for the political consequences but go ahead and fight crime. You can't do it with weak, opportunistic, chicken-hearted bastards."

He is in his mid-thirties, dark, stocky, round faced, soft-spoken; a former White House staff member who left because of a gradual disillusionment with the way the political side of the operation was being run, particularly in the area of press and congressional relations.

"I am really disturbed by the general inflexibility of the staff and its unwillingness to allow the President to deal with Congress in a spontaneous fashion . . . although, of course, if the impetus for this kind of approach doesn't come from the top, then maybe one shouldn't blame the people down the line too much.

"I feel the President could do a great deal with a few corny gestures toward members of Congress—that is, what people who don't understand the human nature of politics might consider corny. Sometimes a quick handshake, or a call about some personal matter, or a joke about some problem in a man's district or state can really make a member feel good toward the President. I think he should do more of this, particularly with his own Republicans. After all, as somebody has said, 'You want to keep your own troops turned on.' I don't think the President has succeeded in doing this.

"In the same fashion, I find quite disturbing the attitude of the President and the top staff toward the press corps. Even if they are bastards who are constantly looking for excuses to attack the Administration, still I think they could be mollified a bit by personal contact. I feel that the President is basically shy about this, having been hurt so often by the press, but even so, he should be able to overcome this to some extent and be a little more cordial toward them. The attitude is reflected all through the staff, particularly in the press office. It makes things more difficult than they need to be for the Administration, in my opinion.

"At the same time, of course, I will concede that the press is so hostile that the Administration has simply got to be right on everything. It can't afford, for instance, to have a phony witness in the Berrigan case. It can't afford any personal or economic scandal on the part of any member of the Administration, for the simple reason that the press tolerance which is accorded to Democrats simply does not exist toward Nixon. Now, I know Ed Muskie, for instance: he's a man of somewhat limited grasp and somewhat limited intelligence, who is frequently banal, indecisive, short-tempered and generally inconsiderate with the press. But somehow there is a built-in tolerance toward Democratic candidates which prevents the press from letting these things really get out to the public with the sort of consistent hammering they devote to Nixon's shortcomings. They are so anxious to find an alternative to Nixon that they will build up almost anyone and give him all the benefit of the breaks in the process.

About ten days before I was scheduled to leave town I began asking the staff to find out what had become of the President's answers to my questions. Margita White reported that she was telephoning various people about it. Days passed without an answer.

Two days before my departure she said she thought she was making progress: Alex Butterfield was going to be seeing the President, and had agreed to ask. The next day she called back: the President said he was very sorry, he had been too busy to answer as fully as he would like, he was working on it, he hoped I would understand, it would be along by mail in due course. I said fine, no hurry.

Apparently the lengthy delay in finding this out was caused by the fact that everybody assumed that he had already given the answers to someone. The universal question then became: Who's to blame? And if I am, how can I find a suitable excuse? When someone finally got to a direct man with a direct question he got a direct answer and the mystery was solved in half a minute.

In this, as in all administrations, a straight line, in the White House, is sometimes not the shortest distance between two points. Staffs become very timid about treating a President as though he were a reasonable man. Which is not a good thing; for them, for him, or for the country.

The press (bull session with old friends): "He is the most complex man who has ever been in the White House. He doesn't have any intimate friends. Nobody is close to him. He should have at least somebody, but all he seems to have is Bebe Rebozo.

"He definitely tries to get away from the press. The anti-press feeling permeates the whole Administration. He is the first President to duck out of parties early to avoid the press. He deliberately avoids us. He wants to stay away from us." When I pointed out that the press, after all, had been extremely harsh with him over the years, this was conceded. "But the majority of publishers are Republican."

"And the majority of reporters are Democrats and 'liberals.'" Reluctantly this was conceded, too. "But—Nixon has no sense of style. No grace. He is always escaping from us. Why is he always escaping?"

I saw him for the second time in San Clemente, on March 30, 1971. The SST had been defeated in the Senate; in Laos, the unhappy invasion had surged in and limped back. It was a typical overcast Southern California day, the sun trying vainly to break through the persistent light clouds. Off in the distance the cold Pacific curled in upon the shore. In the corridors and offices there was an air of quiet, the pace obviously slower, more relaxed, more comfortable than it is in Washington.

The President looked tanned and rested. He apologized for not having taped answers to my questions as he had promised, but explained that he had been rather busy: it was obvious from his comments throughout that he had studied them very closely before deciding on what the staff likes to call his "one-to-one" method. I showed him my newspaper horoscope for the day: "Consulting with bigwigs opens the door to greater opportunity now but don't try to criticize them in any way." He laughed and said, "Oh no! Oh, no! Don't worry about that!" He played with a single silver cuff link the entire hour and a half that we talked, but otherwise seemed as calm as ever, and as convinced that the course he had chosen was right.

We began, as my written questions had begun, with the Presidency itself. It had held for him, he supposed, "fewer surprises than it does for most. I had been Vice President for eight years, I knew what a President could do and couldn't do. The main thing I had learned was that Presidents come and go, but the bureaucracy goes on forever. I knew that no President who is not in tune with the mood and the ideological bent of the bureaucracy can bend it to his program without a great deal of difficulty and hard work. I also knew how difficult it is to deal with Congress, particularly with both houses in control of the other party, and no such bipartisanship as Eisenhower was fortunate enough to have when Lyndon Johnson was majority leader of the Senate. That bipartisanship is so fragmented now that it practically no longer exists. Mike Mansfield is a responsible majority leader now, very responsible in his disagreement about Southeast Asia—but he does disagree, and in fact disagreed with Johnson and with Kennedy too on that subject.

"So now it has crumbled away and now we have partisanship—or perhaps not so much partisanship as what you might call a new isolationism, in which the old internationalists and interventionists, who supported World War II, the Korean War, the Alliance for Progress and the rest of the war and postwar programs, are now turning away and trying to turn America inward again.

"They are concentrating now on America's internal problems, the alienation of groups and generations, the economy and all those things which our so-called "intellectual elite'—self-appointed and self-described—have made their top priorities.

"We now have what could be termed basically a new 'America First' doctrine, not in the sense of 'look to America's defenses and forget the rest of the world,' but in the sense of 'forget the rest of the world and concentrate on our own domestic problems and social commitments.'

"But I don't feel frustrated or disillusioned—I really don't. I went in with my eyes wide open. I knew Congress was against us, I knew we were in a period of great domestic torment, I knew we had Vietnam to face and many social problems. Essentially, of course, those problems would be here whatever happened internationally, and they will continue to be with us long after Vietnam ends. But I want to make sure Vietnam ends in such a way that it does not leave us with disenchantment, bitterness, even greater alienation of one group from another. If it ends that way, it will not end, in a sense—it will go on to plague us for many, many years to come.

"I think we are at one of the great watersheds of American history—where America, having acquired world leadership really without consciously seeking it or wanting it, having met that role as best she could since World War II, is now determining whether she will continue to play the part of a leader in world affairs or would prefer to abdicate her responsibility and let it go. If she does, freedom and democracy will go, we all will go. I am convinced that what has happened in Laos will prove in the long run to be as sound as Cambodia. After all, what really matters is what actually happens, not what instant analysts have to say about it. They jump to conclusions, and then a few weeks or months later, they prove to be wrong. Cambodia was an enormous success, and yet you go back and look up what our friends in the press and television were saying about it at the time it ended, and you'll see they weren't about to concede it was any success.

"You have to be quite fatalistic about these things. After all"—with a sudden sharp, direct look—"I know more than they do or you do about it. I know what has happened to the enemy. I know he has taken enormous losses. I know how the South Vietnamese as a whole really behaved, in spite of what three or four units may have done. They proved they could hack it. Everybody ought to wait awhile and see how Laos affects our continuing withdrawal. The enemy will not be able to launch another offensive this summer. He will not be able to interfere with the timetable for the ending of our involvement.

"I know when American involvement will end, though I can't state it, because to do so would be to give up certain tactical advantages, and also to remove whatever chance—little, not big—may remain to have meaningful negotiations in Paris.

"I think we're going to make it, in this situation—I think withdrawal is going to work, Vietnamization is going to work—not in the sense that 'Vietnamization' would mean the withdrawing of all of the American presence, but in the basic sense of South Vietnam being able to handle its own affairs. In the sense of 17 million people having a chance to decide their own destiny and their own future, which is what we will have achieved for them with our help and our sacrifice.

"If we can do this, it will be one of the major achievements of this nation in all its long history—to keep a Communist enemy from conquering our friends, to give a nation the right to live as it wants to live.

"If we fail in that, and if South Vietnam goes Communist in spite of all we've done, then Communism will indeed be the wave of the future in Asia. But I don't think it is, and I don't think that is what will happen. . . .

"Critical to all of this is the way the Vietnam war ends. If it ends in a way that can be interpreted as an American defeat—a retreat, a bugout—inevitably those in the world who are inclined to use force to gain their aggressive or imperialistic ends will be encouraged to do so. And all our friends will be in disarray. The world will say, 'Look at Vietnam. If the United States could not be counted on there, where can she be counted on?' The way to avoid more Vietnams is to be sure that this Vietnam ends in a way that will not dismay our friends and encourage future aggressors. . .

"The press?" His expression changed, became earnest, stubborn, close to contemptuous. "I probably follow the press more closely and am less affected by it than by other Presidents. I have a very cool detachment about it. I read it basically to find out what other people are reading, so that I'll know what is being given the country and what I have to deal with when I talk to the country and try to influence people for my programs. And of course I read it also because sometimes there will be a very thoughtful article on some subject that is enlightening and of value to me. Presidents are like other people: they don't know everything, it's good to get another point of view on something. Providing, that is, that it's a matter of substance and not just something somebody has dreamed up because he doesn't like Nixon or wants to make points with his own boss or bureaucracy, who don't like Nixon.

"I'm not like Lyndon as regards the press—we're two different people. The press was like a magnet to him. He'd read every single thing that was critical, he'd watch the news on TV all the time, and then he'd get mad. I never get mad. I expect I have one of the most hostile and unfair presses that any President has ever had, but I've developed a philosophical attitude about it. I developed it early. I have won all my political battles with 80 to 90 percent of the press against me. How have I done it? I ignored the press and went to the people.

"I have never called a publisher, never called an editor, never called a reporter, on the carpet. I don't care. And you know?—a grim but rather pleased expression—that's what makes 'em mad. That's what infuriates 'em. I just don't care. I just don't raise the roof with 'em. And that gets 'em.

"Anyway, that isn't my style. I don't stomp around. I don't believe in public displays of anger. I don't raise hell. I'm never rough on the staff about things just for the sake of being tough, or making an effect. But they know how I feel. The things we've faced in this Administration have taken a lot of hard decisions and I've had to be firm about things, but I've *been* firm—I haven't shouted about it. There are some people, you know, they think the way to be a big man is to shout and stomp and raise hell—and then

nothing ever really happens. I'm not like that, with the staff or with the press.

"I never shoot blanks.

"I respect the individual members of the press—some of them, particularly the older ones—who have some standards of objectivity and fairness. And the individual competence of many of the younger ones, I respect that too, though nowadays they don't care about fairness, it's the 'in' thing to forget objectivity and let your prejudices show. You can see it in my press conferences all the time. You read the Kennedy press conferences and see how soft and gentle they were with him, and then you read mine. I never get any easy questions—and I don't want any. I am quite aware that ideologically the Washington press corps doesn't agree with me. I expect it. I think the people can judge for themselves when they watch one of my press conferences. It's all there.

"I can tell you this,"—and his eyes narrowed, he swung his chair around and stared out across the distant gray Pacific—"as long as I am in this office the press will never irritate me, never affect me, never push me to any move I don't think is wise. . . ."

What kind of a country would he like America to be when he leaves the Presidency? What would he like history to say Richard Nixon had done for America? His face sobered, he fell silent, stared again out the window at the restless ocean, turned back, spoke slowly and thoughtfully, repeating, refining, rephrasing

"What kind of country?

"I would like first to get this war ended in a way that Americans can look back upon not ashamed, not frustrated. not angry, but with a pride that in spite of our difficulties we have been totally unselfish—that we have enabled 17 million people to choose their own destiny, and in so doing have preserved and strengthened the chance for peace in the Pacific basin, and probably the world.

"I would like to leave with a new relationship between the U.S. and the U.S.S.R. It will be intensely competitive, of course. We are different peoples with a different history and we want different things—but I believe we are at the critical point where we can finally decide that we must have a live-and-let-live relationship I think we are making some progress in that direction. I hope we may have achieved it when I leave. I would like to leave some structure on which at least the beginnings of genuine world peace can be built.

"Domestically, this nation is never going to be wholly at one. But I would hope that we can reduce the tensions, reduce the demonstrations, reduce the dissent—not the constructive dissent that is the yeast of a free society, but the destructive dissent that wants only to tear down the system.

"I want everybody in this country to recognize that our system provides for peaceful change—to get people to work within the system and find better methods to make the system work.

"You said something in your questions about how could I, a basically conservative President, propose such 'liberal' things as revenue sharing and the Family Assistance Plan. That isn't 'liberal.' It's common sense. I believe revenue sharing is one way to make the system work better, because it means decentralization of government—and I think decentralization of government is the key. The modern twentieth-century liberal is for big government. He likes concentration of power—he like power. I don't go with him in that. I hope to give more people a chance to participate in the action—to believe that what they do counts. I want to restore as much as we can the concept that this country has grown great by adhering to the principle of shared responsibility and peaceful change.

"I would like to make some progress in restoring some sense of understanding and of pride in this country and in its greatness—get away from this idea that America's foreign policy is rotten, its domestic policies are rotten, the whole damned thing is rotten. I know that because of slavery, black Americans have not had an equal chance; I know that there are many injustices in other areas. But we are working, we are trying, we are making progress. I know these things can be changed, and in a peaceable and constructive way, through the system we have. When you look at the United States with all its pockmarks, you realize that, nonetheless, a person born in this country has more freedom and more genuine opportunity than a person born in any other country.

"I would like to leave a renewed conviction in America that the system does work, that democratic government is better than the alternatives, that reforms can be made through peaceful change, I would like to leave reestablished the idea that in this system things can be achieved and made better. In foreign policy, the greatest contribution a President could make would be to leave a world in which the United States is at peace with every nation—and has the strength and the will to guarantee that peace.

"In a sense"—hitting the desk firmly with his hand—"it's all right here in this room—right here in this chair. Whoever is President of the United States, and what he does, is going to determine the kind of world we have. His leadership must be strong—and firm—and, we hope, wise.

"But more than that. He must be supported by the belief and the conviction and the faith of the American people, in themselves and in their country. That's why I want to restore some sense of balance, of perspective, of understanding and pride in America's role in the world, and in her institutions.

"This is a noble country in many ways, and somehow we must restore the feeling that we should take pride in it—that we should believe in its system and its policies and its future.

"The important thing is not our capacity to do things—we have that. The important thing is our will. It is not going to be there unless we restore to Americans more faith in themselves and their country.

"The problem now is the American spirit. This is a crisis of the spirit that we face. The most important thing of all is to restore the American spirit.

"That is what I would like to do before I leave this office."

On that day the headlines were full of post-Laotian backbiting, of Lieutenant Calley and My Lai, and of Leonid Bezhnev, calling with a fine, stern, moral righteousness for world peace, in the city whose leaders have done, are doing and will continue to do, more than any other members of the planet to destroy it.

The sky was still gray, the sea cold, the air chilly when I left. From the doorway, King Timahoe wagged amicably one last time, and at the gates, the guards smiled, saluted and waved me through to the roaring freeway and the hastening world.

Mr. PACKWOOD. Mr. President, it is with great pleasure that I ask to associate myself with the nonpartisan remarks made this morning by the distinguished assistant minority leader (Mr. GRIFFIN) and the distinguished Senator from Alabama (Mr. ALLEN) on the occasion of the birthday of the President of the Senate and the Vice President of the United States, SPIRO T. AGNEW.

This Senator would like to extend his congratulations to the Vice President and his family on the occasion of his 53d birthday.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunity For Savings in Providing War Risk Insurance For Contractor Property and Employees," Department of Defense, Department of State, Department of Commerce, dated November 9 1971 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROJECTS SELECTED FOR FUNDING THROUGH GRANTS WITH EDUCATIONAL INSTITUTIONS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

S. 2574. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail (Rept. No. 92-436), together with minority views.

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 10947. An act to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes (Rept. No. 92-437), together with additional views.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. PEARSON:

S. 2825. A bill to amend chapter 19 of title 38, United States Code, to authorize the issuance of National Service Life Insurance to veterans of the Vietnam era. Referred to the Committee on Veterans' Affairs.

By Mr. SCOTT:

S. 2826. A bill for the relief of Susan A. Quillin. Referred to the Committee on the Judiciary.

By Mr. SAXBE:

S. 2827. A bill to amend the Public Health Service Act to provide assistance for improving health services and to alleviate shortages and maldistribution of personnel and facilities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself, Mr. McGOVERN, Mr. BURDICK, Mr. MONDALE, and Mr. HUGHES):

S. 2828. A bill to amend sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. COOK):

S. 2829. A bill to strengthen interstate reporting and interstate services for parents

of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes. Referred to the Committee on the Judiciary by unanimous consent.

By Mr. HUMPHREY:

S. 2830. A bill for the relief of Mr. Ponnambalam Suddiah. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. YOUNG, Mr. MCGOVERN, Mr. MONDALE, and Mr. HARTKE):

S.J. Res. 172. A joint resolution to provide emergency measures to improve farm income. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PEARSON:

S. 2825. A bill to amend chapter 19 of title 38, United States Code, to authorize the issuance of national service life insurance to veterans of the Vietnam era. Referred to the Committee on Veterans' Affairs.

VIETNAM VETERANS LIFE INSURANCE ACT

Mr. PEARSON. Mr. President, I introduce today for appropriate reference the Vietnam Veterans Life Insurance Act. Quite simply, this bill would provide a $10,000 life insurance policy, administered by the Government at greatly reduced rates, to any Vietnam era veteran who can meet certain minimal qualifications.

Those of us who participated in wars previous to the Vietnam conflict will recall that one of the benefits available to us upon separation from active duty was a Government-administered life insurance policy. The impressive response to this program has been attributed to the low premium rates, evidenced by the 4.5 million veterans who continue to take advantage of this most worthwhile aspect of the G.I. Bill.

In 1951, Congress discontinued this program, and replaced it with a Serviceman's Indemnity policy, providing individuals on active duty with a policy payable upon death to his dependents in monthly installments. In 1965, serviceman's group life insurance—SGLI—was instituted, which gave a $10,000 policy to members of the armed services, a figure later increased to $15,000. Then, as now, veterans had 120 days from their date of discharge to exercise the option of converting that policy to one administered by any of approximately 600 private insurance companies approved by the Veterans' Administration, without having to take a physical examination.

Mr. President, that today's veterans have not been included in this extremely beneficial program in an oversight I would like to see corrected. For it is becoming increasingly apparent that the nearly 5 million veterans of the Vietnam era have become one of the most neglected products of the Indochina conflict. Having honorably served his country in an increasingly unpopular cause, the recently discharged veteran has returned home to a society which is now just beginning to understand his problems and his needs.

In this regard, I am gratified to note that some of my colleagues have offered legislation to provide educational and health benefits equal to those received by veterans in World War II and the Korean conflict. I am also gratified that Congress approved legislation, which I cosponsored, to authorize the Administrator to sell at prices reasonable under prevailing mortgage conditions, direct loans made to veterans.

I have also cosponsored legislation increasing unemployment insurance to Vietnam returnees unable to find jobs. Justification for this proposal should be clear in view of the fact that available statistics place the total number of unemployed Vietnam-era veterans at approximately 270,000. In my native State of Kansas, unemployment among returning veterans has increased some 130 percent in a little over 1½ years.

Confronted with this very serious problem, few recently discharged veterans feel that they can spare the expense of purchasing insurance protection, a situation which works undue hardship both upon themselves and their dependents. The legislation I introduce today is designed to help these individuals purchase adequate coverage. If enacted, this bill would extend the insurance benefits of national service life insurance policies to all veterans of the Vietnam era, retroactive to August 1, 1964, the officially declared date marking the beginning of the Vietnam era.

National service life insurance coverage is issued to all participants in military service to the United States. It is a Government-administered agency and the price level and payment of premiums is set by this agency and no other. Maximum coverage is set at $10,000 per carrier and issued in multiples of $500, with a minimum coverage of $1,000.

There are eight separate plans in this coverage, ranging from short-term and long-term convertible policies to full policy endowments at various ages. Mr. President, I ask unanimous consent that a list outlining these programs be inserted at this point in my remarks.

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

PLANS FOR RH INSURANCE (ADMINISTERED BY NSLI)

a. 5-Year Level Premium Term.
b. Modified Life.
c. Ordinary Life.
d. 30-Payment Life.
e. 20-Payment Life.
f. 20-Year Endowment.*
g. Endowment at age 60.*
h. Endowment at age 65.*

Mr. PEARSON. Mr. President, the basis for this plan, Policy RH, was drawn from present NSLI coverage available only to service-disabled veterans, and amended so as to make it applicable to all veterans being released from the service, with the retroactive date in effect. It is a nonparticipating policy, effective only after release from service, with a grace period of 120 days from the release date during which time application may be made without requirement of a physical examination. Any time after this period, certification of good health, contingent upon any further requirements stated by the Administrator, would be necessary.

This Government coverage is offered as an alternative to the SGLI policy available to all members of the Armed Services. As I mentioned earlier in my remarks, current law allows the recipient to convert this coverage to a private policy anytime within the 120 days subsequent to his release from active duty without taking a physical examination. But in so doing, he incurs the necessary higher cost and rate of payments charged by all carriers. My bill would retain this provision and allow the veteran to acquire both plans, if he so desired.

Mr. President, an additional advantage of my proposal is that with the exception of initiating costs, little additional funding would be necessary. With the number of policies currently in effect, the VA is spending only $3.28 per policy each year, principally on administrative functions. Premiums provide the balance of the needed income. I have been assured that with additional participation, this figure would not appreciably increase.

Mr. President, I believe that the provisions outlined in my bill are sound and point to the need for providing equal benefits to all veterans of all wars. Enactment of this legislation would also, in my judgment, assist in a very real way those veterans who are struggling to finish school or begin their civilian careers and who cannot afford to provide adequate insurance protection for their dependents. In a time of serious unemployment and economic distress, helping these individuals now would dramatically demonstrate to both veterans and the Nation that the Federal Government stands solidly behind them in their efforts to develop their civilian talents. Based on their record thus far, I believe that my proposal and others designed to help Vietnam era veterans are a solid investment in this Nation's future.

By Mr. SAXBE:

S. 2827. A bill to amend the Public Health Service Act to provide assistance for improving health services and to alleviate shortages and maldistribution of personnel and facilities, and for other purposes. Referred to the Committee on Labor and Public Affairs.

MEDICAL RESOURCES DEVELOPMENT ACT

Mr. SAXBE. Mr. President, at a time when the health care debate has reached a peak and when a national health insurance program seems a certainty, I would like to introduce legislation designed to improve and expand the present health care system in order to meet the demands of the future.

In the past our medical system has developed in a laissez-faire manner. The great stress has been on scientific expertise and specialties, with the resultant overbuilding of some specialties and the continuing decline of general practitioners. The once-familiar GP is fast disappearing from the scene and with him, the primary care that every family needs. American doctors are the best trained technological physicians in the world, but paradoxically, Americans do not receive optimal medical care. Why? Because of the basic lack of organization, a "no system."

It is important now to reverse this

trend and to put some organization into our fragmented system. We should move away from the costly fee-for-service, solo medical practice and toward a prepaid comprehensive group practice with emphasis on preventive, rather than acute care. We should establish ambulatory care centers which can provide a full range of health services on an outpatient basis, especially in the underserved areas of the rural and urban poor. We must better organize and redistribute existing resources with an eye to reduction in costs and more effective delivery. In short, we must now try new and innovative ways of providing health care, and not remain chained to an outdated and inefficient delivery system.

There is a health care crisis—recognized and acknowledged by the President of the United States and the medical profession itself. It is a crisis precipitated largely by the skyrocketing medical costs which have become staggering, not only to the poor, but even to the more affluent sectors of our society. The health industry is the fastest growing segment of our economy, representing 6.9 percent of our gross national product. In the past fiscal year, $67 billion was spent on health care, $25 billion of which was public expenditure. And it is estimated that by 1974, the total costs will be $105 billion, with $38 billion on the public sector. When we talk about spending $25 and $38 billion of our taxpayers' dollars, we can no longer remain passive, leaving full and final control solely in the hands of health-care providers. It is essential that we now insure that our Government dollars are well spent—that the system is operating as efficiently as possible in providing high quality care.

The health care crisis has brought on a heated debate, and scores of proposals have been advanced as the ultimate solution to the problems. One thing is certain: there is going to be a national health insurance plan of some sort, enacted in the near future. My wish is that we prepare now for the programs of the future. My plea is that we do not commit another "medicare-medicaid" fiasco which just poured more Government billions into an already overburdened system. National health insurance alone—just pure coverage—would only make matters worse unless it would provide for sensible allocation of medical resources in relation to medical needs. If we increase the purchasing power without increasing and redistributing the supply, it will only add to existing inflation. I recommend that we begin now to shore up the system for the demands of the future health insurance programs. I recommend that we act now to protect our $25 billion investment in health care.

For this reason, I am introducing a bill entitled, "Medical Resources Development Act." It is patterned after a section of the Health Security Act, and is designed to improve and expand the health care delivery system. It authorizes the Secretary of Health, Education, and Welfare to initiate an innovative program for the next 5 years, to strengthen the Nation's health resources. The program would be carried out in the following way:

First, by expanding the health planning process throughout the United States with an emphasis on preparing for increased demand.

Second, by providing financial and technical assistance in alleviating shortages and maldistribution of health personnel and facilities.

Third, by improving the organization of health services to increase effective delivery and cost control.

Mr. President, I ask unanimous consent that the text of the bill and a summary of its content be printed in the RECORD.

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

MEDICAL RESOURCES DEVELOPMENT ACT

I

Purpose: To launch an innovative program to strengthen the nation's health resources—improve services, enhance organization of health-care delivery systems, and alleviate shortages of personnel and facilities, in order to meet the rising demand and future needs of our health care system.

II

Authority: The Secretary of Health, Education and Welfare is authorized to spend such sums as may be necessary for the next five years, to carry out the purposes of this act through a program of grants and contracts.

III

Planning: The Secretary directs state and regional planning agencies to initiate a plan to prepare for new demands of future national health programs, with special attention to medically underserved areas. Planning agencies will identify acute shortages or maldistribution of medical manpower and facilities; and the serious deficiencies in the organization and delivery of health services.

IV

Health Care Services: To provide help, both financial and technical, for the creation or the enlargement of organizations providing comprehensive care to ambulatory patients—either organizations with a prepaid enrollment like HMO's, or other organizations that provide comprehensive care like Health Care Corporations or Academic Health Centers, with varying financial arrangements. Grants will be available for start-up costs and the deficit costs for the first 5 years of operation.

V

Manpower: To establish a program for the recruitment and training of professional and non-professional personnel to alleviate the health manpower shortages and to staff ambulatory-care centers. Special emphasis will be placed on (A) the development of new kinds of health personnel—physician assistants, specialty nurses, health educators, etc.—to assist in providing health services; (B) the development of health personnel for urban and rural poverty areas. Education and training to be carried out through contracts or grants to appropriate institutions.

VI

Improvement Grants: This section authorizes special improvement grants to any public or nonprofit institution or agency to establish improved coordination and linkages with other providers of health services. Grants for improvement of comprehensive care organizations in areas such as information retrieval systems, special equipment for mass screening or other diagnostic procedures.

S. 2827

A bill to amend the Public Health Service Act to provide assistance for improving health services and to alleviate shortages and maldistribution of personnel and facilities, 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 "Medical Resources Development Act of 1971".

SEC. 2. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to X" and inserting in lieu thereof "Titles I to XI".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), and references thereto, as sections 1201 through 1214, respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title X the following new title:

"TITLE XI—ASSISTANCE TO DEVELOP COMPREHENSIVE HEALTH-CARE ORGANIZATIONS, TO IMPROVE HEALTH SYSTEMS, AND TO INCREASE THE SUPPLY OF ALL HEALTH-CARE PERSONNEL

"PURPOSE

"SEC. 1101. The purpose of this title is to inaugurate a program to strengthen the nation's resources of health personnel and facilities and its system of delivering health services, in order to meet the present and future rising demand for health care and to that end—

"(a) to expand and intensify the health planning process throughout the United States, with primary emphasis on identifying acute shortages and deficiencies in the delivery of health services, and

"(b) to provide financial and other assistance (1) in alleviating shortages and maldistributions of health personnel, (2) in establishing ambulatory care centers in order to increase the supply of services, and (3) in improving the organization of health services in order to increase their effective delivery.

"PLANNING

"SEC. 1102. (a) In consultation with State comprehensive health planning agencies approved under section 314(a) of the Public Health Service Act, and with regional medical programs and other health planning agencies, the Secretary shall promote, support, and as necessary, conduct within the Department of Health, Education, and Welfare, an intensified and continuous process of health service planning for the purpose of improving the supply and distribution of health personnel and facilities and the organization of health services, in order to meet the future demands of new health programs. The planning shall proceed primarily on a State-by-State basis, but without excluding more particularized planning for portions of States or for metropolitan or interstate areas.

"(b) The planning process shall give first consideration to identification of the most acute shortages and maldistributions of health personnel and facilities, and the most serious deficiencies in the organization for delivery of health services; and to determining means for the speedy alleviation of these shortcomings.

"(c) The Secretary may make grants to appropriate State agencies to carry out the purposes of this section.

"PRIORITIES

"SEC. 1103. (a) In providing assistance under this title, the Secretary shall give priority to improving and expanding the available resources for services to ambulatory patients which are furnished as part of co-

ordinated systems of comprehensive care. To this end the Secretary shall encourage and assist in (1) the development of prepaid comprehensive health service organizations defined in section 1107(a); (2) the development or expansion of other qualified health service systems defined in section 1107(b) which would furnish services to persons in urban or rural areas who lack ready access to such services; (3) the recruitment and training of professional, sub-professional, and personnel to staff such organizations, including the development of new kinds of health personnel to assist in the furnishing of comprehensive health services.

"(b) In administering financial assistance under this title, the Secretary shall be guided so far as possible by findings and recommendations of appropriate health planning agencies described in section 1102.

"ORGANIZATIONS FOR THE CARE OF AMBULATORY PATIENTS

"SEC. 1104. (a) The Secretary is authorized to assist, in accordance with this section, the establishment, expansion, and operation of (1) comprehensive health service organizations defined in section 1107(a) of this title; and (2) other qualified health service systems defined in section 1107(b) of this title, which furnish or will furnish care to ambulatory patients.

"(b) The Secretary is authorized to make grants (1) to any public or nonprofit agency or organization (whether or not it is a provider of health services), for not more than 90 per centum of the cost (excluding costs of construction) of planning, developing, and establishing an organization or agency described in subsection (a) of this section; (2) to an existing organization or agency described in subsection (a), for not more than 80 per centum of the cost (excluding costs of construction) of planning and developing an enlargement of the scope of its services or an expansion of its resources to enable it to serve more enrollees or clientele; or (3) in exceptional cases to grantees under (1) or (2) of this subsection, for as much as 100 per centum of the cost (as described in (1) or (2)), when the Secretary, after taking all relevant factors into consideration, finds that local funding is not possible and that the purposes of this title would be served by such grant. In addition to grants under this subsection, or in lieu of such grants, the Secretary is authorized to provide technical assistance for the foregoing purposes.

"(c) The Secretary is authorized to contract with an organization or agency which is described in subsection (a) of this section and which has been either newly established or substantially enlarged, to pay all or a part of any operating deficits, for not more than five years. Any such contract shall condition payments upon the contractor's making all reasonable effort to avoid or minimize operating deficits and making reasonable progress toward becoming self-supporting.

"RECRUITMENT, EDUCATION, AND TRAINING OF PERSONNEL

"SEC. 1105. (a) In consultation with State comprehensive health planning agencies, and with regional medical programs, the Secretary shall establish schedules of priority for the recruitment, education, and training of personnel to meet the most urgent needs of the rising demand for health care.

"(b) The Secretary is authorized to provide, to physicians and medical students, training for the general or family practice of medicine and training in any other medical specialty in which the Secretary finds that there is, for the purposes of this title, a critical shortage of qualified practitioners.

"(c) The Secretary shall provide education or training for those classes of health personnel (professional, subprofessional, or nonprofessional) for whom he finds the greatest need, if other Federal financial assistance is not available for such education or training; and if other assistance is available but the Secretary deems it inadequate to meet the current or future needs of the nation, he may provide such education or training pending action by the Congress to provide such additional assistance as is required adequately to meet such needs.

"(d) The training of personnel authorized by this section includes the development of new kinds of health personnel to assist in the furnishing of comprehensive health services, and also includes the training of persons to provide education for personal health maintenance, and the training of persons to provide liaison between the residents of an area and the health organizations and personnel serving them. The Secretary may make grants to public or other nonprofit health agencies, institutions, or organizations to a part or all of the cost of testing the utility of new kinds of health personnel.

"(e) Education and training under this section shall be provided by the Secretary through contracts with appropriate educational institutions or such other institutions, agencies, or organizations as he finds qualified for this purpose. The Secretary may provide directly, or through the contractor for the payment of stipends to students or trainees in amounts not exceeding the stipends payable under comparable Federal education or training programs.

"(f) The Secretary shall undertake to recruit and train professional practitioners who will agree to practice, in urban or rural areas of acute shortage, in comprehensive health service organizations referred to in section 1107(a) or in agencies, organizations, or centers referred to in section 1107(b). A practitioner who agrees to engage in such practice for at least five years may be paid a stipend of an amount which the Secretary deems to be appropriate to supplement his professional earnings, and in an exceptional case the Secretary may make a commitment to compensate a practitioner for a period after the first five years of professional practice when necessary to assure the availability of professional services in such an area of acute shortage.

"SPECIAL IMPROVEMENT GRANTS

"SEC. 1106. (a) The Secretary is authorized to make grants to public or other nonprofit health agencies, institutions, and organizations to pay part or all of the cost of establishing improved coordination and linkages among institutional services, among noninstitutional services, and between services of the two kinds.

"(b) The Secretary is authorized to make grants to organizations, agencies, and centers described in section 1107 to pay part or all of the cost of installation of improved utilization review, budget, statistical, or records and information retrieval systems, including the acquisition of equipment therefor, or to pay part or all of the cost of acquisition and installation of diagnostic or therapeutic equipment.

"DEFINITIONS

"SEC. 1107. For the purposes of this title—

"(a) the term 'comprehensive health service system' means a system providing health care to an identified population, living in or near a specified service area and enrolled as members in the organization, through arrangements which embody prepaid group practice (or other definitive arrangements which the Secretary finds will provide to enrollees the benefits of prepaid group practice) so as to: (1) provide comprehensive health services, (2) assure continuity of care and the ready referral and transfer of patients where medically appropriate, and (3) to the extent practicable and consistent with good medical practice, employ allied health personnel in the furnishing of services; and

"(b) the term 'other qualified health service systems' includes (1) public or other nonprofit agencies or organizations (including hospitals) which furnish a full range of comprehensive health services to ambulatory patients; or (2) public or nonprofit centers (including satellite centers established by hospitals, professional foundations sponsored by city, county, or State medical societies, or any organization approved by the Secretary) which (A) furnish, as a minimum, the services of two or more physicians engaged in general or family practice, the services of nurses and supporting personnel, and basic laboratory services, which the Secretary finds sufficient for the primary medical care of a substantial population living in the vicinity of the center, and (B) have arrangements with other providers of services which the Secretary finds assure to the population served by the center, all the components of comprehensive health care.

"APPROPRIATIONS

"SEC. 1108. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the four fiscal years thereafter, such sums as may be necessary to carry out the purposes of his title."

By Mr. NELSON (for himself, Mr. McGOVERN, Mr. BURDICK, Mr. MONDALE, and Mr. HUGHES):

S. 2828. A bill to amend sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly and for other purposes. Referred to the Committee on the Judiciary.

THE FAMILY FARM ACT OF 1972

Mr. NELSON. Mr. President, I am introducing, for appropriate reference, the Family Farm Act of 1972. This legislation will declare, and put into effect, a national policy to provide for the continuance—and enhancement—of the family farm.

It is with a sense of special urgency that this legislation is introduced. Because of what is taking place in agriculture today, and what has been taking place with increasing tempo in rural America for the past 20 years, managers of large corporations and conglomerates have descended on agriculture. From their carpeted offices far from the land they control, and armed with favorable depreciation rates on machinery and equipment, tax writeoffs and long-term capital gains advantages, these managers can manipulate losses on the farm into profits for the absentee investors and still expand land holdings. The Internal Revenue Service tells us that of the 17,578 corporations reporting farming as their principal business in 1965, only 9,244 reported a profit for tax purposes. Of their gross receipts of $4.3 billion, only $199 million was considered taxable income—a mere 4.5-percent tax rate. For the family farmer who remains on the land, the losses remain a loss. And with the artificial market created by the corporation, the losses to the resident farmer have become greater and more frequent.

Combined with other incentives for bigness, the family farmer has found himself in an unfair competitive position. That there has been a large-scale exodus from the farm to the city has been amply documented, discussed, debated—and grieved. Since 1950, more

than 15 million Americans have left the farm in hopes of salvaging a livelihood in the great metropolitan centers.

For many, however, the promise of security in the city proved a delusion. Even those who were successful in the transition only left others without work. Overcrowding, unemployment, soaring relief rolls—tension and frustration.

The opening pages of the 1967 President's National Advisory Commission on Rural Poverty reports:

> The urban riots during 1967 had their roots in considerable part in rural poverty.

The McCone commission report on the Watts riot in Los Angeles and the Kerner report on civil disorders reinforced that report.

Rural out-migration is not a problem confined to the rural areas. It is a national problem—and a critical one—that affects every economic and social sector.

The displacement of rural Americans did not manifest itself in sagging economies and poverty in the cities alone. Seven percent of this country's people live on farms, while 16 percent of the poor in America live on farms and 32 percent of the poor in America are rural nonfarmers.

But the economic, social and cultural consequences of the trend to big corporate farms is more insidious than the cold statistics of poverty.

Such businesses as implement dealers, hardware stores, lumber yards and feed stores must have a good number of prosperous farmer-customers to stay in business. The number of farm families in a trade area also is an important factor because of its direct effect on such businesses as grocery stores, drug stores, newspapers and filling stations.

It is also easy to see the effect a sharp cutback in farm family numbers would have on obtaining, or retaining, such professionals as doctors, dentists, pharmacists, and lawyers.

Experience shows, in areas where corporations have moved in, that one of the first moves made by farm managers is to tear down farmbuildings to cut real estate taxes. Then they truck in seed, fertilizer and other inputs purchased direct from manufacturers to avoid buying locally at retail, they import migrant farm laborers on an intermittent basis to cut labor costs, and they bypass the local farm supply and marketing cooperatives.

The surviving farmers and small town merchants are left to pay the social costs.

Probably the best existing study of this problem was published in 1946—"Small Business and the Community Effects of Scale of Farm Operations," December, 1946, Senate Committee on Small Business.

Although 25 years old, this study probably reflects, better than anything published before or since, the kind of problem that is involved.

The study, by Walter Goldschmidt, involved the social organization of two towns in California in land areas of equal productivity. The only difference in the two communities was in the type of agriculture in the areas they served.

Arvin, Calif., served a corporate farming area worked predominantly by hired labor. It was a town of honky-tonks, poor housing, a few weak service clubs, shaky businesses, a single elementary school, and one playground loaned by a local industry.

Dinuba, Calif., served an area of family farms. It was a town of attractive residential streets, permanent churches, three parks, three elementary schools and a high school, strong service clubs, lodges and veterans organizations, furniture and household furnishings stores, implement dealers, and hardware and clothing stores.

The town serving the family farm area had twice as many business establishments, nearly twice as much annual trade—$4.4 million versus $2.5 million for Arvin—and three times the volume of trade in household supplies and building materials and equipment.

Goldschmidt's summary of findings added:

> The investigation disclosed other vast differences in the economic and social life of the two communities and affords strong support for the belief that small farms provide the basis for a richer community life and greater sum of those values for which America stands, than do industrialized farms of the usual type.

The social and cultural consequences of the trend to big corporate farms is easily recognized. The rural towns suffer a population loss that is in almost direct proportion to the loss of farm families from the community.

Churches, schools, and other social service groups wither and disappear for lack of people to use their services and for inability to hold the type of community leaders needed to make them effective.

The Goldschmidt study of the California towns provides some data in the people-oriented aspect, too, of differences between communities in trade areas with family farms and those with corporate farms.

More than one-half of the breadwinners in the small farm community are independent businessmen, persons in white-collar employment or farmers; in the corporate farm community the proportion is less than one-fifth.

Less than one-third of the breadwinners in the small farm community are agricultural wage laborers—characteristically landless and with low and insecure income—while the proportion of persons in this position in the corporation farm community is about two-thirds.

Schools are more plentiful and offer broader services in the small farm community.

The small farm community has more than twice the number of organizations for civic improvement and social recreation than its corporation farm counterpart.

Provision for public recreation centers, Boy Scout troops, and similar facilities for enrichment of people is much greater in the small farm community.

The small town community supports two newspapers, each with many times the news space carried in the single paper of the corporate farm community.

Facilities for making decisions on community welfare through local popular elections are available to people in the small farm community while the corporate farm community's decisions are made through a county government setup.

Goldschmidt's study sums up the relationships and what they mean in this way:

> The small farm community is a population of middle-class persons with a high degree of stability in income and tenure, and a strong economic and social interest in their community. Differences in wealth among them are not great and the people generally associate together in those organizations which serve the community.
>
> Where farms are large, on the other hand, the population consists of relatively few persons with economic stability, and of large numbers whose only tie to the community is their uncertain and relatively low-income job. Differences in wealth are great among members of this community and social contacts between them are rare.
>
> Indeed, even the operators of large scale farms are frequently absentees; and if they do live in Arvin, they as often seek their recreation in the nearby city. Their interest in the social life of the community is hardly greater than that of the laborer whose tenure is transitory.
>
> Even the businessmen of the large farm community frequently express their own feelings of impermanence; and their financial investment in the community, kept usually at a minimum, reflects the same view.
>
> Attitudes such as these are not conducive to stability and the rich kind of rural community life which is properly associated with the traditional family farm.

All that was 25 years ago. Yet, the invasion of agriculture by large, absentee corporate interests continues unabated. All of which is aided by the U.S. Department of Agriculture which often finances research with taxpayer dollars that is aimed at ways to make farms bigger, rather than ways to make small farms sustain families who can compete economically in dignity and reasonable living standards.

Nick Kotz, in his recent excellent series in the Washington Post, emphasizes this point. He tells us that the Department apparently would rather finance development of a new, tough strawberry that can be harvested by machine than a strawberry that tastes better or is more nutritious. This is the same department, according to Mr. Kotz, that has given little or no comfort and aid to a small, new cooperative organized by former migrant laborers to get into the strawberry cultivation business themselves.

But the mere entry of corporations into agriculture has not been enough, especially for the conglomerates that have honed their managerial prowess into widely diversified interests that control a broad spectrum of agriculturally-related businesses.

They buy seed from one of their own subsidiaries to plant in machinery manufactured by another to plant on the land owned by another to be tendered by laborers with pesticides, fertilizers, and machinery manufactured by still others within the same corporate structure. The produce is shipped in trucks owned by yet another subsidiary, packed in cartons manufactured by another and marketed by still another.

Now, some conglomerates reportedly are beginning to enter the restaurant and supermarket business to complete the vertical chain from seed to supermarket.

Mr. President, not long ago the proud products of rural America were good food and fiber, free men and women, and healthy children with happy futures on the land cared by their fathers and forefathers. There were exceptions, of course. But the ideal and in large measure the attainment were there: to raise all those products on the American land—the food, the fiber and the strong, free people.

Tragic changes have occurred, and there are many and complex causes for this tragedy which is still building and even accelerating.

But the largest cause, I think, is the development of public policies that have equated goodness with bigness, quality with size. These policies have led to the emergence of giant corporations as the dominant force in manufacturing. Dominance of the few at the expense of the many who have been unable to compete against the preferential treatment this country accords big money. Unless the policies are dramatically reevaluated and changed, they will lead to like dominance of agriculture.

The Family Farm Act of 1972 provides the Congress with the means to preserve free, private enterprise, to protect small business and prevent insidious monopolistic tendencies in agriculture.

Mr. President, I ask unanimous consent that the Family Farm Act of 1972 be printed at this point in the RECORD.

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

S. 2828

A bill to amend Sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Sec. 9 of the Clayton Act (38 Stat. 730; 15 USCA, Sec. 12) is amended by adding the following:

"FINDINGS AND PURPOSES

"SEC. 9. (a) The Congress finds that it is desirable to preserve free, private enterprise, to protect small business and prevent monopoly, and to protect opportunity for family farmers in interstate commerce, as well as to protect consumers. Vertical integration of the agricultural industry by the processing, distributing and retailing industries and conglomerate businesses has created situations of unfair, monopolistic competition for the family farmer. This situation has contributed to the decline of rural populations and the consequent crowding of metropolitan centers. It has resulted in a noticeable decline in competition in some phases of agricultural production and threatens others. It is the national policy to restore competition to the agricultural industry and to provide for the continuance of the family farm.

"(b) This Act shall be known as the Family Farm Act of 1972.

"(c) No person, partnership, corporation, trust or conglomerate business entity engaged in non-farming business in or affecting commerce and owning or controlling assets amounting to more than $3,000,000, or owning or controlling stock or other share of capital in one or more business entities in commerce with a total value of $1,000,000 or more, such as those corporations engaged in the meat or poultry packing business or the wholesaling or retailing of red meat, poultry or livestock products, including dairy products; or engaged in the processing, purchasing, selling or handling of grain or other field crops, including fruits, vegetables, pulses, or animal feeds; or engaged in the production, sale or distribution of agricultural chemicals and fertilizers or petroleum products; or engaged in the manufacture, sale or distribution of farm supplies, including machinery, buildings, fencing or other equipment; or engaged in the business of insurance banking, money lending or extension of real estate or production credit or selling goods to or providing services to farmers; or engaging in other similar business activities or in buying agricultural products except farmer-owned and controlled cooperatives, corporations and associations which meet the conditions of the Capper-Volstead Act (42 Stat. 388) shall directly or indirectly engage in farming or production of agricultural products, or control, or attempt to control, agricultural production through the ownership or leasing of land for agricultural purposes or by contracts with others or by integration, merger or any other means of acquisition or control; provided that the foregoing prohibition shall not apply in the case of any one or more of the following:

"(1) charitable institutions which engage in agricultural production for other than income purposes as part of their charitable function;

"(2) education institutions engaged in research as part of academic and extension activities; and

"(3) non-profit institutions engaged in agricultural production solely for purposes of research.

"(d) Every person, partnership, corporation trust or conglomerate business entity subject to the prohibitions of Section 9(c) of this Act that is lawfully engaged in agricultural production or controls agricultural production prior to the enactment of this Act shall be required to devist all holdings, assets and other interests in such production within five years after enactment of this Act.

"(e) Nothing in any provision of this Act shall be construed to prevent any creditor, legatee, beneficiary, or interstate successor subject to Section 9(c) of this Act from lawfully acquiring pursuant to forfeiture or laws of succession land or other means of agricultural production provided that they shall divest themselves of such property within two years of acquisition.

"(f) Section 11 of the Clayton Act (38 Stat. 730) is hereby amended to include Section 9 within the enforcement provisions of Section 11."

By Mr. BAYH (for himself and Mr. COOK):

S. 2829. A bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes. Referred to the Committee on the Judiciary by unanimous consent.

THE RUNAWAY YOUTH ACT

Mr. BAYH. Mr. President, I introduce with the Senator from Kentucky (Mr. COOK) the Runaway Youth Act. As members of the Subcommittee to Investigate Juvenile Delinquency, we have become increasingly concerned with the problem of children who leave home without parental permission. Our bill is designed to deal with that problem—a problem which is not well known to the Nation but which every year touches the lives of 1 million families. That is the best estimate of how many children under the age of 18 run away each year.

The problem of runaways is another problem of our cities. A recent study in Minneapolis showed that several thousand children ran away in 1969. Every year 10,000 young people run away from homes in the Washington area. And, it is now an accepted part of the urban scene to see hundreds of young street people in the hip areas of most of our major cities. Many of these children are away from home without permission.

These children have for the most part committed no crime, although in most jurisdictions the very act of running away may be sufficient to result in detention as a juvenile delinquent. They are more of a danger to themselves than to society. On the street away from parental supervision and direction, these children are vulnerable. Although statistical records are not kept, it appears that many of these children live in the suburbs and are white. In our cities, such youngsters—most of whom are under 16—are easy marks for the pusher, the hustler, or the street thug.

Many runaways are picked up by the police and eventually returned home. However, the vast majority never have any contact with the police and eventually come home on their own. The problem is that return by the police or voluntary return when street life becomes too hard usually solves nothing. The problems of home, of school and of growing up which caused the child to run away in the first place are still there. What these children need are effective community services which can help them and their families resolve the underlying problems.

Although insufficient, there are a few underfunded, understaffed, but highly effective halfway houses in several of our large cities. They get the kids off the street before they are physically harmed. They contact the parents and give counseling to the child so that he may better understand some of the problems that caused him to run away. The counselors in these houses bridge the gap between parent and child in an effort to make the return home as untraumatic as possible. Though limited by lack of funds and staff, these programs occasionally offer followup counseling to child and family to help resolve the family or personal problems which caused the run initially.

These houses are the models for which I consider the most important part of my program to deal with runaway youth. They were brought to my attention as part of a Runaway Youth Act introduced by Congressman KEATING. However, they were only a relatively small part of his bill, since most of the money was authorized to be spent by the Law Enforcement Assistance Administration to buy Teletype and other police communications equipment. I believe what we need to deal with the problems of youth are hard programs, not hardware. Runaway houses staffed with concerned, competent, and dedicated counselors are vital in developing a solution to the problem of runaway youth.

Such houses, placed in the communities where runaways tend to congregate, can be an effective means of voluntarily getting kids off the street and back to their homes. They should be equipped to give temporary shelter, intensive short-term counseling, and should be capable of calling on the medical and psychological services of the local community when needed. Most importantly, they should be capable of providing followup counseling. While the fragmented statistics now available show that a substantial minority of runaways travel great distances, the majority still tend to run from surrounding suburbs into our major cities. This group of children could be effectively served by a trained staff capable of traveling back to the suburbs to counsel the families of runaways or to suggest more highly specialized psychological or psychiatric help.

The problem of runaways is part of the larger problem of juvenile delinquency with which I have long been concerned. My experience has taught me two things: first, the younger we identify and begin to aid the potential delinquent, the greater the likelihood that he will respond favorably; and, second, contact with the present juvenile justice system is more likely to be damaging than helpful for the majority of youngsters.

The Runaway Youth Act takes account of both these factors. Today's runaway may be tomorrow's delinquent. If we can aid him while he is young and before he has been in serious trouble, future delinquency may be avoided. My bill attempts to provide a useful alternative to the juvenile justice system. By keeping these youngsters out of the system, we may be able to insure that they will be more effectively helped. The system will also be less overburdened and more able to deal with really serious offenders.

Mr. President, these are the hopes I have for the success of the Runaway Youth Act. If we act now some of the senseless tragedy which befalls many of our Nation's families can be more effectively dealt with or avoided altogether. My bill would achieve this by doing two things:

First, the Secretary of Health, Education, and Welfare is authorized to fund a major halfway house program in areas where runaways tend to congregate. Unlike the traditional halfway houses, these runaway houses would be designed to shelter youngsters for a short length of time and not on a permanent basis. Their purpose would be to remove runaways from the street and to give them the counseling needed to allow them to return home voluntarily. Professional medical and psychological help would be available from the community on an as-needed basis.

Most importantly, these houses would be equipped to do field counseling for the children and their families after the runaways have returned home. This could prove an effective means of reaching the underlying problems that caused the run in the first place. If field counseling were not appropriate, information on where to seek more comprehensive professional help could be supplied. In short, these houses would serve as a highly specialized alternative to the traditional law enforcement or juvenile justice method of dealing with runaways.

Ten million dollars would be authorized each year for this purpose. While this sum does not appear large in comparison to the size of the problem, it should make a significant impact. Runaway houses, because their residential care is of short duration, can handle large numbers of children at a low cost. I estimate that a runaway house with a maximum capacity of 20 children could serve 1,000 children a year on an annual operating budget of $50,000. This is based upon the actual operating experience of the runaway house here in Washington. If we assume that the average capital cost of such a house would be $150,000, then my bill could finance the purchase and operation of 100 runaway houses that could serve 100,000 runaway children each year.

Second, the Secretary of Health, Education, and Welfare would be authorized to finance research to develop national statistics on the runaway youth population. While many officials are aware of the problem, there has been very little research done on who runs away, where they run to, how long they stay, and related questions. Such information is vitally necessary to gain a better, more comprehensive understanding of the problem. For this purpose, my bill authorizes $500,000 and requires the Secretary to report to Congress by June 30, 1973.

Mr. President, as the means of rapid travel continue to improve, the problems of runaway children and their families will grow more serious. I hope that Senators will give speedy consideration to my bill so that we can begin to deal more sensibly with the problem of runaway youth. I ask unanimous consent that the text of the bill and the summary be printed in the RECORD.

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

S. 2829

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 "Runaway Youth Act."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) that the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) that many of these young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) that the anxieties and fears of parents whose children have run away from home can best be alleviated by effective interstate reporting services and the earliest possible contact with their children;

(5) that the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(6) that in view of the interstate nature of the problem, it is the responsibility of the Federal government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

TITLE I

SEC. 101. The Secretary of Health, Education, and Welfare is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this title beginning July 1, 1972, and ending June 30, 1975. Grants under this title should be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which, wherever possible, is outside the law enforcement structure and juvenile justice system. The size of such grants should be determined by the number of runaway children in the community and the existing availability of services. Among applicants priority should be given to private organizations or institutions who have had past experience in dealing with runaways.

SEC. 102. (a) To be eligible for assistance under this title, an applicant must propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without the specific permission of their parents or guardians.

(b) In order to qualify, an applicant must submit a plan to the Secretary of Health, Education, and Welfare meeting the following requirements and including the following information. Each house:

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway children;

(2) shall have a maximum capacity of no more than 20 children, with a ratio of staff to children of sufficient proportion to insure adequate supervision and treatment;

(3) shall develop an adequate plan for contacting the child's parents and insuring his safe return according to the best interests of the child;

(4) shall develop an adequate plan for insuring proper relations with law enforcement personnel, and the return of runaways from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway children and their parents within a 25-mile radius of the House;

(6) shall keep adequate statistical records profiling the children and parents which it serves;

(7) shall submit annual reports to the Secretary of Health, Education and Welfare detailing how the House has been able to meet the goals of its plans and reporting the statistical summaries required in Sec. 102(b)(6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary of Health, Education and Welfare; and

(9) shall supply such other information as the Secretary of Health, Education and Welfare deems necessary.

SEC. 103. An application by a State, locality, or non-profit private agency for a grant under this title may be approved by the Secretary only if it is consistent with the applicable provisions of this title and meets the requirements set forth in section 102.

SEC. 104. Nothing in this title shall be construed to deny grants to non-profit private agencies which are fully controlled by private boards or persons but which in other ways meet the requirements of this title and agree to be legally responsible for the operation of the runaway house. Nothing in this title shall give the Federal Government and its agencies control over the staffing and personnel decisions of facilities receiving Federal funds, except as the staffs of such facilities must meet the standards under this title.

SEC. 105. The Secretary of Health, Education, and Welfare shall annually report to Congress on the status and accomplishments of the runaway houses which were funded with particular attention to:

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their effectiveness in insuring an early return to the children's homes and in encouraging the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in reducing drug abuse and undesirable conditions existing in areas which runaway youth frequent; and

(4) their effectiveness in strengthening family relationships and encouraging stable living situations for children.

SEC. 106. As used in this title, the term "State" shall include Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

SEC. 107. (a) The Federal share for the construction of new facilities under this title shall be no more than 50 per centum. The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum.

(b) The Secretary of Health, Education, and Welfare shall pay to each applicant which has an application approved 90 per centum of the cost of such applications.

(c) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on accont of overpayments or underpayments.

(d) There is authorized to be appropriated for each of the fiscal years 1973, 1974, and 1975 not to exceed $10,000,000 to carry out this title.

TITLE II

SEC. 201. The Secretary of Health, Education and Welfare shall gather information and carry out a comprehensive statistical survey defining the major characteristics of the runaway youth population and determining the areas of the country most affected. Such survey shall include, but not be limited to, the age, sex, socio-economic background of runaway children, the places from which and to which children run, and the relationship between runniing away and other illegal behavior. The Secretary shall report to Congress not later than June 30, 1973.

SEC. 202. There is authorized to be appropriated a sum not to exceed $500,000 to carry out this title.

SUMMARY OF THE RUNAWAY YOUTH ACT

Title I authorizes the Secretary of Health, Education, and Welfare to make grants to establish local institutions to deal primarily with runaways outside the traditional law enforcement, juvenile justice system.

Section 101 requires that grants be made on the basis of the number of runaways in the community and the present availability of services for runaways. Additionally, it requires that priority be given to private organizations who have had experience dealing with runaways.

Section 102 establishes the requirements which runaway houses must meet to be eligible to receive grants. These include: (1) location in an area frequented or reachable by runaways; (2) a maximum capacity of no more than 20; and (3) the development of adequate plans to insure proper contact with the police, safe return of the runaway, and adequate after-care counseling. Additionally, each proposed grantee must keep statistical surveys of their clients and report them annually to the Secretary. This is intended to aid in the research financed through title II.

Section 103 requires that a plan meet the requirements of Section 102 before it may be approved by the Secretary.

Section 104 insures that the Federal government will have no direct control over the staffing of the runaway houses.

Section 105 requires the Secretary to report annually to Congress on the effectiveness of runaway houses.

Section 106 includes Puerto Rico, the District of Columbia, Guam, and the Virgin Islands in the term "State".

Section 107 authorizes $10,000,000 for fiscal years 1973, 1974, and 1975. Additionally, it requires that the Federal share of the cost of constructing such houses be no more than 50 percent. The Federal share of the cost of renovating existing structures, providing counseling services and staff training, and general operating expenses is established at 90 percent.

Title II authorized the Secretary of Health, Education and Welfare to conduct research on all aspects of the runaway problem. It authorizes $500,000 to be spent for this purpose and requires the Secretary to report to Congress no later than June 30, 1973.

Mr. COOK. Mr. President, it is with great pleasure that I join with my distinguished colleague from Indiana, Senator BAYH, in introducing the Runaway Youth Act of 1971, a bill designed to insure adequate temporary shelter and adult counsel to the increasing number of youths who feel pressured at one time or another during adolescence into running away from home.

Growing up in today's world is a demanding and confusing experience. Pressures from home, school, family and friends quite often come into conflict with one another. Learning to resolve these pressures is just another aspect of the gradual process of growing up.

But growing up is not easy. Growing up involves much trial and error. We forget that our young people require our patience and understanding in working through even their most ordinary sorts of problems.

All of us have felt the need, when pressures mount, simply to get away. For most of us this involves little more than retreat to another room or a brisk walk around the block. We have learned to cope with our problems on our own. For many of our young people, however, the solution is not so simple. And quite often, in confusion, an adolescent will leave home.

Running away is a juvenile offense and, as such, falls under the jurisdiction of our criminal justice system. But running away is not a criminal offense, it is simply a crime of status. As the Senator from Indiana so aptly pointed out, the runaway is more a danger to himself than he is to society. He is in need of our help and understanding, not criminal detention.

This bill is intended to promote reasonable and useful alternatives to existing juvenile justice facilities. It encourages the establishment of emergency shelters for truant youths, temporary homes where young people are urged to work through their personal problems, to counsel, and to contact their friends and talk with their peers and with adult family. Such homes would bridge the gap between the child, his family and his community which our law enforcement system is unable to fill. It would approach the root causes of delinquent behavior rather than just their manifestations.

In my own State of Kentucky some 7 percent or 1,565 of the juvenile arrests recorded in the 1970 Kentucky uniform crime reports represent runaways. And these figures shed little light on the total number of youth leaving home for brief periods who go unreported. The vast majority of reported arrests involved children between the ages of 13 and 16 who left home for no more than a day or two and who remained within their home county. The need, then, is temporary and local, but nonetheless urgent and important.

The adolescent with a behavioral or an emotional problem is often seeking attention and help through his delinquent behavior. I believe we owe our children this time and support, both in the home and in the community. As ranking minority member of the Senate Subcommittee to Investigate Juvenile Delinquency and the father of five. I am deeply concerned with the problems of today's youth. I am convinced that this legislation is one step toward a more socially responsible and workable approach to juvenile delinquency.

By Mr. HUMPHREY (for himself, Mr. YOUNG, Mr. MCGOVERN, Mr. MONDALE, and Mr. HARTKE):

S.J. Res. 172. A joint resolution to provide emergency measures to improve farm income. Referred to the Committee on Agriculture and Forestry.

FARMERS INCOME IMPROVEMENT ACT OF 1971

Mr. HUMPHREY. Mr. President, I am today introducing a resolution to provide emergency measures to improve farm income both in 1971 and in 1972. Last year wheat and feed grain producers were asked to increase their production to meet expected utilization demands for the current marketing year. The so-called set-aside program provided for these crops, resulting in substantial overproduction of both commodities.

Now unless something is done before the end of this session of Congress, producers of these commodities may not be around next year to see if the 1972 programs work better than those in 1971. Prices paid by wheat and feed grain farmers for production supplies, interest, taxes, and farm wage rates are 6 percent higher this year while the prices they receive for their products are down substantially from what they were last year. A year ago the U.S. average farm price of wheat was $1.43 per bushel. Today it is $1.30—and much less at most country points throughout the wheat regions of the country. Last year, the U.S. average farm price of corn was $1.34 per bushel.

Today it is $1 per bushel—and again, much less at most country points throughout the Midwest.

Mr. President, the resolution I am introducing today would accomplish basically three things:

First. It would establish a base acreage program for the 1972 feed grain crop,

Second. It would establish an additional voluntary acreage diversion program for the 1972 wheat program, and

Third. It would raise the loan levels for both the 1971 crops of wheat and feed grains by 25 percent.

Because of the inadequacy of the current and announced administration programs for 1972, I introduced earlier, S. 2729, a bill to authorize a strategic storable agricultural food commodity reserve, to be made up of up to 30 million tons of feed grains, 300 million bushels of wheat, 100 million bushels of soybeans and dairy and poultry products at levels determined by the Secretary of Agriculture. Enactment of this bill, supplemented by the enactment of the resolution I am introducing today, would bring both immediate and long-term income relief to wheat and feed grains producers. Taken together, these proposals would not involve extra costs for the Government, yet would increase the farm value of the 1971 and 1972 grain crops about $1.5 billion each year or a total of $33 billion for both years.

Mr. President, the 1971 set-aside programs for wheat and feed grains clearly demonstrated the failure of this approach in keeping production in line with utilization demands. Yet, Secretary Hardin has announced that he intends to once again rely upon the acreage set-aside program approach for the 1972 crops of wheat and feed grains. They are expected to be the most costly programs to date and will likely do nothing to reduce carryover of stocks created this year. In fact, there is a good chance that they will result in adding further to the carryover stocks again next year.

The need for a return to the base acreage system for feed grains and the need for the establishment of an additional acreage diversion program for wheat is clearly evident. Therefore, we should move to these programs for the 1972 crops of feed grains and wheat respectively supplemented by enactment of S. 2729, or similar legislation to remove the carryover stocks created as a result of the 1971 set-aside programs.

I invite the other Members of the Senate to join me as cosponsors of this resolution as well as S. 2729, my strategic reserve bill. I hope that the Senate can take early action on these measures. The future economic well being of our Nation's wheat and feed grains producers depends upon it.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2467

At the request of Mr. HOLLINGS, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 2467, a bill to amend the Natural Gas Act.

SENATE JOINT RESOLUTION 67

At the request of Mr. HART, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of Senate Joint Resolution 67, to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week."

SPECIAL FOREIGN ECONOMIC AND HUMANITARIAN ASSISTANCE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 629

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

Mr. JAVITS (for himself, Mr. TUNNEY, Mr. KENNEDY, Mr. PERCY, Mr. MCGEE, Mr. CASE, and Mr. HUMPHREY) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 2820) to provide foreign economic and humanitarian assistance authorizations for fiscal year 1972, and for other purposes.

REGULATION OF DUMPING OF CERTAIN MATERIALS—AMENDMENTS

AMENDMENT NO. 630

(Ordered to be printed, and referred to the Committees on Commerce and Public Welfare, jointly.)

Mr. NELSON submitted amendments, intended to be proposed by him, to the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes.

SPECIAL FOREIGN MILITARY AND RELATED ASSISTANCE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 631

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

Mr. STENNIS. Mr. President, I will discuss the amendment which I am now submitting in more detail later in this debate. For the moment, I would like to say, however, that this amendment proposes modest increases in the military aid and supporting assistance programs of the foreign aid bill.

Concerning military aid, the amendment increases the authorization to a total of $452 million. This is the level of assistance which was included in the bill as it was finally defeated on the Senate floor. In other words, my amendment would raise military assistance from $350 million to $452 million, the level which would have been authorized after the Church amendment on the floor of the Senate—and, as you all know, the Church amendment was the second of two 20 percent cuts in this authorization. The level I am proposing is well below the $705 million requested by the administration, below the $705 million authorized by the House, and below the $565 million originally proposed by the Foreign Relations Committee.

On supporting assistance, my amendment proposes a total of $566 million. This is an increase from the $350 million proposed most recently by the Foreign Relations Committee, but it is below the $715 million authorized by the House and below the $614 million which would have been authorized by the Senate bill as it was rejected on the floor. It marks a reduction of approximately 8 percent below the figure in the former Senate bill. All of the above figures exclude $85 million in supporting assistance for Israel which is listed in a separate category of the bill.

I offer this amendment—to increase military assistance to the level in the Church amendment and to increase supporting assistance to a level 8 percent below that in the earlier Senate bill—because I believe that although prudent cuts in the foreign aid program and a redirection of the program were called for this year, the reductions proposed in the current Senate bill are unreasonable. It is simply impossible, Mr. President, to reduce programs by about 50 percent in a single year in view of the funds which have already been spent under a continuing resolution for more than one-third of that fiscal year. Cuts of this magnitude and suddenness are not examples of responsible legislating. As I shall discuss later, the bill as reported would seriously undermine our efforts to permit the countries of Southeast Asia to become self-sufficient, in terms both of defending themselves and of maintaining viable economies. In a word the cuts in the new bill simply go too far.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 576 THROUGH 581

At the request of Mr. ERVIN, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendments Nos. 576, 577, 578, 579, 580, and 581, to the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENTS NOS. 622 THROUGH 627

At the request of Mr. ERVIN, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendments Nos. 622, 623, 624, 625, 626, and 627, to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963 and related acts, and for other purposes.

NOTICE OF HEARING ON 10-YEAR RECORD OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. METCALF. Mr. President, a joint hearing to evaluate the 10-year record of the Advisory Commission on Intergovernmental Relations and to assess its future role is scheduled to be held on November 16, room 2154 of the Rayburn House Office Building, beginning at 10 a.m. The hearing will be conducted before the Senate and House Subcommittees on Intergovernmental Relations.

Persons interested in testifying or submitting statements for the record should contact the chief clerk of the Senate subcommittee, Mrs. Lucinda T. Dennis—telephone: 225-4718.

ADDITIONAL STATEMENTS

DEDICATION OF PERCIVAL STERN HALL, TULANE UNIVERSITY—ADDRESS BY DR. D. W. McELROY, DIRECTOR, NATIONAL SCIENCE FOUNDATION

Mr. ELLENDER. Mr. President, Dr. W. D. McElroy, Director of the National Science Foundation, was in New Orleans recently to dedicate Percival Stern Hall, a new science building on the campus of Tulane University. The new complex represents an investment of nearly $7 million and it houses the departments of biology, chemistry, physics, and psychology.

The National Science Foundation's recognition of Tulane as a center of scientific thought and research is evidenced by the fact that the university was the recipient of a $3,685,000 science development award in 1966 and was again honored with a supplemental award of $1,035,000 in May of this year.

With this kind of support from the Federal level and with the interest that has for many years been manifested by the institution's president, Dr. Herbert Longenecker, and its administration, alumni, and friends, I am certain that we can look to Tulane for continued leadership in what has become a world so dependent on science and research.

Dr. McElroy's remarks at the dedication ceremony for the new Tulane facility stressed that scientists must make clear the dynamic relationship between basic research and social progress. His thesis about the role of modern science and the necessity of impressing upon the common man the impact of science on his daily life is both interesting and thought provoking. I invite the attention of my fellow Senators to these remarks, and I ask unanimous consent that they be printed in the RECORD.

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

REMARKS BY W. D. McELROY DIRECTOR, NATIONAL SCIENCE FOUNDATION DEDICATION OF PERCIVAL STERN HALL, TULANE UNIVERSITY, OCTOBER 8, 1971

SCIENCE AND MAN'S FUTURE

Members of the Tulane Board, Dr. Longenecker and other administrative officers of the University, members of the faculty, students, and alumni . . . and friends of Tulane . . . .

A visiting speaker is sometimes guilty of exaggeration when he describes in his opening remarks his happiness at being invited to some particular function. I can assure you, however, that today this expression of pleasure on my part is genuine.

Few things can be more rewarding for the Director of the National Science Foundation than to be able to take part in the dedication of a magnificent center for the sciences—especially when the Foundation was so intimately involved for so long in its development.

This is a magnificent building being dedicated today—

Spacious enough to enable the University to bring together under one roof its Departments of Biology, Chemistry, Physics and Psychology.

Arranged and equipped to provide ideal conditions for the mature and the neophyte scientist to work together in their pursuits of knowledge.

As magnificent as this structure is, I would like to believe that what Tulane is doing here today is not simply dedicating a building, but rededicating, or *reinforcing* a dedication to an idea, to a commitment, to a search for knowledge for the betterment of man.

I think "reinforcing" is the better term, because Tulane's long-term commitment is the reason this building stands here today.

And it is the reason, too, why I am here today.

For obviously I am here because of my position with NSF and because NSF clearly recognized Tulane's commitment. In May, 1966, NSF granted Tulane a $3,685,000 University Science Development Award. In May of this year, it granted the University a supplemental development award of $1,035,000.

A commitment of $4.7 million by NSF, I think you will agree, constitutes very clear reinforcement of Tulane's commitment.

These grants were not made as the result of application for funds to build new structures—though the major portion of Tulane's were used for construction and equipment—but rather to support a carefully considered academic program.

This and similar grants were made, rather, to institutions which already had relatively strong science programs and which demonstrated in their proposals that they could, with some assistance, develop into—and continue as—centers of high scientific quality. In Tulane's case, both grants included funds for your excellent Department of Mathematics, as well as for the four departments to be housed here.

This structure, then, is only the physical manifestation of Tulane's determination to be in the forefront and of NSF's recognition that it believes the University is capable of achieving its announced goals in the sciences.

This new science facility is the product of many forces and people working together.

This structure is a particular testimony to the critical importance of private gifts in the life of a private university. Without the great generosity of Percival Stern, of corporations, of private foundations, of alumni, and of a large number of Tulane's friends, this building would have never become a reality.

And while the financial assistance of so many was so vital, we cannot forget those individuals here at Tulane who worked diligently to improve the scientific capability of the University.

The first name that comes to mind is that of the late Joe Morris who, as a Tulane faculty member and administrative officer, served for years as a member of the National Science Board.

The second—and one more intimately involved with this particular building and with Tulane's recent scientific advance—is that of the late Fred Cagle. As the University's Coordinator of Research and later its Vice-president for Planning and Development, he nurtured and prepared Tulane's proposal to NSF for this award.

Dr. Longenecker's leadership and the support of the Tulane Board of Administrators are especially noteworthy in that they, thought faced with economic problems, decided to develop and strengthen Tulane's graduate science programs—a decision which, although costly, has proven to be a wise one when one considers how effective these programs have become. In terms of a recent rating by the American Council on Education, positive progress has been achieved within a specific period of time by each department covered by the award.

Because this building is also a symbol of how Tulane has communicated its needs and hopes to others, today it seems most appropriate to consider the topic of public understanding of science.

Let me outline some recent history to offer a historical perspective on the problem of interpreting science to the public. Before World War II, there was little incentive for the average citizen and scientist to communicate. But, as you know, the war precipitated a rapid rise in our national investment in science, which was later accelerated by the launching of Sputnik. Public interest in science rose concurrently with the increased investment. Today, thanks to this heightened level of public interest and investment, the United States is preeminent in scientific productivity and achievement. But it is increasingly clear, however, that interest and understanding do not necessarily go hand in hand.

The climate of public opinion has changed perceptibly since the mid-1960's, and one clear result of this change has been a greater need for people to understand where science is headed and what this will mean to them. The American citizen, living now in a post-industrial society, is increasingly aware of the impact of science and technology on the kind of world he lives in and the quality of his life. He feels change without completely understanding it. And yet seemingly he has little choice but to assimilate and tie it to his present problems and future aspirations. And to a few individuals, science is the tyranny of the modern age—more pervasive, more restrictive, and less human than political tyranny.

In his particular way, Ogden Nash perhaps anticipated these doubts in a long poem attacking progress—in which he noted in part:

"Somebody, bored with rural scenery,
Went to work and invented machinery,
While a couple of other mental giants
Got together
And thought up Science."

In addition to individual anxieties about science, there are governmental concerns, too. Because the Federal Government is the major financial supporter of scientific research, the size of the science budget and its relation to national goals has become a matter of growing Executive and Legislative inquiry.

It is my belief that the scientific community today is faced with a major new challenge: to justify scientific expenditures as a means for society to overcome some of its vexing problems. The key to an enlightened response to this challenge is deeper public understanding and greater public involvement in science policy issues.

Just as basic scientific research is the foundation of our technological strength, so an informed electorate is the foundation of our system of government. And most of us are now aware that a scientifically-knowledgeable electorate is increasingly critical to the future support of research.

The level of scientific literacy that served well just a few years ago no longer meets today's requirements. When science was remote, when its consequences in the form of new technology were assumed to be uniformly beneficial, a comparatively low level of scientific literacy was adequate. Now, such fields as ecology, genetics, and systems theory are tied to everyday problems and issues, and fairly sophisticated scientific literacy is called for in coping with such matters. But what should this higher level of scientific literacy provide?

—First, the new literacy should provide the citizen with an overview of science and a feel for the essential continuity of scientific change. When scientific ideas can be related to previous ideas and to related scientific facts and principles, science can be viewed as an evolutionary development rather

than as a series of unpredictable and threatening bolts from the blue.

—Second, the new literacy should provide the citizen with an understanding about the scientist as a human being. How scientists think and work, the way in which the mosaic of science is pieced together, and what values scientists accept are important to an understanding of the scientific process.

Third, the new literacy should provide the citizen with help in assessing and using scientific information and thus absorbing it into the social fabric. When scientific experts disagree, the man in the street may tune them out. As long as the content of the dispute is purely scientific fact, it is the affair of the scientific community. But social concerns are involved when value judgments with scientific components—not simply questions of fact—are at stake. How clean is clean? How safe is safe? These are not purely scientific questions. Scientists may be able to tell us what the danger to organisms is as a result of different levels of radiation. But the decision as to an acceptable level of risk is a public decision, made by government. The layman needs help in sorting out fact from interpretation, and truth from cant.

In our effort to achieve a greater public understanding of science, what is the principal message that we want to carry to the citizens of this country? We live in a pragmatic age, an era in which people want to see results. Even the idealism of our young people is strongly interlaced with pragmatism.

So our most meaningful message is utility—the utility of science. Though in the past most scientists have never questioned the pursuit of new knowledge for its own sake, this philosophy is now open to question by the general public and by many scientists themselves. We must make clear the dynamic relationship between basic research and social progress. As a biologist, let me draw on some examples from my own discipline.

For the scientist, it is an article of faith that wherever good biology is practiced—or taught—benefits will accrue to society. It is an article of faith, but the past—over and over again—has proved that faith to be justified. In biological research, of course, social utility most often means medical progress. Examples of basic research in biology that have led to improvements in medical treatment are abundant. Let me cite just a few from the broad sweep of biological research. Because the examples are well-known to the biologists and medical scientists in the audience, I will not dwell on the details.

First, vaccines to prevent poliomyelitis were made possible because of the extensive fundamental research in virology and in developing tissue culture techniques.

Studies in nucleic acid metabolism have advanced to the stage where the development of immuno-suppressants for successful implantation of organs and tissues seems likely.

Research into the metabolism of biogenic amines in the brain—epenephrine and the catechol amines—have led to the synthesis of many valuable drugs now used for the treatment of mental illnesses.

Fundamental research into the physiological and biochemical changes that occur in diabetes has vastly improved therapy in diabetic acidosis.

Finally, to note a very recent example: The discovery that iodoxuridine inhibits the reproduction of viruses containing DNA has led to successful trials of that compound as treatment for viral infections of the eye, and it may prove effective in treatment of other viral diseases, such as viral meningitis and smallpox.

I do not mean, by these examples, to give undue credit to biology. It is well to remember that many different fields of research have contributed to the revolution taking place in medical science during the past two decades.

I am highly optimistic that we can make our message of science's utility better understood to most citizens. Despite those latter-day Luddites who would negate science and its accomplishments, I view wisely-utilized science as man's principal tool of survival in an ever more complex and heavily-populated world.

And because science—and its derivative technology—is so vital to our future, those who work in this and similar buildings accept a special responsibility to examine the purpose and the results of their labors, a responsibility which, if fulfilled, will better enable man to live in harmony and peace with his fellow-man and his environment.

For permitting me to be a part of this important day in Tulane history, I thank you.

HOUSE VOTE ON SCHOOL PRAYER AMENDMENT

Mr. SCHWEIKER. Mr. President, I was deeply disappointed to learn of the vote Monday in which the House defeated House Joint Resolution 191, the constitutional amendment to allow prayer in public schools.

Because of the vast number of Americans who support the school prayer amendment, particularly in Pennsylvania, I think we in the Senate should revive the bill and bring it to a vote.

The amendment simply allows brief observances of nondenominational prayer or meditation in public schools. It does not violate the first amendment language prohibiting an establishment of religion.

Many government meetings and functions are begun with prayer. Chaplains and representatives of organized religions participate in many governmental activities. And in none of these examples is the first amendment violated.

Our Nation was first settled in the name of religious freedom and diversity. The prayer amendment is being urged by the people of the country in the same spirit of religious freedom.

A nondenominational prayer can be an important part of the overall educational climate to those communities that desire it. It does not teach any one religion, but can help instill a sense of respect for forces greater than the individual, whether these forces are considered to be religious or social.

I am deeply concerned with the moral degeneration in society today. Respect for other persons, respect for individual integrity, and respect for our institutions has diminished. I disagree with the Supreme Court decisions barring any prayer observances in our schools. My mail, and my travels throughout Pennsylvania, convince me that the majority of Pennsylvanians also disagree with these opinions. Therefore, it is proper for us to amend the Constitution to restore the rights of prayer to our citizens, and I urge swift action and eventual approval of the amendment by the Senate.

CONSUMER NEWSWEEK

Mr. MOSS. Mr. President, a new publication with important consumer information is now available. Published by Consumer News, Inc., and a successor to the biweekly U.S. Consumer, Consumer Newsweek is a newsletter, filled with Washington-type information useful for consumers and consumer organizations throughout the country.

The publisher of Consumer Newsweek is Arthur Rowse, formerly staff director of the President's Committee on Consumer Interests; the editor is Thomas De Baggio, a veteran reporter; and the director of syndicated services is Howard Frazier, past president of the Consumer Federation of America.

The October 18 issue contains a feature story concerning the Federal Trade Commission's advertising impact hearings which began on October 20 and will continue through November. The gist of the story is that the Commission hearings will be dominated with advertising industry presentations. I realize that industry participation will be the keystone of successful hearings for the Commission; however, the inference that strong pressures were put on the agency, documented in a confidential report, certainly does add some intrigue to the Commission's hearings.

The Consumer Subcommittee of the Committee on Commerce, which is considering several advertising bills, looks forward to the conclusions and inferences which can be drawn from the hearings upon their completion. We will try to build our legislation using the Commission's efforts as a platform from which to further investigate.

I recommend Consumer Newsweek to the Senate, and ask unanimous consent that the article, entitled "FTC Ad Hearings Tailored to Industry Wishes," be printed in the RECORD.

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

FTC AD HEARINGS TAILORED TO INDUSTRY WISHES

Madison Avenue is set to dominate the Federal Trade Commission hearings on advertising's impact beginning here on Wednesday (Oct. 20). Elaborate industry planning and many advance contacts with FTC officials have wrung concessions unprecedented for such affairs.

A confidential report circulated among industry leaders reveals that strong pressures were put on the agency, resulting in an unusually heavy schedule of industry spokesmen, timing designed to offset critics for headline purposes, and auxiliary hoopla that threaten to turn the whole affair into little more than a government-sanctioned commercial for the advertising business.

The secret memo discloses that the principal industry planning was done by a joint committee of officials from the Association of National Advertisers and the American Association of Advertising Agencies. *A nationwide public relations and advertising campaign has been planned to coincide with industry testimony.*

Admen got the FTC to allot 4½ days of hearings to what the industry calls a "first class" pitch. This is more than one-fourth of the total scheduled time. "Rebuttal" testimony by industry spokesmen has also been arranged to match critical comments in time for news deadlines, according to an article in Advertising Age, a trade publication.

In addition, FTC reportedly agreed to rule out any discussion of advertising's influence on industrial concentration, a burning issue at the agency and elsewhere. Agency staff aides had suggested the expanded topic but were overruled by higher officials.

To the admen's delight, the FTC has decided to focus on getting "empirical information." FTC Chairman Miles Kirkpatrick told a Senate committee Oct. 4 that he was

already willing to conclude "that in many instances, scientifically sound information does not yet exist and must await further research."

In recent months, the industry has become deeply worried over the increasingly tough stance of the FTC. Their main concerns are the FTC demands for documentation of questionable claims and orders that false statements be corrected in future advertisements.

Admen fear the possibility of further industry-wide regulation. In his confidential memo, ANA President Peter W. Allport emphasizes this theme . . . He deplores what he sees as an FTC staff view "that advertising's only economic and social justification is to provide 'information' from which consumers can make 'rational purchasing decision.'" Industry leaders obviously see the hearings as a vehicle to improve government and public understanding of advertising.

Also worrying admen is growing evidence of a sharp decline in advertising credibility. A survey reported in the Harvard Business Review indicated that two-thirds of U.S. executives do not feel ads present a true picture of products and services.

Recent formation of National Advertising Review Board, a self-policing scheme, was in response to growing criticism and demands for industry action.

The first of 24 industry witnesses before the FTC will be C. W. Cook, chairman of General Foods Corp., itself a recent target of an FTC complaint of deceptive advertising. Other industry spokesmen will be John Crichton, president of the American Association of Advertising Agencies; Andrew Heiskell, board chairman of Time Inc.; Herbert E. Krugman, public opinion research manager for General Electric Co., and Norman Cousins, editor of the Saturday Review.

In another response to industry requests, the FTC has agreed to sit through them as a full commission *with at least three commissioners always present.* Ordinarily for such hearings, the job of presiding is delegated to a staff official such as a department head.

All but one hearing will begin at 10 a.m. in FTC room 532, with extra rooms held for public and press overflow . . . Dates are Oct. 20, 21, 22, 26, 28, 29, Nov. 1, 4, 5, 8, 10, 11, 12, 15 and 17. The morning session on Oct. 22 will be at 3620 S. 27th Street, Arlington, Va.

DOCUMENTATION OF AUTO CLAIMS MADE PUBLIC

Automakers have responded to an FTC demand for substantiation of advertising claims with 1,171 pages of documents . . .

They are available for public inspection in room 551 of the FTC building here.

Here again, FTC officials have soft-pedaled agency action with Chairman Kirkpatrick assuring manufacturers that the demand for substantiation *"is not intended to cast any doubt upon the continued propriety of 'puffing' in advertising."*

Documentation of claims by makers of air conditioners and electric razors are now coming in to the FTC and will also be opened up to the public. On Oct. 14, the agency said it had made the same demands to television set manufacturers.

CONFIRMATION OF SUPREME COURT NOMINATIONS

Mr. BAYH. Mr. President, Hon. Nicholas de B. Katzenbach, the distinguished former Attorney General and Assistant Secretary of State, wrote a perceptive article entitled "The Roles of the Executive and Legislative Branches in Judicial Appointments," which was published in the New York Law Journal of November 3, 1971. I commend the article to the Senate, for soon we shall all be confronted with the question whether to advise and consent to President Nixon's latest nominations, namely, of Lewis Powell and William Rehnquist.

Mr. Katzenbach explores the different role the Senate plays as a practical matter when Supreme Court, rather than lower court, nominees are presented. He also astutely points out that—

Whatever kind of legal constructionist or reconstructionist a justice is, he cannot avoid the political consequences of profound political questions.

For this reason, the personal and political philosophy of the nominee is of utmost importance to the Senate. This is especially true, as Mr. Katzenbach points out, when the President himself challenges "the Senate to give or refuse its advice or consent to his judicial philosophy as he sees it embodied in his nominations."

Mr. President, I ask unanimous consent that the article by Mr. Katzenbach be printed in the RECORD.

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

THE ROLES OF EXECUTIVE AND LEGISLATIVE BRANCHES IN JUDICIAL APPOINTMENTS

(By Nicholas de B. Katzenbach)

Section 2 of Article II of the Constitution provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court . . . and all other officers of the United States," including federal judges. There can be no question from the language of the Constitution, or the history of Article II, that the power of the President to "nominate" is absolute and unfettered. He only needs the "Advice and Consent" of the Senate to "appoint." But he cannot "appoint" without it.

Alexander Hamilton stated ("Federalist Papers," Beard ed. 1948, No. 66, p. 282) that:

"It will be the office of the President to *nominate,* and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of *choice* on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another; but they cannot themselves *choose*—they can only ratify or reject the choice of the President."

POLITICAL FACTORS

Nobody, I believe, argues with that reading of the Constitution. That the nominating and appointing power was placed in the President was explained by Hamilton on the ground that the President was less likely to have political debts, personal attachments or trading inclinations which might result in bad appointments.

But, as Mr. Justice Byron White once remarked, it is difficult to take the politics out of politics. Political considerations did indeed crop up when the first Senate rejected President Washington's nomination of Benjamin Fishbourn to be the naval officer for the Port of Savannah as a courtesy to the two Senators from Georgia who had a nominee of their own. Thereupon, President Washington nominated the Senators' candidate who was promptly confirmed.

"Senatorial courtesy" has been with us ever since, to the frustration of many Presidents and probably to the occasional and perhaps considerable detriment of professional quality. Despite the clear langauge of the Constitution, Senators of the same party as the President do in fact "nominate" officers of the United States who serve in their own state—judges, U.S. Attorneys, Marshals, Postmasters (until recently)—and it is the President who gives his "Advice and Consent" by formalizing the nomination.

HISTORICAL POINT

I make this historical point because I regard it as important to understanding how the judicial appointment process really works. I would like to describe that process as it has operated in recent years and, I believe, operates today.

Where there is a Senator of the same party as the President it is he who in fact nominates federal District Court judges in his state. (If there are two Senators of the same party, they will either jointly make their recommendation, or will have worked out the particular nomination among themselves—whose "turn" it is.) The President, through the Attorney General or his deputy, may make suggestions to the Senator, and he will try to get as many names of acceptable appointees as he can so that his choice and role is enlarged.

Sometimes he succeeds; more often the Senator knows exactly who it is he wants. The President can refuse to nominate that person and his reasons may be sufficiently persuasive to elicit another "nomination." If they are not, a statemate ordinarly ensues and the post remains vacant. If the vacancy endures, the Senator is put under some pressure from local lawyers and perhaps local politicians. He is also a pretty irritated fellow.

As President Polk observed in his diary:

FLY INTO PASSION

Indeed many members of Congress assume that they have the right to make appointments, particularly in their own states, and they often . . . fly into a passion when their wishes are not gratified. . . ." That is also my experience.

Now the President can, of course, submit his own nominee. If the Senator is opposed, he can defeat that nomination by invoking senatorial courtesy. Indeed, the nomination hearing will likely never take place since the Senator will not submit his no objection "blue slip" and neither the chairman of the Judiciary Committee nor its members will have a hearing without it. If the nominee is one who, for political reasons, the Senator cannot afford to oppose, the President will prevail. The political cost will be considerable; not one angry Senator, but many; he has broken the traditional rules on which all Senators in a non-partisan fashion agree. And serious problems on future nominations. Confrontation politics is seldom good politics—or good government—from the Presidential perspective.

All Senators are interested in preserving this system. Because they are interested in the process—not the nominee—they rarely exercise any independent judgment in the confirmation process. The nominee's sins or lack of qualifications have to be extraordinarily grievous (perhaps a known racist background) to defeat confirmation. Senators must feel that their vote for confirmation will not politically embarrass *them* at home, and this virtually never occurs. Who judges in Arkansas is not important to the citizens of Massachusetts.

Where there is no senator of the President's party, the President has a relatively free hand. He will probably consult political leaders of the state involved—efforts of the House to substitute for the Senate have never succeeded—and the President exercises a pretty free judgment in his own, or his party's interest.

POLITICS A FACTOR

Senators may or may not feel that they have a stake in the quality of the federal judiciary; some do and some don't. Political considerations are often overriding, just as the Founding Fathers feared. The President (in part freed from political considerations precisely because the political mileage on such appointments is claimed by the senator) has an interest in the professional qual-

ifications of the federal judiciary, and the Attorney General has an interest in the respect of his peer group, the organized Bar, who are occasionally useful for other purposes.

Out of these concerns, an alliance with the American Bar Association was entered into under President Eisenhower and followed by his successors in office whereby a special committee was formed to determine the professional qualifications of Judicial candidates. That committee was enjoined to act only on names submitted by the Attorney General and no one else; to initiate no recommendations individually or collectively to the Attorney General or anyone else; to be rigorously nonpolitical; to operate secretly and to keep in strict confidence its investigation; to pass only on the professional qualifications of the candidate; and to reveal their judgment only to the Attorney General unless the candidate was in fact nominated by the President.

I have not always agreed with conclusions of the ABA committee but I have every reason to believe it has strictly adhered to its defined role to the best of its ability. (There have been very few "leaks" to the press, despite the usual temptations.) The gentlemen appointed to it are distinguished lawyers well above partisan politics and the politics of local Bar associations. They believe, as I do, that the Bar has a stake in fostering professional competence and I have no doubt that the quality of the federal district Bench and courts of appeal has been improved as a result of their efforts.

The purpose of this alliance between the Attorney General and the ABA was, of course, to strengthen the hand of the President in securing professional qualified appointees to the Bench, primarily to the District Court. When—and only when—the President submits a nomination, the committee publicly informs the chairman of the Senate Judiciary Committee whether or not the candidate is "qualified," "well qualified," "exceptionally well qualified"—or not qualified." But the system does not really depend upon this public statement; it gives the Attorney General an objective reason for refusing to recommend a nomination to the President. If the President nominates a candidate who is 'not qualified" it is he who pays a political price as much as the senator. The more he publicly commits himself to the ABA process, the more stake he can plausibly claim in refusing to go along with an "unqualified" candidate.

A NEW FACTOR

The point, of course, is not the political power of the ABA. The Senate has little hesitation in confirming unqualified candidates. (Judge Morrissey is no exception; his difficulties stemmed from his lack of candor, not his lack of qualifications.) The point is that the President has introduced a new factor into the system which gives him an apparent political stake in the appointment of professionally competent judges—a fact senators do not welcome but cannot influence. Senatorial courtesy remains as potent as ever—but at a higher level of professional competence.

What is true of District Court judges is also, but less acutely, true of Circuit Court judges. It is less acute because a Circuit Court covers more than a single state, and so the President has a little more maneuvering room in making his nomination. The nomination may come from any one of from three to six states, and he can to a degree conquer and divide the politically relevant senators. He does not have to nominate the Mississippi senator's choice if the senator for Florida or Texas has a better candidate. More often than not the appropriate senators wish to promote "their" District Court judge to the Circuit Court, thus giving them a double (or, if their District Court candidate is the U.S. Attorney, a triple) parley. This essentially political process is thought of as a merit "promotion."

The President may or may not have much freedom of action. He is constrained by the fact that the courts of appeal should have some "Balance" geographically in the eyes of the Bar and the Senators, who feel—often by mutual agreement—that it is a particular state's "seat" on any given occasion. But these practices are sufficiently imprecise to permit the President some leeway—and even more "bluff"—and his freedom is increased by the fact that it is very nearly as impossible for a senator to find a sitting District Court Judge "personally obnoxious" as it is for the ABA to find him "not qualified." Within a pretty narrow field of choice, the President, not the senator, can "nominate."

CONFIRMATION SURE

Normally—almost without exception—the President's nomination will, as in the case of the District Court, be uncritically confirmed. The Senate's focus of attention remains upon the process, not the candidate. The senator from whose state the candidate comes will not object, and the senators who thought the "nomination" was theirs have no customary standing to object. Once again all senators have a stake in preserving the prerogatives of senatorial courtesy, but rarely does it arise. Again, they have little political stake in terms of their constituency.

Now let us come to the Supreme Court of the United States, and let us approach it in the same essentially political terms. No senator feels that in any sense whatsoever is this "his" nomination. If he makes suggestions to the President he does so deferentially and without claim of right. At long last the Constitution does operate. The President has a free hand to "nominate"; the Senate has no institutional stake in its own political processes other than that prescribed in the Constitution, to either give or deny its "advice and consent." It can, without destroying any senatorial or presidential prerogative, do so totally on the merits of the candidate, although members of the President's party will feel the normal pressures to support him. The ABA feels it has a role to pass on the candidate's "professional qualifications." Perhaps it should, but the President whose hand is at long last freed no longer cares much about the ABA he was, after all, in fact tying the hands of the senators before, not his own. It is now a new ball game.

COMPETENCE IMPORTANT

It is, of course, important that the justices of the Supreme Court be professionally competent. But as President Nixon has said professional competence is not a sufficient qualification. As a nation we are concerned, as the President candidly acknowledges, with other considerations. And the reason we are is that the Supreme Court in our political system cannot and does not play a neutral political role. It claims—and nobody challenges—a role as the ultimate voice in interpreting the Constitution. It cannot, even if it would, avoid making decisions with extraordinary political consequences.

To take only one example, the *Brown* case: The Supreme Court was faced with the issue of whether or not racially segregated schooling was constitutional. However, it had decided that case—with whatever professional competence or scholarship—the result was unavoidably profoundly political. Whatever kind of legal constructionist or reconstructionist a justice is, he cannot avoid the political consequences of profound political questions. Another example: The apportionment cases. Can one say that how the Congress and the state legislatures are apportioned for election purposes does not have political consequences, whether or not the court invokes a Constitutional standard? One can say this is none of the court's business: political consequence "A," or it is: political consequence "B." But there is no such thing as political neutrality.

NIXON POSITION

President Nixon deserves more credit than he is likely to receive—or even want—in candidly recognizing this political function and challenging the Senate to give or refuse its advice or consent to his judicial philosophy as he sees it embodied in his nominations. He recognizes, as should the Senate, that qualities in addition to professional competence are what is important. He has made his nominations squarely on those grounds. He seeks the advice and consent of the Senate squarely on those grounds. By nominating clearly professionally able lawyers he has wisely avoided questions of "professional competence"—the role of the ABA is thus irrelevant.

(Were there a question, it would, of course, be relevant. But we are not trying to put a floor under professional standards as the President quite properly is in appointments to lower courts where the issue is both relevant and material. We are talking about the Supreme Court of the United States, where professional qualification is a necessary but not sufficient condition.) He seeks endorsement of his nominees on the basis not of professional competence, but of judicial philosophy.

My point is simple. Neither the Senate nor the ABA should be confused about their function. The ABA should not be offended that its committee was not consulted. Any President (or Attorney General) who has doubts as to the professional qualifications of a nominee for the Supreme Court of the United States is not for real. He knows. He does not need the ABA to tell him—or any senator. Nor does the Senate. Of course, the ABA should give its opinion. But that opinion will not be decisive; nor should it.

PRESIDENTIAL CHOICE

In the case of a Supreme Court appointment the Senate—each senator—should give or refuse to give advice and consent. No senator has a political stake in patronage or senatorial prerogative. There is nothing in reason or logic or history or precedent—or the Constitution—which requires him to vote yea or nea. He is not protecting his office or his institution. He is joining with the President—or not joining—in the choice of a member of an equal and coordinate branch of government. He must accept the fact that this—and other—choices are those of the President, not the Senate. Is this nominee better than a hypothetical and confirmable next one? But—unlike most other appointments—that is the only constraint upon each senator's judgment.

I think the President is to be congratulated on making so clear the basis for his nominations. I hope the Senate will meet in good faith and good conscience its constitutional obligation as the Founding Fathers intended. Because senators have moulded the Constitution more to their liking in the appointment of lower court judges is no reason to give the President a free hand where the Supreme Court is concerned. The Constitution is clear in both circumstances. But there is no constitutional or political reason why any senator must accept the President's judgment. Whether he chooses to give or not give his advice and consent is his decision—and he is answerable only to his conscience and constituents who may have views.

One final point. Supreme Court nominees are usually men of obvious professional capacity and intelligent distinction, whatever their judicial or political philosophy. A single appointment by a President is unlikely to affect the institution for any considerable period of time, obviously since the court thrives on diversity of view and approach. When a President by chance is able to make several appointments this fact is no longer present, and the possibility of changing the institution for many years beyond the President's term of office is raised. In such circumstances the Senate's obligation to advice

and consent is no mere formality, but a judgment or crucial importance to the judicial branch of government.

HUMAN GUINEA PIGS

Mr. McINTYRE. Mr. President, we are all deeply concerned about cancer. And we are actively committed to searching for ways to combat it. But I feel we are overlooking a large source of the problem: drugs on the market which have been inadequately screened for cancer-producing potential.

I invite the attention of Senators to an excellent article entitled "The Guinea Pigs," published in the Washington Post of October 24. Written by Morton Mintz and Tim O'Brien, the article takes a hard look at drug testing on humans and finds the situation appalling.

In numerous cases, they say, cancer has developed in animals after tests have been made on humans. For this alarming development, the article blames Food and Drug Administration regulations and the drug companies.

According to FDA regulations, the article states, a new drug may be administered to humans for up to 2 weeks as soon as 2 weeks of animals testing have been completed. Further animal testing extends the time allowed for testing the drug on humans. Mr. Mintz and Mr. O'Brien charge in their article that this has led to animal testing being conducted "on the side as a facade" while serious testing on humans continues.

The damage this can cause is obvious. While it is true that proof a drug being cancer-producing is hard to obtain, due to the time needed for conclusive evidence, 2 weeks of animal testing hardly seems adequate. In light of our fight against cancer, this laxness is shocking.

The drug protection bill S. 2812 I have cosponsored with the distinguished Senator from Wisconsin (Mr. NELSON) attempts to rectify this situation. The bill contains a provision prohibiting testing on humans until the Food and Drug Administration affirmatively approves it.

Because I believe that Senators will be interested in this excellent article, as well as in the short case history of a drug which accompanied it, I ask unanimous consent that both articles be printed in the RECORD.

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

THE GUINEA PIGS—NOBODY KNOWS IF DRUGS TESTED ON HUMANS WILL CAUSE CANCER

(By Morton Mintz and Tim O'Brien)

Pharmaceutical manufacturers are testing potent new medicines in thousands of humans every year even before they complete experiments designed to show if the same chemicals may cause cancer in laboratory animals.

In numerous cases, cancer has developed in animals after tests. The Food and Drug Administration has publicly disclosed only one such case, that of MK-665 compound—an experimental birth control pill given to more than 400 women and belatedly reported in January, 1966, to have caused cancer in the breasts of beagles.

All told, more than 1,000 chemical substances, out of some 20,000 in our environment, have been shown to be carcinogenic—cancer-producing—in animals. And several individual chemicals or mixtures among them have also been shown conclusively to produce cancer in men.

Many cancer specialists apply a rule of thumb: If a chemical is reliably and definitely carcinogenic in one or two species of animal, it is very likely to be similarly active in other species—including humans.

But proof that a substance produces cancer in humans is hard to obtain. This is because such a substance takes approximately 10 years—and sometimes as much as 30 years—to bring a human cancer to the point of development where it can be detected.

Bladder cancer, for instance may be present for 20 or even 30 years before it is detected. Thus we will not know for a long, long time whether cyclamates, the synthetic sweeteners found in 1969 to be causing bladder cancer in rats, also cause it in humans.

Most always, companies experimenting in humans while animal tests are still under way are complying fully with FDA's regulations. The FDA's General Guidelines for Animal Toxicity Studies require a company starting human testing to notify the agency that it is doing so, but neither to have first completed animal testing nor first to have obtained approval before moving to humans.

The regulations permit a drug that has been used in animals for two weeks to be administered to humans, sick or well, for up to two weeks (the regulations do not apply to estrogen, progestogen and the oral contraceptives, which in every case contain these synthetic hormones).

After four weeks' use in animals, the rules permit an experimental drug to be used in humans, sick or well, for up to three months; and after a medicine has been tried in two species of animals for three months, a manufacturer is free to give it to humans for an unlimited period of time.

What all of this adds up to, one disillusioned FDA scientist told a reporter, is that "the drug companies, with the collaboration and collusion of the FDA, are really doing their experimentation, with new drugs on humans while simultaneously carrying on limited and minimal animal studies on the side as a facade. That is it, pure and simple."

NINE-TENTHS OF CANCERS

In the view of leading scientists, no amount of a substance that is carcinogenic in animals should be presumed safe in humans. Last January, for example, Dr. David Rall of the National Institute of Environmental Health Sciences said that it is "essentially impossible to suggest a safe dose in humans of a chemical that is carcinogenic in animals."

That view is consistent with the 1958 legislation, sponsored by Rep. James J. Delaney (D-N.Y.), which forbids the use of any food additive that has been demonstrated to cause cancer in either animals or man.

And that view is consistent, too, with an appeal made last winter by the Surgeon General of the Public Health Service, Dr. Jesse L. Steinfeld. Calling for controls on production of all known carcinogens that man has introduced into the environment, he said exceptions should be limited to substances offering "a well-defined health benefit" that "outweighs their risk."

Chemicals cause the great bulk of cancers in man; viruses and radiation together cause possibly only 10 per cent of them.

Chemical carcinogens have been shown to act by inhalation (cigarette smoking alone is blamed for most of the 68,000 deaths a year from cancers of the respiratory system), by ingestion (the foods, beverages, drugs, additives and other chemicals we take in are believed responsible for possibly most of the 45,000 fatal cancers in the intestinal tract), by surface contact with the skin and mucous tissues, and occasionally by injection or implantation.

The risks and the difficulty of control are illustrated in a hypothetical example offered by Dr. Umberto Saffiotti, an associate scientific director of the National Cancer Institute, in testimony last April before the Senate Subcommittee on Executive Reorganization and Government Research.

Suppose, he said, that thalidomide, instead of producing deformities which were obvious at birth, had produced a form of cancer which would not become manifest until adulthood.

"The lethal effects of the drug would probably still be undetected, women would possibly still be taking it during their pregnancy, and a large number of people would have been born with a built-in sentence to early death by cancer," he said.

While a chemically induced cancer escapes detection for possibly two decades or longer, it can be administered "under the false appearances of harmlessness," Dr. Saffiotti warned.

"If the effect is then detected and properly attributed to the specific chemical, and this is then removed from the environment, the cancers it induced will continue to appear for the next 20 to 30 years," he testified.

POTENTIALLY PREVENTABLE

Rather than seeing all of this as a cause of despair, Saffiotti expresses a view held by many cancer experts: "The majority of human cancers are potentially preventable."

The work of preventing cancer, he has suggested, can be sensibly concentrated on the "maybe just a few dozen" new environmental chemicals that, on testing, will be shown to be carcinogenic in humans.

In most cases, Saffiotti told the Senate Subcommittee, pursuit of such proof requires "extremely complex and lengthy epidemiological studies."

And in some cases, he continued, such proof actually may be "impossible to obtain . . . because of the complexity of controls that would be needed for a satisfactory demonstration."

The birth-control pills illustrate the problem. The steroid substances they contain have caused cancer in five species of laboratory animals. Millions of women, in an uncontrolled mass experiment, take them daily (and more millions have taken them and given them up, for one or another reason).

Yet controlled studies to determine if the pills do—or do not—cause, say, breast cancer have not been done. Such studies would have to enlist tens of thousands of women for approximately a decade.

In 1969, the FDA's expert outside advisers on contraception issued a report saying that "the major unsolved question" about the pill is their relation to the induction of cancer. Consequently—nine years after the FDA pronounced the pioneer pill safe and let it go on sale—the advisers were pleading that well designed studies be initiated "to elucidate or eliminate" the relation between such products and cancer of the breast and uterus.

For Dr. Saffiotti, among other experts concerned with the whole range of cancer problems, the "only prudent course of action at the present state of knowledge is to assume that chemicals which are carcinogenic in animals could also be such in man, although the direct demonstration in man is lacking."

Another prudent course, emphasized by scientists including Sir John Eccles of the State University of New York, is to exploit our ever greater proficiency in conducting animal carcinogenicity tests meaningful to man.

". . . there will be progressively less necessity for human experimentation," Eccles said. "We must plan to minimize human experimentation and maximum animal experimentation, and we must define quite rigorously the conditions under which human experimentation can be carried out."

This was one of the major goals of the Kefauver-Harris amendments to the drug laws, which Congress, suddenly motivated by the thalidomide episode, enacted in 1962,

in hopes of averting any future drug catastrophes.

With this mandate, the FDA, in January, 1963, adopted implementing regulations. Their high purpose, as expressed by the Department of Health, Education, and Welfare, was "to eliminate all unnecessary risk to the public that may attend the development of new drugs and to impose only necessary restrictions on the conduct of investigational drug research."

For about three years, so far as the public and most of the medical profession were aware, the regulations were working well.

THE MK–665 CASE

But in early 1966, serious doubts surfaced. First came the case of MK–665 compound, the experimental birth control pill, that led then FDA Commissioner James L. Goddard to make the one and only agency announcement that an investigational drug used in human beings had caused cancer in animals.

On Jan. 21, 1966, Merck & Co. had notified the FDA of the finding of breast cancer in beagles that were sacrificed after receiving large doses of MK–665 compound for 12 months.

An "alarming finding," William W. Goodrich, then FDA's general counsel, called this in hearings on the case held by the House Intergovernmental Relations subcommittee in March, 1966. And, he testified, such a finding must, under the regulations, be reported to the agency "immediately."

Merck scientists had sacrificed the dogs on July 30, 1965, but did not make microscopic examinations of tissue sections until four months later—a precedent of sorts for the Triflocin case detailed in the accompanying article.

Explaining the delay, the firm said the findings from another group of dogs sacrificed in February, 1965, had been negative, and that the tissues from the July group had become available during an inconvenient period, vacation time.

If reasons of this sort can immunize a company from the requirement to report "alarming findings" at once, W. Donald Gray, then a subcommittee investigator, told Goodrich, "a company could do animal studies and not make final tissue examinations and reports for years."

The FDA did refer the case to the Justice Department for a possible criminal prosecution, but the department declined to act.

In November, 1965, while the July tissues still were awaiting evaluation, Merck had notified the FDA that it was beginning large-scale testing in women.

The notification—legally, an application to be exempted from the requirements that any drug in interstate commerce be demonstrated to be safe and effective—cited the negative February results of six months' testing. The July results, covering a full year, not having been analyzed, were ignored.

On Dec. 9, 1965, however, the July tissues were analyzed and cancer was found. Merck "should have reported the results . . . immediately," but, instead, was "getting in touch with their consultants," Goodrich testified.

Not until 43 days later did the company notify the FDA. "That was a violation," the counsel told the subcommittee. Merck said it had acted "responsibly and as promptly as warranted." Soon after receiving the notification, then Commissioner Goddard announced the cancer finding at a press conference.

Merck said it had halted testing in 340 women who had been receiving the experimental birth control pills from authorized medical investigators, and in 127 others who had been getting MK–665 from two other investigators who had not been cleared by Merck.

THE NEEDED REFORMS

At the time, the FDA said Merck had initiated a program of followups for the 340 women who had gotten MK–665 through proper channels.

But in replying to a recent inquiry, the FDA said that while no adverse effects in the users had been found, Merck had "lost track of many of the women." In addition, some of the follow-up tests were "inconclusive" because the women took other oral contraceptives abandoning MK–665, the spokesman said. He added that the whole matter has been referred to an FDA advisory committee.

In a follow-up of its own, the FDA ordered manufacturers of all of the marketed oral contraceptives to undertake studies of up to seven years' duration in monkeys, the species closest to man, as well as in dogs. Each of the pills contain synthetic estrogen, which, under certain conditions, can be carcinogenic.

Yet the FDA has demanded no counterpart of the monkey-beagle tests for numerous non-hormonal medicines, many of which have not been shown to provide a therapeutic advance that outweighs their hazards.

The House subcommittee also investigated the case of DMSO, an industrial solvent built by almost hysterical publicity into a "wonder drug" useful for most any affliction from arthritis to headaches. One of the distressing revelations was that several drug firms had failed to report adverse (though non-cancerous) reactions in animals, and that the FDA had failed to enforce its own experimental drug rules.

The subcommittee hearings, led by Chairman L. H. Fountain (D-N.C.), prodded the FDA to make some improvements in its investigational drug regulations, but fundamental deficiencies nonetheless went uncorrected.

The needed reforms are, in some areas, obvious: tougher regulations to implement the law, and tougher enforcement of those regulations; more congressional oversight of the FDA, and the use of substitutes for carcinogens (which is often possible), or the outright abandonment of such chemicals unless there are truly compelling justifications to use them.

A larger question arises from the legislation approved by the Senate to create a Conquest of Cancer Agency, finance it generously, and have it report directly to the President—an idea to which Mr. Nixon and the American Cancer Society attach importance.

The question is, can the conquest be achieved so long as the FDA does not routinely require that drugs be adequately screened for cancer-producing potential, and so long as it permits drugs that are carcinogenic in animals to be administered to humans?

TRIFLOCIN: CASE HISTORY OF A DRUG

(By Morton Mintz and Tim O'Brien)

In February, 1968, Lederle Laboratories, the pharmaceutical division of American Cyanamid Co., began experimenting with a medicine that rids the body of excess fluids.

Such products are called diuretics. Approximately two dozen of them long have been available to physicians.

Lederle says that Triflocin held promise of offering special advantages over rival products.

At the Food and Drug Administration, however, some scientists say that the diuretic market is saturated. "We need another diuretic like a hole in the head," one FDA scientist said.

Initially, Lederle administered Triflocin to rats and dogs. Some time after that—both the company and the FDA are vague about precisely when—medical investigators working with Lederle began administering Triflocin to human beings here and abroad.

The number of patients is uncertain. The FDA says it was "about 205," but Lederle says it was 253. The FDA says that "at least 63 non-Americans" got Triflocin; Lederle says that "98 foreign humans" were involved in the Triflocin studies.

The date when human beings began to take Triflocin has not been disclosed, but FDA regulations for "INDs"—investigational new drugs—permit clinical trials to begin after animals have received them for two weeks.

In September, 1969, some of the first rats given Triflocin were killed and autopsies performed.

In the urinary bladders of some of the rats, the FDA said, Lederle found "abnormalities." The company, replying to written questions from The Washington Post, said that it detected no cancerous tumors at that time, but neither it nor the FDA disclosed exactly what the "abnormalities" were.

According to the account Lederle gave the newspaper, the next important development came when dogs given Triflocin experienced kidney effects "unrelated to cancer." On the basis of these findings, the letter said, Lederle on Jan. 22, 1970, instructed Triflocin investigators to discontinue human trials.

The FDA made no mention of the January development and, indeed, there are signs it did not know of it.

After the rat studies disclosed unspecified "abnormalities" the obvious next step was to examine the animal tissues under a microscope to find out if the "abnormalities" were cancers. This process takes two weeks to a month, according to FDA scientists.

But the microscopic examination actually were not completed for seven months, and during this time Triflocin was being administered to human beings. The possibility that the "abnormalities" were cancers not having been excluded, the delay was "inexcusable," one FDA scientist said.

The precise date Lederle gave the FDA for completion of the microscopic examinations was April 15, 1970. At that time, Lederle said, four out of 13 rats had developed cancer 18 months after being treated with Triflocin; seven out of 12 got the disease after 22 months. In all, 11 out of 24 became cancerous. None of the control rats—those not given the drug—developed cancer.

Lederle reported these findings to the FDA not by phone or with some other sign of urgency, but in a letter dated April 27, 1970, or 12 days later.

"During routine evaluation of slides from our chronic toxicity study in rats, we discovered changes in the urinary bladder which appear to be drug related," Lederle told Dr. Henry E. Simmons, director of the FDA's Bureau of Drugs.

Because the "changes" were cancers, "We immediately discontinued clinical studies and requested return of all outstanding drug supplies," the Lederle letter said.

The statement that "we immediately discontinued human trials" did not seem to suggest that these trials were going on in only two human beings. Yet, Lederle, in its subsequent letter to The Washington Post, said that all but two persons "had been off Triflocin for several months," as a consequence of the January, 1970, dog kidney findings "which were unrelated to cancer."

In dealing with the finding of bladder cancer in rats, Lederle proceeded differently with its eight foreign investigators than with its 10 domestic Triflocin investigators, the FDA said.

"Copies of letters to the domestic investigators, dated June 18, 1970, identified the adverse finding as papillary carcinoma," the agency said. "Foreign investigators, however, were advised in letters dated April 27, 1970, of ". . . lesions with occasional malignant degeneration."

Asked for an explanation of the April-to-June delay in notifying American investigators, Lederle said that the June 18 letter "transmitted further detailed reports of the rat bladder cancer findings . . . as a follow-up to prior notification" of these physicians "by letter and/or visit."

Between September, 1969, when the "abnormalities were found in the test rats, and late April, 1970, when this finding was re-

ported to the FDA, "about 205" or 253 persons—depending on whether the agency's count of Lederle's is correct—had taken Triflocin.

The conflicting statistics raise questions as to how the FDA can monitor the human subjects' reaction to Triflocin if uncertainty exists about precisely how many persons got it.

Asked how many of the human subjects were informed of the suspected toxicity of Triflocin—information which would encourage them to undergo regular examinations—the FDA said the number was "indeterminable."

The FDA made "specific recommendations" to Lederle as to procedures that would be appropriate in following up the effects the drug may have had on patients, Dr. Simmons said.

But Lederle officials "rejected some of the recommendations, stating that they would consult a 'panel' for advice," the FDA officials reported.

Lederle, in its reply to The Washington Post's inquiries, said nothing about having rejected some of the follow-up procedures recommended by the FDA. Instead, the company said its recommendations were "communicated to investigators" who conducted clinical trials with Triflocin.

The Lederle panel—said by the company to be made up of scientists from an unidentified but "outstanding" medical school—concluded that Triflocin patients "are at little risk of developing bladder tumors," because the amount of the diuretic given and the duration of exposure to it "are not at all comparable to the animal dosages or durations."

The panel concluded that "no follow-up is necessary for those individuals who received the drug for less than two weeks."

The FDA disagreed, saying that all persons who got Triflocin should be followed up. And until the company panel made its recommendations, Lederle had undertaken to inform its investigators of its discussions with the FDA and had supplied them with patient follow-up sheets listing specific tests to be made.

The Triflocin case first came forcibly to the attention of FDA Commissioner Charles C. Edwards thanks to Dr. John O. Nestor, an agency medical officer and pediatric cardiologist.

Nestor told Dr. Edwards of a situation he considered "scandalous": Animals treated with an unnamed experimental drug (later publicly identified as Triflocin by a drug trade paper) had developed cancer after human testing had begun. He also questioned the adequacy of the FDA guidelines for experimental drugs, as well as the adequacy of follow-up on persons exposed to such medicines.

Nestor used the "Critical Pathway," an administrative channel specially created by the Commissioner to enable FDA personnel to slash red tape and bring urgent situations directly and promptly to his attention.

Edwards replied two months later. He implicitly recognized that drugs were being tested in humans before adequate animal studies were completed and evaluated, but said no policy changes by FDA were required. The letter mentioned neither Lederle nor Triflocin.

PROPOSED STUDY OF TERMINATION OF NATIONAL EMERGENCIES

Mr. JAVITS. Mr. President, my good friend the distinguished senior Senator from Maryland (Mr. MATHIAS) on May 17, submitted Senate Concurrent Resolution 27, of which I am pleased to be a cosponsor. It provides for a commission to study the effects of terminating the state of national emergency declared by President Truman in 1950.

On Saturday, October 30, the Baltimore Sun published an excellent editorial concerning Senator MATHIAS' resolution. I commend this editorial to the Senate and ask unanimous consent that it be printed in the RECORD.

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

OPTIONAL CONGRESS

In 1933 Congress passed a law allowing Presidents to assume broad wartime powers even in peacetime if a national emergency existed. It was left up to the President to decide if a national emergency existed—and one has ever since. First the depression, then World War II, then the Korean war were used as excuses for declaring national emergencies. The "emergency" caused by the Korean war still exists, and many presidential decisions and activities are lawful only because that emergency has not been officially ended.

Senator Charles Mathias is leading an attempt to try to change this state of affairs. As he says, the existence of such unchecked presidential powers makes Congress optional. It makes constitutional rights of Americans optional, too. For instance without consulting Congress, the President can keep men in the Army beyond the terms of their enlistments or detail them to the governments of other countries. He can also act unhindered in dealing with private property, suspending leases, control credit, etc.

Mathias wants a congressional study of the present national emergency and recommendations regarding the termination of it. Something of that sort ought to be done, at the very least. Upon investigation, Congress might decide to do more, for instance write into law some sort of time limit on emergencies requiring Presidents to get approval from Congress for any extensions.

OUR MIRACLE BABIES

Mr. MOSS. Mr. President, I invite the attention of Senators to an article published in the National Observer of November 13. It tells the story of the Intermountain Newborn Intensive Care Unit at the University of Utah Medical Center in Salt Lake City, Utah. This facility is one of 25 centers across the country specializing in neonatal care—that is, caring for infants through the first 28 days of life.

The article tells how "hopeless babies," babies that would otherwise die, are saved through the work of intermountain unit. It tells of the dedication of the men and women at the center, and of the dramatic effectiveness of the facility in saving the lives of young infants and reducing infant mortality in the intermountain area. In fact, despite the special problems of medical practice in the wide-open spaces of our country, the intermountain area now has one of the lowest infant mortality rates in the Nation.

I have visited the newborn intensive care unit and have observed the dedication of these men and women. I commend the concept of these centers. Truly, we must expand the network so that there will be facilities like this one to serve every area of our country.

I ask unanimous consent that the text of the article be printed in the RECORD.

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

OUR MIRACLE BABIES

(By Nelson Wadsworth)

We cinched our seat belts tighter as our chartered twin-engine plane bumped through a storm and headed north to Montana. Three hours away, in a hospital in Helena, an infant lay near death.

His heartbeat was irregular and he was having trouble breathing. His best hope now was an unusual type of intensive care available in Salt Lake City. So Dr. George Murillo and nurse Christine Knight would bring him back in the portable incubator wedged next to our knees in the narrow cabin.

I had come along on this special flight to witness the way that sick babies from throughout the West are rushed to Salt Lake City for a kind of lifesaving process that is being established in other cities across the country.

Dr. Murillo and Miss Knight work at the Intermountain Newborn Intensive Care Unit here at University Hospital. It is one of a growing number of such centers where specially trained physicians and nurses use newly miniaturized intensive-care equipment to save the lives of infants who once would have been regarded as hopelessly ill.

The specialists, called neonatologists, concentrate on infants' illnesses in the neonatal period, the first 28 days of life. Though there is at least one neonatology center in almost every major American city, only about 25 centers are as thoroughly equipped and staffed as the one here in Salt Lake City.

Many of the better intensive-care units for infants are at medical teaching and research institutions and in cities such as New York, Philadelphia, Washington, D.C., and Los Angeles. The Intermountain center here is the only one of its scope between Denver and San Francisco.

The facility's neonatal specialists are aided by "foster grandmothers' who provide the motherly, rocking-chair kind of care that helps an infant thrive. A follow-up clinic monitors the progress of infants made well enough to go home. And the center has formed a network of ambulances, helicopters, and airplanes that can be chartered quickly to rush sick infants here from almost anywhere within five Rocky Mountain states.

Some sick infants get well because they are brought here quickly, hours after their birth. And some do not survive. The baby boy we carried back from Helena suffered cardiac arrest six times during the flight to Salt Lake City that night. In the ambulance from the airport to the intensive-care center, he died.

Yet there is no dispute that every attempt is worth it. Three out of four of the critically ill infants brought to the 22-crib pediatrics nursery live to become what the doctors and nurses call "our miracle babies." In the first nine months of this year, 193 sick infants were admitted to the center and 147 eventually went home healthy.

THREE "MIRACLE BABIES"

Consider Daryl Lytle of St. George, a small southern Utah community. Daryl's was a breech birth, 12 weeks premature. He weighed just two pounds, three ounces, and had trouble breathing. He stopped breathing altogether when he was 4 days old, but doctors and nurses revived him. In later attacks his breathing again stopped; his weight fell below two pounds.

It became evident that Daryl would die without intensive care. An airplane rushed him to the center here, and the doctor and nurse aboard had to restore his breathing several times during the flight. Once at the center he was placed on a respirator and hooked up to an electronic vital-signs monitor. Whenever he stopped breathing an alarm summoned nurses. They had to help him breathe for 10 of every 30 minutes for several days.

Gradually Daryl recovered. After two months at the center he was well enough to be taken home. His father, Stanley Lytle, a

home builder who is starting a furniture business in St. George, expects the hospital bill to be about $10,000. "You bet it was worth it," says Mrs. Lytle. "Our baby never would have made it without those people in Salt Lake City."

Mr. and Mrs. John Daniel Dusek of Pocatello, Idaho, say the same. Their son John Charles, born two weeks prematurely, seemed normal for two hours. Then he developed the bluish color symptomatic of hyaline membrane disease and showed signs of respiratory failure. An air ambulance flew him to Salt Lake City. After 36 hours on the respirator he began to improve gradually. Several days later he was home again, out of danger.

SAVING "HOPELESS" BABIES

The center's files include case after case in which scaled-down models of instruments used to treat critically ill adults have provided the margin of life for sick babies. But sometimes an infant is saved mainly by the neonatologists' special skills.

David J. Grant, Jr., was born with his intestines protruding from a hole in his abdominal wall. He was rushed here from Idaho Falls, Idaho, for surgery and intensive care. "They performed a miracle," says his mother, whose husband is in the Navy. "I understand that most of the babies born with this condition die."

"The infants we work with are those who would have had no hope for survival a few years ago," Dr. August L. Jung, who founded the center in 1968 and is one of the nation's few specialists in neonatology. "They are so critically ill that everyone else has given up on them."

An intensive-care unit usually produces a decline in the region's infant-death rate as physicians learn about the center's special care and begin referring more of their most seriously ill infants in their first hours of life.

"There can be no question about the fact that our center is cutting down the infant mortality rate in this area," adds Dr. Jung, the center's director. "At a small hospital in the western part of the Salt Lake Valley, which regularly sends us its sick babies, the death rate has been cut in half since the center started." The hospital had 20 infant deaths for every 1,000 live births several years ago, slightly below the national average. It now has only 10 deaths per 1,000 births.

Last year the nationwide mortality rate for babies under a year old fell to its lowest level ever—an estimated 19.8 deaths for every 1,000 live births, down from 20.7 in 1969. Yet to many health authorities the figure remains disappointingly high. The United States still ranks below at least a dozen other industrialized nations in preventing infant deaths.

Even though the infant-mortality rate declined 4.3 per cent in 1970 below 1969's record low, nearly 74,000 babies died in the United States last year. It is estimated that 40 per cent of the 25,000 who die after their first week of life die from preventable illnesses.

SOME ILL BEFORE BIRTH

A major factor in infant deaths is regional disparities in "delivery" of health care. The infant-death rate in some Southern States is almost twice as high as it is in some Northern states. And the rate of deaths among babies born to blacks and to Indians in the United States is nearly twice as high as it is for white infants.

Presumably, the wider availability of medical care in other countries contributes to their better infant-mortality rates. And infant-death statistics may not be exactly comparable among some nations because of varying reporting procedures and definitions of live birth.

Yet for some infants, even the fastest and best of medicine in the first hours of life is too late. Many infants who die after they are a week old are victims of congenital problems. That factor may underlie many of the mysterious and sudden "crib deaths" that account for about 10 per cent of all infant deaths. And in one study there was evidence that 70 per cent of infants who died in their first few days of life had been suffering their fatal illnesses for more than a week before they were born.

In a report of a conference of national experts on infant mortality, sponsored by the National Institute of Child Health and Human Development, the imminent problem was summed up: "The critical issue is no longer whether we can salvage another 35,000 live infants each year. We do not want simply survivorship with lifelong handicaps. We need to direct the greatest force of our research and our program efforts toward the factors that encourage the intact survival of wellborn infants."

TREATING HIGH-RISK PREGNANCIES

In short, the next step in lowering the infant-death rate may have to come from saving those who have to be diagnosed—perhaps even cured—before they are born if they are to be cured at all. Neonatal medicine is focusing more of its concentration on the critical hours just before, during, and following birth. Here at the Utah newborn-care center there is hope for establishing a unit for treating the problems of a fetus in a high-risk pregnancy.

The chance of death is greater in a person's first year of life than at any time until he is past 65, but the risk is not spread evenly. Two out of every three infants who die in their first year of life die in the first week. The key factors in those deaths generally are prematurity and low birth weight.

Here in the Intermountain area, which includes Utah, a state with one of the nation's lowest infant-death rates, nearly 2 per cent of all newborn children require intensive care, says Dr. Jung, and at least 75 per cent of them can be saved.

At the core of the treatment is specialized equipment, long used for adults and only lately made small enough for use on infants' tiny bodies.

Babies are placed on the equipment with sensors attached to the skin and a catheter fastened to the umbilical artery. Doctors liken the catheter to the umbilical cord, which links the fetus to the placenta during pregnancy.

The umbilical catheter is a tiny, hollow tube that is passed through the infant's umbilical artery into the aorta, the body's main artery. In normal births the umbilical artery closes after a few days. But pediatricians have discovered that it can be opened again by such a catheter. The catheter draws blood from the baby without puncturing veins, which are almost impossible to locate in newborns. Tests of the blood determine oxygen requirements for the child.

HEARTBREAK AND REWARDS

The equipment monitors blood pressure, blood gases, blood sugar, and the amount of oxygen in the blood. Maintenance of proper oxygen flow is essential: Too much oxygen can cause blindness, insufficient oxygen can cause brain damage. When trouble develops in any of the isolettes, alarms sound, bringing doctors and nurses to give immediate attention.

One of the most important kinds of care for the sick babies comes from the specially trained nursing staff, and from the foster grandmothers hired to rock, comfort, and feed sick babies.

"The nurses do get emotionally involved with the infants and their parents," says Dr. Robert W. Allen, chief pediatric resident on Dr. Jung's team. "It is pretty difficult to live with these babies to breathe every breath with them, to pull them through, and then not feel bad when one expires. The nurses cry openly when this happens.

"You never know about these little people," says Dr. Allen. "Some are here one minute and gone the next. Others are so sick you wonder why they are still alive, yet they stubbornly cling to life. Some babies just give up and others have a great tenacity to live.

"Even though there is a greater challenge here than in any field of medicine and you sometimes have to work around the clock to keep one of them alive," Dr. Allen adds, "it is very satisfying to know that helping one of these tiny people over a rough spot is probably helping someone to 80 or more years of a healthful, useful life. It's just not the same with a sick adult."

A CASE HISTORY

Among those who came to the follow-up clinic is Jane Kay Ballard, almost 3, daughter of Mr. and Mrs. Roger Ballard of Granger, Utah. Shortly after birth, Jane developed hyaline membrane disease in her lungs, a disease that results in thousands of infant deaths every year. She spent the first days of her life on pure oxygen and on a respirator at the newborn-care center and was not able to go home until she was nearly 2 months old.

The Ballards, who have three other children, say Jane is regarded as "exceptionally smart" by testing doctors at the clinic. "That's the real reward from this kind of work," says Dr. Allen, "when you see kids like little Janie Ballard running around here like any other normal 3-year-old girl. We are forever shaking our heads that these children could have been so sick."

The center recently was expanded with the help of a $30,000 grant from the state and two Federal grants totaling $140,000 from the Department of Health, Education, and Welfare.

But finances continue to be a problem. Dr. Jung worries about the costs of parents, even though the room rate of $80 per day is probably among the lowest in the country for intensive care.

Some insurance companies pay most of the charges, Dr. Jung continues, but others will not pay for long-term infant care. One child remained in an isolette here for nine months, and then died. The parents had run up a bill in excess of $40,000.

According to Dr. Jung, the center's biggest problem is paying for transportation costs. Since sick children are transferred in everything from ambulances to helicopters, the charges often are high. A commercial helicopter, for example, costs about $225 per hour. "Yet transportation is important to us," Dr. Jung explains. "If we can get these children here quickly, we can save many more lives."

Dr. Jung first became interested in neonatology while he was in the Army. At a hospital in Georgia he noted that a premature baby died because there was no equipment to save its life. Later, while at the University of Utah in 1967, he received a fellowship to work at a newborn-intensive-care center in Denver. He returned to Utah in 1968 and established the newborn center in Salt Lake City, the first in the Intermountain West. Working with private contributions, he began to organize the team.

REFERRALS SOUGHT

Dr. Jung says the next step is to start an education program to set up satellite centers in the larger cities and to persuade small rural hospitals to refer sick babies to the intensive-care center. As a first step, a pilot course was held at the center last summer to train nurses from outlying areas to care for critically ill infants. Infants like Cathleen Vail of Bennion, Utah.

She was brought here after she was born 2½ months premature. She went home when she gained over five pounds. Says Mrs. Vail: "We know that without the people at the center, we would not have our little daughter."

PROPOSED CATV COMPROMISE

Mr. BAKER. Mr. President, last week Clay T. Whitehead, Director of the Office

of Telecommunications Policy, presented a possible compromise of the issues raised by the FCC proposed CATV rules to representatives of copyright owners, the National Association of Broadcasters. Because of the widespread interest in this proposal and the importance to our national communications policy of resolving this controversy, I ask unanimous consent that articles about the proposal, published in Broadcasting and TV Digest this week, and the text of the proposal be printed in the RECORD.

NAB, NCTA, MST BOARDS TO MEET ON CABLE PLAN

"If there's ever to be a settlement of the telecasters' and cablemen's positions on CATV, this just has to be the week. They won't get another chance." This was view of govt. official Nov. 5 after feverish week of activity centering around OTP Dir. Clay T. Whitehead's proposed compromise—which has endorsement of FCC Chmn. Burch. We gave you essentials of proposal week ago (Vol. 11:44 p1), full text is printed on p. 5.

NCTA Board meets Nov. 10 on Whitehead plan in Washington; NAB same day in New Orleans; MST Nov. 11 in Atlanta. Whitehead has asked all parties to accept or reject compromise by 6 p.m., Nov. 11—and there was guarded optimism that "everybody just might buy enough of it that we can deal," according to govt. official. Another added:

"Copyright? they'll go for it. Cable operators are getting 90% of the FCC's Aug. plan [Vol. 11:32 p3]. If they don't take this, they'll prove once and for all that they are rather greedy individuals . . . If the broadcasters don't accept, then they aren't going to get any help either. TV just won't get a better deal than this."

"We're hopeful," said a broadcast executive who favors acceptance. "I'd say the chances of us going for it are better than 50–50. This is a result of an awful lot of give & take and much pressure from government . . . It's not what we would have written, but it represents a legitimate compromise." Major stumbling blocks to TV acceptance: "The limited exclusivity in 51–100 markets [and] we'd like more restrictions on where distant signals could originate."

Our discussions with cable people at Cal. CATV Assn. convention (see p. 4) last week who were familiar with OTP's pitch produced about a 50–50 guess that cable industry would accept it, albeit very reluctantly. We're also told there's a pretty good chance that, if NCTA as a whole doesn't buy the package, some major system operator will. NCTA Chmn. John Gwin introduced some startling statistics, through NCTA staffer Don Andersson, showing devastating effect exclusivity could have on cable under some conditions. NCTA found, for example, that in Charlotte, N.C., if a CATV had to protect local stations against imports from independents in Atlanta & Hickory, it could import only about 30 min. of programming daily. In Fort Wayne, system would have to black out WGN–TV Chicago 8½ hours. Mon.–Fri., 7 hours Sat., 2 hours Sun. It would have to protect against WTTV Indianapolis 5 hours weekdays, 7 hours Sat., 5 hours Sun. in Clarksburg, W. Va., however, protection against WTTG Washington would run only 2 hours weekdays, one hour Sat., one hour Sun. (Said CATV Bureau Chief Sol Schieldhouse, wryly of Andersson's charts: "Atrocity pictures.") Another major stumbling block to cable agreement, we're told, is requirement that all parties to compromise join "to seek early copyright legislation" which would write into law exclusivity provisions. MST—and probably NAB—on other hand, is uncompromising on insisting that this be kept in.

We received strikingly similar predictions from 2 prominent lawyers who represent both cable & TV clients. Said one: "Copyright, I'd bet 10–1 they'll accept. In the cable industry, there's a better than 50–50 chance they'll go for it. I'd say the broadcasters are a toss-up. My own feelings is that the NAB will want to do it, and the MST will scream like murder." Lawyer No. 2: "Copyright will accept the plan, in essence . . . Very likely, the cable people will go for it . . . As for the broadcasters, I just wouldn't predict what they'll do because they are so divided within their own ranks. If I were advising them, I'd tell them to accept it because if they don't they'll get something worse."

Some MST members reportedly were lobbying on Hill against Whitehead proposal within hours after it was presented Nov. 5 to NAB representatives—Pres. Wasilewski, MST Pres. Jack Harris, MST Dir. & NAB TV Chmn. A. Louis Read. At NAB Exec. Committee meeting previous day, MST Dir. Bill Walbridge spoke against compromise, expressed opinion that NAB is likely to lose many members if it approves compromise. He was disputed by Read, who along with Harris, is expected to back proposal.

"MST is very badly split," one member who favors compromise told us. "But if we reject it in Atlanta a day after NAB & NCTA both accept it, we will put ourselves in an impossible position. I just can't see that happening, despite the claims of some that we'd be 'selling out.'"

HEAT'S ON CABLES FOR COMPROMISE: WHITEHEAD, RESUMING MEDIATION WITH BURCH'S ASSENT, MEETS ALL THREE DISPUTANTS—WITH CATV IN THE MIDDLE

The pressure has been building for weeks. The time for decision has arrived. And it is the 25-member board of the National Cable Television Association that is being looked to—by the administration and by members of Congress—to break the impasse over the FCC's proposed CATV rules.

Clay T. (Tom) Whitehead, director of the Office of Telecommunications Policy, on Tuesday (Nov. 2) handed John Gwin, NCTA board chairman, a proposed compromise that has been endorsed by FCC Chairman Dean Burch. To Mr. Gwin, it was "not all beauty," but he circulated it among his board members and will discuss it with them in a special meeting in Washington on Wednesday.

It is on the reaction of the NCTA board that the fate of this third effort at compromise—Mr. Whitehead tried once before, as did Mr. Burch—hangs, according to OTP officials. Mr. Whitehead met on Monday with representatives of the copyright owners and on Friday with spokesmen for the broadcasters. But it is the NCTA that OTP is concerned about. "If cable doesn't buy the plan," an official said, "there is no point in going forward."

The proposed compromise would:

Leave the commission's distant-signal proposals untouched but would tame the "wild-card" provision, under which CATV systems could import a signal from any market, by adding an antileapfrogging regulation.

Provide exclusively protection for nonnetwork programing in markets 1-100, though more in the top-50 markets, and reduce from same-day to simultaneous the time of exclusivity protection given network programs.

Raise the standard for determining whether an out-of-market independent station is local.

Pave the way for congressional action on copyright legislation by committing the parties to the dispute to support of separate copyright legislation. The proposal outlined would establish copyright liability for all CATV except existing systems with fewer than 3,500 subscribers and would grant compulsory licenses for local and distant signals authorized under the commission's initial package.

Afford radio a measure of protection; a CATV system that imported a distant radio signal would, on request, be required to carry the signals of all local AM or FM stations.

Grandfather existing systems as to present rules regarding signal carriage. Generally, this would permit systems to expand currently offered service through their franchised areas.

NCTA officials have yet to comment on the proposal in any detail. But Mr. Gwin last week said "there are some things in the proposed agreement we have to take a long look at." And in an appearance on Thursday at the fall convention of the California Community Television Association, in Coronado, he seemed pessimistic about the chances for compromise. He said he was uncertain as to the outcome of the "battle."

But he made it clear that, in his view, the broadcasters were adamant on four points—the number of distant signals cable operators could import, restrictions on leapfrogging, stringent regulations on service from overlapping markets, and insistence on exclusive protection. These are among the points the National Association of Broadcasters, in a letter to Chairman Burch last month, said are essential to any compromise (BROADCASTING, Oct. 25). Mr. Gwin warned that "it will be impossible for cable to grow" if the cable industry gives too much on those four points. Distant signals, he said were the single most important issue; the others "are just vehicles to erode our right to use distant signals."

The proposed compromise would not reduce the number of distant signals CATV systems could import. But it does favor broadcasters, to a degree, at least, on the other points, Mr. Gwin says most concern them.

CATV systems, under the compromise, would still be entitled—indeed required—to provide minimum service of three network and three independent signals in the top-50 markets; three network and two independent signals in markets 51-100, and, three network and one independent signals in the smallest markets. A system would import distant signals if it could not fill out its minimum quota with local stations.

Out-of-market network stations would still be considered local if they had a 3% share of audience and a net weekly circulation of 25%. Independents, however, would have to do a little better under the compromise plan than under the commission proposal to be considered local—2% share of audience and 5% net weekly circulation, instead of 1% and 5%.

In addition, systems in the top-100 markets would still be able to import two distant signals, regardless of local availabilities, as under the commission's plan. However, where the commission would have permitted the system to import one of the signals from any market, the compromise does not allow that freedom if the signals are to be imported from the top-25 markets. The system would be limited to the two closest such markets. However, a system would not be required, as under the commission's plan, to select a UHF signal as one of its two bonus picks. And the wild-card spirit, at least, would survive in an exception: When a system blacked out programming from a distant, top-25 market station it normally carries, it could substitute any distant signal without restriction.

The exclusivity provision would be expected to impede CATV growth in the major markets, since it would prohibit cable systems from carrying any syndicated material for one year after its first appearance in any market and then for the life of the contract under which it is sold to a local station. In markets 51–100, various nonnetwork material would be protected for varying lengths of time, up to two years.

Whatever the virtues of the plan, it is clear that NCTA is under considerable pressure to accept it. For a collapse of the talks would shift the locus of the controversy to Congress,

particularly the Senate, an event that officials in Congress and the White House have been trying to avoid since July, when Mr. Whitehead made his initial effort to bring the contending parties into agreement (BROADCASTING, July 26).

CATV is a highly charged political issue in Congress, where both the NAB and the NCTA have been vigorously lining up support for their respective sides. Senator John O. Pastore (D-R.I.), chairman of the Senate Communications Subcommittee, who has asked OTP for its comments on the commission's proposed rules, is said to have been inundated recently with mail from senators urging on him the position of one side or the other. And it would be in that atmosphere that he would be expected to hold hearings if the talks fail.

Indeed, various sources say that Mr. Whitehead might make hearings virtually unavoidable, if the compromise effort fails, by writing a letter sharply critical of the commission plan. (He is scheduled to deliver his views on the commission's plan by next week.)

This would probably not be difficult for him, since he is said to feel the commission, since he is said to feel the commission should not in any case proceed without policy guidance from Congress. He is chairman of a high-level administration committee that is preparing policy recommendations—presumably including legislative proposals—for President Nixon.

If an agreement is reached, however, he would not be expected to torpedo it—although he would probably make no secret of his feelings as to where policy should be set.

The possibility that the failure of the Whitehead mission could result in Senate hearings has been pointed out to Mr. Gwin as a reason for accepting the compromise. For hearings could, as one Hill source put it last week, "muddy the waters" and possibly result in a delay in the adoption of the commission's rules. The commission's present timetable calls for a completion of the rulemaking proceeding by March 1. And it is the broadcasters who would be expected to benefit most from delay.

In addition, Mr. Whitehead is understood to have made it clear to Mr. Gwin that the compromise agreement has "wide support" within government—including Congress and FCC Chairman Burch. And Mr. Burch has been the cable industry's brightest hope in Washington.

What may be another element in the pressure being applied to NCTA is the circulation being given views attributed to Mr. Whitehead by those around him. Mr. Whitehead, normally low key in his approach, is said to feel that the proposed compromise is not only "fair and equitable" but that "if cable turns it down, it would be a flagrant disregard for public policy and a demonstration of greed."

"The same goes for broadcasters," a source said. But OTP officials appear confident that broadcasters will accept the proposal if NCTA does. And this is based on more than the view that the proposal meets some of their objections. It is assumed that broadcasters would not deliberately frustrate an important government official who has initiated a movement to restructure—in a manner many find generally appealing—the regulation of broadcasting.

Mr. Whitehead met Friday with Vincent Wasilewski, president of NAB; A. Louis Read (WDSU–TV New Orleans), chairman of NAB's television board, and Jack Harris (KPRC–TV Houston), chairman of an NAB committee that had attempted to negotiate with CATV and copyright interests. They had met with Mr. Burch in his effort last month to bring the sides together—and earlier with Mr. Whitehead in his first effort.

In spite of the pressure, Mr. Gwin last week was talking bravely. "We're not about to crack under pressure," he said. "We've had our backs to the wall in the past, and come out in style."

He said that the commissions letter of intent represents NCTA's position, as it has since August. He also indicated what might be NCTA's reason for hope it could withstand the pressure, if it decides on that course. Mr. Burch, he noted, "is not opposed to arrangement, but he never said that, in the absence of an agreement, he would not go ahead with the commission's plans."

The effort at persuading NCTA to accept the Whitehead compromise was even being made last week at Coronado. Sol Schildhause, chief of the FCC Cable TV Bureau and regarded by cable operators generally as sympathetic to their cause, made a direct and strong appeal for compromise.

He acknowledged that "it's no secret that we're dealing down in our negotiations." But he said acceptance of compromise would establish a firm and secure starting place for cable. "Stability is essential," he said.

The uncertainties generated by the negotiations in Washington dominated every discussion at the convention of the largest state CATV association. And Henry R. Goldstein, president of the association, captured that mood in his keynote address, at the ornate Del Coronado hotel, across the bay from San Diego. The cable industry, he said, is on the brink—but on the brink of what, he confessed, he did not know.

PROPOSED COMPROMISE

Local Signals: Local signals defined as proposed by the FCC, except that the significant viewing standard to be applied to "out-of-market" independent stations in overlapping market situations would be a viewing hour share of at least 2% and a net weekly circulation of at least 5%.

Distant Signals: No change from what the FCC has proposed.

Exclusivity for Non-Network Programming (against distant signals only): A series shall be treated as a unit for all exclusivity purposes

The burden will be upon the copyright owner or upon the broadcaster to notify cable systems of the right to protection in these circumstances.

A. Markets 1–50: A 12-month pre-sale period running from the date when a program in syndication is first sold any place in the U.S., plus run-of-contract exclusivity where exclusivity is written into the contract between the station and the program supplier (existing contracts will be presumed to be exclusive).

B. Markets 51–100: For syndicated programming which has had no previous non-network broadcast showing in the market, the following contractual exclusivity will be allowed:

(1) For off-network series, commencing with first showing until first run completed, but no longer than one year.

(2) For first-run syndicated series, commencing with first showing and for two years thereafter.

(3) For feature films and first-run, non-series syndicated programs, commencing with availability date and for two years thereafter.

(4) For other programming, commencing with purchase and until day after first run, but no longer than one year.

Provided, however, that no exclusivity protection would be afforded against a program imported by a cable system during prime time unless the local station is running or will run that program during prime time.

Existing contracts will be presumed to be exclusive. No pre-clearance in these markets.

C. Smaller Markets: No change in the FCC proposals.

Exclusivity for Network Programming: The same-day exclusivity now provided for network programming would be reduced to simultaneous exclusivity (with special relief for time-zone problems) to be provided in all markets.

Leapfrogging: A. For each of the first two signals imported, no restriction on point of origin, except that if it is taken from the top-25 markets it must be from one of the two closest such markets. Whenever a CATV system must black out programming from a distant top-25 market station whose signal it normally carries, it may substitute any distant signal without restriction.

B. For the third signal, the UHF priority, as set forth in the FCC's letter of August 5, 1971, p. 16.

Copyright Legislation: A. All parties would agree to support separate CATV copyright legislation as described below, and to seek its early passage.

B. Liability to copyright, including the obligation to respect valid exclusivity agreements, will be established for all CATV carriage of all radio and television broadcast signals except carriage by independently owned systems now in existence with fewer than 3500 subscribers. As against distant signals importable under the FCC's initial package, no greater exclusivity may be contracted for than the Commission may allow.

C. Compulsory licenses would be granted for all local signals as defined by the FCC, and additionally for those distant signals defined and authorized under the FCC's initial package and those signals grandfathered when the initial package goes into effect. The FCC would retain the power to authorize additional distant signals for CATV carriage; there would, however, be no compulsory license granted with respect to such signals, nor would the FCC be able to limit the scope of exclusivity agreements as applied to such signals beyond the limits applicable to over-the-air showings.

D. Unless a schedule of fees covering the compulsory licenses or some other payment mechanism can be agreed upon between the copyright owners and the CATV owners in time for inclusion in the new copyright statute, the legislation would simply provide for compulsory arbitration failing private agreement on copyright fees.

E. Broadcasters, as well as copyright owners, would have the right to enforce exclusivity rules through court actions for injunction and monetary relief.

Radio Carriage: When a CATV system carries a signal from an AM or FM radio station licensed to a community beyond a 35-mile radius of the system, it must, on request, carry the signals of all local AM or FM stations, respectively.

Grandfathering: The new requirements as to signals which may be carried are applicable only to new systems. Existing CATV systems are "grandfathered." They can thus freely expand currently offered service throughout their presently franchised areas with one exception: In the top 100 markets, if the system expands beyond discrete areas specified in FCC orders (e.g., the San Diego situation), operations in the new portions must comply with the new requirements.

Grandfathering exempts from future obligation to respect copyright exclusivity agreements, but does not exempt from future liability for copyright payments.

ACCOMPLISHMENTS OF PRESIDENT JOHN F. KENNEDY

Mr. PELL. Mr. President, there are fashions and fads in the world of political science and analysis, and we appear now to be in a period when it is fashionable to denigrate the accomplishments of President John F. Kennedy.

I think, however, we would do well to remember that the idealism, the sparkle, and the inspirational leadership that President Kennedy gave our Nation prepared the soil for the great flowering of positive legislation in the 1960's, after his death.

The landmark legislation of that period, achieved by a partnership of Congress and President Johnson, had its genesis in the days of Camelot. This was innovative legislation, now accepted as a vital part of the effort to improve the quality of life of our people—health and education legislation, arts and humanities programs, and civil rights legislation.

Most important, let us remember that President Kennedy never permitted the Armed Forces of the United States to be used in an aggressive operation. Instead, when he saw violence escalate, as at the Bay of Pigs, he acknowledged error and withdrew support rather than commit the United States to a draining and possibly disastrous policy.

In the Cuban missile crisis, he sought to conciliate, to find peaceful solutions, to avoid embarrassing our foes; and he tried to hold out the palm of peace to our foes rather than to precipitate the world conflict that could have then occurred.

William Shannon recently wrote for the New York Times a sensitive appraisal of President Kennedy's record. 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:

[From the New York Times, Oct. 19, 1971]

J. F. K. IN RETROSPECT

(By William V. Shannon)

WASHINGTON, October 18.—Every day of the year under rainy skies or sunshine, ordinary Americans and visitors from overseas come by the hundreds to a hillside in Arlington to visit the grave of John F. Kennedy.

But among the intellectuals, it is open season on Kennedy. The old men of the Establishment and the young men of the new revisionism agree that his reputation as a President is much inflated. Dean Acheson before his death tells a British interviewer that Kennedy was out of his depth in the White House. In an interview with Ronald Steel the other day, Walter Lippmann agrees with Acheson. Columnist Garry Wills writes of his pleasure that at last the country is becoming "disenthralled" with the Kennedy myth.

In books and critical journals and newspaper interviews, the downgrading of Kennedy proceeds. This indictment deserves examination.

Kennedy, it is said, set the pattern for the kind of foreign policy carried out by Lyndon Johnson with all its disastrous divisive consequences here at home. Furthermore, it was the Kennedy appointees—Rusk, McNamara, the Bundys—who carried out that foreign policy. More broadly speaking, Kennedy's soaring rhetoric and ambitious policies intensified the globalism, the image of America as the world's policeman and social worker, which is so out of fashion today.

A passage is often cited from Kennedy's inaugural address: "Let every nation know, whether it wishes us well or ill, that we shall pay any price, oppose any foe to assure the survival and the success of liberty."

But who is to say that John Kennedy would have deemed a major land war in South Vietnam necessary "to assure the survival of liberty"? Lyndon Johnson made that decision in 1965 some fifteen months after Kennedy was in his grave.

Nobody forced Johnson to make that decision. He entered office convinced that Vietnam was worth fighting for and he acted on his own convictions. It is absurd to picture him in foreign affairs as the ignorant puppet of his dead predecessor's policies. When it suited him, Johnson changed them. Immediately upon taking office, for example, he placed Thomas Mann in charge of both the Alliance for Progress program and of all Latin-American affairs and rapidly changed the tone and direction of Kennedy policies in the hemisphere.

But what about Rusk, McNamara, the Bundys? In assuming that Kennedy would have followed their Vietnam advise as Johnson did, critics conveniently forget that at his death, Kennedy was disenchanted with Rusk whom he planned to replace after the 1964 election. More important, they ignore the departure of the two men who were Kennedy's most trusted counselors in foreign as well as domestic affairs—Robert Kennedy and Theodore Sorensen.

Kennedy had planned to visit Japan and Russia in the spring of 1964. He had major initiatives in foreign policy in mind for his second term. Precisely because he was a globalist, he would probably not have become overcommitted in one small corner of Southeast Asia.

Yet what Kennedy would have done in Vietnam if he had lived, no man can say. What can be said, however, is that if he had intervened massively and found the war going badly, he would not have dug his heels into wet concrete and stood fast while his party and his country blew up around him. Kennedy was much too sensitive to the currents of opinion to have stayed inflexible for so long.

The only time Kennedy used force was at the Bay of Pigs. When the raid miscarried, he chose the embarrassment of withdrawal rather than try to cover his mistake with air strikes and Marine Corps reinforcements. Throughout his Administration, whether he was dealing with Congress or Khrushchev, with Southern racist Governors or steel company executives, Kennedy followed a consistent pattern of trying to narrow differences, to conciliate rather than confront, to seek face-saving compromises.

When he was alive, liberals criticized him because he was not aggressive enough in fighting his adversaries in Congress. Cold warriors criticized him for selling wheat to Russia, for not bombing the Russian missile bases in Cuba, for making an unenforceable settlement in Laos in 1962, for taking too big a risk in signing the Nuclear Test Ban Treaty. They recognized him for what he was—a peacemaker.

Kennedy was an intellectually gifted man and the most skillful national politician of his day. He had his weaknesses and made his mistakes, but when death cut him off, he was on his way toward becoming a great man and a great President. The crowds who wind their way to his grave site are not mistaken in their admiration. They are wiser than his latter-day critics and their judgment will outlast today's disparagement.

AFL–CIO COMMITTEE ON POLITICAL ACTION—SALARIES OVER $10,000

Mr. FANNIN. Mr. President, the AFL–CIO Committee on Political Education reported to the Clerk of the House of Representatives that it spent $969,328 in 1970.

This almost $1 million is a lot of money for COPE to spend on political activities during a year in which there is no presidential election. But this figure obviously does not really tell the full story.

The $969,328 reported to the Clerk of the House does not include the salaries of COPE officials. To ascertain the 1970 salaries of the top COPE workers, one must go to the Department of Labor.

A check of records at the Department of Labor reveals that higher echelon COPE officials were paid $443,862.95 in salaries and expenses for 1970.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of COPE salaries over $10,000 as shown in reports filed with the Department of Labor.

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

	Salary	Expenses	Total
Director, C.O.P.E.: Alexander Barkan	$30,510.00	$9,583.98	$40,093.98
Deputy director, C.O.P.E.: Jospeh Rourke	22,950.00	2,383.52	25,333.52
Assistant director, C.O.P.E.: John Perkins	18,234.00	11,026.48	29,260.48
National field director, C.O.P.E.: W. C. Young	16,676.40	12,737.44	29,413.84
Campaign director, C.O.P.E.: William Gilbert	16,225.00	5,584.19	21,809.19
C.O.P.E. area directors:			
Clement Dowler	15,574.00	10,177.93	25,751.93
Richard Fallow	17,172.50	8,072.25	25,244.75
Frank McGrath	17,122.50	8,288.67	25,411.17
Charles McMahon	15,361.50	9,137.20	24,498.70
Raymond Alvarez	15,814.80	6,529.51	22,344.31
Research director, C.O.P.E.: Mary Zon	19,791.00	2,730.32	22,521.32
Assistant research director, C.O.P.E.: Margaret Cronin	$15,366.50	----------	$15,366.50
Research employee, C.O.P.E.: Frances Kanin	10,786.20	----------	10,786.20
Publicity director, C.O.P.E.: Bernard Albert	19,791.00	$2,353.54	22,144.54
Minorities representative, C.O.P.E.: Fannie Neal	17,685.00	11,123.05	28,808.05
Staff representative, C.O.P.E.: Walter Bartkin	17,685.00	63.56	17,748.56
Field representative, C.O.P.E.: Severiano Merino	15,549.00	7,824.25	23,373.25
Accounting employee, C.O.P.E.: Margaret Laddbush	11,155.60	----------	11,155.60
Data processing director, C.O.P.E.: Walter Markham	19,791.00	3,005.06	22,796.06
Total			443,862.95

Mr. FANNIN. Mr. President, these COPE salaries are included in the reports that the AFL–CIO and all labor unions are required to file with the Department of Labor. I emphasize that this includes only salaries of more than $10,000. COPE workers earning less than that are not included in the reports. These salaries do not include legislative representatives which are political and perhaps should be considered with COPE.

Mr. President, these two sets of figures raise very serious questions.

If these 19 employees shown on the Labor Department reports were working full time for COPE, why were their salaries not listed in the report filed with the Clerk of the House?

Even more important, just where are the funds coming from to pay the salaries of these 19 COPE officials and other COPE employees who earn less than $10,000 per year?

One can only assume that the salaries

are coming from the AFL–CIO general fund. And the AFL–CIO general fund comes from the dues of the labor union members. Most of these dues are compulsory. Workers are forced to contribute if they want to work and support their families.

Mr. President, the unions are not living up to the letter or the spirit of our laws regulating the use of union dues and the reporting of funds used in political activities.

The reporting system is a sham.

Union members are being denied the right to know how their contributions to unions are being spent. Instead of spending less than $1 million as the COPE report to the Clerk of the House would indicate, the political arm of the AFL–CIO spent at least $1.5 million.

It is illegal to use involuntary union dues for political purposes, yet we have ample evidence that union bosses are ignoring the law. Union members are being forced to contribute funds that are used to support political candidates that they may oppose.

In addition to supplying millions of dollars for campaigning, union bosses are also misusing the other vast resources of their unions.

This is the most serious threat to our political system today. It must be corrected by the passage of effective legislation to stop the misuse of union money and resources for political purposes.

EMERGENCY SCHOOL ASSISTANCE PROGRAMS

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Tennessee (Mr. BROCK), who is necessarily absent, I ask unanimous consent to have printed in the RECORD a statement by him on the subject of emergency school assistance programs and items related thereto.

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

EMERGENCY SCHOOL ASSISTANCE PROGRAMS

(Statement by Senator BROCK)

Mr. BROCK. Mr. President, I am concerned, as are my fellow Tennesseans, over proposed programs, applications for which have been made under the Emergency School Assistance Program. Some of these programs would seem not to be the kinds of activities calculated to contribute to the well being of the communities for which they are designed. For this reason I have written Secretary Richardson to request that funding be delayed until full investigation can be made. I ask a letter addressed to Secretary Richardson, as well as the series of articles to which the letter refers, written by Grady Gallant and published recently in the Nashville Banner be printed in the RECORD.

U.S. SENATE,
Washington, D.C., November 5, 1971.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am much disturbed over reports of projected programs with a cost of $1.8 millions of dollars for the State of Tennessee ostensibly with the objective of easing the process of integration. I refer to a summary of a series of articles on this matter by Grady Gallant in the *Nashville Banner*, which I am sending you under separate cover.

Particularly disturbing is the possibility that these programs are proposed to be funded *outside* regular community channels. I cannot urge too strongly that this not be allowed. It is imperative that any such programs be approved by the school board as well as the governing body of the urban community involved. Only by so doing can we avoid what at best could be mischievous results and at worst tragic consequences for children and our community.

Since I am most familiar with the Chattanooga scene, I cite as one example a proposed privately operated program for Chattanooga which would spend $372,970 ($320,080 of which would be used for salaries). This program is vigorously opposed by our local government.

Even before court ordered desegregation of schools, Chattanooga desegregated peacefully. I was privileged to know the inside story since my father worked tirelessly (without pay) to achieve the results of which we were so proud. I attempted to help as well. The entire community, each person in his own way, contributed to this effort (without pay).

It may be that this new program has some justification, but I can be excused if I have serious reservations. I certainly feel the people of Chattanooga have earned a right to say through their locally elected representatives whether they believe this will contribute to the peace and tranquility of the community or otherwise. At this point, they do not support it.

In short, it is my considered opinion that most of these activities might well better be carried on under local volunteer organizations, but in no case should they be funded without local approval or over local objections. Perhaps these are not as bad as they sound. I don't know, but I do urge you withhold funding until we find out.

I would be most grateful for your consideration of the above.

Very truly yours,

BILL BROCK.

[From the Nashville Banner, Oct 19, 1971]

BUSING, SOCIAL ADJUSTMENT PROJECTS TO COST $1.8 MILLION

(By Grady Gallant)

Eleven new "social adjustment" projects to attune public school children to massive busing and other "life experiences" encountered in the modern school environment are in the works for Tennessee at a cost to the federal government of $1,829,067.35.

Of this sum, the project budgets show that $1,230,795.40 would be dissipated in salaries for those laboring in the 11 adjustment projects, many of whom are open advocates of busing.

Travel expenses for these workers would eat up another $92,160.

Total cost for salaries and travel of the project workers is $1,322,955.40.

This leaves only $506,111.95 for child adjustment and to attune them to sociological development.

The budgets show that most of this $506,111.95 would be devoured by telephone bills, office rental and equipment.

Applications to implement the adjustment programs under the Emergency School Assistance Program (ESAP) have been sent to Gov. Winfield Dunn.

He approved seven of the proposals. The other four were neither approved nor disapproved by the governor. The Department of Health, Education, and Welfare, which administers ESAP, will now approve or disapprove them.

A spokesman in the Governor's office said that Dunn relies on recommendations from the various communities involved as to what action he should take on these projects.

The spokesman said it was his personal belief that HEW will fund all 11 of the projects.

The projects present a community social problem and outline a plan designed to solve or reduce it.

For example, Memphis Community Education Project (MCEP) discloses that it is "a non-profit, tax-exempt, free-standing corporation of community-minded persons who are attempting to effectively improve the social conditions of Memphis and Shelby County."

To this end it has "four main foci of activity—housing, health, education and law."

"We have focused on these activities, not to provide separate service systems, but to help the black society become a true human community with the ability to relate to the white community as peers and, therefore, bring about the sine qua non (essential) condition for true friendship and a stable society."

To accomplish this and other things, MCEP needs $413,410 in federal funds under ESAP of which $251,100 will go for salaries and $37,800 for travel expenses.

The list of projects includes three to be conducted in Nashville:

1. Concerned Citizens for Improved Schools, 1922 Church Street, Second Floor Rear, requesting $259,626.35.

2. University Council for Educational Administration, 29 West Woodruff Avenue, with offices in Columbus, Ohio, requesting $78,741.

3. The Social Action Committee of Christians and Jews, Inc., 6401 Harding Road, requesting $60,000.

The Concerned Citizens for Improved Schools states it has "functioned successfully and uniquely for the last two and a half years as a bi-racial group dedicated to affirmative community involvement toward ending all vestiges of a dual school system and the results of its accumulative patterns of discrimination."

The organization was "spontaneously created" in March 1969. Concerns in regard to "application of criteria for zoning the proposed attendance area for a newly created junior high school" and "racial isolation of all pupils in the Nashville-Davidson County schools" were the spurs which caused spontaneous organization of the group, according to the funding application.

Mrs. Kitty Smith, wife of Dr. William O. Smith of Nashville, is project director for Concerned Citizens. Dr. Joseph Yeakel, general secretary of the board of evangelism of the United Methodist Church is listed as the authorized representative of Concerned Citizens, not to be confused with Concerned Parents Association, Inc.

The University Council for Educational Administration under Dr. Jack Culbertson, Columbus, Ohio, proposes to "develop and test a simulation program for urban administrators, particularly as related to education and race," according to Dr. Elbert Brooks, Metro school director, in a letter endorsing the project.

The proposed program "promises much in relation to the development of reality-oriented materials for the upgrading of in-service training, professional growth and development opportunities for practicing administrators, and for the training of new administrators," he observed in a letter to Culbertson dated Sept. 21, 1971.

The project proposes to help school leaders in Nashville "deal effectively with desegregation problems," Culbertson says.

The Social Action Committee of Christians and Jews, 6401 Harding Road, proposes to establish two early-morning, free child care centers to help take care of children of working mothers between the time when the mothers must go to work and the children must leave to go to schools opening at 10 a.m.

Charles B. Myers, an assistant professor of history and social science education at George Peabody College for Teachers, is the project contact person with HEW.

All 11 projects plan to spend their funds in a year or less.

The organizations requesting ESAP funds and their cities are:

1. Concerned Citizens for Improved Schools, 1922 Church Street, Second Floor Rear, Nashville. Request: $259,626.35.

2. University Council for Educational Administration, 29 West Woodruff St., Columbus, Ohio. Request: $78,741 for work in Nashville.

3. The Social Action Committee for Christians and Jews, Inc., 6401 Harding Road, Nashville. Request: $60,000.

4. The Unity Group Fund, Inc., 1348 Grove Street, Chattanooga Request: $372,970.

5. Memphis Education Project, Inc., 740 Court, Memphis. Request: $413,410.

6. Memphis Urban League, 546 Beale Street, Memphis. Request: $236,242.

7. Community Youth Playhouse, Inc., 1185 South Bellevue, Memphis. Request: $61,580.

8. Memphis Panel of American Women, 5503 Gwynne Road, Memphis. Request: $19,971.

9. Williamson County Citizens for Human Dignity, P.O. Box 423, Franklin, Tenn. Request: $58,203.

10. The Civic Action Council of Jackson, P.O. Box 3002, Jackson, Tenn. Request: $89,725.

11. The General Board of Christian Education, Christian Methodist Episcopal Church, 1474 Humber Street, Memphis. This organization requested a total of $814,176, but proposes spending $178,599 on a Chattanooga, Tenn., project, with the remainder being spent in cities of states other than Tennessee.

The other communities included in the proposal are Tupelo, Miss.; Phenix City, Ala.; Savannah and Chatham County, Ga.; and Morehouse Parish, La.

FEDERAL GRANT OF $259,626 SOUGHT FOR BUSING PROPAGANDA CAMPAIGN

(By Grady Gallant)

An intensive propaganda campaign using a "mobile van," week-end retreats, mass indoctrinational meeting and other devices is planned by Concerned Citizens for Improved Schools to attune public school children and their parents to "a new way of life" here.

To mount this "determined and creative campaign against negativism," the organization has applied for $259,626.35 in federal funds, of which $208,294.40 would be drained into employe salaries, services and benefits.

The mass media assault against "white ghetto mentalities" and for "integrating the desegregated schools" would include $60,000-worth of monthly television specials and $25,000-worth of billboards, radio and television spot announcements, all to be paid for from taxpayers' money.

Workshop consultants would be brought in at $100-a-day and a "media consultant" would be hired at $100-a-day for 96 days, for a total expenditure of $9,600 for about 19 weeks of work, if he works a five-day week.

A community newsletter to be distributed monthly as planned will cost $3,600 for circulation of its 5,000 copies. A monthly newsletter aimed at students would be circulated to 30,000 of them at an annual cost of $8,400.

Students texts and handbooks would cost $380 and students' workshop proceedings will dissipate, if the plan is approved, another $1,250. The parents' workshop preceedings would cost another $500, and telephone and postage costs are forecast to be $3,275 for the year.

Application for the more than a quarter million dollars in federal tax money was made through the Emergency School Assistance Program (ESAP: Pronounced E-SAP).

ESAP is administered by the Department of Health, Education and Welfare. Funds are given to groups and organizations which wish to help in the busing and integration of public school children.

Concerned Citizens for Improved Schools (CCIS) has existed for 2½ years. It is a bi-racial group "dedicated to affirmative community involvement toward ending all vestiges of a dual school system and the results of its accumulative patterns of discrimination," the organization notes in its request for tax refunds.

It was "spontaneously created," according to a description of its origin in the project application. Its membership is 75 per cent white, and includes some open advocates of busing.

Following spontaneous creation, the group became active in promotion of "community action for social change."

With its help, Clergy United for School Integration (CUIE), College and University Professors United for Integrated Education (CUPUIE) and (White) Nashvillians for Integrated Education were organized.

The application has cleared Gov. Winfield Dunn's desk, without his approval or veto, and has been sent on to federal officials.

"Invited members of CCIS testified on behalf of the plaintiff in the case finally adjudicated before (U.S. District) Judge L. Clure Morton (Kelley vs. Board of Education)," it is noted by the tax funds applicant.

Last June, ESAP gave $39,581 for CCIS to form what it called Volunteers in Action (VIA), an activity which involves 26 high school students who "inform the students, their own peers, about the indispensability and justice of school integration."

In explaining the need for expansion and continuation of the VIA program, CCIS notes that the "tense atmosphere" resulting from the busing issue of the recent race for mayor and "the transfer of senior students" from schools from which they would have been graduated "will make it somewhat difficult to secure understanding and acceptance of an integrated, unitary school system."

Being the "main beneficiaries of the opportunities for quality integrated education" the students "must be reached on a one-to-one basis and must have the opportunity for input to diffuse the tensions and create more genuine interaction within their own schools."

Reaching students on a one-to-one basis with Volunteers in Action in expensive. In the second application for federal tax money in less than a year, CCIS wants $48,000 to pay 80 such volunteers $600 annually. A week-end retreat for 50 volunteer trainees will cost another $1,300. And a two-week training program for 50 VIAs at $5 a week will cost still another $500, according to CCIS figures.

"In an out-of-school atmosphere where students will feel free to express their ideas candidly and honestly, we will use the workshop format for a two-day (week-end) discussion (just as soon as possible . . . within 30 days) on racism led by experts in the field, from several frameworks of reference," the application for federal tax money states.

"We will reach for an attendance of 600 or at least 30 students from 20 high schools.

"The curriculum would include information on how to distinguish between individual prejudice and institutional racism; racism as it manifests itself in America, as well as European and Latin American history documents; other serious literature; information on ghetto life and culture (black); about black in a white society; about white ghetto mentalities and how our society has caused and perpetuated racist patterns, etc.," the proposal states.

Volunteers in Action use such methods in achieving objectives as developing materials to "establish rapport with their own peer group," participating as speakers bureau panels and "dialogue groups" and "low key mobilizing of students who are supportive of integration and those who believe in affirmative involvement in projects."

They also implement "buddy systems within the school in order to diffuse tensions and establish (long range) more genuine relationships among all the students."

The volunteers also serve as "communications links" in the Urban League sponsored Unitary School System Assistance Center Rumor Control Center (USSACRCC).

Under its plan for intensive propaganda activities for busing and elimination of the neighborhood school, there would be a project director paid $14,000 annually who would be assisted by an associate director making $10,000 annually. 'A "media specialist" would be paid $10,000.

A part-time "community organizer would receive $6,000 based on an annual salary of $12,000, should he be fulltime.

An administrative assistant would be paid $7,000 annually, a secretary would get $6,000 and a clerk typist would receive $4,800.

Staff travel expenses are set at $1,200 annually.

State-wide delegates to a workshop on Parents Organization—50 delegates—would cost $7,500.

CCIS has budgeted $5,000 for rental of four offices for a year, $600 for workshop site rental for two days and $450 for the week-end retreat site for VIA trainees.

The group also proposes to buy $8,276-worth of equipment such as a 16-mm projector ($353), an electrostatic copier ($1,345), a Polaroid camera and case ($280), projection table ($52.95), record player ($50) and mailing meter ($96). To lease and operate the mobile van for the community organizing teams will cost $4,000.

Another $2,100 would be spent for office equipment for three offices at $700 for each office. The organization now has only one office.

Five hundred dollars will be paid to contract services of an auditor.

The bi-racial advisory committee of Concerned Citizens for Improved Schools are listed in the request for tax money from HEW as Dr. Thomas Ogletree, 3212 West End; Mrs. W. A. O'Leary, 5334 Overton Road; Mrs. Carol C. O'Neill, 1809 Morena Street; Inman Otey, 905 Lischey Ave.; Mrs. Rice Pierce, 5013 Stillwood Drive; Mrs. Prince Rivers, 1803 Morena St.; Dr. J. Tarleton, 1714 Windover Drive; Dr. Eugene Teselle, 2007 Linden; Donna Vaughn, 1818 Beech Ave.

Mrs. Elmer West, 3515 Granny White Pike; William White Jr., 1107 Kellow St.; Mrs. E. L. Whitmore, 3613 Batavia; Dr. Joseph Yeakel, 1014 Woodmont Boulevard; Steve Barefirid, 540 Richman Drive; the Rev. William Barnes, 1503 16th Ave. S.

Don Beisswenger, 235 Lauderdale Road; Mrs. David A. Bergmark, 922 17th Ave. North; Mike Bonnell, 4510 Granny White Pike; Isaac Crosby, 920 Marengo Lane; James Curry, 1003 Battlefield Drive; Mrs. Leslie A. Falk, 1417 Clairmont Place; Mrs. John M. Frase, 1015 Noelton Lane.

Dan Graves, 302 Elmington Ave.; Nancy Holloman, 815 Ramsey; Julius Jones, 3906 Kings Lane; Amy Kurland, 1805 Kingsbury Drive; Theodore Lewis, 1400 Acklen Ave.; Joyce A. Long, 1409 Chester Ave.

Mrs. Johnella Martin, 1704 Villa Place; Warner L. McCreary, 1820A Delta Ave.; and Mrs. Richard M. Morin, 812 Clematis Drive.

Thursday's article will report project plans of other Nashville groups.

EDUCATORS SEEK FUNDS FOR ADJUSTMENT, TOO

(By Grady Gallant)

Not only is adjustment necessary for parents and public school children involved in massive busing under the order of U.S. District Court Judge L. C. Morton, school administrators also feel acute adjustment needs as they face problems thrust upon them by radical school changes.

Tax money for sociological adjustment is obtained by various private groups and organizations wishing to help with public school children from the Emergency School Assistance Program (ESAP) of the Department of Health, Education and Welfare.

One of three ESAP project proposals for Nashville now pending before HEW has been submitted for funding by the University Council for Educational Administration, with offices located at 29 West Woodruff Ave., Columbus, Ohio. Jack A. Culbertson is executive director of this organization.

With the help of several staff members of Nashville Metro school system, "who have been involved in its development at all stages," Culbertson has come up with a proposal to develop and test a simulation program for urban administrators, "particularly as related to education and race."

GAVE ENDORSEMENT

In a letter to Dr. Culbertson dated Sept. 21, 1971, Dr. Elbert Brooks, director of Nashville schools, noted his endorsement of the proposal.

Dr. Brooks then wrote that this project "promises much in relation to the development of reality-oriented materials for the upgrading of in-service training, professional growth and development opportunities for practicing administrators, and for the training of new administrators."

In plain language, the program intends to develop simulated (or imitation) situations and problems of the kind actually being experienced by school administrators and other leaders in Nashville.

Once these situations and problems are developed, they would be used in a series of workshops to illustrate incidents happening in the schools. Workshop participants would then discuss how they would handle such "problems of desegregation."

"The problems which have major implications for training will be selected, classified and related to significant administrative functions central to the Emergency School Assistance Program (that is: developing community programs; giving leadership to special curriculum revision programs; undertaking special comprehensive planning, and so forth)," the project outline reveals.

TO COST $78,741

The creation of these artificial situations and problems in order to learn how to deal with the real things happening daily in the public schools will cost $78,741, according to the project request for federal tax funds.

Salaries, consultants, travel back and forth between consultants, honoraria for directors and personnel benefits dissipate more than $28,400 of the sum sought.

The heavy cost of administration of such a simple program as the one projected by the University Council for Educational Administration is reflected in employe salaries budgeted in the proposal to be paid by federal taxpayers:

"Director (1–5 time, 12 months at $36,000 annually), $7,200.

"Assistant director (1-3 time, 12 months at $14,000 annually), $4,700.

"Assistant (1–3 time, 12 months at $10,800 annually), $3,600.

Assistant (1–4 time, 12 months at $11,200 annually), $2,800.

"Secretary (1–2 time, 12 months at $6,000 annually), $3,000.

This is a total of $21,300 for five part-time workers.

In addition to this, they are budgeted to cost an additional $3,608 for such personnel benefits as retirement, disability and hospital insurance—plus travel and per diem to Nashville and Columbus, Ohio, in the amount of $3,500.

Added to their total of $21,300 in salaries, the additional expenses just cited bring their cost up to $28,408.

They plan to use only $1,000 worth of office supplies and materials, however.

These workers would require the services of "consultants" to "plan, design and block-out simulation materials." This consultant service will cost $3,500.

NEXT IN COST

The next most expensive item on the budget for this simulation program is the $11,250 required for the filming "of six critical incidents."

Three one-week workshops, which include "per diem for 75 participants, honoraria for directors, plus travel and other expenses," whatever these "other expenses" might be—for they are not specified—costs $8,000.

"Creation of 30 in-basket items" will drain off $2,000. An "in-basket item" is described by a school official as written material describing a problem or situation which is placed "in the basket" on an administrator's desk.

The administrator then removes it, reads it and gives his comment as to how he would have handled the problem described.

Production of 12 "audiotaped simulations" would cost $2,750, and another $5,000 is requested to produce "six problem-centered group exercises."

To plan and produce "support content" would cost $3,000, and another $3,000 tax dollars would be spent to "develop instructors manual, evaluation procedures and related materials."

Production of written materials and negatives for workshop use would require expenditure of $5,000 more.

INDIRECT COSTS

A mystery "indirect costs," which are not itemized, are given under "other costs" as $5,833. This heavy expenditure—more than that required for consultants to block-out and design simulation materials ($3,000) and for creation of 30 inbasket items ($2,000)—is just explained as being 8 per cent of $72,908.

The $72,908 figure is the cost of the project until 8 per cent (8% of $72,908) or $5,833, is added to it.

When $5,833 is added to $72,908, you get $78,741, which is the figure given as the total cost of the project.

The funds are scheduled to be spent and the project completed in a year.

The proposal gives 11 stages through which the project would advance to its completion. Events "associated with desegregation" will first be monitored to "identify major problems encountered by school administrators," if the project receives the funds.

Instructional objectives then would be decided and the simulated situations to be developed would be determined. Backgrounds facts needed for the simulations will be gathered and the simulated situations and problems will be developed, under the proposal.

TRIED OUT

The materials would then be tried out "with selected personnel" from Metro schools. The materials would be revised, plans would be completed for the workshops and materials would be packaged for use.

By Sept. 1, 1972, the project is designed to "conduct comprehensive continuing education programs" involving Metro school personnel and "community."

"An analysis of evaluation data" will follow "by Sept. 30, 1972," and by "Oct. 30, 1972, development of recommendations for refining the materials and for extending their use to other urban settings" will be done.

This appears to mean that the products of this year-long effort will be shown in other cities.

In its appeal for tax funds, the University Council for Educational Administration claims it has had "substantial experience in the development of simulated situations and other types of materials during the last 10 years."

MADE AVAILABLE

"It is estimated," the group states, "the during this period more than 30,000 practicing school administrators have experienced one or more of the 24 different simulations now made available for use for continuing education purposes.

"A number of professors have expressed an interest in developing the projected simulations bearing upon desegregation and equal learning opportunities.

"Since the University Council for Educational Administration is made up of 59 major universities, it is able to draw upon a wide range of training resources, not only in materials development, but also in the planning and implementation of workshops," the organization states.

FIRST GRANT

Local school officials say that this project was initially part of the $9,098,864.72 Metro school 1971–72 ESAP grant proposal. It, along with other proposals, was denied, and of the total sum sought only $1,418,368 was approved.

It has been resubmitted through the Unisity Council for Educational Administration in a second try for the money.

The proposal lists the Biracial Advisory Committee of the Metro School System of the Emergency School Assistance Program here. This committee, unlike in other project proposals, is a committee which is a part of the Metro school system and functions as a committee in other Metro projects.

The committee membership is given as follows; along with the name of the organization which appointed them to the committee:

Mrs. Zenoch G. Adams, 1024 Kellow St., Metro PTA Council; Dr. Charles E. Kimbrough, 2600 Walker Lane, NAACP; Frank Bailey, 1116 Eighth Ave. South, ESEA, Title 1, Advisory Committee; Mrs. James P. Carter, 1000 Gale Lane, League of Women Voters; Dr. Roy Clark, 2130 West End Ave., Ministerial Association; Mrs. Beverly Bass, 1314 Fifth Ave. North, Model Cities Agency; Phil Eakes, 2609 Crump Drive, Inter-High Council; Dr. Dana Swick, Box 514, Peabody College.

Lloyd H. Griffin, 401 Union St., Nashville Area Chamber of Commerce; Mrs. Alexander Heard, 211 Deer Park Drive, Council of Community Services; Robert Horton, 107 Metro Court House, Metro Government (Mayor's office); Julius Jacobs, 105 Leake Ave., Metro Action Commission.

Ted Martin, 1710 Hayes St., Metropolitan-Nashville Education Association; C. E. McGruder, 908 32nd Ave., North Nashville Citizens Coordinating Committee; Dr. Nicholas Sieviking, 300 Oxford House, Urban Observatory; William Stifler, 614 Lynnwood Blvd., Committee for Unitary School Plan; Dr. G. J. Tarleton Jr., 1714 Windover Drive; and Dr. M. D. Williams, Tennessee State University, Nashville Urban League.

LEAGUE PLANS FORUMS, PAPER WITH U.S. FUNDS

(By Grady Gallant)

A request for federal tax money to start "forums" for "extreme and polarized views" concerning a unitary school system, to "work with" sociology and American history classes in Metro high schools, and to publish a biweekly newsletter for high school students has been made by the Nashville Urban League Unitary School System Assistance Center.

The request for $94,138 in public money has been made through the Emergency School Assistance Program (ESAP), which is administered by the U.S. Department of Health, Education and Welfare.

It brings to four the number of private groups and organizations in Nashville seeking ESAP funds to help with the problems created by the massive busing order of U.S. District Court Judge L. C. Morton. There are now 12 proposals seeking ESAP grants of more than $1.8 million in tax funds for Tennessee private groups.

Unitary School System Assistance Center (USSAC) is located at 1922 Church St.

Under the section of its proposal entitled "Attitude Change Through Participation," the Unitary School System Assistance Center outlines a plan to place its members in the classroom "to help the teacher set up and run this program through helping the teacher devise his curriculum and through participating in the classroom itself."

The Center proposes to "work with sociology and American history classes in the Metropolitan high schools to formulate classroom situations in which students would examine the sociology and history of race relations in the U.S."

The proposal goes on to state that:

"This thurst for new race relations study in the schools would be set up as a system of consultation in which USSAC staff members would visit a high school teacher and talk to them (sic), informally, about the need for these type studies as a part of the teacher's yearly curriculum.

"Although the ESAP proposal of the Metropolitan school board contains plans for researching multi-ethnic textbooks and for classroom adjustment," the Unitary School System Assistance Center observes, "it is felt this proposed program is more directly attuned to the current needs of Nashville high school students as it is specifically designed to use a variety of existing resource materials and to involve the students in the determination of the directions the program will take in the classroom."

In addition to taking part in running American history and sociology classes, the Center members wish to bring "the message of equity and brotherhood" into the community and the schools "through presenting an entertainment which imparts a message through what it verbalizes and the spirit which it symbolizes."

To accomplish this adjustment, the Unitary School System Assistance Center proposes to use tax funds for "a sing-out group."

"A sing-out group composed of black and white students visiting areas of tension within the Nashville community and its high schools could serve to ease hostility and provide a link of cooperation between reluctant persons and-or groups," the proposal observes.

The Center's proposal for tax funds claims "a newsletter would fill a communication need among those students involved in the desegregation process in Nashville and act as a valuable aid to changing modes of discriminatory thought."

To solve this problem and "meet this need," the USSAC proposal seeks to publish a bi-weekly newsletter financed by the federal government which would be "distributed to the students of Nashville's high schools.

"This newsletter would contain information about the concept of the unitary school system at work in Nashville, and parables, essays, and histories relevant to race relations in the U.S. The material published would be partly written by Unitary School System Assistance Center and partly solicited from high school students."

Concerning the need it sees for a forum "for the most 'extreme' and/or polarized points of view emanating from public and private debate concerning implementation of a unitary school system, the Center says such forums would "allow these diverse points of view to be expressed in a manner allowing for orderly opinion and idea sharing among attending groups."

There could possibly be trouble, however, the proposal states.

"The emotional factors involved in this type of meeting may initially lead to periods of disruption, but with further communication on the level of this forum a meaningful appreciation of different persuasions could be initiated and sustained," the project proposal claims.

The individual group would not only contribute "its shared opinions to the while, but would obtain an awareness of the diversity of the urban and suburban community, and come to know each other as human beings rather than stereotypes."

The forums would function "as vehicles of information at the community level and at the high school level," it was noted.

"The method of exchange between the groups would follow the same pattern in either dichotomy but the community forums will be discussions between members of organized groups, whereas the high school forums would be an exchange between the students through either existing school group or individual students," the Center's proposal states.

Employe salaries, services and benefits would cost $43,500 under this proposal, including $6,000 for fringe benefits for the five employes.

A full-time "assistant director" would be employed by the Center at $10,000 annually; a full-time "educator specialist" at $11,000 annually, a music teacher full-time at $5,000 annually, a typist and layout employe at $5,500 and a secretary at $6,000.

In addition, "administrative overhead" could cost $17,478.

The "newsletter and advertising" cost is given in the proposal as $8,000. Resource material would cost $5,000 and "pupil expense" would be $14,400.

"Pupil expense" is not detailed.

FOR 200 STUDENTS: $60,000 CHILD CARE FUNDS ARE REQUESTED

(By Grady Gallant)

The Social Action Committee of Christians and Jews, Inc., 6401 Harding Road, has requested $60,000 in federal tax funds under the Emergency School Assistance Program (ESAP) to establish two "early morning, free child care centers" here.

These centers, which would be located at Howard United Church of Christ, Buchanan at 28th Ave. North, and at the Fifteenth Avenue Church of Christ, 2127 Fifteenth Avenue North, would "help care for children of working mothers." Each would be designed to accommodate 100 children.

The children would be cared for between the time the mothers must leave home for work and when the children must leave for schools which open as late as 10 a.m. under Federal Judge L. Clure Morton's massive busing order.

During this time, the children will be served "a simple but nourishing breakfast: juice, milk, rolls, cereal" and will participate in "creative activity," study or reading, as well as indoor or outdoor play.

The program is planned for the period beginning Oct. 15, 1971 and ending June 15, 1972, eight months. However, the budget shows pay scales figured on a 9-month basis.

HEAVY COST

As in other ESAP proposals, this one reflects the heavy cost of operating any project involving children under the project planning of ESAP fund seekers.

Only $12,837, which is budgeted under "other costs," would be required for the "children's meals, insurance, etc."

On the other hand, employe salaries, services and benefits consume $37,901, or more than half, of the money requested.

A full-time executive director for the early morning centers will cost $7,500. His pay for the nine months is based on an annual salary of $10,000.

A typist-clerk (annual scale of $6,000) would get $4,500. There would be four food specialists (on an annual rate of $3,650 each) who would get $2,730 each for a total cost of $10,920.

There would be four "program specialists" at a cost of $2,730 each for the nine months, or a total of $10,920.

Personnel fringe benefits would require an additional $4,061.

The 36,000 "nourishing breakfasts" would cost only 36 cents each for a total of $11,520.

EQUIPMENT COSTS

To operate the office of the early morning day care centers would require such equipment as secretary desk and chair ($198), IBM Selectric typewriter ($456), file cabinet ($55), executive desk and chair ($275) and two storage cabinets at $100 each ($200).

There would also be purchased two television sets at $150 each ($300), two record players at $50 each ($100), two 16-mm projectors at $353 each ($706), and two recorder casettes at $46 each ($92).

Program materials for the children would be less expensive than the office equipment. Two hundred units at a unit charge of $3.75 would cost the taxpayers $750—or only $19 more than the combined cost of the IBM typewriter and the executive desk and chair.

These program materials include:

"Indoor play supplies, games, blocks, puzzles, construction toys, etc." at $1.50 per child.

"Outdoor play supplies: includes balls, ropes, etc." at 25 cents per child.

"Enrichment program supplies: Includes books, records, art and creative supplies, etc." at $2 per child.

The unit costs total $3.75 per child.

Travel would cost $900 and office supplies would cost $250. Postage and stationery are budgeted at $250 and telephones would cost $500.

Rental for the facilities located in the two churches would cost $2,400.

Equipment rental is given as $1,080 and contracted services would cost $1,500.

"Other expenditures," a mystery item in all ESAP project proposal budget projections, would require $367.

INNER CITY

The proposal notes that the two church buildings selected for the centers are "within the inner-city, largely black community served, under the desegregation plan, by three elementary (grades 1 to 4) schools, Westmeade, Parmer and H. G. Hill, all located in the general West Nashville suburban, white, area."

The center locations are easily accessible from all parts of the neighborhood served and "will serve as pick-up points for the buses taking the children to their assigned schools (details are being worked out by a member of the SACCJ and Mr. Carlisle Beasley, Metro transportation director."

The centers are also accessible "for suburban parents from the three elementary school areas driving to work in mid-town (being not far from 40)."

The proposal states that "a number of such parents expressed interest in using the service, no matter where it was located."

Personnel employed at the centers "will be selected on the basis of the qualifications required by the State Department of Public Welfare licensing standards," the proposal states.

ALSO VOLUNTEERS

A minimum of six volunteers per day would also serve in each center. These will be recruited by members of Social Action Committee of Christians and Jews, Inc. through the social action committees of their churches. These churches include The Temple and West End Synagogues, St. Henry's and St. Ann's Catholic Churches, St. David's and St. George's Episcopal Churches, West End, Belmont and Edgehill United Methodist Churches, Brookmeade and Howard United Church of Christ-Congregational, Fifteenth Avenue Church of Christ and the Society of Friends. Volunteers would also be sought in the neighborhood.

Among those listed in the proposal as SACCJ members "having experience in the field of education or in that of race relations" are:

Mrs. Zensch G. (Bettye) Adams, member of

Metro School Board ESAP advisory committee and co-chairman of Metro Council of PTA.

Larry S. Crist, associate professor at Vanderbilt University and member of the board of advisors of Fisk University Afro-American Research Center ESAP program.

The Rev. Charles N. Fulton III, associate priest at St. George's Episcopal Church and past director of an interracial camp program at Poughkeepsie, N.Y.

Attorney John Gannon, chairman of the Industrial Advisory Council, Nashville Opportunities Industrialization Center.

Rabbi Randall M. Falk, rabbi of The Temple and chairman of Metro Human Relations Commission. He is also listed as a member of Tennessee State University ESAP program.

The Rev. Wilson Q. Welch Jr., associate professor of religion and philosophy at Fisk University, member of the board of advisers of Afro-American Research Center's ESAP program.

Listed as members of the advisory committee of the proposed ESAP project are:

Mrs. Bettye Adams, 1024 Kellow St., who is also listed on the bi-racial committee on the University Council for Educational Administration ESAP project described in Thursday's article.

Mrs. E. J. Miller, 118 Taggart Ave.; Robert Moore, Box 834, Fisk University; Charles B. Myers, 1050 Percy Warner Boulevard; the Rev. Wilson Q. Welch Jr., 3959 King's Lane; John S. Gannon, 216 Jackson Boulevard; and Rabbi Falk, 1209 Canterbury Drive.

EYES TOTAL INTEGRATION: CHATTANOOGA UNITY GROUP SEEKS $372,970 FUNDING

(By Grady Gallant)

The Unity Group Fund, Inc., Chattanooga, has applied for $372,970 in federal tax funds "for counseling, negotiating and other activities" in the field of school integration and community race relations.

Almost all of the money requested—$320,080 of the total $372,970—will be used in payment of salaries, employe benefits and travel. Travel and per diem would cost $21,600 under the plan. Salaries and employe benefits would cost $290,480.

Application for tax money has been made to the Emergency School Assistance Program (ESAP), which is administered by the U.S. Department of Health, Education and Welfare. It is one of 12 such proposals by private groups and organization in Tennessee. The four applications by Nashville groups were reported last week in the Nashville Banner.

Headquarters of The Unity Group Fund, Inc., is in the office of the pastor of Second Missionary Baptist Church, the Rev. Paul A. McDaniel.

NONPOLITICAL

The Rev. Mr. McDaniel said The Unity Group Fund, Inc., is a "non-political" organization and that he is "acting chairman."

The Unity Group Fund, Inc., according to the EASP proposal, grew out of The Unity Group, which was organized in the fall of 1970.

The primary purpose of The Unity Group, which was active politically, was "to get black representation on the City Commission of Chattanooga."

John P. Franklin, a Negro, was elected to the commission and assumed the post of commissioner of health, education and welfare last April.

"Being successful in this venture," the ESAP proposal for tax money states, "the group decided to continue its existence and broaden its concerns to include housing, education and inter-group relations.

"The Unity Group is composed of leaders of civic, civil rights, religious, social and political groups of the black community and other interested citizens."

BALANCED COMMITTEE

The proposal lists three white persons and five Negroes on the bi-racial committee, with "two additional white members" still to be selected.

On the bi-racial committee are James Williams, 5326 Dorsey St., (chairman of 19th Ward, 1st Precinct in Chattanooga) representing The Informers Club of Alton Park; Irvin Overton, 2712 Glenwood Parkway, (campaign manager for the successful Negro city commission candidate) John Franklin, representing Unity Group.

Richard J. Ramsey, 3124 Rose Terrace, chairman of the Clearinghouse on Public Education; Ben Miller, 2009 Kirby Ave., representing the Community Action Program.

Miss Willie L. McClendon, 4804 Oakland Ave., representing Action Coordinating Council; Mrs. B. T. Crombie, 2419 East 3rd St., representing the Orchard Knob-Glenwood Area Advisory Council.

Robert E. Brown, 424–B Gillespie Road, representing the NAACP; and William Harris, 514 Biltmore Drive, president of the Chattanooga Chapter of the Tennessee Council on Human Relations. He is also pastor of Fairview Presbyterian Church, 913 East 9th St.

MESSAGE QUOTED

In a message accompanying the proposal entitled "Reactions to the ESAP Proposal Submitted by the Unity Group," The Rev. Mr. Harris writes:

"The people who oppose desegregation of the schools have much more ready access to the mass media than is the case in most communities. This makes it doubly hard for the school board and staff to act responsibly in this regard.

"The problem is so significant that the public relations component of the proposal should be expanded from a mere line in the budget into one of the major thrusts of the proposal.

"After all," the minister writes, "the purpose of the proposal is to change public opinions and attitudes in order that desegregation may be carried out in a smooth and orderly manner. Any proposal having this purpose would be silly not to pay greater attention to the mass media.

"This component of the proposal should be expanded by at least 600 per cent, including a fulltime staff person and plans for specific use of FCC (Federal Communications Commission) public service time and press releases."

TO COST $4,500

Public relations, "TV, radio, newspaper" is listed under "Other Cost" in the proposal as to cost $4,500.

The Unity Fund Group, Inc., outlines numerous activities mainly consisting of identifying people and recording information about them and their problems, holding meetings, making talks and getting medical and legal aid for students.

"The possibility of an outbreak of violence will haunt the (school) system for several months to come. To meet this problem, the proposal for ESAP tax money plans to get cooperation of medical personnel "in the event that a school altercation would result in injury to any student" and to "provide medical services needed in the event that an injured student was not covered by accident insurance and/or his family was not able to cover the cost of medical treatment."

It is also planned to provide cost of ambulance service to students requiring it as the result "of school altercations."

In addition, it is proposed that cooperation of legal "personnel" be obtained "in the event that any student was accused of violating civil law."

The group proposes to work with school officials "in identifying low achievers" and to work to have an out-of-school tutorial program for them. A "special out-of-school counseling service to chronic problem students in cooperation with parents and teachers" would be provided.

The group also wants to help find students part-time work and to bring students and families "into contact with those community resources that can provide food, clothing and shelter on an emergency basis."

A bi-racial speakers' bureau is planned "to present the status of school integration at any period through the school year."

With the $372,970 in tax funds, the group proposes to "identify those in-school youth leaders who are dedicated to working within the system," as well as "identify those out-of-school youth leaders who are protagonistic of the system."

"The out-of-school leaders will work with the hard core drop-outs, the isolationists who feel integration is a racial injustice."

Employe salaries, services and benefits are broken down on the proposed budget as $12,000 annually for the director and $8,000 for his assistant director. Two clerk-typists at $4,000 annually would cost $8,000. Fringe benefits for these employes would be $4,080.

There would be seven "coordinators" at $750 a month for 10 months, or a total of $52,500.

Twenty-five "community workers" at $500 a month for 10 months would cost a total of $125,000; 11 more community workers (designated as Community Workers II) at $500 would total $55,000. Fringe benefits for these workers would require an additional expense of $27,900.

Travel and per diem figured in the proposed budget at 1,200 miles at 9 cents a mile for 20 workers for 10 months equals a $2,000 expense.

An interesting budget item is "inter-com system in motor vehicles" at a cost of $3,000. A second interesting budget item is "6 typewriters at $500 for a total of $1,000" (sic).

A calculator at the cost of $500 and a mimeograph machine at $500, as well as two "conference tables" at $100 each are budgeted.

The ever needed consultants, who are so often listed in ESAP proposals, have not been forgotten here, though they work cheaper than some, being budgeted at $25 a day, rather than the usual $100 daily. In any case, there are six of these on the proposed budget at $25 for a total of $150.

An expensive budget item, requiring $10,000 in tax funds, are "medical expenses at $100 per student times 100 students."

Legal fees at $10 per student for 100 students come out to the same $10,000 cost.

"Janitorial service at $100 per month times 12 months for $1,000" total appears to be $200 short of the amount of tax money needed to keep the office clean.

"Up Keep Contracts" cost $150 under the proposal of this group for ESAP funds.

"Release time payment and supportive pay for parents for 200 days at $20 a day" adds up to $4,000 under the proposal. Utilities at $100 a month for 12 months will cost $1,200.

Rental of a "portable loud speaker" at $5 daily for 120 days costs $600, whether it is needed or not.

Office space is to cost $200 a month for a year for a total of $2,400. Three desks at $100 each cost $300 and the 85 folding chairs budgeted cost $450.

The group plans to lease four station wagons at $150 a month for 10 months for a total of $6,000.

MEMPHIS GROUP ASKING $413,410

(By Grady Gallant)

Memphis Education Project, Inc. (MCEP), 740 Court, Memphis, has requested $413,410 in Emergency School Assistance Program Funds (ESAP) for a double project which proposes an ombudsman system for the city and further funding of the existing Parents Action Corporation for Education (PACE) set-up.

Memphis Education Project, Inc., lists the same address as the University Interfaith Center, a building located on the University of Tennessee campus at Memphis.

The University Interfaith Center was built on university property by private funds subscribed in the city.

A Roman Catholic Priest, Robert Dempsey, a chaplain at the University Interfaith Center, served as MCEP director until a few weeks ago, according to an education official.

The priest, however, resigned that post, though he is still active in MCEP affairs. There is no MCEP director at this time.

ATTORNEY LISTED

An attorney, Phillip E. Kuhn of the Memphis law firm of Finley, Stein, Kuhn and Sisson, is listed on the project proposal as the official representative of the group to ESAP. He is also listed as chairman of MCEP board of directors.

Asked whom to contact concerning activities of MCEP, both Kuhn and the Catholic priest said either of them would be the one to talk with.

In the introduction to "A Comprehensive Plan of National Significance to Accomplish and Maintain an Integrated School System in Memphis," the project proposal states:

The only way to end segregated education in Memphis is simply to end it.

Education programs "should not be imposed on the Black community but evolved out of it," the plan proposal goes on. "This can be accomplished by a process of rational and systemic coooperation of the Neighborhood Education Ombudsman, the Minority Consumer Agency and the L.E.A. (Local Education Agency). This process should end the duality of Memphis education and move the city closer to stability and harmony.

QUICK WAY

The proposal for tax money says "the ombudsman plan is simply a way to quickly and effectively raise the black community's ability to dialogue (sic) to the level of the School Board and simultaneously lower their frustrations and consequent hostile feelings."

The "Ombudsman Plan" envisions 13 ombudsman units at a cost of $23,220 a unit—or a total cost of $303,860 in tax money.

Each unit would have an ombudsman at $8,000 annually and a secretary for him at an additional cost of $5,500, for a total of $13,500. Social security payments would bring the cost for the two up to $15,120.

Travel would be necessary and mileage at 10 cents a mile times 150 miles a month for 12 months would cost $1,800 for each of the 13 units.

Office space, according to the project plan, would cost $3,000, including utilities. Office equipment per unit would be $700, office supplies, $1,000; printing, $500; telephone $300 and desk top supplies, $100.

Postage for each of the 13 units would cost $200 and fiscal controls for each unit another $500. In addition, fiscal control over the entire grant would cost $2,000.

It would all add up to $303,860 for the ombudsman plan.

The Parents Action Corporation for Education (PACE) budget would total $109,550.

It would include a director for $8,500 annually, a deputy director for $7,500, plus a staff of seven persons.

These include, according to the proposal for tax funds, a research and development person at $7,500, two community educator and race relations trainees at $7,500 each—a total of $15,000. There would be three community liaison persons at $7,500 each for a total of $22,500 annually, and a secretary at $6,500 annually. This totals $67,500. Social security payments for them brings the total to $75,600.

Consultant fees, a heavy expense in most ESAP projects would cost $5,000 in this one. Fiscal controls could cost $1,000.

Office space would cost $4,000 annually, plus $3,600 for utilities. Office equipment would cost $600 and printing would drain off $2,000. Office supplies would cost $1,000 and telephones would cost $1,400 annually. Postage would be $500 for the year and desk top supplies would be $450.

Mileage at 10 cents a mile times 1,500 miles a month times 12 months times 8 persons adds up to a cost of $14,400-worth of riding around.

Non-personnel costs would come to a total of $27,950.

MCEP, a group called Mid Town Action, Legal Defense Fund and "community leaders brought PACE into existence in order to help end segregation in the schools and upgrade the level of education for all," according to the proposal seeking federal tax money from ESAP.

Growth to this point has been rapid. However, if potential effectiveness is judged by what must be accomplished, then this volunteer participation must be effectively focused by paid professional staff. With paid professional staff, minority educational needs can be discovered and described from a minority viewpoint.

NEW METHODOLOGIES

New investigative methodologies can be evolved to do on going and in depth studies. Such mechanisms as IQ, reading and aptitude tests designed by and for whites can be redesigned for blacks.

"The graded school system evolved from white cultural circumstances, can be altered for children with ghetto backgrounds," the proposal for federal tax money claims.

CHURCH ASKS $814,176 U.S. DESEGREGATION AID

(By Grady Gallant)

The General Board of Christian Education of the Christian Methodist Episcopal Church, 1474 Humber St., Memphis has requested $814,176 in federal tax funds from the Emergency School Assistance Program (ESAP) of which $178,599 would be spent in Chattanooga.

The remainder of the money to be used "to aid in the desegregation process" would be expended in Tupelo, Miss.; Phenix City, Ala.; Savannah, Ga.; and Bastrop, La.

The three objectives of the ESAP proposal are to "assist in acquiring public support of the desegregation plan in each community . . . to ensure operationalizing of the desegregation plans with the least amount of conflict and disruption . . . and to gain support of and actively involve students, parents and other members of the community in interracial activities whereby a quality education for all students can be assured."

As can be seen from the amount of money requested, this sort of thing is expensive for the taxpayers, especially in outlays for salaries and travel expenses of those laboring in the ESAP vineyards.

The project for Chattanooga would require that $134,363 of the $178,599 sought in tax funds be dissipated in salaries and travel costs.

Personnel working for the Chattanooga project would get a total of $129,143 during the year in salaries and employee benefits—social security, hospitalization and workmen's compensation.

Travel costs would be $5,220 for them. Local travel alone is figured at 2,100 miles per month at 10 cents a mile, for a total of $2,500 for the year.

AIR AND GROUND

Training conferences in Memphis for the Chattanooga project director-coordinator, community worker and five youth workers would cost in "air and ground" travel a total of $1,900—and per diem would add another $650. The project director would have to return to Memphis for a "compilation session" at a cost of $75 for "air and ground" travel and $25 per diem, for a total of $100.

"The program for Chattanooga would entail activities of students and youth. The aims of these activities are to ease present and potential conflict between students and youth as a result of the desegregation plan, and to provide opportunities for students and youth to participate in meaningful activities whose purposes are beneficial to the entire communtiy."

To this end, the program would operate in seven areas of Chattanooga with an activity "designed for each area."

In the East Lake area of Chattanooga, "students will seek to involve the entire area in meaningful activities." Such activities will include "student-family and student-administration forums, debates, panel discussions, etc."

Door-to-door canvassing would identify parents, according to the project proposal, who have both "pro and anti-feelings toward the plan; ministers will be contacted to lend their support, to encourage their youth and to offer their facilities for group meetings. Area social and political organizations will be contacted in a like manner."

For the Alton Park, St. Elmo and Brainerd-Shepherd area "an interracial student club is proposed." This club will solicit membership from both black and white students with proportionate representation where possible.

The club will "sponsor forums, panel discussions, debates and seminars dealing with subjects related to race. It will have social affairs such as dances, outings, retreats, etc. (at least once per month) to ensure active participation and interest by the students."

"Occupational counseling and guidance" is proposed for the Riverside and North Chattanooga area. Students in the area who have become drop-outs would be found and given "guidance and counseling" in depth. There would be speeches, forums, discussions, movies and slides presented to those attending the meetings.

Plans for the West Side and Central City area of Chattanooga, a "predominately black area," is proposed a "tutorial clinic to which students who are inadequately prepared, academically, can be recommended or who can select to come for remedial and compensatory classes."

In the Avondale-Bustown area there "is proposed an information center for disseminating positive information concerning the desegregation plan and of those groups participating in the plan. Grievances will be investigated and opportunities for correcting the grievances will be offered."

Under this activity, a "rumor control" center will be established.

In the East Chattanooga-Boone Hysinger area a "program of leadership development" is planned. This activity would provide "training in interracial relations to those formal and informal leaders on the campuses whereby they can become instrumental in breaking down the walls of segregation within the school."

To this end, there will be interracial social events, forums, discussions "and the like." There would also be pre-school breakfasts, a "buddy system," "interest groups," "school social affairs" and "role playing."

Other than these area activities, there would be "citywide activities to aid in solving the overall problem found in Chattanooga."

These will include "a student newspaper published once a month . . . operated by and for students." Each area would have an advisory committee and each area would provide two persons to serve on the city-wide youth advisory committee, which would, with the adult advisory committee, give "directions to the entire program."

Fifty-three persons would be on the project payroll drawing a total of $116,345 in salaries for the year, plus $12,798 in employe benefits.

The project director would get $12,000 annually. Seven coordinators—who would be under 25 years of age—would get $3 an hour for 12 months, working 75 per cent of the time, for a total of $32,760.

Fifteen community workers under 25 years of age would get $2 an hour for 10 months

working 75 per cent of the time for a cost of $36,900.

Eight community workers under the age of 25 years would get $2 an hour for 10 months for work 20 per cent of the time for a total of $5,248. Fourteen youth workers, all under age 25 would receive $1.65 an hour for 10 months for work 20 per cent of the time for a total cost of $7,577.

An "administrative assistant" would get $6,500 annually for full time work, two clerk typists would be paid $5,000 each annually for a total of $10,000 and a janitor would get $2,000 annually for working halftime.

Four "teacher-counselors" would receive $5 an hour for 10 months for working 20 per cent of the time for a total of $3,860.

A "main office" would have to be rented at $400 monthly for 12 months at a total cost of $4,800. Seven branch offices would be necessary at $100 monthly each for a total of $8,400. In addition, four meeting places would be rented at $25 monthly each for a total cost of $1,200.

This would all total $14,400.

Office supplies and materials would cost a total of $8,400. Equipment rental would cost $8,139, including rental of one school bus and its upkeep and operation at $4,800 for the year, or $400 a month.

A total of $2,990-worth of equipment would be purchased including projectors, cameras, tape recorders, folding chairs and file cabinets.

"Consultant fees ($100 a day for 20 days)" would cost $2,000.

There would be $8,300 "other costs," such as student-parent events ($1,600), students breakfasts ($600), "social events, outings, dances, etc." ($1,200), student newspaper publication ($2,400) and educational materials—books, films, slides, magazines, pamphlets and other items—$2,000.

The Chattanooga committee membership is listed in the project proposal as: The Rev. William M. Harris, 913 East 9th St.; Raymond Taylor, 406 Glenwood Drive; Mrs. Charlene Kilpatrick, 510 Kilmer St.

Walter C. Tate, 848½ East 5th St.; James E. Baldwin, 1723-A Wilcox Boulevard; and The Rev. H. R. Delaney, 757 Vine St.

PRIVATE FRANKLIN, JACKSON GROUPS ALSO HAVE REQUESTED ESAP FUNDS

(By Grady Gallant)

Private organizations in both Franklin and Jackson have applied for tax funds from the Emergency School Assistance Program (ESAP) to help achieve integration in these two cities.

Applications by the Williamson County Citizens for Human Dignity, P.O. Box 423, Franklin, and the Civic Action Council of Jackson, P.O. Box 3002, Jackson, are among the 12 ESAP requests filed recently in Tennessee.

Williamson County Citizens for Human Dignity wants $58,203 of which $33,028 would be used for salaries and travel costs.

The Civic Action Council of Jackson requests $89,725 in tax money of which $70,425 would be consumed in salaries and travel expenses.

The Williamson County Citizens for Human Dignity states in its project introduction that "at the outset, the rationale for the program must be clear, since the proposed effort will have two goals: i.e., the 'real goal' and the 'publically (sic) stated goal.'"

"The black and white communities in Williamson County suffer severely from lack of communication and cooperation, especially in the area of black-white relations," the proposal notes.

The recent court order to desegregate the Franklin County School System has not improved the situation, but has "intensified" it.

"Thus, the real and only goal of the proposed program is to improve the dialogue between these two groups and thereby enable the individual members of the community, both black and white, to rid themselves of destructive attitudes that are largely based on lack of understanding, which rob from everyone the opportunity to his full potential as a person," the proposal observes.

The proposal states that the two groups cannot have "a meaningful dialogue" so long as the subject is limited "to black-white problems."

"Instead, the proposed approach is to attack the problem more obliquely by focusing attention on a problem both groups have and must deal with, and by organizing a community program to solve it."

The "stated goal" chosen for the program is to "reduce or help eliminate the problem of high school 'drop outs.'"

Desegregation can be expected to increase the number of drop outs in Williamson County, the proposal states. This is because:

"1. The relatively small percentage (15%) of black students causes a strong dilution of black focus, a loss of black contact and a loss of identity of the black student.

"2. White teachers are, or are perceived to be less tolerant of black 'anti-social behavior.'

"3. All the extra stresses created in the process of desegregation, such as busing, learning to deal with whites, and adjusting to a new environment, push the potential drop-out closer to the time when he cannot conduct himself in a manner acceptable to that the school supervision requires.

"4. In some cases, white students who leave the public schools to avoid desegregation may later try to return, but with inferior private school training, may find themselves as drop-outs."

A study of the drop-out problem in Williamson County shows that "in line with national trends, the great majority of those leaving the school system are actually 'push-outs'—students who, because of their unacceptable behavior, have been forced out," the proposal claims.

The proposed program to deal with the drop-out problem, and through it the desegregation-integration problem, is to use "a specially trained social worker" and also involve the community through "a Big Brother type of program emphasizing supportive, one-to-one relationships between potential problem children and concerned individuals. A recreation program during the summer is also planned."

The summer program, from June 14 to Aug. 13, 1972, involves music, drama, art, swimming, tennis, badminton, volleyball, softball, dancing and group games.

The recreation program would cost $10,000, or about $5,000 a month.

The entire program, beginning Nov, 1, 1971, and ending Oct. 31, 1972, would require a "coordinator" at $12,000 for the year.

The social worker would also cost $12,000. A clerical assistant would cost $5,000.

Contributions toward the retirement of the coordinator and social worker would cost $720 for their one year of work. Social security payments for the coordinator and clerical worker would amount to $1,508.

Travel and per diem, a costly item in ESAP proposals, would be $25 a month for the coordinator, "plus two appropriate conferences at $300 each," which would amount to a total outlay of $900. The social worker would get the same amount, another $900.

Thus, the salaries and travel amount to a total of $33,028.

"Facilities for the housing of the coordinator, social worker and drop-out program at $200 a month for 12 months" would total $5,400 in tax money. Electricity, water, gas and telephone would add another $2,500, for a total of $6,550.

Office equipment—typewriters, adding machine, filing cabinet, ditto machine and two desk and chair sets—would cost $2,000.

Office supplies, "drop-out program supplies for the recreation program would cost $2,500.

To evaluate what had happened, a consultant would be employed at a cost of $1,000.

A workshop would be necessary. It would involve 25 teachers times $15 times 3 days, or a total of $1,125.

A certified Public Accountant to keep up with all this would cost $2,000, compared to auditor's fees listed in other ESAP proposals of $500.

The advisory committee is listed on the proposal as Bobby Greathouse, College Grove, Tenn.; Lillian Hamilton, Rt. 4 Dabney Drive, Franklin; Emily McCarty, 2101 Crestmoor Rd., Nashville; Mrs. Robert Mitchell, Rt. 3, Brentwood, Tenn.; Robert Murdic, Rt. 4 Dabney, Franklin; John Pope, Rt. 4 Hardison Drive, Franklin.

Mrs. Floyd Sandlin, Sandlin Drug Co., Franklin; William Smith, no address given; Jimmy Hastings, Wilson Pike, Franklin; and Mrs. Arron Smith, Peytonville Road, Franklin.

In its request for $89, 725 in ESAP tax funds, The Civic Action Council of Jackson claims it has two objectives: to give direct assistance to students whose academic work "and other activities" have suffered "because of school desegregation," and to "facilitate a change in the attitude of the community toward integration and thereby aid the students who live in two separate worlds even though they attend classes together."

These objectives will be "pursued through a series of activities, each aimed at a specific of the over-all problem related to desegregation of the Jackson High and junior high schools."

The organization proposes to conduct a survey of drop out problems and determine the drop-out rate. If desegregation has caused an increase in this, "an experiment program would be developed" to involve recent drop-outs "in a non-graded educational situation away from the school buildings."

A "Youth Theater Program" is planned for students to develop their talents "in an integrated context after school hours."

A monthly newsletter to keep the community informed as to what "is really happening in the schools" is planned "to facilitate a positive change of attitudes toward integrated education."

There would also be workshops on school integration problems for "faculty, administrators and parents upon request."

"The Jackson City School System received ESAP funds last year and have been refunded this year. No private or public non-profit organization in the Jackson area has received ESAP funds," the proposals points out.

To carry the heavy burden of this program requires four directors, two secretaries, and consultants. They are:

Director (one-fourth time at $20,000 for 12 months), $5,000; Director of Communications (full time), $14,000; Director of Youth Theater and related interest groups (full time), $14,000; Director of Drop-out Survey and Follow-up (full time), $14,000; Secretarial services (two fulltime secretaries at $5,000 each), $10,000; Consultants and speakers for all components of the program, $2,500.

This adds up to a total of $59,500. Fringe benefits of 15 per cent cost $8,925, making a grand total of $68,425 for these leaders.

The monthly newsletter to every resident of Jackson for 12 months would cost $12,500. Advertisement of the program and brochures would cost $2,000. Office rent would be $2,-400. Regular mailing costs would require $400, the telephone would cost $500 and "expendable supplies" would cost $1,500. This totals $9,300.

Staff travel expenses are listed at $2,000.

And that takes up the proposal request of $89,725 in tax money.

No bi-racial committee was included. Paul F. Blankenship, P.O. Box 3002, Jackson, is

given as the authorized representative of the group.

"Since we heard about the possibility of applying for these funds less than a week ago, there has not been sufficient time for organizations to respond to our invitation to select a member," the proposal states.

"The following are individuals who have not been confirmed by their organizations as of yet, but are willing to serve: John A. Werthing, 94 Labelle St., Jackson and The Rev. Fred Bean, 15 Harmony, Jackson.

The group also states it plans to hire Dr. Wesley McClure, assistant to the president of Lane College in Jackson, as director of the project on a one-fourth time basis.

THREE SMALL MEMPHIS GROUPS SEEK ESAP AID FUNDS

(By Grady Gallant)

A self-described "shoestring" operation, advised by an Office of Education official of the Department of Health, Education and Welfare to apply for Emergency School Assistance Program (ESAP) funds, is among three private Memphis groups to ask for a total of $317,793 in federal tax money to help establish "total integration" of the races.

The funds are spent by private groups to help in community adjustment to problems created by masive busing of public school children and the establishment of a unitary school system.

The three Memphis groups are:

1. Memphis Urban League, 546 Beale St., seeking $236,242 in tax money.

2. Community Youth Playhouse, Inc., 1185 South Bellevue, which asks for $61,580 for "role-playing."

3. Memphis Panel of American Women, with a headquarter address in a private home at 5503 Gwynne Road, and self-described as a "shoestring" operation, seeking $19,971 for bi-racial panel programs.

The Memphis Panel of American Women, asking for $19,971 in tax money from ESAP, plans to spend $7,030 on salaries and travel.

This entire activity consists of conducting bi-racial adult group panel discussion before students, participation in human relations seminars, attending meetings, training volunteers to hold panel discussion and "subscribing to appropriate journals and newsletters and local black newspapers."

To do all this would require a director on half-time at a cost of $3,500 and a half-time secretary at a cost of $1,800. Their employe benefits would cost $530, for a total of $5,830.

"Travel and per diem for staff (local and non-local)" would cost $600. Travel for panelists would cost another $600.

Rental of office space and a conference room would cost $1,600. A telephone at $25 a month for 12 months would cost $300. A Code-A-Phone would require expenditure of another $720.

Desks, chairs, typewriter, dictating and transcribing equipment, including the Code-A-Phone, would total $2,450.

"Human relation training" would require $4,800 and "auditing" would cost $300, for a total of $5,100. Educational materials, books and subscriptions would drain away $700. "Handouts, news media advertising and pamphlets would cost $850.

"Lodging and food for panelist training" would expend $940. This would be lodging and food for 44 persons at $10 per couple per night for two nights at $440. Coffeebreaks would be held four times at an expenditure of $12 a coffeebreak.

Breakfasts would be the cheapest meal at at $1.35 each for the 44 persons, a total of $119. Lunch would cost $1.45 each, or $127 and dinner would be $2.35 each, or a total of $207.

In an attached letter to Preston Torrence, director of ESAP in Atlanta, Ga., the Memphis Panel of American Women states:

"Dear Mr. Torrence:

"The idea of applying for this grant was conceived just days age when I met Mr. James Lockhart from your Washington Office at our LEA Adult Advisory Committee of which I currently serve representing the Memphis Panel of American Women.

"He urged that we apply for this grant even though I explained the 'shoestring' operation under which we have previously functioned.

"Locally we are not incorporated and our attorney had advised not to bother with getting a tax exempt status since we handled such small amounts of money to spend in the state. Any contribution that anyone wanted to deduct from federal income tax was sent to our national office in Kansas City. Nationally we are incorporated and each local chapter in good standing is chartered yearly. The federal tax exempt number for the National Panel of American Women, Inc., is ST L-EO-64-140.

For three years now we have merely maintained a bank account and a home style set of books that I carry to every meeting so that any interested member might examine them.

"We have never dealt with more than a few hundred dollars locally.

"As of yesterday, I have engaged the services of an attorney to set into motion our local incorporation and state tax exempt status. Also, a CPA (certified public accountant) has our books and will set up a functional set of books to be kept by a qualified bookkeeper. Statements of assurances will be forwarded immediately."

No date or signature is shown on the copy of the letter to Torrence accompanying the ESAP proposal for funds by this group.

However, Mrs. Jocelyn Dan Wurzburg, 5503 Gwynne Road, the same address as given for the Memphis Panel of American Women, is listed on the proposal as the authorized representative of that organization with ESAP.

The Memphis Urban League in its request for a grant of $236,242 proposes to spend $134,446 for salaries and travel and travel expenses.

The major objectives of its plan would be to "operate eight centers in the Memphis School District's defined area known as the Central Area; to serve both black and white communities through integrated staff; to demonstrate ways in which the polarization of school and community can be diminished; to disseminate information regarding the school desegregation process; and to train students, parents and community members for leadership roles in implementing the desegregation process."

"Parent involvement activity" will be to "involve parents in meaningful relationships designed to stimulate dialogue between them concerning their children's education."

The results of this proposal would be to "involve 3,200 families in dialogue with one another, increase the leadership skills of 32 parents, aid the Memphis School District in becoming a unitary system, and disseminate positive information of the desegregation progress to the residents of Memphis."

Such results are not achieved cheaply and without highly paid staff members who must travel and confer. For example:

The "parent involvement" plan would require one project director at $12,000 annually; one program coordinator at $10,000 a year; 16 full time community workers at $5,000 each annually for a total cost of $80,000.

In addition, there would be three student aides hired for 20 per cent of the time at $2 an hour for a total cost of $2,496. A bookkeeper full time would cost $7,500 annually, and one secretary would cost $6,000 annually.

This adds up to $118,096. In addition, fringe benefits for these people—social security, hospitalization, workmen's compensation—would cost an additional $12,990.

Local travel would cost 10 cents a mile times 1,800 miles a month times 12 months, or a total of $2,160. Per diem charges for conferences would add another $1,200.

Program consultants, evidently a necessary item in all ESAP proposals, would be $50 a day for 100 days, or $5,000.

"Training consultants at Lemoyne-Owen College" would cost $8,000.

There would be a "main office" at $150 a month as well as a "branch office at $8 times 100 times 12," which the proposal states would cost a total of $9,600. Office supplies would cost $4,240. Printing and duplication being the most expensive item at $2,500.

Equipment rental would cost $2,724, including nine desks at a total cost of $1,080, nine chairs at $540, two typewriters at $384, a duplicating machine at $240 a year and one calculator to add up to $480 a year.

Nine work tables would be bought for $450, then there would be a tape recorder ($150), 45 folding chairs ($180), a 16-mm camera ($780) and a movie screen ($50).,

Under "other costs" there is listed "baby-sitter service" at $3 times 64 persons times 12 meetings, or $2,304.

"Transportation to meetings of parents" would cost $2 times 64 times 12 meetings, or a total of $1,536.

Those attending the meetings they have been transported to would be paid "64 persons times 15 times 18 meetings", or $17,280. Evidently there will be six meetings for which there will be neither transportation nor babysitter service.

Telephones would cost $5,460.

An "induct cost" of 22.8 per cent would require $43,862. All this adds up to the $236,242 Memphis Urban League needs for its proposed program.

Community Youth Playhouse, seeking $61,580 in ESAP tax funds, plans to spend $44,400 for salaries and $3,480 for travel.

"Purpose of the project is to employ the technique of role-playing as an effective means of exploring, identifying and hopefully altering attitudinal difficulties between the black and white races so as to aid in accomplishing smooth and realistic desegregation of the Memphis School System."

To do this, the group proposes to "involve parents and other adults" in the "total preparation and presentation" of plays "dealing with race relations."

In these plays will be demonstrated "the nature and results of race prejudice."

Another objective is to "increase parental involvement in the efforts of the school system to bring about a smooth transition from a totally segregated school system to a total and realistically desegregated school system."

The proposal notes that the "Black Knights, Inc." chose drama "as the technique to deal with attitudinal differences" between the races, and as the result of Black Knight activities, Community Youth Playhouse, Inc., came into being.

This proposal would require a director at $7,200, a technical director at $6,000, a public relations director at $8,400, three coordinators at a total cost of $18,000 and a secretary at $4,800 annually.

"Administration and accounting" would cost a flat $5,000, with no detailed breakdown as to how this would be spent.

A sound system and lights would cost $1,100. "Production allowances" would cost $4,000, with no itemization given in the proposal.

Rental of space would cost $2400, telephone would cost $600, and gas, lights and water would also cost $600.

Car allowance for the public relations agent would cost $480, and the allowance for all the directors and coordinators would cost $1,800.

Rental of trucks would come to $1,200.

U.S. WORLD OBLIGATIONS

Mr. JAVITS. Mr. President, for some time I have been concerned about a

growing attitude in the United States to cut back on many of our legal obligations throughout the world. It is essential that we recognize the changing U.S. role in the world but it is still necessary in our own security to support international organizations and increased economic cooperation with other countries in the world.

Such a view is expressed in an editorial published in today's New York Times which deplores the failure to pay assessments to the ILO, the attempts to reduce the level of the United States regular U.N. assessment, the resumption of imports of chrome from Rhodesia and the 10-percent import surcharge. These are the areas where the U.S. role should not be diminishing and I believe the New York Times is correct in its assessment that the credibility and the moral basis of the U.S. role in the world could be undermined by the net effect of these actions.

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

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

[From the New York Times, Nov. 9, 1971]

UNITED STATES AND WORLD LAW

The American role as world policeman has been a subject of debate since the large-scale escalation of the Vietnam war. The issue has been whether it was the responsibility of the United States to oppose aggression everywhere and to take it upon itself to uphold the rule of law in the world. Few challenged the theoretical desirability of upholding international law.

Now, however, a new phenomenon seems to be beginning to characterize American behavior in the world: disregard for the law. Apparently without being clearly aware of it, the Nixon Administration, supported by a bipartisan bloc in the Congress, is increasingly ignoring this country's moral or legal obligations outside its borders. The United States, which has frequently taken the lead in challenging treaty violations of other countries, is in danger of becoming a lawbreaker itself.

The move under way in Congress to cut back payment of the United States' regular United Nations assessment, as well as its voluntary conributions, is a case in point. Secretary of State Rogers has opposed retaliation against the United Nations for the expulsion of Taiwan, but he and President Nixon have in effect endorsed a reduction in American contributions. A unilateral reduction in the regular assessment would be a violation of the U.N. Charter. But even a negotiated reduction, if made as an expression of pocketbook pressure, would violate the spirit of the American commitment to the U.N.

Policy disagreements have already put the United States in violation of its legal obligation to the International Labor Organization. With the earlier support of A.F.L.–C.I.O. president George Meany, who has now reversed himself, Representative John Rooney of Brooklyn and his House Appropriations subcommittee are blocking payment of half the 1970 and all of the 1971 I.L.O. assessments on the United States. The State Department has protested and the White House has warned that the United States is "in default" and is violating binding legal obligations. But President Nixon has failed to bring to bear the kind of pressure that would permit the United States to practice the law-abiding behavior it preaches.

A new threat of treaty-breaking lies in the Senate move, just approved by the Congressional conference, to require the United States to resume imports of chrome from Rhodesia in violation of the economic sanctions against Rhodesia voted by the United Nations Security Council with American support. This would mean a violation of the U.N. Charter unless President Nixon takes advantage of a loophole pointed out by Prof. Stephen Schwebel of Johns Hopkins University. Mr. Nixon could win time to turn Congress around by halting imports of chrome from the Soviet Union as well as Rhodesia, releasing chrome instead from the nation's defense stockpiles, a three-year supply.

Most potentially dangerous of all the American treaty-breaking moves, however, is the 10 per cent import surcharge imposed by President Nixon Aug. 15 in violation of American obligations under the GATT treaty. The economic and psychological damage done by Treasury Secretary Connally's vague, outsized demands for worldwide concessions in return for eliminating the surcharge has dominated attention, along with the threat of a worldwide recession. But the legal violation on top of the pressure tactics now threatens to deprive the United States of the world agreement it needs to correct its payments imbalance without a trade war.

American credibility and the whole moral basis of the American role in the world could be undermined unless the country returns to the rule of law it has sought for so long to establish and uphold.

THE UNITED NATIONS AND THE CHINESE VOTE

Mr. SYMINGTON. Mr. President, since the vote which resulted in the expulsion of Taiwan from the United Nations, a great many people have expressed interest in just what contributed to that vote against the position of the United States.

One of the more informed people about the United Nations sent me an analysis of this development which I believe would be of interest to Members of the Senate; therefore, I ask unanimous consent that the analysis be printed in the RECORD.

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

ANALYSIS

For the first time in UN history, the U.S. suffered a humiliating defeat on an issue to which it had committed its full power and prestige.

The U.S. plan for "two Chinas" in the UN might have been muscled through the General Assembly during the 1970 or 1969 session, but by the 1971 session it was impossible to even put together a majority for the "important question" concept. It is even doubtful if the U.S. could have carried its position if the "important question" resolution had been successful, in view of the final vote on the Albanian resolution—76 in favor to 35 against, with 17 abstentions.

As one analyzes the voting pattern for the Albanian resolution the loss of the traditional allies of the U.S. is shocking (copy attached). All of the NATO countries, as well as Western Europe voted for the Albanian resolution except Greece, Luxembourg and Spain who abstained. The only major Latin American countries voting against the Albanian resolution were Brazil, Venezuela, Bolivia, Paraguay and Uruguay; the Central American countries voting against were Dominican Republic, El Salvador, Guatemala, Haiti and Honduras. Abstaining were Argentina, Barbados, Colombia, Jamaica and Panama.

Looking at the African vote one notes that most of the mini-states, plus the Central African Republic, Democratic Republic of the Congo, the Ivory Coast and Liberia, joined the U.S. in voting against the Albanian Resolution. The remaining big states voted against the U.S.

The U.S. was more successful in attracting support among the important Asian powers, Japan, Australia, New Zealand, and the Philippines. However, Thailand and Indonesia abstained.

When one analyzes the voting pattern on the "important question" resolution (copy attached) one finds the same pattern—the desertion of the U.S. traditional allies (even though the vote was closer, 55 in favor to 59 against). Here one does find two NATO countries, Greece and Portugal, voting with the U.S. and Spain with Western Europe.

The outcome was not surprising in view of the tenor of the comments and reactions of many delegates as expressed in the delegates' lounge, receptions and in casual conversations. In fact one could sense an increasing resentment as the time to vote approached. Many delegates from the smaller countries felt that they were being unduly pressured to satisfy U.S. domestic political requirements.

The most often expressed source of resentment flowed from the fact that the U.S. provided the impetus for the rush to admit the People's Republic of China, starting with the President's dramatic announcement of July 15 that Kissinger had visited China to prepare his visit. It was pointed out that the President advised the world that he would be going to China "to seek the normalization of relations" with a regime—in the view of five different administrations, including his own—that compelled Americans to fight and die in Korea and Vietnam. It is apparent that this announcement had a major impact on a vast range of foreign and domestic issues in most countries that were participating in the UN debate. The U.S. position in the UN lost additional credibility when Kissinger's second visit to Peking was announced at the same time that the U.S. delegation was trying to round up votes. To exacerbate the credibility of the U.S. delegation, Kissinger's four-day visit was extended to six days and he was still in Peking when the UN voted, persuading some wavering delegations that the U.S. was not really serious in its campaign to save Taiwan's seat.

It must also be remembered that following the President's July 15 announcement, there was a rush by many countries to establish diplomatic relations with Peking—each of whom cast their ballots for Peking. The Peking government was also very busy, i.e., offering to buy fish meal from Peru; additional rubber from Malaysia, etc. Another important factor was Peking's declared position that she would not occupy China's seat as long as Taiwan was in the UN.

In addition to the foregoing, one sensed in talking to members of delegations of U.S. traditional allies such as Canada, members of NATO and Latin America, that other deep-seated resentments were a factor. There were repeated references to the refusal of the administration to consult on important issues such as the sudden announcement of the new China policy; the administration's policy on Greece and Pakistan; the 10% surcharge, etc.

ASSEMBLY PLENARY—TAKE 32

The "important question" draft resolution (document A/L.632) was then put to the vote by roll-call.

Mr. Bush (United States) asked for the floor on a point of order, but the roll-call had already begun.

The draft resolution was rejected by a vote of 55 in favor to 59 against, with 15 abstentions.

The result of the roll-call vote was as follows:

IN FAVOUR

Argentina, Australia, Bahrain, Barbados, Bolivia, Brazil, Central African Republic,

Chad, China, Colombia, Costa Rica, Dahomey, Democratic Republic of the Congo, Dominican Republic, El Salvador, Fiji, Gabon, Gambia, Ghana, Greece, Guatemala, Haiti, Honduras, Indonesia, Israel, Ivory Coast, Jamaica, Japan, Jordan, Khmer Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mauritius, Mexico, New Zealand, Nicaragua, Niger, Panama, Paraguay, Philippines, Portugal, Rwanda, Saudi Arabia, South Africa, Spain, Swaziland, Thailand, United States, Upper Volta, Uruguay, Venezuela.

AGAINST

Afghanistan, Albania, Algeria, Bhutan, Bulgaria, Burma, Burundi, Byelorussia, Cameron, Canada, Ceylon, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Kenya, Kuwait, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mongolia, Nepal, Nigeria, Norway, Pakistan, People's Democratic Republic of Yemen, People's Republic of Congo, Peru, Poland, Romania, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, Ukraine, USSR, United Kingdom, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

ABSTAINING

Austria, Belgium, Botswana, Cyprus, Iran, Italy, Laos, Malta, Morocco, Netherlands, Qatar, Senegal, Togo, Tunisia, Turkey.

ABSENT

Maldives, Oman.

After the vote, there was rhythmic clapping by delegations which had voted against the draft resolution.

ASSEMBLY PLENARY—TAKE 41

The President said the draft resolution contained in document A/L.630 would now be put to the vote by roll-call.

The draft resolution co-sponsored by Albania and others was adopted by a vote of 76 in favour to 35 against, with 17 abstentions.

The President said that the Government of the People's Republic of China would be notified accordingly.

The results of the roll-call were as follows:

IN FAVOUR

Afghanistan, Albania, Algeria, Austria, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Ceylon, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Ghana, Guinea, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Kenya, Kuwait, Laos, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, People's Democratic Republic of Yemen, People's Republic of Congo, Peru, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syrian Arab Republic Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, USSR, United Kingdom, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

AGAINST

Australia, Bolivia, Brazil, Central African Republic, Chad, Costa Rica, Dahomey, Democratic Republic of the Congo, Dominican Republic, El Salvador, Gabon, Gambia, Guatemala, Haiti, Honduras, Ivory Coast, Japan, Khmer Republic, Lesotho, Liberia, Madagascar, Malawi, Malta, New Zealand, Nicaragua, Niger, Paraguay, Philippines, Saudi Arabia, South Africa, Swaziland, United States, Upper Volta, Uruguay, Venezuela.

ABSTAINING

Argentina, Bahrain, Barbados, Colombia, Cyprus, Fiji, Greece, Indonesia, Jamaica, Jordan, Lebanon, Luxembourg, Mauritius, Panama, Qatar, Spain, Thailand.

ABSENT

Maldives Oman.

CANNIKIN TEST ON AMCHITKA

Mr. BENNETT. Mr. President, I should like to comment on the Cannikin test conducted on Amchitka by the Atomic Energy Commission over the weekend.

From all reports I have received the test was successful, and it was conducted with complete safety by a skilled and highly dedicated team of scientists.

Despite all the controversy over this test, one thing remained clear, and that was that the test was vital for the security of our Nation. It means a weapon will be available for this Nation which will enable it to build a symmetrical ABM system. This will serve to guarantee that the United States will be able to negotiate from a position of strength rather than one of weakness. I believe this test will do much to stabilize the situation between ourselves and the Soviet Union at the SALT talks and encourage additional efforts toward arms control.

I think it would also be appropriate to mention the fact that virtually none of the calamities predicted by opponents of the test have materialized thus far.

First there was the contention that the test would trigger a large natural earthquake. The fact is that the Richter scale reading 7 was substantially identical to the reading of 6.99 predicted by the AEC. There were aftershocks, most being recorded within the first 15 minutes after detonation; after that the number began decreasing and have continued at a decreased rate.

There were also those who predicted the test would unleash a massive tidal wave, often referred to as a "tsunami," which would carry as far as Hawaii, Japan, and the west coast of the United States. There was no tidal wave, and the tidal wave warning was closed 25 minutes after the test. There were also those who contended that radioactive gases could be emitted which would contaminate marine and eventually human life. There were no radioactive releases from the test. The possibility of such releases is constantly being monitored, but I think we can be assured no radioactive materials will be released into the atmosphere during future months.

In summary, the test has been conducted in a most carefully planned and deliberate manner with complete safety always the prime objective. This Nation has a new weapon available for its defensive arsenal. There has been no earthquake; no tidal wave and no radioactive material released.

There were some who contended that the test would irreparably harm the wildlife on the island. As of 4:30 p.m. eastern standard time, November 7, the test personnel, after carefully patrolling the test area, reported that there had been virtually no harmful effects to any of the wildlife.

Mr. President, I am proud that the will of Congress, the courts, and the American people have prevailed, so that the groundless concerns of the prophets of doom have not weakened the Nation's security.

REQUIREMENT FOR SMALL BUSINESSES TO MAKE WATER POLLUTION IMPROVEMENTS

Mr. SPARKMAN. Mr. President, on November 2, in the course of approving the Federal Water Pollution Control Act Amendments of 1971, the Senate also adopted amendment 442, which will allow many small business firms affected by the strict new standards of this bill to make the required improvements and thus remain in business.

The amendment would add a new subsection under section 7 of the Small Business Act which would authorize the Small Business Administration to make long-term—up to 30 years—and low-interest loans—now approximately 5⅜ percent—to small companies who will be forced to augment or improve their plant or facilities—including preprocessing equipment and interceptor sewers—under the new law. The Senate directed in the amendment that the SBA consult with the Environmental Protection Agency and, within 6 months of the bill's enactment, publish guidelines and regulations so that these funds will be available promptly enough to meet the time requirements for improvements that are duly established.

The loans will be available to firms defined as "small business" under the Small Business Amendments Act of 1953 as amended. An amount of $800 million was authorized to be added for the loan fund available for such economic disaster loans.

I am gratified at the Senate's passage of this legislation, particularly since I helped to write and was the principal cosponsor of the bills in 1968 and 1969 which laid the foundation for amendment 442. It has been my pleasure to work with the Senator from Nevada (Mr. BIBLE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Maine (Mr. MUSKIE), whose cooperative efforts made it possible for the Senate to act in this manner. I want to commend all who played a part in incorporating this small business amendment in the bill.

EFFECTS OF PENDING POLLUTION CONTROL LEGISLATION

The impact of the new water pollution control law in my own State of Alabama will be significant. This is so for three reasons; first, the 1971 Water Pollution Control Amendments constitute landmark legislation; second, Alabama has one of the most extensive waterway systems in the country; and third, the overwhelming majority of business firms in Alabama are small business.

To explain further: First, the legislation just passed by the Senate adopts the national policy that the discharge of pollution of any kind be completely eliminated by 1985; and that the interim goal of sufficient water quality for fish, wildlife, and recreation be achieved by 1981. Although there were Federal pollution

statutes passed in 1899 and 1948, and major steps forward in 1965 and 1966, the 1971 legislation promises to set the definitive standards in this field, and to give us the prospect that these standards will be enforced for the benefit of all the citizens of the Nation.

Clearly, we have much work to do if these deadlines are to be met. The Committee on Public Works, which deliberated these matters for the past 2 years, mentions—in Senate Report 92-414—a need for $14 billion in grants to States and cities for construction of sewage treatment plants over the next 5 years.

Second, as these new standards are applied, they will fall upon those States and sections of the country where our water resources are concentrated. My own State of Alabama is fortunate in this respect. We have over 1,700 miles of navigable or potentially navigable waterways, as well as lakes and streams which are immensely valuable for commerce and for recreation. There will thus be much activity in our part of the country.

ALABAMA A SMALL BUSINESS STATE

Third, more than 97 percent of the firms in my State on which information is available employ less than 100 people. About 95 percent of Alabama businesses have sales of less than $1 million. I have a table which indicates the relative size of Alabama businesses by employment, sales volume, and net worth, and ask unanimous consent that it be printed in the RECORD. These figures show that the great majority of companies in Alabama, by number, are small business, and on the basis of national estimates, would supply about 40 percent of the jobs in the State.

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

(See exhibit 1.)

Mr. SPARKMAN. These small firms should be given a fair chance of making the improvements that will be called for, and thus maintaining a share in the future. Often, small business cannot borrow money as readily as their larger competitors who may be able to go into the bond market, or the stock market, or commercial paper market to obtain long-term funds. Our amendment No. 442 will allow these smaller firms to borrow the needed capital and pay it back to the Treasury, with interest, over a long enough term so that the earnings of the business may be sufficient to cover the payments.

Accordingly, this small business amendment can be of great value. I certainly hope there will be early action by the House of Representatives so that Congress can finish its work on this important legislation. I think it would be regrettable if there were inordinate delay or obstacles to hinder the pollution control bill from becoming the law of the land.

It is also my hope that when the Senate-House conference takes place, the small business amendment will be accepted. I will be doing all that I can to bring about this result so that Alabama small business firms and smaller communities can share in the progress of our Nation and the expanding business of the Southeast.

EXHIBIT 1.—BUSINESS PROFILE FOR THE STATE OF ALABAMA

Industry group (SIC)	By employment								By sales volume						By net worth					
	Under 10	10 to 19	20 to 49	50 to 99	100 to 499	500 to 999	Over 1,000	N/A	Under $100M	$100M to $500M	$500M to $1MM	$1MM to $10MM	Over $10MM	N/A	Under $50M	$50M to $200M	$200M to $500M	$500M to $1MM	Over $1MM	N/A
01-09: Agriculture, forestries and fisheries	336	81	34	12	3	0	0	86	225	149	25	22	2	86	8	14	6	2	1	478
10-14: Mining	69	43	42	7	2	0	0	43	23	51	12	7	0	61	24	24	9	2	3	92
15-17: Contract construction	2,064	459	286	85	61	2	2	328	1,157	1,067	173	176	8	633	516	545	125	39	23	1,966
19-39: Manufacturing	1,353	512	536	285	421	60	36	435	806	807	275	355	40	561	981	573	214	72	97	907
40-49: Transportation, communications, and public utilities	566	172	135	38	24	3	3	241	333	249	64	61	11	250	291	181	48	15	37	396
50: Wholesale trade	2,178	464	270	55	34	0	1	520	681	1,076	341	416	23	511	19	26	19	7	4	2,973
52-59: Retail trade	15,790	1,301	558	99	44	3	3	2,645	10,691	4,556	565	382	33	3,206	60	69	23	6	3	19,270
60-69: Finance, insurance and real estate	229	33	15	11	6	1	2	73	39	86	15	17	6	164	4	5	2	0	1	315
70-89: Business services	2,481	291	127	39	24	2	3	445	2,140	479	45	19	3	572	20	10	4	0	1	3,223
State total	25,072	3,355	2,003	631	621	71	50	4,832	16,095	8,521	1,515	1,456	126	6,048	1,923	1,447	450	143	170	29,628

Source: Dun & Bradstreet, Inc., 1971.

FOREIGN AID

Mr. KENNEDY. Mr. President, as we begin the debate on a revised foreign aid bill, I would urge upon the Senate a moment of reflection on the role of the United States in world affairs.

While we seek to emphasize our commitment to law and our moral commitment to assist nations in their development, others are questioning our sincerity.

Our recent actions, as today's editorial in the New York Times emphasize, contradict our assertions.

The pressure to punish the United Nations, the holdup in payments to the International Labor Organization, the 10-percent surcharge and the possible violation of the United Nations sanctions against Rhodesia—all of these represent an unsettling new image for this country.

I would add to the list of questionable actions, the trend evident in many of the votes on the foreign aid bill last week. Thus, the decision to raise interest rates on all development loans comes in the wake of unanimous opinion against such a step expressed by the underdeveloped nations of the world as well as by international development economists. Effectively, we would be saying to the world, "We are offering you reduced assistance and we are setting the price for that money at a rate we know that many of you cannot afford."

Not only are we already 12th on a list of 16 industrialized nations in the amount of money we provided for development assistance, but we would become virtually the only nation which does not provide for concessionary lending. The Pearson Commission on International Development noted that the average U.S. loan rate had increased to 3.5 percent by 1968 while the worldwide rate was 3.3 percent. Now we would be totally turning our backs on the capabilities of the developing nations by pushing our development assistance to 6 percent or more.

All of these facts point up a disturbing trend in this country to react to the actions of other nations by withdrawing into a shell.

I hope that we will recall the words of President Kennedy:

Our job, in its largest sense, is to create a partnership between the northern and southern halves of the world, to which all free nations can contribute, in which each free nation must assume a responsibility proportional to its means.

That responsibility still exists, and it is in our interests and the interests of world peace for us to meet it.

Mr. President, I ask unanimous consent that the New York Times editorial be printed in the RECORD.

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

UNITED STATES AND WORLD LAW

The American role as world policeman has been a subject of debate since the large-scale escalation of the Vietnam war. The issue has been whether it was the responsibility of the United States to oppose aggression everywhere and to take it upon itself to uphold the rule of law in the world. Few challenged the theoretical desirability of upholding international law.

Now, however, a new phenomenon seems

to be beginning to characterize American behavior in the world: disregard for the law. Apparently without being clearly aware of it, the Nixon Administration, supported by a bipartisan bloc in the Congress is increasingly ignoring this country's moral or legal obligations outside its borders. The United States, which has frequently taken the lead in challenging treaty violations of other countries, is in danger of becoming a lawbreaker itself.

The move under way in Congress to cut back payment of the United States' regular United Nations assessment, as well as its voluntary contribution, is a case in point. Secretary of State Rogers has opposed retaliation against the United Nations for the expulsion of Taiwan, but he and President Nixon have in effect endorsed a reduction in American contributions. A unilateral reduction in the regular assessment would be a violation of the U.N. Charter. But even a negotiated reduction, if made as an expression of pocketbook pressure, would violate the spirit of the American commitment to the U.N.

Policy disagreements have already put the United States in violation of its legal obligation to the International Labor Organization. With the earlier support of A.F.L.–C.I.O. president George Meany, who has now reversed himself, Representative John Rooney of Brooklyn and his House Appropriations subcommittee are blocking payment of half the 1970 and all of the 1971 I.L.O. assessments on the United States. The State Department has protested and the White House has warned that the United States is "in default" and is violating legal binding obligations. But President Nixon has failed to bring to bear the kind of pressure that would permit the United States to practice the law-abiding behavior it preaches.

A new threat of treaty-breaking lies in the Senate move, just approved by the Congressional conference, to require the United States to resume imports of chrome from Rhodesia in violation of the economic sanctions against Rhodesia voted by the United Nations Security Council with American support. This would mean a violation of the U.N. Charter unless President Nixon takes advantage of a loophole pointed out by Prof. Stephen Schwebel of Johns Hopkins University. Mr. Nixon could win time to turn Congress around by halting imports of chrome from the Soviet Union as well as Rhodesia, releasing chrome instead from the nation's defense stockpiles, a three-year supply.

Most potentially dangerous of all the American treaty-breaking moves, however, is the 10 per cent import surcharge imposed by President Nixon Aug. 15 in violation of American obligations under the GATT treaty. The economic and psychological damage done by Treasury Secretary Connally's vague, outsized demands for worldwide concessions in return for eliminating the surcharge has dominated attention, along with the threat of a worldwide recession. But the legal violation on top of the pressure tactics now threatens to deprive the United States of the world agreement it needs to correct its payments imbalance without a trade war.

American credibility and the whole moral basis of the American role in the world could be undermined unless the country returns to the rule of law it has sought for so long to establish and uphold.

PERSONNEL POLICIES OF THE DEPARTMENT OF STATE

Mr. MILLER. Mr. President, last Friday's Des Moines Register contains an excellent article by the Register's Washington Bureau, setting forth the charges of discriminatory practices being aired before the Foreign Relations Committee in connection with the pending nomination of Howard Mace, former director of personnel for the Department, to be Ambassador to Sierra Leone.

Also, the November 15 issue of Time contains, on page 20, an article covering some of the criticisms of personnel policies and actions within the State Department.

All of this points up the need for action by the Foreign Relations Committee on the bill—S. 2662—introduced by the Senator from Utah (Mr. Moss) and myself, to establish a fair and equitable grievance procedure within the Department for our 3,000 Foreign Service officers. We do not wish to deprive the Department of the power of "selection out" in order to maintain loyalty and efficiency. But such a drastic personnel action should be limited by equally drastic protective procedures for the officers concerned.

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

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

[From the Des Moines Register, Nov. 8, 1971]

DELAYS ACTION ON ENVOY POST

WASHINGTON, D.C.—The Senate Foreign Relations Committee last week passed over President Nixon's nomination of Howard Mace as ambassador to Sierra Leone pending completion of an investigation of charges that he gave false and inaccurate testimony before the Senate Committee.

Indications are that Chairman J. William Fulbright (Dem., Ark.) considers the charges to be of considerable importance.

Mace, former director of personnel for the State Department, was nominated by President Nixon as ambassador to Sierra Leone in July on the recommendation of deputy undersecretary of state William P. Macomber. They had worked together at the State Department for more than 12 years.

The State Department and White House have been told that the Mace nomination probably will die in the Foreign Relations Committee unless it is withdrawn by President Nixon.

There are charges that under Mace's direction the State Department personnel division has engaged in manipulation of rating boards, engaged in forgery and other falsification of personnel records, and permitted perjury in State Department and Civil Service Commission grievance hearings to go unchallenged.

In the Mace hearings, Macomber, who is in charge of State Department administration, has been forced to admit that a large number of cases resulted in injustices, but he has argued that Mace should not be held accountable for the faults in the system.

But critics say a review of four of the most publicized cases indicate some allegations of direct responsibility for Mace as well as Macomber:

Allison Palmer, a 30-year-old foreign service officer reportedly was discriminated against because of her sex. Now, Mace admits sex discrimination exists on assignments, but denies that he had any role in the illegal discrimination found by an Equal Employment Opportunities (EEO) board. The recommendations of that EEO board was held out of the file by Mace despite a specific recommendation that it be made a part of the file.

Miss Palmer says the story Mace told the Senate Foreign Relations Committee is untrue on a number of points. She said Mace had an active role in discrimination against her, and that she had personal conversations with him in connection with his decision to refuse to sign the findings of the EEO recommendations, and the refusal to make those recommendations part of her file.

John Hemenway, a 46-year-old honor graduate of Annapolis and a Rhodes scholar, currently is involved in the only State Department grievance hearing permitted by Mace to challenge the decision to fire Hemenway. Hemenway contends that Mace gave untruthful and inaccurate testimony in connection with the handling of his case.

He charges Mace acted illegally to remove two members of the three-man panel that had indicated a willingness to permit Hemenway to call State Department witnesses over the objection of Mace's office.

Stephen Koczak, a 54-year-old former foreign service officer now employed by the American Federation of Government Employees, was denied a grievance hearing, but was subject to a special panel made secret to former Secretary of State Dean Rusk. Koczak was barred from having an open hearing, cross examining witnesses, or even communicating with other State Department employes during the hearing.

A letter he wrote to the panel pointing out some of the discrepancies in his file was not entered into the official record. Mace reportedly has continued to refuse Koczak access to his hearing record and reportedly has permitted forged and postdated documents to be made a part of his record.

Charles W. Thomas, 47-year-old foreign service officer, killed himself last April as a result of his frustration in seeking a hearing. He had no promotion in eight years and was refused a hearing by Mace despite admissions that a highly laudatory report by an inspector general was misfiled under another Charles Thomas.

This report recommended immediate promotion for Thomas and assignment to the National War College, in line with the opinions of two ambassadors under whom Thomas had served.

The Thomas case has raised the greatest number of problems for Mace and raises some of the most serious questions about the inconsistency of the rulings that have been revealed in the personnel division while Mace and Macomber have been in charge.

Action on Mace's nomination to the ambassadorial post will await an investigation by the Senate Foreign Relations Committee.

[From Time magazine, Nov. 15, 1971]

THE STATE DEPARTMENT—UNDIPLOMATIC REFORMS

Charles W. Thomas was a desperate man. A lawyer and a career diplomat, Thomas, 45, had been "selected out" of the Foreign Service. Reason: he had not been promoted from the Class 4 level to Class 3 within the mandatory eight years. He was dismissed with only one year's salary and $323 a month (money he had himself put into a retirement fund) to support a wife and two children. In nearly three dispiriting years Thomas endured nearly 2,000 job rejection letters; he was "too old" or "too qualified," and anyway, he had been fired by the State Department. Finally on an April afternoon in Washington, Charles Thomas took up a gun and shot himself to death.

There is a Kafkaesque cast to the Thomas tragedy. Try as he might, Thomas could not get his day in court to determine whether his selection-out was based on the fact that he had received poor performance ratings or that the State Department had somehow failed to consider his highly favorable ratings. In fact, it was the latter. Thomas had carved a distinguished career in posts such as Tangier, Port-au-Prince and Mexico City, where he became a specialist in Mexican radical politics. Indeed, he had high marks from his superiors and colleagues alike; the ex-

plicit blemish on his record was an observation by a Mexico City superior that Thomas did not exercise proper "control" over his secretary.

In contrast, a laudatory report from the Foreign Service Inspector, Ambassador Robert McClintock, was accidentally misfiled under the name of another Charles W. Thomas, then Consul General in Antwerp. The report was eventually logged into its proper place, two days after Thomas had been turned down by the promotion board. The board deemed it too much bother to reopen the case.

FANG AND CLAW

The Thomas affair is certainly the most shocking to occur within the labyrinth of Foggy Bottom personnel practices, but it is by no means the only one of its kind. Willard Brown, a Class 2 officer, discovered after his selection-out that the State Department had lost all of his personnel records and that consequently his name had not been considered for promotion for several years. Nor are good men being passed over just for clerical errors. The selection process in the department has traditionally been the last word in Darwinistic elitism. McClintock, although a highly regarded professional, had a reputation for sending overly favorable reports on many officers. With little negative to go on, promotion boards used the tiniest criticisms as justification for passing over a candidate. Hence Thomas' dismissal.

There are 3,000 field officers and aides serving in the Foreign Service, and around 100 are weeded out every year. Two hundred more resign annually. The process follows a fundamental Government pattern. Every man is rated at least once a year by his superior, who then passes his reports on to a departmental review officer, who in turn presents his recommendations to the reviewing boards. While no one in the department argues that incompetents should not be winnowed out, the feeling is that the rating system has deteriorated into an endless round of pettifoggeries and petty jealousies, where too frequently the men who do not play up to their superiors' vanities wind up on the short end.

This fang-and-claw attitude has prompted a thorough reappraisal of the State Department's personnel system. Rather belatedly, Deputy Under Secretary William Macomber Jr., the department's top administrative officer, called in Thomas' widow Cynthia and offered her virtually any job she wanted. More broadly, the selection-out rules have been changed to prevent the flagrant injustice in the systems. Now an officer who achieves Class 5 cannot be fired until he has reached age 50 or served 20 years. This way, at least, he is entitled to requirement pay.

SCORNFUL

Further, the State Department has set up new, formidably titled Interim Grievance Procedures, the first major amendment to the Foreign Service Act since it was passed in 1946. These procedures are to last until employee-management relations are reformed under a plan projected by President Nixon. However, many officers are scornful of Macomber's new measures, since they stipulate that an employee must first take up his grievance with his superior—against whom the grievance is usually brought in the first place—and can only appeal to a board picked by the department. Says one legal official at State: "I don't care if a grievance panel is headed by Charles Evans Hughes or Jesus Christ, it still remains an in-house procedure without any chance of outside appeal."

Help is forthcoming from the outside. The Senate Foreign Relations Committee last week refused to report the confirmation of Howard P. Mace, 55, as U.S. Ambassador to Sierra Leone, which is tantamount to defeat of his nomination. As director of personnel for four years, Mace was the source of much of the department's interior turbulence. He was known behind his back as the "executioner," the man primarily responsible for the selecting-out process. Officers also noted that under his aegis men with high diplomatic potential were often bypassed for plush jobs in favor of men little experienced in diplomacy from his department. Congress is also taking more direct measures. There are two bills pending before Congress that would overhaul and codify the grievance system.

Concerned DOS officers are seizing their own initiative. A group has banded together to launch a class action against the Secretary of State; to raise money for this expensive exercise, they have instituted the Charles W. Thomas Fund. One junior officer invoked a more primitive grievance procedure. Furious over what he considered an unfair performance rating, he stopped his superior in a corridor of the State Department and cut loose a smacking right cross to the nose.

Mr. President, according to the congressional grapevine, today is the 53d birthday of Vice President AGNEW. I am sure I speak for all of us when I wish him a very happy birthday and many more to come.

In the ecumenical spirit, I trust that the TV networks, the New York Times and the Washington Post will join in the wish for many happy returns.

OKINAWA REVERSION TREATY

Mr. KENNEDY. Mr. President, just as the recent U.N. vote to admit mainland China to the United Nations 2 weeks ago symbolizes the beginning of a new era of U.S. relations in Asia, so the Senate vote on the Okinawa Reversion Treaty symbolizes the long overdue end of the bitter passions of the World War II era. Rarely, I think has the juxtaposition of two major events so clearly dramatized the current position of the United States at a major crossroads in our foreign policy.

Perhaps the strongest initial reaction by many Americans to the treaty is the new reminder that today, in 1971, this small island of Japan is still under American occupation. A generation of young Okinawans has now grown to maturity with their land still relegated to the status of occupied territory. Long after the United States made its peace with Japan, we have clung unconscionably to this relic of war.

A more lasting reaction to the treaty however, must be the awareness that, however much symbolic significance it may have, its practical impact is likely to be quite marginal. Under the terms of the treaty, the United States is retaining so many military bases and facilities on the island that a number of experts are calling it a treaty of retention, not a treaty of reversion.

Surely, it is not news to any of us who has followed the period of confrontation and negotiation over Okinawa in recent years that the treaty is the result of a hard bargain driven by the United States on Japan—a document barely acceptable from the Japanese view, and almost entirely satisfactory from the U.S. view. It is no surprise, therefore, that the terms of the treaty—especially the retention of American bases, but also the continuation of the Voice of America relay station and the failure of the treaty to deal specifically with the question of nuclear weapons—have generated massive criticism in Japan. It is no surprise that Chobyo Yara, the leader of the reversion movement on Okinawa and the popularly elected local chief executive on the island, refused to attend the signing ceremony for the treaty. It is no surprise that for Premier Sato, the debate over the treaty has been another in the long line of ordeals arising out of deteriorating Japanese-American relations in recent months, including the announcement of President Nixon's trip to Peking and his imposition of the 10 percent import surcharge—both without prior consultation with Japan—the strong pressure on Japan to cosponsor our two-China resolutions in the United Nations, and our recent heavy-handed ultimatum to Japan on textile exports. We know how much a strong and friendly and peaceful Japan means to the long-term best interests of America and the world community. It is long past time for these insults to halt, and for the American foreign policy to abandon the new arrogance we have shown toward Japan in recent months.

One other point needs to be made. It is unfortunate that a veil of secrecy hangs over the question of the transfer of nuclear weapons from Okinawa. The recurring rumors that the present treaty may become the occasion for the shift of such weapons to Taiwan has never been completely dispelled. There is perhaps no single step we can take that would more seriouly jeopardize our newly emerging relations with mainland China than to allow the Okinawa Treaty to become the excuse for such a transfer. I urge the President to dispel these persistent rumors categorically, and to calm the fears that will exist as long as the issue remains shrouded in secrecy.

Tomorrow, with the vote on the Okinawa Treaty, the Senate has the opportunity to pledge its strong support for a progressive and effective future alliance with Japan. In spite of the controversy that surrounds it, the treaty is a minimum but essential step forward toward the generation of peace the President and all of us desire in Asia and the world. I urge the Senate to give its overwhelming approval for ratification.

GROWING SUPPORT FOR BALANCED NATIONAL GROWTH IN THE UNITED STATES

Mr. HUMPHREY. Mr. President, the goal of trying to bring about a more balanced national growth pattern in this country is of prime concern to the Rural Development Subcommittee of which I am privileged to serve as chairman. The development and revitalization to our Nation's rural areas and smaller communities can play a key role in achieving that objective. Our larger cities and metropolitan centers are saturated today with people, problems and pollution of all kinds. The cost of providing the basic social services that people living in these population centers need continues to skyrocket upward on a per capita basis

while their general quality continues to deteriorate.

In the course of the hearings conducted by our Rural Development Subcommittee this year it has become increasingly apparent that more and more people in this Nation want more aggressive action taken at all levels of government to achieve a more balanced growth pattern in the United States. Further evidence of this appeared on October 31, 1971, in the Denver Post. Mr. Richard D. Lamm and Michael Strang authored an excellent article in that edition of the Post about the need to redirect the growth that is occurring along the front range of the Rocky Mountains in Colorado to other less populated regions of the State. And, in that same edition of the Post, Mr. Lewis Gordy Smith had an article about new towns for Colorado's future residents.

I commend both of these articles to the attention of my Senate colleagues. I also would like to call to their attention another small news story which appeared in the Washington Post about Boulder, Colo., citizens' approval of a city council proposal to conduct a study to determine an optimum population level for the Boulder Valley, while holding the city's population growth below the rate of the 1960's. The city of Boulder's population, which now is about 700,000, doubled during the 1960's. Although an amendment to the city charter of Boulder to establish an absolute ceiling on the city's population level was defeated, the November 2 vote on it was reasonably close.

Mr. President, I would like to ask for unanimous consent to insert these three articles into the RECORD and I wish to urge the Members of the Senate to take whatever time is required to review them carefully. The country is ready for some action on this subject of balanced growth and I can assure my colleagues here in the Senate and the people of this country that I am prepared to do whatever I can to take whatever action is needed in this regard.

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

NEED TO REDIRECT GROWTH FROM FRONT RANGE TO SPARSELY POPULATED AREAS

(By Richard D. Lamm and Michael Strang)

In Colorado, the Denver metropolitan area counties of Adams, Arapahoe, Boulder, Denver, Douglas and Jefferson have average per capita incomes of $3,129. The corresponding figure for the rest of the state is $2,152. Conejos and Costilla counties in southern Colorado have average per capita incomes of $929.74 and $701.79, respectively.

Without immediate forceful action there is no hope that either trend will be reversed. Current efforts, such as the attempt to direct the "Sell Colorado" program to the benefit of the rural parts of the state, however praiseworthy, are plainly inadequate to deal with the problem.

Gov. John A. Love, testifying to the Subcommittee on Rural Development of the United States Senate Agriculture and Forestry Committee on April 29, 1971, stated:

"The traditional American ethic that bigger is better seems to have run its course. It is increasingly apparent that tremendous concentrations of people create economic problems, social problems, psychological problems and perhaps even biological problems. It seems clear to me that the states and the federal government need to devise policies of population dispersal."

Historic, traditional "solutions" to urban sprawl and rural stagnation promise little more in the future than they have in the past. As a matter of fact, some such "solutions" are suspected of causing the problem to get worse.

Four such "solutions" are:

1—The creation of jobs by busing the unemployed to the suburbs, or by making the government itself, as a last resort, the employer.

2—Providing training programs to increase the skills of the lowest income group.

3—Offering financial aid to the depressed city, as by federal subsidy.

4—The construction of low-cost housing.

Prof. Jay Forrester of the Sloan School of Management, Massachusetts Institute of Technology (MIT), is one expert who finds no merit in these steps. Writing in *Technology Review*, he concludes that they range from ineffective to outright harmful to the economic health of the cities themselves and to the low-income population of the cities as well.

Faced with such badly distributed growth, we feel Colorado should develop an alternative plan for the future; a plan which discourages and limits growth along the Front Range and directs that growth to those parts of the state which need and want additional population.

This program will need more than lofty intentions. It will require statewide agreement, *plus* the land use controls needed to make it work. If we do nothing, we have a policy which inevitably will lead to the fulfillment of predictions which show one massive metropolitan area from Cheyenne, Wyo., to Pueblo, Colo., with most of the rest of Colorado empty of both people and hope.

Building an agreement to limit growth in the Denver Metropolitan area will be the first difficulty. Population growth and economic growth have always seemed interrelated.

However, some economists contend that economic growth can well continue and perhaps even grow faster with a stable population. General Electric Company's center for advanced studies at Santa Barbara, Calif., recently produced a study which concludes that if population growth levels off by about the year 2050, per capita income of the average U.S. resident will be considerably higher than if the population growth continues. This study indicates that a leveled-off economy does not necessarily follow a leveled-off population.

Still, more people do mean higher per capita costs of government. The Advisory Commission on Intergovernmental Relations issued a report Sept. 16, 1970, entitled Size Can Make a Difference. It shows that beyond a certain population (250,000) economies are dissipated and services cost more per capita to provide. These figures show why planners have been saying "The faster we run, the behinder we get." Economists call these increased per capita costs "diseconomies of scale." Taxpayers call them "higher taxes."

This rise in cost is seen for virtually every municipal service. R. J. Smeed, a traffic systems analyst, has shown that the more commuters a town has, the more highways per capita it must build. Where there are 10,000 commuters in a town, they require eight square feet of roadway per person; 100,000 commuters require 28 square feet per person, and 1 million commuters require 97 square feet of roadway per person. Smeed thus shows that a 100-fold increase in population requires not a 100-fold increase in roadway, but a 1,200-fold increase.

A Ford Foundation study, which produced the table below, shows how crime rates increase as population rises:

Population size of cities in 1960	Number of crimes per 100,000 per year			
	Murder	Rape	Robbery	Assault
Over 250,000	6.8	15.2	117.6	154.1
100,000 to 250,000	5.6	7.6	56.5	83.3
50,000 to 100,000	3.3	5.5	36.6	58.9
25,000 to 50,000	2.9	4.7	22.6	39.9
10,000 to 25,000	2.4	4.0	15.7	35.2
Under 10,000	2.7	3.3	12.8	28.9

There is evidence that concentrating people also increases their susceptibility to disease, even non-communicable disease. For instance, California has shown its most crowded counties have the highest emphysema death rates.

We thus see that public needs rise faster than public revenues. Growth may, in some or many cases, be counter-productive, that is, as you grow you pay more and more and more. It appears, judging by these studies, that the Denver metropolitan area is beyond economies on most costs of government—police protection, power, water, waste disposal, fuel and highways.

Boulder, Colo., 30 miles northwest of Denver, has about 70,000 population. A group of citizens made a study which proves to them that beyond a population of 100,000 growth will be counter-productive in per capita water expenditures, bonded debt, in sewer expenditures and fire and police expenditures.

(Boulder chapter of Zero Population Growth has succeeded in getting enough signatures on petitions to get a proposal on the November 1971 ballot to limit population growth in the city to 100,000.)

However impressive the argument is for limiting Denver's growth, there is another factor working against Colorado's Front Range growing into another Los Angeles.

We simply do not have the water in Colorado to become another California.

Colorado is semi-arid. We have available in Colorado 16 million acre feet of surface water, of which 12 million is the Colorado River system. Compare this to 45 million acre feet that flows past St. Louis in the Mississippi and 172 million acre feet delivered by the Columbia. Colorado's entire yearly water supply would flow past a given point in the lower Amazon in a few hours.

We do not even get to keep all our water. Colorado retains only 35 per cent of the water in the Colorado River system. Eighteen other states get their water from rivers that rise in Colorado and have rights to that water superior to Colorado's. All this water—ours and theirs—is allocated either by interstate compact or Supreme Court decision. We must face the fact that the West's water supply is limited and we must begin to make policy decisions on how we want our water to be distributed and used.

It takes three acre feet in most of Colorado to irrigate one acre of land. That three acre feet of water (967,000 gallons) can support approximately 10 people. We thus have a choice: We can continue our balanced economy of which agriculture is an important part, or we can devote more of that water supply to municipal and industrial use. Denver uses 225.5 gallons of water a day per capita. Felix Sparks, head of the Colorado Water Conservation Board, estimates that we could possibly support 5 to 10 million people—if we would pay the price of drying up agriculture and using all our water for municipal and industrial purposes.

"Much of the water being used today in

Colorado cities was originally decreed for agricultural purposes," says Sparks. "It was either condemned or purchased by the cities. Virtually all future municipal increases in water usage will come about at the expense of the agricultural economy. Agriculture is a major business in Colorado and accounts for a very significant portion of the state's economy. When we speak therefore of supporting a much larger urban population, we must realize that we will be slowly destroying an agricultural and rural society in favor of an industrial and urban society. This process, while it appears to be economically desirable at this time, must eventually face a point of diminishing returns, and perhaps an undesirable change in our way of life."

The headlong withdrawal of agricultural lands for residential purposes flies in the teeth of our knowledge that within a matter of decades it is likely that there will not be enough food to feed the world population.

Thus we cannot afford to continue the conversion of agricultural water to municipal and industrial water. The amount of water used in agriculture is too often overlooked. The production of one pound of wheat, for instance, uses 300 to 500 pounds of water; one pound of milk requires 10,000 pounds of water; and one pound of meat requires between 20,000 and 50,000 pounds of water. To retain agriculture we must start now to plan an eventual halt of the conversion of agricultural water to municipal and industrial water. This will require us to come to grips with the ultimate number of people we can support in Colorado and still retain our balanced economy.

Similarly, water limitations force choices on where we want growth to continue in Colorado. We can substantially reduce the water available to the Western Slope—that part of Colorado lying west of the Continental Divide. If we do, we reduce the Western Slope potential. We can bring large additional quantities of water in the Denver area or we can leave the water where it is to be available to the people in areas which need both water and growth.

The Denver Water Board has long range projections of a threefold increase in its service area by 2008. Other areas along the Front Range, if allowed to "develop," will multiply this demand a hundredfold. The Front Range can become a giant metropolitan sponge, drying up both agriculture and economic activity in other geographic areas of the state.

The diversion of water away from its natural origin and drainage disrupts ecological balance at both ends of the diversion. It affects trout streams and fish and wildlife in general at the point of origin and causes massive sewage and drainage expense at the point of delivery. This affects our amenities and recreational resources. One-third of Colorado's streams have been—to use the highly descriptive word used by the Department of Game, Fish and Parks—"dewatered." More important, this diversion is awesomely expensive. The Denver Water Board estimates a need for $800 million in additional projects to meet demand by 2000.

There is, thus, a mutually beneficial relationship between the Front Range (particularly Denver), which is finding growth counter-productive, and the remainder of the state, which needs growth.

To accomplish this we'll need a massive redirection of policy. Discussing a similar policy nationwide the National Goals Research staff reported:

"The choice of no change in public policy would run the high risk of bringing about the kind of future in which the communities of both urban and rural America would further deteriorate. It means that hundreds of American towns will continue to lose young people and economic opportunity; and that the large metropolitan areas, already burdened with social and fiscal problems and characterized by fragmentation of governmental responsibility, may reach a size at which they will become socially intolerable, politically unmanageable and economically inefficient."

Once a community consensus is formed to direct growth in Colorado, the laws, inducements, zoning, and other tools will emerge. However unprecedented, people can accomplish what they agree upon. The Colorado Environmental Commission last session proposed legislation which would have set a maximum metropolitan size at 1.5 million and established a distance between a metropolitan area and new cities of at least 35 miles. Skeptics scoffed, but in the absence of a state population dispersal policy with teeth in it, we will never solve either urban sprawl or rural decay. Strong land use controls, aggressive acquisition of open space, and strong zoning are indispensable to such a policy.

In addition to seeking to correct the maldistribution of growth, we must seek ways to halt population growth altogether. Limitless growth is not in the best interest of any Colorado citizen. Yet without immediate action that growth is on its way. A recent Field Research Poll of California found nearly one-third of California's residents disillusioned with overcrowding and pollution, and that they would like to leave California. If they did, their first choice for a new home was Oregon, followed by Colorado. This would not be in Colorado's interest.

The Ford Foundation, in a study of urban sprawl in the San Francisco Bay area, found that taxwise it would be cheaper to leave the area surrounding the Bay Area cities in open space. Similar studies in other locations confirm that development can often be more costly to taxpayers than leaving open space undeveloped. The summary of the Ford Foundation report states:

"How will our generation be judged by those living in the Bay Area in 1990? Will we be remembered as the generation with the vision and foresight to preserve our natural heritage, or will we be remembered as the generation whose "do nothing" attitude permitted urban sprawl to engulf the environment?"

Colorado has similar choices. We suggest action, remembering the words of Aristotle:

"Exprience shows that a very populous city can rarely, if ever, be well governed. . . . To the size of states there is a limit, as there is to other things, plants, animals, implements; for none of these retain their natural power when they are too large or too small."

[From the Denver Post, Oct. 31, 1971]

NEW TOWNS FOR COLORADO'S NEW RESIDENTS

(By Lewis Gordy Smith)

There is a growing and timely awareness that Colorado must move rapidly on long range planning to accommodate the state's expected population increase over the next 30 years. The increase can be absorbed without undue environmental stress to the land, or to present inhabitants—if we act in time.

Colorado State Senator John R. Bermingham, R–Denver, in his perceptive article, "Where Should We Put the People?" (Denver Post, Perspective, Sept. 26, 1971), raised the question whether the anticipated growth should continue to be haphazard concentrated in the Denver metropolitan area, as it will be without a planned alternative; or whether the state should legislative "controls" to divert growth to other parts of the state. He suggested the greatest increase will likely occur along the Front Range, and that to carry its proportionate share, the area would have to accommodate some 1,800,000 additional persons over the next 30 years.

The desired dispersion of anticipated future growth is likely to be achieved more advantageously by planning newly built or rebuilt small communities away from the Denver metropolitan area, employing modern city-design measures which make them attractive to people, than through legislative controls which would seek to place physical limits on the peripheral expansion of Denver. The new development sites would be determined on the basis of what we know about locating towns with respect to natural terrain, regional water supplies, the nature of the soil, the prospects for systematic control of water quality on a regional basis, and the possibility of adequate disposal of waterborne wastes.

From a standpoint of preserving the quality of water at its source, and for other environmental reasons, most of us can agree that it is best to minimize future development within the mountainous headwater areas. We should instead look to the open valleys of the West Slope and to the flatter, more adaptable areas on the East Slope. As a matter of principle, our mountainous areas should be looked upon increasingly as recreational sanctuaries where people visit but do not, in great numbers, live continuously.

With the foregoing in mind, I would like to suggest a concept for the systematic regional planning of new communities within that part of the East Slope which might be called the plains section of the South Platte River. It includes the valley region between Denver and the northern part of the East Slope where agriculturally-developed land begins to give way to drier, little-used rangeland, and thence down the Platte Valley to the Colorado-Nebraska border. This concept is advanced as an alternative to the "haphazard sprawl and poorly-planned subdivisions" to which Bermingham alluded. A similar concept may also hold for the Arkansas Basin downstream from Pueblo.

Accepting Bermingham's estimate that within the next 30 years the Front-Range might have to absorb an additional 1,800,000 persons; and, accepting a widely-held consensus that a town of about 50,000 persons makes a good target figure for well-balanced, low-pressured community living, this would mean about 36 new communities, assuming the Denver metropolitan area ceased to expand. Allowing that Denver will continue to expand, howsoever hopefully at a slower rate, we still could see a need for 25 to 30 new towns. (When the term "New City" is used hereafter, it also implies the redevelopment of some smaller old towns.)

As a matter of principle for future new city design, we should think in terms of organically structured communities, taking our cue from the highly successful town of Tapiola, Finland, built in 1952 near Helsinki. Its form was utilized in the design of Columbia, Md., situated between Washington, D.C., and Baltimore, Md. Columbia is now one of the most widely acclaimed new towns in America.

This organic structure employs the neighborhood-village-town configuration. The neighborhood unit, of fixed size, has the necessary schools and convenience stores at its center to minimize travel distances involved in the daily rounds of elementary schooling and fetching the family groceries. The neighborhoods are clustered around a village center containing a higher order of civic and business facilities, in proportion to the number of neighborhoods. The villages are, in turn, clustered around a town center where an even higher order of cultural, civic and administrative facilities are provided.

This same system could be extended to have centers for clusters of towns in a sort of satellite or galaxy fashion, but always maintaining the basic neighborhood of fixed, readily identifiable boundaries, and with green or open spaces intertwined among the various units in the town systems. Industry would have its zoned place off to one side, with access to intercity transportation.

Monotony among the towns would be avoided through the use of diversified architecture. Yet a certain harmony of archi-

tecture within a neighborhood would be sought. Forsaking the ubiquitous rectangular street grid system, layouts of towns would vary according to the topography of the site, which should be the guiding consideration in the effort to minimize the cuts and fills for streets. Good traffic circulation, designed to meet all future needs of the city, would provide the skeleton on which a town is built. To speed construction in the initial stages of a new town, the residences might consist largely of mobile and/or factory-built houses. These in time might be replaced with more permanent homes, or new housing forms which would take advantage of the revolutionary technological practices which are being introduced into the building industry today.

The various units of the towns would have zoned control against lateral expansion. Part of the control would be the inviolate green or open spaces between units, whether these spaces be parks or farmland. Greenery would also be prominently featured within the neighborhoods. Once a town had been populated to its designed size, that would be it: no further expansion! Rather, another town would be started in another location with open spaces between, and in accordance with a long range regional plan. The goal would be to retain the human scale within the cities by making them organically efficient, and at the same time beautiful, attractive gardens of life which would be sought by business and the people who would work and live there.

We are talking about new cities with their own economic base, mostly of light industry but some agricultural processing.

Here are some of the factors which should influence the location of new cities or the selection of older ones for rebuilding:

The sites should be on high ground within the rolling topography of the valley region, primarily for vista, good drainage and good air flow, and from the standpoint of consuming only that agricultural land which is now less attractive for irrigation.

They should be located with respect to natural streams so that water could be supplied from underground stores within the alluvium forming the stream bed, thus minimizing the treatment required.

The sites should be located fairly well down from the head of the drainage on the various tributaries of the South Platte River so that holding dams might be constructed upstream from the sites. The purpose of these dams would be primarily to retard the run-off of a storm and to recharge the ground water upstream from the town water intake. A corollary water development would be the complete treatment of the town's sewage so that its water effluent might be used either for ponds within the town, for possible re-use within the distribution system, or for returning to the stream in as pollution-free a state as is technically possible. The sludge, or solid portion of the sewage, could be rendered odorless and used agriculturally as a soil conditioner.

There has been some discussion about cleaning up Denver's sewage water to the point where it could be recycled within its own distribution system. Rather than encouraging further growth in the Denver area by such re-use, it would appear wiser to clean the water for further use in new communities downstream, avoiding the pump-back costs, and encouraging the growth elsewhere.

Chatfield Dam, upon completion, will hold back Plum Creek and South Platte flood waters above Denver, and the trapped flood waters will be released gradually within the capacity of the channel through Denver. It might prove beneficial, under a regional plan for new communities downstream, to construct another holding reservoir on the South Platte downstream from Denver in order to conserve the flood waters for use in the region.

Some contemporary "environmentalists" have questioned the wisdom of undertaking new water supply development in certain instances, claiming it to be part of a vicious "water development-economic growth-more water development-more economic growth cycle."

With respect to specific large, overbuilt, high density areas, where there is growing concern about the quality of living, their wariness is plausible. This should not, however, lead them to condemn all water supply development proposals, particularly regional ones with objectives of population dispersion. The latter can become the very means by which we break out of the old cycle; long range water supply planning and incremental development can become one of the main factors influencing the patterns of population growth within newer, more desirable regional configurations.

What the environmentalists should be saying is that the time has come when it is more in the nation's interest to supply new water to potentially habitable areas than it is to bring more water into already overpopulated regions.

Regional water augmentation and management form the deciding issue whether the whole western half of the nation will ever support its proportionate share of the nation's people. There are vast expanses of land in the West which have been passed over because of lack of water.

Some western environmentalists have questioned the wisdom of making more land in the West habitable through water development. They also have questioned the wisdom of watering lawns and shrubbery in western cities, calling this a waste and abuse as if they were wholly unaware of the environmental satisfactions derived from that practice.

They seem to forget that the growing of trees, bushes, and lawns improves the quality of air through the process of photosynthesis; that lawn watering has a cooling effect on summer temperatures; that it prevents wind and water erosion of the soil; that it provides an opportunity for healthful exercise in maintaining the greenery; and that it provides a special psychological uplift which comes from seeing and tending growing things—if only just for beauty.

Environmentalists should support what might be called "environmental irrigation"—the backbone of attractive western cities like Denver. They should recognize that the benefits which accrue in social wellbeing far outweigh the disruptions of natural situations caused by the building of reservoirs and delivery systems to enable better conservation of highly seasonal water flows and to permit more uniform distribution throughout the year.

Moreover, multi-year dry cycles occur, and we need to prepare for them by means of holdover storage. The fact of recurring droughts, combined with population expansion, should impel the whole nation to broader regional studies of water management where the basic objective would be to effect better population accommodation through dispersion into more attractive living and work opportunities.

What is needed in Colorado is an overall regional study for new city siting, water treatment and re-use, water availability and ground water storage capabilities of the alluvium of the Platte River and its various tributaries.

Studies already have shown that there is enough South Platte surface water now flowing past Fort Morgan to justify building the proposed Narrows Dam for irrigation. In lieu of building Narrows Reservoir, if it should come to that, the same amount of water might be conserved and used upstream for new city growth under a higher priority and as a more important use. Under large scale water re-use arrangements the restraining factor to population growth will not be so much the amount of water available but the quality of the water for successive users.

Included in the regional studies also would be consideration of transportation systems, possibly involving rapid transit to Denver or to some new new-town center within the basin. A new regional airfield, central to all of the new towns, might be part of a transportation plan.

An entirely new appreciation and understanding of the basic function of urban land also are required if we are to overcome the "freedom" to build toward congestion and ugliness. Edward Higbee in his book, "A Question of Priorities," states that we should no longer treat urban land as personal "property" as does the farmer who depends upon land for production and security. Rather, he says, urban land should be regarded for its civic function in supporting institutions, with long term management performed by powerful public land utilities which would lease the land for an approved use but not "sell" to individual developers. In this way land would not be frozen into private ownerships so as to preclude large scale redevelopment in later years.

Higbee points out that under the present system, functional urban land use with new rational space allocation becomes impossible because urban land values increase as population density increases. He states further that this is the reason why it is cheaper and easier in the long run to turn to new urbanized land and build whole new cities than try to redevelop core areas of older cities.

The Irvine communities development in southern California is a case in point where the urbanized land has ceased to become a *commodity* and has become a *function* instead. It can be used under approved planning but it cannot be bought or sold.

These land and water control issues, including water rights, are such to test the souls and guts of our state legislators. Our future success in regional planning for population accommodation hinges on our legislative capacity.

VOTERS OPPOSE POPULATION CEILING IN COLORADO CITY

BOULDER, COLO.—Voters here decided against a 100,000 population ceiling, but approved a resolution to slow Boulder's growth rate.

The proposed charter amendment to clamp a ceiling on Boulder's population, supported by the local Zero Population Growth organization, lost 12,156 to 8,605 in yesterday's voting.

Approved by a 16,364–6,171 vote was a city council proposal calling for a study to determine an optimum population level for the Boulder Valley while holding the city's population growth below the rate of the 1960s. Boulder's population, now about 70,000 doubled in the 1960s.

A proposal to limit the height of new buildings to 55 feet also was successful, 11,577 to 10,273.

ENABLING LEGISLATION FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the articles of the Genocide Convention which is objected to is article V which states:

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide . . .

The argument is made that the Senate does not have the authority to bind Congress to have to enact subsequent legislation. It is argued that this would be an unprecedented and unwarranted concentration of power in one branch of Congress.

Mr. President, the Interim Convention on Conservation of North Pacific Fur Seals, which was approved by the Senate on August 8, 1957, by a vote of 86 to 0, is similar in many respects to the Genocide Convention, and it can shed some light for us on this issue. Article X of the Fur Seal Convention says:

> Each Party agrees to enact and enforce such legislation as may be necessary to guarantee the observance of this Convention and to make effective its provisions with appropriate penalties for violation thereof.

The obligations entailed upon the United States under each convention is identical. In enacting the Fur Seal Act of 1966, 16 U.S.C. 1151–1159, the United States fulfilled its obligation under the Fur Seal Convention. This act establishes the procedure for taking seals. At no time during the debate in either House or the Senate was any objection expressed that this legislation was being forced on the Congress.

Thus we can see, Mr. President, that it is not unusual for the United States to be party to a treaty that obliges us to enact subsequent enabling legislation. This objection to article V of the Genocide Convention is not well taken. I urge the Senate to ratify the Genocide Convention as soon as possible.

PRISON REFORM IN CALIFORNIA

Mr. HUMPHREY. Mr. President, the distinguished majority leader of the California Assembly, Walter Karabian, has written an extremely interesting article in the University of California's Black Law Journal. Entitled "California's Prison System: We Must Bring It Into the 20th Century," the article explores the current need for close scrutiny of our State and Federal prison systems which are badly in need of reform.

Assemblyman Karabian is concerned with the basic question of the effect of the length of a prison inmate's stay on the rates of recidivism and the cost to the State. He examines in detail what seem to be serious flaws in the parole system and rehabilitation system of a State which operates the largest penal system in the Nation and which is regarded by experts as one of the most advanced in providing rehabilitation services to its inmates. However, California's prison system is, in the majority leader's words, "critically close to failure" and "in dire need of rehabilitation."

The questions that Assemblyman Karabian raises are significant ones. I would like to recommend that Senators read this article carefully. Mr. President, I ask unanimous consent that Assemblyman Walter Karabian's article be printed in the RECORD.

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

CALIFORNIA'S PRISON SYSTEM: WE MUST BRING IT INTO THE 20TH CENTURY

(By Walter Karabian)

California operates the largest penal system in the nation, and the best. Yet, if you were to enter this progressive system as a misfit in 1971, you would be virtually certain to emerge in 1975 not only less able to function on the outside, but much more defeated and dangerous than you were when you entered.

The California correctional system, praised by no less a penal authority than Kark Menninger as "far out in the lead among the states, with excellent programs of work, education, vocational training, medical services, group counseling, and other rehabilitative activities,"[1] is critically close to failure. If it does indeed represent the optimum to be found in the 50 states, one despairs to imagine what conditions are like in the other 49.

Anyone remotely connected with criminal justice in California will tell you that the system itself is in dire need of rehabilitation. The only question is how—and how quickly—this can be done. Can we solve the problems besetting our criminal and correctional procedures with money, more trained personnel, a more humane and far-sighted treatment program for the men in our prisons? Of course we can. But given the temper and priorities of the times, these resources are not likely to be forthcoming. Yet, from a purely pragmatic point of view, much can be done by simply beefing up existing programs and putting into practice inexpensive but highly promising ideas for penal reform.

There are nearly 30,000 felony offenders in California's prisons. Roughly half this number are non-white. The prototypal inmate is young, undereducated and was chronically unemployed on the outside. His life experiences have been predominantly negative. His self-image is low, his sensitivity to injustice high. He is vulnerable at every point and he knows it.

From this man and his counterparts behind bars, one hears an almost unanimous litany of trouble. Facilities are 50 percent overcrowded. To survive at all, he must endure a pitiless assault on the last vestiges of his identity and individuality: homosexual rape, hours of idleness, inadequate or nonexistent medical and psychiatric care, smouldering racial tensions often fired to flashpoint by untrained and openly hostile guards, bad food, filth—the list is long. But, as degrading as these conditions are, the overwhelming concern of this man is the unyielding and mindless nature of the bureaucracy that manipulates his life, not only while he is in custody, but after he has been released on parole.

For him, the twin symbols of this bureaucracy are the indeterminate sentence and a wholly deficient rehabilitation program.

California pioneered the adoption of the indeterminate sentence, whereby a felony offender is remanded to prison for "the time prescribed by law" rather than a time certain. The Legislature sets minimum and maximum terms for each offense. As conceived by early reformers the indeterminate sentence was basic to rehabilitation and early release, providing the flexibility necessary for weeding out of the prison population those persons who, but for the time certain of their commitment, could be leading useful lives on the outside. In theory, at least, it transfers the sentencing function from the courts to the professional prison staff, persons trained to observe the inmate at close range and make a judgment as to his fitness for parole not on the basis of his crime, but on the circumstances surrounding it and the subsequent "modification of anti-social behavior" he demonstrates in prison. It allows the "rehabilitated" inmate to be released sooner than would be possible under a fixed sentence.

In practice, however, prison administrators have found the indeterminate sentence to be a formidable disciplinary weapon, a weapon against which there is virtually no defense. As applied today, the indeterminate sentence assures much longer sentences than would be imposed by the courts for all but the most docile inmates. It comes down hardest, of course, on "trouble-makers," a group variously described as religious and political nonconformists, ethnic "leaders," psychotics, "writ-writers" in pursuit of due process, and behavioral deviants, depending upon the bias of the decisionmaker. "From the vindictive guard who sets out to build a record against some individual, to the parole board, the indeterminate sentence grants Corrections the power to play God with the lives of inmates."[2]

That prison officials should seek discretion over sentencing is not surprising. They are, after all, saddled with the job of managing the prisons, and "from the official's point of view a first requisite is effective influence over inmate conduct. So long as inmates desire freedom, restrictions on freedom—threatened or actual—will provide a possible strategy for control, for effective influence; and the Correctional Establishment as a whole is premised on the desire of inmates for freedom."[3]

In fact, of course, the actual length of an individual's sentence is determined by the Adult Authority, a nine-member board consisting of the Director of the Department of Corrections and eight gubernatorial appointees. While the Penal Code states that members should "have a varied and sympathetic interest in corrections, sociology, law, law enforcement, and education,"[4] the present board is made up primarily of former policemen, prosecutors, FBI and Corrections personnel. This body serves as the parole board, charged to "determine and re-examine" the length of time a man must serve. It has the power to make a judicial determination of sentence, to retract that determination and refix sentence, to grant parole and to revoke parole, and its decisions are rarely subject to review or appeal.

Dividing into two-member panels, assisted by case-hearing representatives, the Adult Authority renders 30,000 to 40,000 determinations yearly. The inevitable result of this crushing caseload is that an inmate's hearing before the Adult Authority, the outcome of which will determine whether or not to fix sentence and grant parole,[5] generally lasts a scant 10 minutes. And these 10 minutes are not exclusively his—while one member listens to the proceedings, the other is reading the dossier on the next inmate.

The panel's decision is based on information to be found in the prisoner's file,[6] a collection of material, little of it sworn, consisting of whatever the authorities know about the man: comments of the trial judge and the prosecutor, the probation officer's report, psychiatric evaluation, reports by guards of "deviant" behavior (which can run the spectrum from refusal to eat breakfast to attempted suicide)[7] and disciplinary infractions. While the guards and other prison personnel are encouraged to familiarize themselves with the prisoner's folder, the prisoner is at no time permitted to see it. Further, if parole is denied, the prisoner is not entitled to know why it is denied, nor is his attorney. No transcript is made of the hearing; family members, the press and legal counsel are all excluded from the proceedings.

Should an inmate's case for parole survive an examination of his folder, it remains vulnerable to the whims and biases of the

Footnotes at end of article.

parole panel. Lacking any guidelines of an official nature, California's parole policy is subjective rather than scientific. Inmates find that as the parole panels rotate, so do the indicia of "rehabilitation." [8]

Thus, determination of sentence parole is almost totally discretionary, and its arbitrary exercise has resulted in abuses of every kind. Examples abound of parole denials in clear violation of constitutional guarantees.

The result of the indeterminate sentence has been that the median time served in prison has risen dramatically in the past decade. In 1960, the median time served in California was 24 months; by 1968 it had risen to 36 months, an increase of 50 percent in eight years, and it continues to rise.[9] Yet, the 1970 report of the Assembly Select Committee on the Administration of Justice confirms what modern criminologists have been saying for years, that the character of convicted felons does not alter appreciably from one year to the next, that "persons committed to prison in 1960 . . . were essentially the same type of person as those committed for a similar offense in 1968."

The man committed to prison today is no more dangerous, hostile or menacing to society than the felon committed last year or the year before. There is, therefore, no logic to justify the increase in time served. It should be noted that the reluctance of the Adult Authority to release men from custody has not reduced California's increasing crime rate.

Longer sentences are costly to the State; [10] but far worse, they do not result in good behavior after release. On the contrary, persons serving longer terms are less likely to readjust on the outside than those serving short terms.

In fact, studies show that persons serving longer terms recidivate at a rate 10 percent higher than short termers.

In effect, California's parole policy acerbates the problems it was designed to solve. It operates as a mindless, moving conveyor belt upon which our felons are tossed with total disregard for the human pileup at the other end.

The cost to the individual in prison, however, is beyond measure. He does not know how much time he will serve until the end of his sentence, since his sentence is not fixed until that time. If parole is denied he has no recourse. The meting out of an indeterminate sentence amounts to summary injustice to him, a major source of anger, resentment, bitterness and defeat. Psychologically, he faces more uncertainty than most in our society. He cannot plan or prepare for the future. He is in every way the pawn of a swollen bureaucracy. It is no wonder that a crisis in our prisons is upon us.

The legislation I introduced in the 1971 Session of the Legislature will buy time, time to devise and expedite criminals and correctional procedures to reduce permanently our prison population, an essential first step to long-range penal reform. It includes a measure that would require parole of most prisoners at the completion of the minimum sentence.[11] Under this proposal, the Adult Authority would continue to determine sentence length, but a felon would serve only the legal minimum behind bars, and the balance on parole. Further, if parole were denied, the burden of proof would rest with the parole board, and grounds for denial would be reduced to clearly discernible facts relating to the nature of the original crime and the prisoners' history of excessive criminality or violence. This proposal also reduces to five the members of the Adult Authority and specifies that, in addition to the Director of Corrections, they shall consist of an experienced criminal attorney, a behavioral scientist, a person trained in the education of disadvantaged persons, and a law enforcement administrator, all "with substantial records of achievement."

A second measure [12] provides that the Adult Authority officially "show cause" whenever the automatic parole is denied by submitting a written report of each denial which meets specifications to be determined by the Bureau of Criminal Statistics.

This proposal would bring our parole policy under critical scrutiny and eliminate irregularities inherent in any purely arbitrary exercise of authority.

An equally important component of this legislative package seeks to put some economic bone and tissue on the Department of Correction's rehabilitative arm, California Correctional Industries.[13] Established to provide "training in work habits and work skills to the inmates as a means of improving employment opportunities after release" and "prevent idleness," this program is self-supporting and even modestly profitable. Yet, the entire program employs barely 10 percent of the State's prison population.

According to a recent estimate, there is at least a nine-month waiting period to get into Industries. And, for the fortunate few who make it, many of the jobs are sadly ill-suited to prepare them for life on the outside. At Soledad prison, for instance, where more than half of the 2,787 inmates will be returned to the urban centers, only 400 are working. Of the 400, nearly half work in dairy and hog ranch programs. At Folsom, about 150 inmates of the 600 employed are learning to make license plates, a skill which cannot be utilized outside prison.

In addition, many jobs being done on prison equipment by inmates are automated on the outside; thus, men train for obsolete work. But to automate in prison would further reduce the number of jobs in Correctional Industries, so inmates continue to do busy work on outdated equipment for an outrageously low pay scale that ranges from two cents to 16 cents an hour.

Finally, prison-made goods are often inferior to those manufactured in private industry. Recently, the State requested clothing manufacturers to submit, along with their bid, assessments as to the durability of their shorts, T-shirts and denims. These estimates revealed that the quality of prison-made clothing was so low and frequency of replacement so high that the State paid 12 percent more because it used Correctional Industries clothing.

Since the Correctional Industries program must be self-supporting, and the productivity per inmate is as little as one-sixth of that of a worker in private industry, the profit margin is slim indeed. At that, where private industry might use a portion of its profits to expand operations or purchase new equipment, much of the Correctional Industries are turned over to the States' General Fund.

Recently the textile mill at San Quentin was closed; so was the cannery at Folsom. Yet, the most innovative proposal in last year's Correctional Industries report, was for a "vast plan for providing several new laundries consistent with the long-range needs of Mental Hygiene."

Corrections officials are not unaware of the deficiencies of the Industries program. They know that there are too few jobs. But, they also know that inmate participation in other rehabilitative programs, such as vocational training and academic courses, is also woefully inadequate. These efforts, well-intended though they are, are failing. They reach only a fraction of the State's inmates. They occupy less than four hours a day of the prisoners they reach.

The inadequacy of Correctional Industries reflects both political pressure and economic reality. Within the 103 million dollar prison budget, there is no allocation for the subsidy of this program. (Only five cents of every prison dollar is now spent on rehabilitation.) Even if the economy were stronger and funds available, it is unlikely that the non-voting prison population would receive them.

To make matters worse, private industry has generally opposed measures which might increase Industries' production or place Industries on a more competitive footing—this in spite of the fact that the total Industries output comprises only 0.1 percent of total manufacturing and wholesale sales in California.

As it is, prison-made products may be sold only to tax-supported agencies, and total production is limited by law. Yet, when Folsom sought to reduce losses in its metal-stamping industries by expanding to metal desks, private industry lobbied against it so vigorously that it succeeded in limiting the sale of those desks to State offices only. Similarly, fear of competition has prompted organized labor to lobby against efforts to develop prison industry.

The legislation I have proposed would neutralize the conflict between Correctional Industries and private industry. It would expand employment and training opportunities for inmates by providing financial incentives to private industries to expand their operations to include the State's prisons. Among these incentives are tax deductions to participating firms for a percentage of the training costs and wages of inmates; payment by the State of a portion of inmate wages for a fixed period of time while training; and a provision entitling a participating firm to a 10 percent price preference over out-of-state businesses on purchases made by the State.[14]

Participating firms would be required to hire their inmate employees upon their release if their performance while in prison had been satisfactory.

Products and profits from a participating firm's prison branch would, of course, belong to the firm, but inmates would be included within any labor contract between the private firm and its other employees. Inmates would also be entitled to join unions as dues-paying members.

Inmates in the program would reimburse the State from their earnings for the reasonable cost of their confinement. The balance of an inmate's earnings would be applied to pay any personal debt or other obligations, the remainder to be held in trust in a savings account until the inmate is released.

This plan would create a productive environment within the prisons. It would revitalize the concept of rehabilitation by providing inmates with realistic training for work on the outside, a marketable skill, the capability of providing for his family while he is confined, and money in the bank when he is released.

Nearly 80 percent of California's convicts go to prison for non-violent crimes. Before their prison experience, they are not unlike their counterparts on the outside. But, once in prison, dehumanizing pressures rapidly corrode any ties that remain with the outside, to the end that most convicts re-enter civilian life full of rage and bitterness toward the system that locked them up.

If we can begin to stimulate in the men inside the walls the rhythm and routine of life and work on the outside,[15] we might be able to restore some semblance of balance and reason to life inside. At the very least, the system will cease to destroy men as inexorably as it does now.

Currently, there are nearly 100 bills pending in the California Legislature, touching almost every aspect of prison reform. But in the final analysis, the most enlightened measures can only bring cosmetic relief to a system which has simply grown too large to be adequately or intelligently administered.

We are, as I have said, buying the time

Footnotes at end of article.

necessary to achieve fundamental prison reform. A basic requisite to that reform is a reduction in the prison population.

Ironically, while there is little disagreement among penal experts that prisons fail as a means of punishment or as instruments with which to change criminal behavior, prison overcrowding, rather than humanitarian concern, emerges as the most compelling liberalizing force in the correctional field.

Nationwide, new programs are being developed to relieve the crush of prison population by the treatment and control of offenders in the community rather than in prison. (In Los Angeles County, 2,000 probation officers supervise 61,300 adults and juveniles in the community, and the results, in terms of recidivism, have been impressive.)[16] In addition to release under supervision, reformers are advocating—and trying—weekend leaves, work-release programs, outside classes and halfway houses as alternatives to simple incarceration.

In my view, however, a permanent reduction in prison population can only come about through a careful redefinition of the criminal law to exclude offenses against private morality and taste. Assuming the essential function of the criminal law to be the protection of our persons and property, the American tradition of using it also to regulate the moral conduct of the individual citizen is a major cause of prison overpopulation. Worse, this "overreach" of the criminal law has so overloaded our entire criminal justice system, that it is wholly defective as a means of protecting us against those activities which are the proper concern of the criminal law—crimes of violence, serious depredations of property, and the exploitation of the defenseless and the young.

Judges, corrections officers and policemen agree that they could serve with far greater efficiency if the system were relieved of that class of offense known as "victimless crime," offenses such as prostitution, abortion, homosexuality, drunkenness, vagrancy, gambling and drug use. According to the President's Commission on Law Enforcement and the Administration of Justice, these offenses account for fully half of the six million nontraffic arrests of adults per year in the United States. Because these crimes lack victims, that is complainants who seek the protection of the criminal law, there is growing sentiment among the experts that they are not the legitimate concern of the criminal law.

In his excellent book on the control of crime, Norval Morris states, "In this country we have . . . a long tradition of using (the criminal law) as an instrument for coercing men to virtue. It is a singularly inept instrument for that purpose. It is also an unduly costly one, both in terms of harm done and in terms of the neglect of the proper tasks of law enforcement." [17]

Most of our legislation concerning narcotics, gambling and sexual behavior is based on the erroneous assumption that the criminal law has the capacity to alter human proclivities. Yet, there is no evidence that the incursion of the criminal law into the spheres of social welfare and private morality has brought about the Millenium. We do not drink less alcohol or take less drugs, nor are we sexually more strait-laced by dint of criminal sanction.[18]

As a case in point, examine what happened in California after the Legislature had imposed a mandatory sentence of one to 10 years in prison for the possession of marijuana. In 1961, the Legislature removed the sentence of 0-12 months in county jail as an optional penalty for possession, and imposed the stiffer sentence. At the same time, it also increased penalties for sale and for offenders with prior convictions.

Did these sanctions limit the sale or possession of marijuana? On the contrary. In 1961, the year the sanctions were imposed, there were 3,500 arrests for marijuana offenses. By 1966 this figure had increased to 18,000, a rise of 400 percent.

By 1970, 43 percent of *all* felony arrests in California were drug arrests.

Statistics relating to arrests and convictions for other "victimless" crimes seem to support the proposition that criminal sanctions serve almost no deterrent purpose. In fact, the overreach of the law contributes to the crime problem. We have only to remember that the "Noble Experiment" of 1913 spawned more than the romantic era of bathtub gin and speakeasies. It also helped to finance the largest criminal industry in the modern world.

I am not unmindful of the fact that a review of the criminal law raises many legal and administrative issues; there are legitimate objections to the repeal of certain criminal statutes. My point is that inevitably we will have to undertake such a review as an alternative to the penal approach, which is both wasteful and futile. As Myrl Alexander, director of the Federal Bureau of Prisons noted, "We all recognize that the tra- tional institutions of the past haven't produced the desired results . . . imprisonment is failure." [19]

Our resources in manpower and money are by no means infinite. We have a clear responsibility to apprehend and confine the dangerous offender, and to rehabilitate him when possible. We cannot hope to succed in even this limited pursuit if we remain wedded to a concept of criminal law which does not distinguish between the felon who steals property and endangers lives, and the nonviolent offender who violates private codes of social conduct. Imprisonment is not the answer to the national problems such an offender creates or the social displacements which spawn his behavior. We can no longer afford to pay the heavy concomitant costs of perpetuating a system which fails to come to grips with this reality.

FOOTNOTES

[1] At a recent news conference, however, following his address before a NAACP Legal Defense Fund seminar in Los Angeles, Menninger referred to all American prison systems as a "shambles—beastly, unworkable and expensive." Their sole effect, he said, is "to degrade and humiliate people and rob them of their human dignity." *Los Angeles Times*, May 23, 1971.

[2] Jessica Mitford, "Kind and Usual Punishment in California," *The Atlantic Monthly*, May, 1971.

[3] Sheldon Menninger, *Strategies of Control*, University of California, Center for the Study of Law and Society, 1968.

[4] California Penal Code, Section 5705.

[5] The Adult Authority is under no legal obligation to set the sentence and generally does not do so until it is ready to grant parole.

[6] There is no procedural guarantee that the parole board will review all the facts concerning an individual case: "At present, a counselor spends from five to 15 minutes with the inmate in evaluating his 'progress' of the previous year. (Inmates) wonder, what kind of an accurate evaluation even a qualified person could make in that length of time?" Institute for the Study of Crime and Delinquency. (45) p. 78.

[7] The Caucus of Black Elected Officials of the California State Legislature, in its 1970 report on conditions at Soledad, made the following recommendations: "We strongly urge that accusations of improper behavior brought against inmates for minor offenses—like refusal to shave when no mirror is available—*be excluded from an inmate's permanent dossier and that no indication of such accusations reach the eyes of the Adult Authority* (emphasis theirs). Black Caucus Report, "Treatment of Prisoners at California Training Facility at Soledad Central," The California Legislature, p. 11, 1970.

[8] ". . . the time an individual spends in prison seems to depend on three factors: (1) The values and feelings of individual parole board members. (2) The 'mood' of the public. (3) Institution population pressures." California Legislature, Assembly Criminal Procedure Committee, *Deterrent Effects of Criminal Sanctions*, p. 40, May, 1968.

[9] See Adult Authority Manual of Statistics for 1945 through 1966, March, 1967, Table 1, and *Analysis of the Budget Bill, 1969–70*, p. 131.

[10] According to the California Assembly Office of Research, the institutional cost per year of maintaining an inmate is $3,012. As we have noted, the average sentence is 36 months, which raises this figure to $9,036, per commitment episode. (These figures represent the saving to the State per inmate if the institution were closed.)

More compelling, since 30 percent of this population returns to prison within two years, the cost of an average "unsuccessful" commitment episode, based upon a return to prison for 18 months on a technical violation, is more than $13,000. The average cost for those returned to prison from parole with a new felony conviction is more than $18,000. Such offenders usually spend 36 months in prison before being re-paroled.

[11] Assembly Bill 2064. A similar provision is included in Assembly Bill 483, introduced by Assemblyman Leo J. Ryan.

[12] Assembly Bill 2816.

[13] Assembly Bill 2062.

[14] By judicial determination, the California Preference Law, Section 4330, which entitled California firms to a five percent price preference over out-of-state businesses, was declared unconstitutional in 1970 (53 Ops. Atty. Gen. 72, 2/11/70), but contracts entered into by the State of California prior to this ruling are legal and binding on all the parties to the contract.

[15] Another proposal in this legislative package, AB 2063, would provide facilities to enable inmates to spend two-day visits, at least three times a year, with those persons who have been approved on the inmate's visitation or correspondence list. The inhuman sexual deprivation endured by prison inmates has produced a prison environment where homosexual rape is commonplace; in addition, prolonged separation has resulted in the destruction of the marriages of countless convicts.

[16] "Justice on Trial," *Newsweek*, March 8, 1971.

[17] Morris, Norval and Gordon Hawkins, *The Honest Politician's Guide to Crime Control*, Page 5.

[18] There is some evidence that the extensive use of criminal sanctions may actually *decrease* the public safety. A recent study by Herbert Packer concluded, in a chapter on drug use, abortion, gambling, alcoholism and "white-collar" crime, that, "It is by no means clear that we can persuade the public to view conduct as wrongful by making it criminal. Law, even criminal law, simply is not that potent a weapon for social control. Our experience with the use of the criminal sanction during the Prohibition period suggests that the reverse is true . . . There is indeed some reason to fear that sensitivity toward the criminal sanction has decreased as the formal apparatus of the criminal law has been called on to deal with a wide variety of morally neutral conduct . . ." Packer, Herbert L., *The Limits of the Criminal Sanction*, page 359, 1968.

[19] *Los Angeles Times*, November 17, 1968.

CONCLUSION OF MORNING BUSINESS—EXECUTIVE SESSION

The PRESIDENT pro tempore. Under the previous order the period for the

transaction of routine morning business is now concluded, and the Senate will go into executive session.

The Senate proceeded to consider executive business.

AGREEMENT WITH JAPAN CONCERNING THE RYUKYU ISLANDS AND THE DAITO ISLANDS

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate Executive J, 92d Congress, first session.

The Senate, as in Committee of the Whole, proceeded to consider Executive J, 92d Congress, first session, the agreement with Japan concerning the Ryukyu Islands and the Daito Islands, which was read the second time as follows:

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND JAPAN CONCERNING THE RYUKYU ISLANDS AND THE DAITO ISLANDS

The United States of America and Japan,

Noting that the President of the United States of America and the Prime Minister of Japan reviewed together on November 19, 20, and 21, 1969 the status of the Ryukyu Islands and the Daito Islands, referred to as "Okinawa" in the Joint Communique between the President and the Prime Minister issued on November 21, 1969, and agreed that the Government of the United States of America and the Government of Japan should enter immediately into consultations regarding the specific arrangements for accomplishing the early reversion of these islands to Japan;

Noting that the two Governments have conducted such consultations and have reaffirmed that the reversion of these islands to Japan be carried out on the basis of the said Joint Communique;

Considering that the United States of America desires, with respect to the Ryukyu Islands and the Daito Islands, to relinquish in favor of Japan all rights and interests under Article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, and thereby to have relinquished all its rights and interests in all territories under the said Article; and

Considering further that Japan is willing to assume full responsibility and authority for the exercise of all powers of administration, legislation and jurisdiction over the territory and inhabitants of the Ryukyu Islands and the Daito Islands;

Therefore, have agreed as follows:

ARTICLE I

1. With respect to the Ryukyu Islands and the Daito Islands, as defined in paragraph 2 below, the United States of America relinquishes in favor of Japan all rights and interests under Article 3 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, effective as of the date of entry into force of this Agreement. Japan, as of such date, assumes full responsibility and authority for the exercise of all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of the said islands.

2. For the purpose of this Agreement, the term "the Ryukyu Islands and the Daito Islands" means all the territories and their territorial waters with respect to which the right to exercise all and any powers of administration, legislation and jurisdiction was accorded to the United States of America under Article 3 of the Treaty of Peace with Japan other than those with respect to which such right has already been returned to Japan in accordance with the Agreement concerning the Amami Islands and the Agreement concerning Nanpo Shoto and Other Islands signed between the United States of America and Japan, respectively on December 24, 1953 and April 5, 1968.

ARTICLE II

It is confirmed that treaties, conventions and other agreements concluded between the United States of America and Japan, including, but without limitation, the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960, and its related arrangements and the Treaty of Friendship, Commerce and Navigation between the United States of America and Japan signed at Tokyo on April 2, 1953, become applicable to the Ryukyu Islands and the Daito Islands as of the date of entry into force of this Agreement.

ARTICLE III

1. Japan will grant the United States of America on the date of entry into force of this Agreement the use of facilities and areas in the Ryukyu Islands and the Daito Islands in accordance with the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960 and its related arrangements.

2. In the application of Article IV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, regarding Facilities and Areas and the Status of United States Armed Forces in Japan signed on January 19, 1960, to the facilities and areas the use of which will be granted in accordance with paragraph 1 above to the United States of America on the date of entry into force of this Agreement, it is understood that the phrase "the condition in which they were at the time they became available to the United States armed forces" in paragraph 1 of the said Article IV refers to the condition in which the facilities and areas first came into the use of the United States armed forces and that the term "improvements" in paragraph 2 of the said Article includes those made prior to the date of entry into force of this Agreement.

ARTICLE IV

1. Japan waives all claims of Japan and its nationals against the United States of America and its nationals and against the local authorities of the Ryukyu Islands and the Daito Islands, arising from the presence, operations or actions of forces or authorities of the United States of America in these islands, or from the presence, operations or actions of forces or authorities of the United States of America having had any effect upon these islands, prior to the date of entry into force of this Agreement.

2. The waiver in paragraph 1 above does not, however, include claims of Japanese nationals specifically recognized in the laws of the United States of America or the local laws of these islands applicable during the period of United States administration of these islands. The Government of the United States of America is authorized to maintain its duly empowered officials in the Ryukyu Islands and the Daito Islands in order to deal with and settle such claims on and after the date of entry into force of this Agreement in accordance with the procedures to be established in consultation with the Government of Japan.

3. The Government of the United States of America will make ex gratia contributions for restoration of lands to the nationals of Japan whose lands in the Ryukyu Islands and the Daito Islands were damaged prior to July 1, 1950, while placed under the use of United States authorities, and were released from their use after June 30, 1961 and before the date of entry into force of this Agreement. Such contributions will be made in an equitable manner in relation to the payments made under High Commissioner Ordinance Number 60 of 1967 to claims for damages done prior to July 1, 1950 to the lands released prior to July 1, 1961.

4. Japan recognizes the validity of all acts and omissions done during the period of United States administration of the Ryukyu Islands and the Daito Islands under or in consequence of directives of the United States or local authorities, or authorized by existing law during that period, and will take no action subjecting United States nationals or the residents of these islands to civil or criminal liability arising out of such acts or omissions.

ARTICLE V

1. Japan recognizes the validity of, and will continue in full force and effect, final judgments in civil cases rendered by any court in the Ryukyu Islands and the Daito Islands prior to the date of entry into force of this Agreement, provided that such recognition or continuation would not be contrary to public policy.

2. Without in any way adversely affecting the substantive rights and positions of the litigants concerned, Japan will assume jurisdiction over and continue to judgment and execution any civil cases pending as of the date of entry into force of this Agreement in any court in the Ryukyu Islands and the Daito Islands.

3. Without in any way adversely affecting the substantive rights of the accused or suspect concerned, Japan will assume jurisdiction over, and may continue or institute proceedings with respect to, any criminal cases with which any court in the Ryukyu Islands and the Daito Islands is seized as of the date of entry into force of this Agreement or would have been seized had the proceedings been instituted prior to such date.

4. Japan may continue the execution of any final judgments rendered in criminal cases by any court in the Ryukyu Islands and the Daito Islands.

ARTICLE VI

1. The properties of the Ryukyu Electric Power Corporation, the Ryukyu Domestic Water Corporation and the Ryukyu Development Loan Corporation shall be transferred to the Government of Japan on the date of entry into force of this Agreement, and the rights and obligations of the said Corporations shall be assumed by the Government of Japan on that date in conformity with the laws and regulations of Japan.

2. All other properties of the Government of the United States of America, existing in the Ryukyu Islands and the Daito Islands as of the date of entry into force of this Agreement and located outside the facilities and areas provided on that date in accordance with Article III of this Agreement, shall be transferred to the Government of Japan on that date, except for those that are located on the lands returned to the landowners concerned before the date of entry into force of this Agreement and for those the title to which will be retained by the Government of the United States of America after that date with the consent of the Government of Japan.

3. Such lands in the Ryukyu Islands and the Daito Islands reclaimed by the Government of the United States of America and such other reclaimed lands acquired by it in these islands as are held by the Government of the United States of America as of the date of entry into force of this Agreement become the property of the Government of Japan on that date.

4. The United States of America is not obliged to compensate Japan or its nationals for any alteration made prior to the date of entry into force of this Agreement to the lands upon which the properties transferred

to the Government of Japan under paragraphs 1 and 2 above are located.

ARTICLE VII

Considering, inter alia, that United States assets are being transferred to the Government of Japan under Article VI of this Agreement, that the Government of the United States of America is carrying out the return of the Ryukyu Islands and the Daito Islands to Japan in a manner consistent with the policy of the Government of Japan as specified in paragraph 8 of the Joint Communique of November 21, 1969, and that the Government of the United States of America will bear extra costs, particularly in the area of employment after reversion, the Government of Japan will pay to the Government of the United States of America in United States dollars a total amount of three hundred and twenty million United States dollars (U.S. $320,000,000) over a period of five years from the date of entry into force of this Agreement. Of the said amount, the Government of Japan will pay one hundred million United States dollars (U.S. $100,000,000) within one week after the date of entry into force of this Agreement and the remainder in four equal annual installments in June of each calendar year subsequent to the year in which this Agreement enters into force.

ARTICLE VIII

The Government of Japan consents to the continued operation by the Government of the United States of America of the Voice of America relay station on Okinawa Island for a period of five years from the date of entry into force of this Agreement in accordance with the arrangements to be concluded between the two Governments. The two Governments shall enter into consultation two years after the date of entry into force of this Agreement on future operation of the Voice of America on Okinawa Island.

ARTICLE IX

This Agreement shall be ratified and the instruments of ratification shall be exchanged at Tokyo. This Agreement shall enter into force two months after the date of exchange of the instruments of ratification.

In witness whereof, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done at Washington and Tokyo, this seventeenth day of June, 1971, in duplicate in the English and Japanese languages, both equally authentic.

For the United States of America:
WILLIAM P. ROGERS.
For Japan:
KIICHI AICHI.

Mr. MANSFIELD. Mr. President, in view of the fact that a number of Senators will be missing from the Chamber later today and in view of the statement made by the majority leader to the Senate on yesterday, I ask unanimous consent that the vote on ratification occur at the hour of 3 o'clock tomorrow, without any debate at that time.

The PRESIDENT pro tempore. Does the Senator ask that rule XII be waived?

Mr. MANSFIELD. That is correct.

The PRESIDENT pro tempore. Without objection, rule XII is waived, and, without objection, the vote will take place tomorrow at 3 p.m.

Mr. MANSFIELD. The purpose of this is to be as accommodating as possible to Senators on both sides of the aisle and hopefully to obtain as large a representation of the Senate as is feasible at that time. It is hoped in the meantime we will dispose of the debate and discussion of the measure, and get to final reading so that tomorrow there will be no further debate but only the vote itself.

If we get through at a reasonable time this afternoon in the consideration and the debate of the treaty which is now the pending business, it is the intention of the joint leadership at that time to lay before the Senate one of the foreign aid bills and at least get their consideration underway.

Mr. BYRD of West Virginia. Mr. President, just for the sake of the record, unless there be a precedent created, does rule XII require, in paragraph 3, a mandatory call of a quorum prior to the setting of a time or date for a final vote on ratification of a treaty? It is my understanding that it applies only to the final passage of a bill or joint resolution.

The PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. MANSFIELD. Therefore, the previous request will be vitiated.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is the Okinawa Treaty.

Mr. FULBRIGHT. Mr. President, I support Senate advice and consent to ratification of the agreement with Japan concerning the Ryukyu Islands and the Daito Islands, which provides for the reversion of rights of administration over Okinawa to Japan. This treaty will fulfill a promise made by every administration, Democratic and Republican alike, since 1951. More than 25 years after World War II, it will formally terminate the American occupation of Japan. This treaty represents the logical conclusion of American policy following the occupation which has been designed to encourage the emergence of an economically strong and politically stable Japan.

That policy has succeeded well and the result has been two decades of mutually satisfactory and productive relations between our countries. With the world's most dynamic economy, Japan has become the world's third largest economic power, and, after Canada, the largest customer of the United States. In 1970 U.S. exports to Japan were valued at $4.7 billion, almost twice as much as our next largest market, Germany. Japan is also the largest importer of U.S. agricultural products. And in the decade ending in 1970, U.S. exports to Japan expanded by 247 percent, making Japan our fastest growing market.

The rapid growth of trade and the expansion of our two competitive economies have naturally produced tensions, some of great significance. Nevertheless, Japan has recently taken a number of steps to alleviate these tensions. It has reduced import quotas illegal under GATT from a 1969 level of 122 to the current level of 40. It has also increased the amount of permissible imports under existing quotas and has stated its intention of reducing various tariffs. In addition, Japan has concluded a four-stage liberalization program covering foreign investment which, while not completely satisfactory from the point of view of U.S. business, still opens the door to 5 percent investments in most industries. In addition to limiting textile exports, Japan has implemented restraints on 73 categories of goods, covering approximately 25 percent of its exports to the United States, including iron and steel. On October 15 the President announced a further agreement to limit manmade and wool textile exports, providing for a growth rate of Japanese textile exports of 5 percent per year for a 3-year period—slightly higher than the growth rate of the U.S. market but well below the growth rate of nearly 70 percent achieved earlier by Japanese textile exports. Although imported synthetic textiles account for less than 2 percent of the total U.S. consumption, this agreement will provide a benefit to the U.S. textile industry and the U.S. balance of payments. Finally, and possibly most important of all, steps have been initiated which will ultimately lead to a more realistically valued yen.

This summary of adjustments made by Japan in its economic relationship with the United States illustrates, I believe, an approach to economic issues which is dedicated to the preservation of the fundamental community of interests between the United States and Japan. It reflects an ability of both sides to make adjustments on the many inevitable economic issues in the interest of the more fundamental political alliance between the two countries.

It is the maintenance of this basic political relationship on which, I believe, we must focus attention today. In the midst of great flux in U.S. foreign policy, it is easy to lose sight of the more durable, and more important, aspects of our policy. For example, the President's proposed trip to Peking and the seating of the People's Republic of China in the United Nations are radical changes which are not any the less welcome for being long overdue. The President's policy of normalization of relations with the People's Republic of China is an objective which the Senate has endorsed. At the same time, the necessity of preserving a viable relationship with Japan must not be overlooked in the process. President Nixon has stated:

A close and friendly relationship between Japan and the United States is vital to building the peaceful and progressive world both of us want for all mankind. The problems involved in strengthening the fabric of peace in Asia and the Pacific will undoubtedly be challenging. But if Japan and the United States go separate ways, then this task would be incomparably more difficult. Whatever differences may arise between our nations on specific policy questions, it is essential that the basic nature of our relationship remain close and cordial.

Because of the economic importance of Japan and its enormous potential in the context of East Asia, the United States cannot afford to pursue policies without consideration of their implications for Japan. The prime immediate objective in East Asia is the maintenance of a viable, friendly relationship with that country. An indispensable step in the realization of this objective is the expeditious reversion of Okinawa to Japan.

Of course, it is impossible to predict the results of the changes in U.S. policy in Asia, such as the new attitude toward China and the diminishing war in Southeast Asia. As Deputy Secretary of Defense David Packard stated before the Foreign Relations Committee:

> We are going through a period of substantial change. . . .
>
> And that involves substantial change in relation to a friendly country like Japan. Our President, in opening the door to the People's Republic of China, is taking a new step. I don't think we can assess at this time the level or the length of time that our military presence will be required there.

While there inevitably may be considerable uncertainty over the next few years, the Department of Defense and the Joint Chiefs of Staff have made unequivocally clear that the Okinawa Reversion Treaty will not adversely affect present U.S. security interests in Asia. Secretary Packard informed the Foreign Relations Committee:

> The Joint Chiefs of Staff have been consulted fully during the Okinawan negotiations and have participated fully in these negotiations. Admiral Moorer, the Chairman of the Joint Chiefs of Staff, who is away from Washington today, asked me to assure you that the Joint Chiefs of Staff support the agreement and urge your favorable consideration of it.

Indeed, there is considerable doubt that the United States could maintain its base structure at the level proposed if the treaty were not ratified. Political pressure has been severe both in Japan and on Okinawa in favor of reversion, which has been promised in principle by the United States for two decades. The elected chief executive on Okinawa and the local legislature are uniformly dedicated to reversion. The consequence of failing to ratify the treaty would not only affect the ability of the United States, as a practical matter to operate its bases there, but it could also set off an unpredictable chain of events causing fundamental damage to United States-Japan relations.

In reporting this treaty, the Foreign Relations Committee has made clear that it does not imply approval of the existing level of U.S. troops and bases on Okinawa for the indefinite future. The U.S. military presence on Okinawa, as well as in other areas of Asia, has been largely directed at a presumed threat from China. As the situation in Asia changes, particularly in response to the President's initiative, we must constantly reassess the continued need for this military presence. The changes are already evident. North and South Korea have taken tentative steps toward resuming talks with each other. The Philippines and Thailand are reassessing their attitude toward China in view of the U.S. initiative. And, of course Japan itself is moving rapidly toward a new basis for its governmental relations with Peking. It is too early to foresee all the steps which may be taken. Nevertheless, it should be noted that, in addition to the 50,000 troops maintained on Okinawa, we keep 30,000 in Japan, 43,000 in Korea, 18,000 in the Philippines, 32,000 in Thailand, and 9,000 in Taiwan. As a new set of relationships emerges in Asia, we must be prepared to develop a new set of priorities. One of the first items to be questioned should be the necessity of this pervasive U.S. military presence.

Finally, Mr. President, a word should be added concerning nuclear weapons. The treaty contemplates that after reversion the United States will not be permitted to store nuclear weapons in Okinawa. This is a matter of great concern to Japan and, while security classifications preclude any discussion of these matters in open session, I point to the Foreign Relations Committee's approval, noted in the committee report, of this effect of the treaty.

In conclusion, let me reiterate the fundamental importance of this treaty to future United States-Japan relations. The treaty embodies a settlement of the last political issue beween the two countries growing out of World War II. It places our relationship for the future on a basis of true equality and opens the door for the continuation of our political alliance on the basis of mutual interest and respect. By consenting to the ratification of this treaty, the Senate will responsibly discharge its constitutional role in this area and will demonstrate to the world the depth of the U.S. commitment to continued close relations with Japan.

Mr. President, I think the report of the committee is very thorough; but the distinguished Senator from Louisiana has suggested that perhaps I should invite attention to certain financial aspects of the hearings, simply to highlight it for the benefit of those who may not have an opportunity to study the transcript.

It is estimated that there will be an annual budgetary saving to the United States of $65 million. That is, under the treaty, after the reversion takes place, these are the estimated costs we have been paying which will be saved by the United States: $20 million for the cost of administering civil administration, $10 million for land rental cost, and $35 million for the cost of local defense. This makes a total of $65 million annual U.S. budgetary savings, or a total of $325 million over a 5-year period.

There will be additional labor costs, however, of $23 million the first year, plus $20 million additional severance pay obligation, after the reversion. This is the cost that we will incur because of the necessity to pay the wage scale which prevails in Japan. The gap between labor costs in Japan and on Okinawa has been closing and is expected to close by 1977–78. Hence, the $23 million annual increase will not recur in that amount.

So to summarize that aspect, we will save $65 million a year, and there will be additional costs for different purposes of not more than $23 million a year, the difference being a net saving to the budget of the United States.

The treaty provides for a payment of $320 million over a period of 5 years. $175 million of this amount covers the civil assets, such as the public utilities and highways which the United States built and which are being turned over to the Japanese. The remaining $145 million covers a variety of things, including the cost of increased labor costs, relocating facilities, and other items, the specifics of which are available in classified material in the committee file. This makes a total of $320 million.

It might be interesting to invite attention to the economic aid to Okinawa which we have given since 1947. This amount is estimated at $408,722,605, plus $8,705,415 of Public Law 480 loans during fiscal 1963–1967, and a loan of $10,247,000 for a powerplant in fiscal 1963. The U.S. estimated economic aid in fiscal 1972 would be $11,265,000. Since fiscal 1960 Japan has contributed economic aid of $338,189,559, plus loans of $98,061,000.

The estimated value, at investment, of the facilities retained and surrendered might be of interest to the Senate. Under the treaty, we have retained some 70,000 acres, with a value estimated at $610 million. Under the treaty, we have released 13,000 acres, at an estimated value of $56 million.

Mr. President, if there are any questions, we will be glad to respond to them; but I think the information that is necessary is contained in the hearings transcript and the report. The treaty is relatively simple and it seems inevitable.

I believe the administration has done a very creditable job in negotiating this treaty. I again compliment the Secretary of State and the President for submitting this reversion document in the form of a treaty instead of agreeing to it as an executive agreement. This is a hopeful sign of better relations—and more respect, I should say—by the executive branch for the Senate; and I am very much encouraged that this will be a precedent to be followed in the future.

I yield the floor.

Mr. AIKEN. Mr. President, the chairman of the Foreign Relations Committee has described the situation accurately.

This treaty was signed nearly 5 months ago. As a member of the committee, I do not recall having received any communication in opposition to its being approved by the Senate.

The committee held hearings last month. To the best of my recollection, we had no requests from anyone asking to appear at the hearing in opposition to the treaty.

As the chairman has pointed out, perhaps the large savings in costs to the United States, which will be one effect of approving the treaty, will strike many Americans favorably at this time.

Let me reiterate that, having had no indication of opposition to the treaty—and the committee had no requests, so far as I know, to be heard in opposition—the committee voted unanimously

to approve the treaty. The Senate should approve this treaty without further delay.

That is all I have to say.

The PRESIDING OFFICER (Mr. ALLEN). At this time, if there be no objection, Executive J, 92d Congress, first session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the United States of America and Japan concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 17, 1971 (Ex. J, 92–1).

The PRESIDING OFFICER. The Senator from Delaware (Mr. ROTH) is now recognized.

Mr. ROTH. Mr. President, I rise in support of ratification of the Okinawa Treaty. There are many sound reasons why it makes good sense to return Okinawa to Japan, but none is more important than the basic fact that future peace in the Far East and our best interests depend upon an era of close cooperation between the United States and Japan.

I am a strong supporter of the new initiatives taken by the President in the area of foreign policy. These new initiatives—the Nixon doctrine, SALT and the promised mutual balance reduction talks, the visits to Moscow, and especially to Peking—have given the American people cause to hope that perhaps we are entering a period of bona fide negotiations and moving away from an era of continuous confrontation. The possibility of renewed friendship with the great mass of Chinese people has created considerable interest here in America. Yet, as important as that possibility is, I think it crucial that the United States—Congress as well as the people—recognize that China does not represent an alternative to United States-Japan cooperation but that our national interests depend in large measure on strengthening and expanding the bonds of friendship and cooperation between the United States and Japan. China has neither the economic strength to play the dominant role that Japan shall enjoy in the Far East nor should we be overly optimistic at the beginning as to the concrete measures that shall result from improved relations with Peking.

I spoke of the friendship and cooperation that have characterized relations between Japan and the United States in recent years. I would like to discuss this relationship more fully. What I have to say is neither original nor unsaid. In fact, much of it has been better said by Far Eastern experts, such as Frank Gibney, George W. Ball, and Edwin O. Reischauer; nevertheless, I believe it to be important that it be said on the Senate floor.

His Excellency, Nobuhiko Ushiba, Ambassador of Japan to the United States, in a memorable address at Georgetown University on July 9, 1971, correctly pointed out that the postwar period of world politics is at an end; that the United States and Japan are now at a crossroad in their relations with one another and with the world as a whole. With this, I agree. The question is, in which direction shall we turn and that, in turn, largely depends upon the will of the Japanese and the American people.

As Ambassador Ushiba pointed out in his address, this crossroad is both an opportunity and a danger, depending upon the intelligence with which we face the future, shedding—as we say—many of the cliches of the past. We run the danger of going our separate and independent ways. That could result not only in instability in the Far East, but in the proliferation of world nuclear powers. I believe both Japan and the United States shall gain through genuine cooperation and can only lose if we permit current difference to part our ways.

History is often said to be a lesson for the future. This is certainly true in the case of United States-Japanese relations. Once before, our countries had the choice of working together or going alone. Tragically, the latter course was chosen.

United States-Japanese relations began with the arrival of Admiral Perry's "black ships" in 1853, which were met by a militia at Kurihama bearing matchlocks and pikes. It was the exposure of Japan to western culture and technology begun by Perry's visit which moved Japan rapidly towards the Meiji Restoration, a period which brought not only an awareness of the world of the 19th century, but developed the political, military and social institutions with which to participate with the West as a partner. All of this was accomplished in 75 years. The unfortunate misunderstandings between the United States and Japan which led to World War II closed an era of warm relations between the two countries and ended the thrust of Japan toward a position of world leadership.

The growth of Japan from 250 years of peaceful isolation during the Feudal Tokogawa period to a modern, Western nation occurred with wrenching rapidity and moved Japan into a world which was truly a diplomatic jungle with European powers bent on the acquisition and colonization of Asian territories. The weapons and technology of the industrial revolution were used to intimidate and subvert the less developed and weaker Asian countries.

By selectively westernizing the Japanese military, political, economic and social cultures, Japan by the turn of century fielded a military establishment which was able to defeat decisively the Russian Baltic fleet, to defeat China, to participate with the western powers in the suppression of the Boxer Rebellion, and to conclude a naval alliance with Great Britain.

During the four decades prior to 1895, when Japan defeated China, the United States viewed Japan as a "willing student," capable of assimilating modern Western ways, and took the role of a "benevolent teacher." Japan viewed the United States as the most friendly of the Western powers with little or no colonial intentions.

The 10 years from 1895 to 1905 marked a period of transition between the United States and Japan. The United States acquired the Philippines and the Hawaiian Islands in 1898, declared an "open door" policy on China in 1899, and promoted a peace treaty between Russia and Japan in 1905. Thus, both nations emerged simultaneous as "Pacific powers" with substantial military, economic, and political interests involved. From 1905 the relations between the two countries assumed a competitive status. The United States began to view Japan as a rival for the newly developing China markets, as Japan pursued a policy of economic expansion in southern Manchuria. This uneasiness was intensified by the U.S. realization that Japan had the military capability to defeat a Western navy, such as Russia, and could possibly challenge U.S. supremacy in the Pacific. Japan, on the other hand, had achieved with its victory over Russia, the goal which it had pursued since Perry had "opened" Japan 50 years earlier—equal status with Western powers.

Much has been written concerning the seeds of hostility which resulted in the fateful decision of Japan to attack the United States. In retrospect it now seems clear that both countries were guilty of gross miscalculation and of a misunderstanding of each other's aims and purposes.

The catastrophic defeat of Japan in World War II thrust it back into a position of uncertainty, fear, and insecurity where it had to depend upon the United States to assist it to become, once again, an important member of the family of nations.

Following World War II, Japan reassumed the role of a willing and capable student of the United States, and painfully began the task of rebuilding its shattered economy. The vast effort of the United States to rebuild markets and industry in those areas of the world ravaged by war created an environment for Japan and other nations free of the picketed protectionist walls of the 1930's and of the Western colonialism which dominated the later part of the 19th century. By the end of the occupation by U.S. forces in 1952, Japan aided by U.S. material, financial, and technological assistance, was beginning to compete in world markets.

During the postwar period, and as a result of the traumatic shock of defeat, Japan had withdrawn constitutionally and psychologically from participation in international affairs; indeed it showed no desire to participate in any way in the affairs of the world or, for that matter, of Asia. Foremost in the minds of the Japanese people was economic recovery. "Increase production" was the slogan of the fifties. The racehorse characteristic of the Japanese economy in the sixties is well known. In gross national product it ranks second only to the United States in the free world, and may overtake Russia by 1980. Indeed, some projections show Japan exceeding the United States in gross national product by the year 2000.

The United States has also encouraged Japan to rebuild its modest military establishment under a liberal interpretation of the postwar "peace" constitution, which restricted Japan to nonnuclear "self-defense forces." Today, there is a fundamental repugnance among the Japanese people toward the concept of a strong military force. They appear at this time to be unalterably opposed to a nuclear capability, apparently satisfied to depend upon the U.S. deterrent as long as it remains credible. However, some Japanese commentators feel this anti-military feeling is dying out and foresee the rearming of Japan as a logical extension of its economic growth and of the Nixon doctrine.

In any event, United States-Japanese relations are at a transition point, as they were 70 years ago. Then the transition resulted in a period of strain characterized by misunderstanding and culminating in conflict. Relations are strained again today, both by world events and by economic collision. It is tragic that economic events have combined with international developments to strain our traditional ties of friendship, but such are the facts of this changing world.

Our Nation is no longer the world economic colossus of the 1950's and 1960's. It has found it necessary to adopt strong measures to stave off economic disaster. Because of past liberal trade policies, competition from abroad, in particular from Japan, has made serious inroads into the American market. These inroads have contributed to unemployment and have aggravated other economic difficulties. This has given rise to adverse criticism of Japan within the United States, especially in light of Japan's failure to liberalize its trade and investment policies on a rapid enough scale.

Conversely, the U.S. steps—steps which I support—to strengthen its domestic economy and its balance-of-payments position, have created shock-waves in the Japanese economy. These, in turn, have understandably created concern about the United States.

It would indeed be tragic if the strong competition developing between our two economies should cause irreconcilable rifts in the relations of our two nations. Yet, realistically, this could happen if ways and means are not found to establish a balanced trade relationship. Certainly, the two countries with the greatest economies in the Free World should be capable of finding means of developing fair trade measures. I think there is too little recognition both in Japan and the United States that our economies are in large measure interdependent. In any event, I should warn my Japanese friends that failure to develop promptly fair trade measures will only result, in my judgment, in an increase in protectionist sentiment in America. I recognize that many of our monetary and trade problems require multilateral action.

Beyond the realm of economics, changing international relationships have also led to uncertainty and uneasiness between our two nations. Through the Nixon doctrine, the United States seeks to lower its profile in the Far East. As we lighten our burden, many of us hope that Japan, with its economic strength, will assume a greater share of the responsibility for the development and stability of the Far East. The Japanese are concerned because they do not understand precisely what the Nixon doctrine means. They are uncertain concerning both our intentions and the credibility of our defense umbrella.

Other events have greatly stirred international waters, especially the Nixon visit to China. The new China policy, announced without prior consultation with Japan, has caused the Japanese people to question the closeness of our ties.

I personally support both the new economic policy and the new China policy. But coming as they did, unanticipated and one upon the other, they have particularly contributed to instability in the relations between Japan and the United States.

The question is where do we go from here. There are conceivably several routes Japan may go, if she should decide to reevaluate her close ties with America. Some commentators fear Japan may scrap its peace constitution, abrogate its mutual security pact with the United States and enter full blown into an arms race to provide herself with the military capability to protect her economic growth. Senator GOLDWATER, for example, has predicted on the Senate floor that Japan is destined to become one of the world's greatest military powers within the next two to three decades. Clearly, she has the potential to do so and only needs a threat to her economic security to provide the impetus. Others foresee her moving away from the United States to some kind of accommodation with China or even with Russia; or in the alternative turning back into herself, renouncing, as in the Tokagawa period, any role in the development of Asia and relying on a strong defensive military force and economic protectionism to protect her way of life.

I have no crystal ball and no means of foreseeing the future. I do believe, however, that it is of the greatest importance to both nations and to world peace that we continue along the road of cooperation. This is true because not only do our security interests largely coincide with those of Japan, but indeed our economic interests are largely interdependent. Failure to cooperate can only create an instability in Asia that would enhance the possibility of armed conflict there and would help bring about economic warfare or protectionism between the world's greatest trading areas. The road of cooperation will not be easy, as our national interests are not always coexistensive. Both sides—the United States and Japan—will have to proceed with greater skill and sensitivity than has characterized past dealings. The relationship of the future will have to be that of full partners, neither party taking the other for granted. As I have stated, Japan is today economically a super power. She will have a major voice in world events, especially in Asia. It is doubtful that any other Asian power will have the economic viability during this century to influence Asian developments to the extent that Japan can.

I believe the United States should look upon this dynamic country as an ally and not as a rival. We must reverse the recent trend that abets those in Japan who do not favor a close relationship with the United States. Prime Minister Sato has demonstrated by his actions that he believes the best interests of his nation are served by close relations with the United States. He supported the United States on Taiwan in the United Nations even though it was at the risk of great personal loss of prestige and public support. The Senate can help strengthen our basic relationship by ratifying the Okinawan Treaty, which is in large measure the product of Prime Minister Sato's diplomacy.

There are, in addition, a number of steps that should be taken by our two countries to help ensure an era of close alliance and cooperation.

First, we should recognize and acknowledge the dominant role which Japan will play in the drama of the Pacific and its continued importance to the United States as an ally. Prof. Edwin O. Reischauer has written of the "triangular" relationship between the United States-Japan and China:

> The Key relationship in East Asia once again is that between China and Japan; the crucial issue is how it affects relations between the United States and Japan, the number one and number three economic powers in the world, whose hitherto close cooperation suddenly seems threatened by a number of serious problems.

Second, we should take steps to restore the confidence of the Japanese people and the Japanese Government that, in the pursuit of a detente with the "other leg of the triangle"—Sino-United States relations—the more important leg—United States-Japanese relations—will not be neglected, but strengthened. Several means are available to illustrate that this is a firm commitment.

First. The President should visit Japan if at all possible prior to his trip to China; at least he should consult Japan with regard to his intentions. His visit with the Emperor in Alaska was a step in the right direction. Further invitations to Premier Sato and the Emperor to visit the continental United States give continuity to a good start.

Second. The United States should maintain close consultation with Japan on its foreign and economic policies for Asia. This should be especially so in matters concerned with Taiwan and Korea and with foreign aid to those countries.

Third. The United States should move to help Japan and the world recognize that Japan is not only an Asian power, but a power with considerable impact on other nations of the world. We should recognize that Japan qualifies for a seat on the Security Council of the United Nations, support her candidacy, and in so doing encourage her to participate more fully in the commonwealth of the free world.

Fourth. Procedures and a structure should be instituted to allow for productive bilateral economic cooperation. No other step could create greater good-will in America for Japan than prompt Japanese action to bring our trade into bal-

ance. As I proposed during my recent visit to Japan, I would establish a joint committee to establish sound trade relations. On the negative side, I would hope such a committee could avoid or minimize trade conflicts before they develop into political disputes. On the positive side, a primary purpose of the committee should be to find areas where trade could be expanded to our mutual benefit. As part of this program, the committee could seek areas for both the public and private sectors of America and Japan to cooperate in the sound development of the underdeveloped nations of Asia. Finally, many of our monetary and trade problems are multilateral in scope. A part of the trade problem—both Japan and the United States—is caused by the European discriminatory provisions against Japanese products. We should work together in seeking multilateral solutions.

Fifth. Perhaps most importantly the United States and Japan should recognize that many of the differences in the past have been caused by differences in culture and language barriers. Consequently, there needs to be an expanded program of cultural and student exchanges to permit better understandings among our peoples.

Mr. President, in closing I want to reemphasize that I believe the United States and Japan are on the threshold of a new relationship. The direction this new relationship takes depends to a large part upon the wisdom displayed by our two Governments. We can, as we did once before, move apart to a period of uncertainty and even hostility, or we can move together as two nations who despite different cultural origins, today share a common belief—representative government and private enterprise; who have the ability, working together, of helping bring about stability in the Pacific and bringing other undeveloped countries into the 20th century. Cooperation can be the keynote to peace in the Far East. We will take the first step toward a sound relationship by ratifying the Okinawan Treaty today.

Mr. MANSFIELD. Mr. President, I wish to express my wholehearted support and approval of Executive J, 92d Congress, the agreement with Japan concerning the Ryukyu Islands and the Daito Islands.

Well over a century ago, an American naval officer, Commodore Perry, arrived at the port of Shimoda with a number of vessels which, I believe, the Japanese referred to as the black ships. I am going on my memory. I have not had a chance to do any research or reading on this matter.

Sometime during the latter part of the last century, the Japanese acquired full dominative control from China of what was then known as the Loo Choo Islands, now known as the Ryukyu Islands, that comprise the prefecture of Okinawa.

About 20 years ago, a treaty of peace was signed between this country and Japan, and at that time one of the American delegates, John Foster Dulles, and others indicated that Okinawa was in the residual sovereignty of the Empire of Japan.

That has been emphasized and reiterated by every President since then. It is over a quarter of a century since the end of the Second World War, and during that period of time Japan, like us, has had its ups and downs.

The Japanese accepted the so-called MacArthur constitution which called for a greatly reduced military force. Notwithstanding the Japanese adherence to that particular clause in that particular constitution, there are those among us today who seem to think that the Japanese should rearm to a greater degree than they have. But I would emphasize the fact that this was a constitution drawn up for and by General MacArthur which the Japanese adopted. As a result Japan has a very small home defense force at the present time, comprising about 250,000 troops, a small navy, and a small air force.

This was one factor, I believe, in making it possible for Japan to devote its energies to economic development, so much so that Japan today ranks third, if not second, among the industrial powers of the world.

Japan has had excellent relations with this Nation since the end of the Second World War. It would be my hope that the United States and Japan would remain friends not only in the decades ahead, but also in the centuries to come.

The Japanese Government and people have received some shocks in recent months from the policies of this Nation. The imposition of the 10-percent surcharge was one. The textile agreement, which was worked out finally, was another. The detonation on Amchitka Island in the Aleutians last Saturday or Sunday was still another. During all of this period, however, the Government of Japan remained steadfast in the friendship, even going so far as to join in a major way in the policy of the administration in trying to bring about not only the admission of Peking into the United Nations, but also the retention of Taiwan as well. The Japanese Government went all the way in support of the position of this country in the U.N. on the question of the admission of Peking and the retention of the Government of China on Taiwan.

The close Japan-United States relationship covers a long time in this day and age, but a short time in the pages of history. It is, I think, to the credit of President Nixon that he met with the Japanese to work out the treaty which is now pending before the Senate. It is a further fulfillment of what has been this Government's position, that the sovereignty of the Ryukyu Islands was residual in Japan. It is a mark, I think, of the growing awareness of each country of the needs of the other. It is a mark of a continued partnership. It is a mark of a continued friendship.

I would hope, there would again be a full return to the traditional friendship between our two peoples and our two Governments which began a century ago. I would hope that this treaty would be approved overwhelmingly and I would express the hope that in the not too distant future we would go the rest of the way.

Mr. CASE. Mr. President, I supported the Okinawa reversion treaty in committee and I shall vote in favor of it tomorrow. The admirable report—and I can say that without reservation because I did not draft it—which our committee submitted on this matter, covers all important and salient points.

I rise only to express what was the unanimous feeling of the committee of our satisfaction that there was no effort to dispose of this matter by executive agreement which would not have required Senate approval. The correct course was taken here. I commend the administration for proceeding in this fashion, and I express the hope, that submission to the Senate will become the guiding rule and normal procedure in all matters of substance in regard to agreements with other countries.

The Senate has a clear constitutional responsibility to pass on agreements with other countries, but in recent years the Senate has often been ignored. This Senate responsibility to give its advice and consent to international agreements must again be recognized, as the administration has done in this case.

Mr. BYRD of Virginia. Mr. President, I think it is important that there be a close cooperation and friendship between the United States and Japan. I agree with practically all of the remarks made by the distinguished majority leader except the conclusion that he draws.

I agree also that the Ryukyus and Okinawa should eventually revert to Japan. I question, however, the timing of the proposed treaty on which the Senate will vote tomorrow.

Okinawa was given to the United States by the Treaty of Peace of 1951.

The United States since that time has had unrestricted right to use this great military base complex in the Pacific as it feels best. The United States now has great commitments throughout the Far Pacific.

We are obligated by treaty to defend and guarantee the security of a large number of nations in that area. When these commitments were made they were made on the assumption that the United States would have the unrestricted right to the use of our military bases on Okinawa.

As I mentioned earlier, this unrestricted right to use Okinawa was obtained by the United States under the Treaty of Peace between the United States and Japan in 1951. Now, the proposed change in the Treaty of Peace, the pending business before the Senate, would give Japan a veto power, a veto as to the use of U.S. military forces on Okinawa. The United States would no longer have the unrestricted right to use this base.

As I mentioned earlier, I feel that eventually the Ryukyus and Okinawa should revert to Japan but I question whether that should be done so long as we have the tremendous commitments which the United States does now have in the Far Pacific.

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

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I would like to ask my distinguished colleague from Virginia if what he is saying in his

judgment would handicap our forces in discharging their responsibilities under the treaty commitments we have with different nations in Southeast Asia—this requirement that we must have prior consultations under the terms of the Mutual Security Treaty. Will that handicap, in the Senator's judgment, our discharging our responsibilities we have to other nations around the world?

Mr. BYRD of Virginia. Mr. President, I say to the distinguished Senator from Wyoming that in my judgment it will handicap the United States in carrying out its commitments in that area. Those who favor ratification of the proposed agreement or treaty with Japan lay great stress on the fact that the government of Premier Sato has made known its desire to cooperate with the United States and has indicated it will keep to a minimum any restrictions which might be put upon that base.

But, Mr. President, none of us know when the government of Premier Sato may no longer be the Government of Japan. As a matter of fact, my information is it will not be so very long before there will be a new Premier in Japan.

So my belief is, in answer to the question of the distinguished Senator from Wyoming, that it will put the United States at the mercy, so to speak, of another nation in carrying out the responsibilities which this country has assumed toward many other countries in the Far Pacific.

The Senator mentioned prior consultation. All of us remember so well the *Pueblo* incident. Adm. Frank L. Johnson, who was senior naval officer in command in Japan at that time, gave as one of the reasons why the United States did not send aircraft to the aid of the *Pueblo* was that it would have required prior consultation with the Japanese Government. Those aircraft were based on Japan—not Okinawa but Japan.

Under the mutual security arrangement of 1960 between Japan and the United States, prior consultation must be sought in regard to certain use of aircraft from Japan itself. At the present time there is no requirement for prior consultation insofar as the use of aircraft from Okinawa is concerned; but once this new agreement is ratified, then Okinawa becomes the same as Japan in that it would require prior consultation before our forces could be used in certain matters of a military nature in that area.

Mr. HANSEN. Mr. President, if the distinguished Senator from Virginia would yield further, I would like to ask him if it is not a fact that the United States is committed to the defense not only of Japan but of South Korea, Taiwan, the Philippines, Australia, New Zealand, Pakistan, and Thailand.

Mr. BYRD of Virginia. Yes; almost that whole area in that part of the world.

Mr. HANSEN. Is it not a fact that military strategists are in general agreement that the presence of our nuclear weapons in that part of the world constitutes a pretty effective umbrella that contributes much to the defense of those nations insofar as our commitments are concerned?

Mr. BYRD of Virginia. Yes. I believe that certainly is the prevailing view, and I think an accurate one.

Mr. HANSEN. I am wondering how, if nuclear weapons are withdrawn from Okinawa, we will maintain an adequate nuclear umbrella for disarmed Japan.

Mr. BYRD of Virginia. I am frank to say I do not know the answer to that question. I assume that such weapons would need to be stored somewhere else in that area of the world. Where that would be, I am not in a position to say, but most certainly, the change in the status of Okinawa will have an effect on the nuclear umbrella which the Senator from Wyoming mentions.

Mr. HANSEN. Does my distinguished colleague know if Japan has ratified the treaty dealing with the nonproliferation of nuclear weapons?

Mr. BYRD of Virginia. My understanding is that Japan has not ratified such treaty.

Mr. HANSEN. I do not know whether my distinguished colleague would care to speculate as to the reasons why Japan has not ratified that treaty. If he has opinions he would care to state, I would be much interested.

Mr. BYRD of Virginia. I would not care to speculate. I would hope—and I have hoped before this—that Japan would ratify the nonproliferation treaty. I supported that treaty in the Senate. I think it is a very desirable one. I would not want to speculate as to why Japan has not ratified it.

Mr. HANSEN. I know we have all been concerned about the imbalance of payments that the United States has had over the last several years. As members of the Senate Finance Committee, I think it can be said that the Senator from Virginia and I supported generally those efforts taken by the administration in order to bring the balance-of-payments picture into a nearer balance so that the United States will not have a continuing outflow of money.

In that regard, I understand that we have invested over $2 billion in military facilities in Okinawa, and that, under the terms of this treaty, Japan would be buying those installations for around $320 million. Is that the information the Senator from Virginia has?

Mr. BYRD of Virginia. The $320 million is the understanding the Senator from Virginia has as to the amount that Japan would be paying. As to the exact amount which the United States has put into Okinawa in the way of dollars, I am not certain of the $2 billion figure. In seeking to pin the figure down, I have received varying answers. But I would guess that it is not too far off and probably it is rather accurate.

I might say that, whatever the figure is, the replacement value would be substantially higher—perhaps two to three or four times as much as whatever the original amount might have been.

Mr. HANSEN. I think there is some confusion today, as nearly as I can gather. We have the 1951 peace treaty with Japan, and then we have another treaty or agreement that we entered into in 1960. Am I right about that?

Mr. BYRD of Virginia. The Senator from Wyoming is correct. There are two separate treaties, one a treaty of peace, ratified in 1951, and the other the mutual security agreement, entered into in 1960; but they are two entirely separate arrangements.

Mr. HANSEN. I would like to ask my distinguished colleague if there is anything in the terms of the 1951 peace treaty which requires us to return Okinawa to the Japanese.

Mr. BYRD of Virginia. Nothing whatsoever. The United States was given the unrestricted use of Okinawa under that treaty.

There is nothing in the treaty itself that in any way requires the United States to give up what was obtained by that treaty of peace. I want to say, however, as I mentioned earlier, that I feel eventually the Ryukyus and Okinawa should revert to Japan, and I would favor that at some subsequent time. But I am doubtful as to the wisdom of doing it now so long as we have these vast commitments which our Nation does have.

Now that we are giving up the right to use Okinawa, at the same time we are not lessening our commitments. I would like to see us have far fewer commitments throughout the world, and fewer commitments throughout the Far Pacific, for that matter. But this treaty does nothing about our commitments.

Mr. HANSEN. As I recall, the Senator made that point when he spoke yesterday. The Senator said then:

> I agree that eventually Okinawa and Ryukyu Islands will revert to control of Japan. But I think it unwise to turn over such control at a time when the United States remains committed so deeply to the defense of Asia and the West Pacific.

As I recall further, the Senator from Virginia pointed out that about 1 percent of Japan's gross national product now goes into its defense budget, underscoring the point that the Senator has just now made—that the responsibility of defense should be shared and borne more equitably by the nations which are benefiting from it, looking forward to the time when we can share these burdens more equitably with our friends in Southeast Asia—and most certainly Japan is a very strong and a very good friend there—so that our obligations thereby will be proportionately less.

I understand the Senator to say that that would be a more appropriate time to take the action which is now contemplated.

Mr. BYRD of Virginia. Yes, that is the way it appears to me. What we are doing now is continuing our commitments but reducing our ability to meet those commitments—as a matter of fact, not only reducing the ability to meet the commitments but making the ability to meet the commitments contingent on another nation.

Japan, as the Senator from Wyoming has mentioned, is a splendid friend. We want to maintain that close friendship and close spirit of cooperation.

But I doubt the wisdom of any country putting itself in the position of being dependent on another country for the abil-

ity to carry out commitments which presumably this country intends to keep.

Mr. HANSEN. Mr. President, I ask one final question. As I understand the Senator from Virginia, he makes the point that despite the assurances given by Prime Minister Sato, like all persons in the political arena, the time may come when he does not speak with the full backing of Japan to the degree that characterizes his present position.

My question is: Must we not rely upon what our treaty commitments are, on the terms of the various treaties that we have entered into with Japan, for guidance as to our future activity and the extent of that activity, rather than depend upon the assurances of someone in an elective office?

Mr. BYRD of Virginia. Yes, that is the more reliable course, it seems to me. All of us in political life in a democracy know how quickly a political life can be shortened. I like to feel that in these great matters—and this is a great matter—we have something a little more durable to rely on. I think a treaty is far more durable than would be the political life of any individual, however able and fine that individual might be.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Virginia. He is a member, as well all know, of the Armed Services Committee. I appreciate the response that he has made to my questions. I would just like to observe that, underscoring the thrust of our response to the question of the approval of the treaty, I think it must be noted that we have commitments in Europe; and how well and how faithfully we discharge our responsibilities to our Asian friends, I think, will be studied closley by our European friends. If we keep and discharge fully and faithfully all of those responsibilities to nations in Southeast Asia, I should think that the European countries, the NATO countries, would have far greater reason to believe completely in the assurances that we have given them, and that I suspect we will continue to give them, insofar as our support to them goes in case they, too, might have trouble.

I thank my colleague.

Mr. BYRD of Virginia. I think the Senator from Wyoming is quite right, and I am grateful for his participation in this discussion.

Mr. President, I hope that time will prove the Senator from Virginia in error in casting his vote, as he intends to do tomorrow, in opposition to this new treaty. I fear, however, that it is likely to prove him correct.

I prefer to be proved in error. It is not pleasant to be casting one of the lone votes in the Senate against this matter of our treaty with our friend Japan. But I have not persuaded myself that it is logical to have these great, vast commitments that we do have, and then to voluntarily give up the unrestricted right to the greatest military base complex in the Far Pacific.

I ask unanimous consent, Mr. President, that extracts from the report on the hearing before the Joint Committee on Atomic Energy, Congress of the United States, 92d Congress, first session, on the Naval nuclear propulsion program, of testimony of Vice Adm. H. G. Rickover on March 10, 1971, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, the gist of this testimony—and this goes back to March—is that Japan prevented American naval vessels from using certain port facilities in Japan. They had the right to do that. I point out to the Senate, however, that this right to prevent American naval vessels from using Japanese ports, which right they have always had, will now extend to the Island of Okinawa. Just to read one sentence from Admiral Rickover's testimony:

On one occasion, the Navy was asked to postpone for several weeks the entry into port of a submarine returning from an arduous patrol, for the convenience of the Japanese monitoring boat and its crew.

As I say, the gist of Admiral Rickover's testimony is that the Japanese have, for various reasons of their own, prevented U.S. military vessels from using their ports, or have delayed them from using the ports, or suspended their right for certain periods of time to use the ports. The same condition can exist with respect to the facilities on Okinawa, if the Senate ratifies the agreement which will be voted on by the Senate tomorrow.

Mr. President, my only purpose in rising today is to make my own position clear on this matter. I conclude by asserting, as I did at the beginning of my remarks, that I feel it is very important that there be a continuation of friendship and cooperation between our two great countries, the United States and Japan. Japan is a fine ally. I think that all of us appreciate the support which Japan gave to the United States on the crucial vote in the United Nations 2 weeks ago. I hope that as the years go by, this friendship and cooperation will survive and be strengthened.

EXHIBIT 1

JAPANESE MONITORING OF U.S. NUCLEAR WARSHIPS

(Extracts from Report on the Hearing before the Joint Committee on Atomic Energy, Congress of the United States, 92d Congress, 1st Session on Naval Nuclear Propulsion Program, Testimony of Vice Adm. H. G. Rickover, March 10, 1971)

In classified testimony, Admiral Rickover covered in detail the problems which the Navy has experienced as a result of false "contamination" allegations raised against U.S. nuclear-powered warships in Japan, and described the extreme measures being applied by the Japanese authorities to these ships at U.S. naval bases in Japan. Some of these measures appear to go well beyond what is reasonable and proper for their stated purpose. They have resulted in the loss of essential U.S. base facilities in Japan to our nuclear warships for extended periods of time, and have caused other interferences to the operations of these important ships. This situation has been allowed to develop despite the overwhelming evidence of the safety of these ships, and the truly remarkable record Admiral Rickover has achieved in the control of radioactive waste.

Although very little of Admiral Rickover's testimony on this subject involves military security information, the departments of State and Defense have requested that the full text not be published at the time in the interest of negotiations now in progress to secure satisfactory access by U.S. nuclear-powered warships to essential U.S. base facilities in Japan on a stable and realistic basis. While complying with this request, the committee regards the situation described by Admiral Rickover as unwarranted and inconsistent with good relations. If the problem cannot be resolved in the current negotiations, or if U.S. nuclear-powered warships should again be subjected to sensationalized false charges in Japan, the committee feels all the facts of the situation should be made available to the public as a matter bearing on the relationship between the United States and Japan. The Joint Committee has asked Admiral Rickover to keep the committee advised of further developments relative to this problem.

NAVAL NUCLEAR PROGRAM HAS OUTSTANDING RECORD IN PROTECTING ENVIRONMENT

Representative HOLIFIELD. I want to say that I have had an opportunity to review this report briefly, and I feel Admiral Rickover and his people deserve a great deal of credit for this effort. That Admiral Rickover has been able to take a program as big and complex as the Navy's nuclear fleet—some 100 operating reactors—and all of their support facilities, shipyards, and so forth, and operate them without affecting the environment is a truly remarkable achievement. It is particularly remarkable since the procedures and controls he uses were not installed as an afterthought, in response to laws or political pressures. They have been built into the program since its inception because of Admiral Rickover's own personal concern for the environment we live in.

FALSE CONTAMINATION INCIDENT IN JAPAN

Senator BAKER. What happened in the big flap over contamination in Japan?

Admiral RICKOVER. I believe you are referring to the incident which occurred in May 1968, in which it was alledged that one of our nuclear submarines had contaminated Sasebo Harbor by releasing radioactivity. However, there was never any contamination; that was a phony issue. The investigation conducted at that time by the Navy and the AEC showed conclusively that the allegation was without foundation, that the submarine had not released any radioactivity. In fact, the reactor had been shut down for 4 days.

Representative PRICE. As I recall, the problem appeared to be more or less inherent in the kind of monitoring system used by the Japanese. I would also be interested in learning how this matter was resolved, and whether there are currently any problems in this aspect of our nuclear submarine visits to Japan.

CONTINUING PROBLEMS WITH JAPANESE MONITORING SYSTEM

Admiral RICKOVER. It has not been resolved, sir; we are still having serious difficulties in Japan. Although our nuclear warships visiting Japan have adhered scrupulously to our safety assurances, and no levels of radioactivity have ever been observed which could be considered significant from the standpoint of public safety, the Japanese monitoring system has grown progressively more [deleted]. Since the political crisis generated at Sasebo in 1968, which, as I have said, was in no way attributable to our nuclear-powered warships, the monitoring system employed by the Japanese has created a continuing atmosphere of suspicion and fear surrounding these visits. Because of this, the Navy in 1968 and 1969 had to suspend nuclear warship visits to our naval bases in Japan for periods totaling 11 months, and has experienced numerous other disruptions of essential Navy work to facilitate pointless investigations of irrelevant

and untraceable electronic phenomena. Since early 1970, we have been deprived altogether of the use of the U.S. Naval Base at Sasebo for these ships, and have lost access to all facilities at Yokosuka except one drydock. [Deleted.]

I am deeply concerned that another Sasebo-type incident could occur at any time, creating more sensational allegations against our nuclear ships [deleted.]

UNREASONABLE CONDITIONS IMPOSED ON U.S. SUBMARINES

I would emphasize here that I do not challenge the right of the Japanese Government to monitor our nuclear-powered warships or impose conditions on their entry into their ports. They have the right, in fact, to keep them out altogether. This is true of any warships, however they may be propelled.

But let us bear in mind that the context in which U.S. nuclear-powered warships visit Japan is that of a cooperative defense relationship between our Governments in which the United States has undertaken to defend Japan in certain circumstances, and the Japanese in turn have agreed to grant us certain base rights in Japan. They have specifically consented to the use of these bases by our nuclear-powered warships. In practice, however, the Japanese Government has imposed onerous, unnecessary, and unreasonable conditions on these visits at an administrative level [deleted.]

It is not as if Japan were a backward nation, imposing these unreasonable restrictions out of ignorance or superstition. They are highly sophisticated in the atomic energy field, and are, in fact, building a nuclear-powered ship of their own. They understand perfectly [deleted] that there is no technical justification for the onerous conditions being imposed on our nuclear warships. What they are doing, however, is building up false fears and anxieties regarding nuclear power in the minds of their own public, as a political expedient. These fears will not be easily overcome in future years. [Deleted.]

This is an involved and complicated issue, sir, but it is one on which I believe this committee should be fully informed, for I feel it could potentially do us great harm. With your permission, I will provide a complete report on this for the record.

Representative PRICE. We would be very much interested in having that in the record.

WATER-COOLED REACTORS RELEASE MINIMUM RADIOACTIVITY

Senator BAKER. Mr. Chairman, may I ask one more question in that connection? This really was behind my question a minute ago about whether there was any new or radical type powerplant in the offing.

As you know, there is this concern of the environmentalists who want us to stop building reactors and stop the breeder program and wait until we get controlled thermonuclear fusion. I don't advocate this for a second. I think it is very shortsighted and as unrealistic as the Japanese episode was unrealistic. It is important, I think, from the standpoint of public relations as well as from the standpoint of efficiency to make sure we not only have new techniques but that we advertise them well and carry our point.

Admiral RICKOVER. There are no reactors that I can envisage which are capable of producing less radioactivity into the environment than water-cooled reactors. The issue then becomes how well you operate and maintain them and the care you take of radioactive emissions. What I told you about the 110 naval reactors shows that it can be done.

With your permission, sir, I will include greater details on the Japanese episode.

Representative PRICE. Please include it in the record.

(The information referred to follows:)

SASEBO INCIDENT A NONINCIDENT

Admiral RICKOVER. I believe it is important that the members of this committee be aware of this situation, not only because of its effects on the nuclear Navy, but also because this is precisely the sort of thing which undermines public confidence in and acceptance of nuclear power, both in the United States and abroad.

To see this issue in perspective, you must bear in mind that the so-called incident at Sasebo in 1968 was, in fact, a nonincident, consisting entirely of a brief series of spurious low-level readings registered on radioactivity monitoring instruments operated by Japanese Government personnel in a small boat about 100 yards from the U.S. nuclear-powered submarine moored in the harbor. These readings were transitory in nature; they were not reproducible even 10 minutes after the peak reading was recorded. No contamination existed; no radioactivity was ever found, nor was cobalt-60 detectable in the harbor bottom sediment, as it would have been if reactor plant effluent from the submarine had been the cause of the readings.

NUMEROUS CONDITIONS COULD CAUSE READINGS

A U.S. Navy repair ship was located between the submarine in question and the monitoring boat when the peak readings were registered, masking the submarine from the monitoring instruments completely. The repair ship was operating a number of welding machines in open doors in a direct, unobstructed line with the position of peak readings, and several other U.S. Navy ships were operating radar and other electronic gear in the vicinity. Any of these, or any combination of them, could easily have caused the slight instrument aberrations recorded by the Japanese monitoring boat. Such electronic interference to radioactivity monitoring instruments is a common phenomenon.

I would also note that the readings themselves were so low as to be inconsequential from the standpoint of public safety. Even if one assumes that the abnormal readings were, in fact, caused by radioactivity—and I emphasize there was no evidence whatever that this was the case—the radiation levels and radioactivity concentrations would have been about 1,000 times less than those considered acceptable for the general public by such authorities as the International Commission on Radiological Protection.

UNITED STATES DEMONSTRATES SUBMARINE NOT RESPONSIBLE

The U.S. Government went to great trouble and expense to demonstrate to the Japanese Government and public that the submarine had not caused the instrument aberration. At the request of the Japanese Prime Minister, three of my senior people were immediately sent to Japan to investigate the incident and attempt to find the cause of the readings. In addition, a legally constituted joint AEC-Navy examining board was dispatched to conduct an independent audit of the submarine. These groups, on the basis of official records, logs, and personal interviews with personnel of both the submarine and the facilities which supported it during its stay in Sasebo, established beyond doubt that the ship's reactor had in fact been shut down for some 96 hours prior to the recording of the abnormal readings, and that the ship had not discharged any radioactivity of any kind to either the harbor or the surrounding atmosphere. In short, they established that the U.S. submarine in question was in no way to blame for the small aberration which comprised this incident. The ship had scrupulously complied with all the assurances we had given the Japanese Government, as have all other U.S. nuclear-powered warships in Japan, both before and since.

JAPANESE GOVERNMENT IGNORES FACTS

However, the Japanese Government did not accept the evidence, but proceeded as if the investigation had shown the submarine to be at fault. They greatly intensified their atmospheric monitoring during visits by U.S. nuclear-powered warships and asked us to give them additional assurances with respect to the discharge of effluent. These actions inevitably conveyed to the Japanese public the impression that the ships were dangerous, and that our assurances were questionable.

INCIDENT DISRUPTS USE OF VITAL BASES

Access by nuclear-powered warships to our naval bases in Japan was interrupted for over 7 months while the Japanese installed additional air monitoring equipment. After visits were resumed, in December 1968, it soon became apparent that transitory, low-level aberrant readings of the type that occurred at Sasebo were frequently being caused by interference from nearby U.S. Navy electronic equipment entirely unrelated to our nuclear propulsion plants. We repeatedly urged that the Japanese authorities disregard these phenomena, since they are virtually impossible to trace, and are so small as to be negligible in any case. However, they adopted the policy of attempting to track down the cause of each of these small aberrations, and undertook progressively elaborate measures in these attempts.

JAPANESE MAKE UNREASONABLE DEMANDS

In April 1969, the Japanese Foreign Minister submitted a list of equipment which they asked the Navy not to use while nuclear-powered warships were in port, in order to reduce interference to their monitoring instruments. This list included radar, radiography and X-ray machinery, and other radiating equipment. This, in effect, would have closed down a large portion of these naval bases, interrupting essential work for no purpose except to facilitate the investigation of trivial electronic phenomena. For obvious reasons, the Navy did not accede to these requests; however, the fact that such measures were seriously suggested by the Japanese Government demonstrates how far these monitoring policies had departed from reality. On one occasion, the Navy was asked to postpone for several weeks the entry into port of a submarine returning from an arduous patrol, for the convenience of the Japanese monitoring boat and its crew. [Deleted.]

I will keep the Joint Committee informed of further developments in this matter.

Mr. BYRD of 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 (Mr. BENTSEN). Without objection, it is so ordered.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not go beyond 12:30 p.m. today.

The motion was agreed to, and (at 12:04 p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 12:30 p.m. when called to order by the Presiding Officer (Mr. BYRD of West Virginia).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Post-secondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress and related acts, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN of Oregon, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS of New Jersey, Mr. BRADEMAS, Mr. HAWKINS, Mr. SCHEUER Mr. MEEDS, Mr. BURTON, Mr. MAZZOLI, Mr. QUIE, Mr. BELL, Mr. REID of New York, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESCH, Mr. STEIGER of Wisconsin, and Mr. HANSEN of Idaho were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10344. An act to authorize the District of Columbia to enter into the Interstate Compact on Mental Health;

H.R. 10677. An act to incorporate in the District of Columbia the Gold Star Wives of America;

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969; and

H.R. 11490. An act to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 10344. An act to authorize the District of Columbia to enter into the Interstate Compact on Mental Health;

H.R. 10677. An act to incorporate in the District of Columbia the Gold Star Wives of America; to the Committee on the Judiciary;

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969; and

H.R. 11490. An act to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia.

AGREEMENT WITH JAPAN CONCERNING THE RYUKYU ISLANDS AND THE DAITO ISLANDS

The Senate, in executive session continued with the consideration of Executive J—92d Congress, first session—the agreement between the United States of America and Japan concerning the Ryukyu Islands and the Daito Islands.

Mr. PERCY. Mr. President, on June 17, 1971, the United States and Japan signed an historic treaty providing for the reversion of the Ryukyu Islands to Japan. This agreement lays the foundation for a new Japanese-American relationship which can benefit both Asia and the entire world.

The Senate, in determining whether or not to ratify the treaty, must bear in mind that U.S. control over Okinawa and the Ryukyus arose out of a situation far different from that which exists today. In 1945, when the United States assumed formal control of the islands, Japan was defeated and under American occupation. By the time the Korean war broke out, the American occupation of Japan was nearing an end; but because of the Korean war and the emergence of Communist China as an ally of the Soviet Union, Okinawa had become important to the United States as its major military base in the Far East. So American administration of the Ryukyus was continued and was formalized in the 1951 Treaty of Peace with Japan. By the time of the peace treaty, Japan had only just begun to reestablish itself as a viable political and economic entity. Given Japan's weakness and the presumed dangers in the area, the United States concluded that it could not afford to give up control over the Ryukyus at that time.

Nevertheless, the United States never intended to keep the islands permanently. While the peace treaty admitted the possibility of transforming the islands into a United Nations trust territory, John Foster Dulles, chief U.S. delegate at the peace conference, pointed out in a letter to the Government of India on August 25, 1951, that Japan still possessed sovereignty over the islands and that the Government of India was presumptuous in believing "that future arrangements regarding the Ryukyu and Bonin Islands, the terms of which are not yet formulated, will hereafter 'be a source of dissatisfaction to large sections of the Japanese people.'" Dulles was suggesting eventual reversion of the islands to Japanese control.

Subsequent administrations gave firmer commitments that the United States would one day return the Ryukyus to Japan. President Eisenhower's joint communique with Japanese Prime Minister Kishi of June 21, 1957, declared that "Japan possessed residual sovereignty over these islands," but that the United States would continue to administer them "so long as the conditions of threat and tension exist in the Far East."

The first explicit statement of American intent to return administrative rights to Japan came from President Kennedy. He said on March 19, 1962:

> I recognize the Ryukyus to be a part of the Japanese homeland and look forward to the day when the security interests of the free world will permit their restoration to full Japanese sovereignty.

President Johnson reaffirmed that position. A joint communique issued by the President and Japanese Prime Minister Sato on November 16, 1967, stated that—

> The President and the Prime Minister agreed that the two Governments should keep under joint and continuous review the status of the Ryukyu Islands, guided by the aim of returning administrative rights over these islands to Japan. . . .

President Nixon has moved boldly to fulfill these past pledges. In November 1969, the President and Prime Minister Sato agreed to enter into negotiations with a view toward reversion of the Ryukyus in 1972. The treaty of June 17 is the culmination of his efforts.

The reversion treaty stems from new circumstances which differ vastly from those of 20 years ago. By agreeing to return the Ryukyus to Japan, the United States recognizes that Japan can no longer be dealt with as a client State. As the world's third greatest industrial power with a gross national product that may overtake the Soviet Union's by the end of this century, Japan will exercise an important influence throughout Asia and the world in the years ahead. The United States must now seek a new relationship with Japan based on a mutuality of interests and operating on the principle of equality between the two Nations.

Elimination of the vestiges of World War II is an essential first step in forging a new Japanese-American partnership. The return of Okinawa and the other Ryukyus to Japan will demonstrate to the Japanese people that the United States seeks such a relationship in good faith.

If the Senate should fail to ratify this treaty, it will have to bear a heavy responsibility for future events. I have no doubt that rejection of the treaty would so damage our relations with Japan that the moderate government of Prime Minister Sato would fall and be replaced by anti-American elements of the Japanese left at the next parliamentary elections which must be held no later than December 1973. If these elements should gain power in Japan, we could expect a sharp shift in Japanese foreign policy away from cooperation with the United States.

Moreover, we could also expect serious problems with the 800,000 residents of Okinawa. All major political parties on

Okinawa favor reversion to Japanese control. On occasion, violent demonstrations against the occupation have occurred. If the Senate rejects this treaty, we could expect increased violence on Okinawa and an upsurge in hostility toward American military personnel. We should ask ourselves now whether we would want to confront the antagonism of 800,000 Okinawans who wish to be reunited with Japan. In such a situation we would appear as a colonial power suppressing the legitimate aspirations of the Okinawan people. In such a situation our military bases on Okinawa would become targets of militant elements and lose their effectiveness.

I have felt so strongly about this situation and about our relations with Japan that, I think approximately 2½ years ago, while in Japan, I went to a conference in Shimoda, a conference of 50 or 60 Japanese legislators and ministers, and spent 3 days talking with them, together with such Americans as Edwin Reischauer, our former and very able Ambassador to Japan, and General Lampert.

It was perfectly clear in conversation with those Japanese, most of whom have a very strong desire to have good ties with the United States, that any kind of precipitate action which looked as though we were not fulfilling the implied commitments we had made over a period of years would have very grave consequences.

On that same trip I also went to Okinawa. I was rather surprised to learn that during the past, I would say, 2½ years, the commanding general in Okinawa had a recollection that I was the only Member of the Senate, besides the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who had stopped in Okinawa. I spent a number of overnights in Okinawa and visited members of the Naha City Council and its committees. I visited the mayor. I personally visited, by helicopter, the entire island area, and then drove in many parts of it.

It would be absolutely inconceivable to me that we could in any way attempt to maintain the degree of security necessary for our forces, as well as for our equipment, if we were in the midst of 800,000 hostile people.

We have not made a special provision for the security of our aircraft or helicopters. The planes are generally parked in very close proximity to the roadways that run through Okinawa. The goodwill of the Okinawans is absolutely essential—a large number of whom are employed by us on the island—in maintaining the missions that are carried out in Okinawa.

So I feel this treaty is not only a practical realization of conditions as they now exist, but also is the fulfillment of the moral commitment that has been made by several Presidents of the United States in the past and which now President Nixon is fulfilling.

Finally, we must remember that the primary purpose of our Okinawa bases has been to support our policies in Asia. If United States-Japanese relations deteriorate because of failure to resolve the reversion question, our entire Asian policy will be in serious jeopardy. Without Japan's cooperation, it is going to be increasingly difficult for the United States to achieve its objectives in the Far East. With a hostile Japan, it will be impossible.

The government of Prime Minister Sato seeks to sustain the Japanese-American alliance. The Prime Minister has indicated time and time again that he does not wish to see U.S. bases on Okinawa reduced to the point of ineffectiveness. The treaty permits the United States to retain its bases subject to the provisions of the United States-Japanese Security Treaty. There is good reason to believe that ratification of the treaty will not rob them of their usefulness. As I have tried to point out, the greater danger to the bases may lie in refusing to ratify the treaty.

It is wrong to consider the return of Okinawa to Japan as a setback for the United States. Actually it is the culmination of a successful policy this country has followed since the end of the Second World War. When we began the occupation of Japan in 1945, we set out to turn the talents and energies of the Japanese people toward the reconstruction of their country. We succeeded. We also sought to establish a stable and workable democratic system of government in Japan. We succeeded in this, too. Japan has become one of the world's most dynamic democracies.

Now it is time to end our occupation of an island group that has belonged to Japan for a century and is populated by Japanese-speaking people who consider themselves part of the Japanese nation. By doing so, we will show the world that two of the world's great democracies can solve their problems in a spirit of good will.

There has been talk of linking the treaty with some of the economic problems we have with Japan. I will not downplay these problems, for they are serious. Japanese imports in some cases have hurt U.S. domestic industries, and the U.S. trade deficit of over $2 billion annually with Japan places a severe strain on our balance of payments. We should continue to negotiate the economic problems, but it would be a mistake to withhold ratification with some kind of economic blackmail in mind. Any such tactic could produce a backlash in Japan which would jeopardize prospects for any agreement on the economic issues.

In recent months we have shocked Japan politically with the surprise announcement of the Kissinger trip to Peking; we have shocked Japan economically with the surprise imposition of the 10-percent border tax; and we have shocked Japan emotionally with the nuclear test at Amchitka.

Rejection of the reversion treaty could be the straw to break the back of the Japanese-American alliance. Ratification of the treaty is clearly in our national interest.

Mr. President, I have considered myself, over a period of many years, one of the stanchest supporters of a freer trade policy and of a full alliance between the United States and Japan. I have been critical of certain actions taken by Japan, or the lack of certain actions by that government. I feel that friends can be critical of each other. But certainly, I speak today with strong feeling and with the deep belief that this is not only in the national interest of the United States, but also certainly in the interest of Japan, and in the interest of Japanese-American relations in the future.

I, therefore, trust that the Senate will overwhelmingly vote "yea" on the vote tomorrow on the Okinawa Reversion Treaty.

Mr. JAVITS. Mr. President, I know of few things which we will be doing here, notwithstanding the fact that other things will be surrounded by storm and fury, which can be more important to the future of mankind and the peace of the world than the ratification of the Okinawa Treaty as recommended by the Committee on Foreign Relations, of which I have the honor to be a member.

I have been in Japan a number of times. I am considered to be rather close to developments between the United States and Japan, and I feel it my duty to lay before the Senate the points which I think are critically important with respect to this treaty, and why I regard this moment as a true watershed in the relationships between the United States and Japan.

First, the most important political issue in Japan today is the return of Okinawa to Japanese administration. The successful negotiation of the agreement on the reversion of Okinawa is one of the major postwar accomplishments of U.S. diplomacy in Asia. It is also an accomplishment of overriding political significance to the Liberal Democratic Party of the Government of Japan. In many respects, the basic policy of the LDP government—Premier Sato's government—in alining itself in close cooperation with the United States, in both security and economic affairs, was crucially related to the peaceful reversion of Okinawa to Japan through cooperative negotiation.

In the eyes of the Japanese voters the success of the Okinawa reversion treaty determines whether this policy was successful or not. I am confident that the success of this policy will be demonstrated in the vote tomorrow, ratifying this agreement to return Okinawa to Japan in a generous and statesmanlike way.

It is critically important to the United States, in my judgment, that that policy succeed. I do not believe it an exaggeration to say that failure to implement the United States-Japan agreement on the return of Okinawa—because of Senate failure to ratify the implementing treaty, or any other reason—would have the most profound consequences in Japan. I think it could bring about a rupture in United States-Japanese relations which might prove too deep for reconciliation over any short period of time.

The basic premise of the Nixon doctrine, and the underlying U.S. strategy for peace, security, and progress in Asia—which rest on the assumption of a close and cooperative United States-Japan re-

lationship—could be nullified. A new government of quite different orientation—perhaps left-neutralist, perhaps right-wing nationalist—could come to power on the heels of any collapse of the agreement on Okinawa reversion.

Accordingly, in my judgment, the Senate's handling of the Okinawa Reversion Treaty will be a major test of our statesmanship and sense of responsibility respecting U.S. foreign policy and the security interests of both the United States and Japan.

Mr. President, I believe it critically important to point out that the real issue at stake is this: Surely, there are still differences with Japan, though we have settled, and I think satisfactorily, one of our very major differences, in respect to "manmade" textiles, in the well-starred and auspicious "manmade" textile agreement. But we still have a tremendous area of difficulty in respect to currency realinement.

To some it might seem an easy temptation, Mr. President, to hold the Okinawa Treaty hostage for some agreement on the realinement of currency. I know of nothing more likely to be counterproductive in terms of achieving that objective or of our relations with Japan and the people of Asia than any such action as that—to wit, holding the Okinawa Treaty hostage to other problems which we have with Japan. There was this danger in the absence of a textile agreement.

Mr. President, we have seen two faces of Japan in the last 40 years. We have seen a Japan which threatened the world. This was the ugly menacing face of extreme nationalism and militarism of the 1930's and the 1940's, a memory burned deeply into the psyche of the 750 million inhabitants of China, the other peoples of Asia and the people of the United States and Europe as well.

Then we have seen Japan's peaceful and democratic face of the 1950's, the 1960's, and now the 1970's. This is one of those great historic transformations which seem at times almost miraculous. The close United States-Japan tie of the past two decades has been a vital factor in this transformation. I believe that a continuing close United States-Japan tie is a precondition to the security of Asia and the world. It is critically important that Japan remain dedicated to peaceful productivity, with the tremendous dynamism which Japan has shown within the last two decades. We feel this competition, of course, but we certainly welcome this kind of competition rather than military or nationalistic competition.

The prime task in Asia in the 1970's will be the productive channeling of Japan's economic "miracle" and productivity. This amazing thrust represents and expresses an extraordinary national drive, discipline, capacity for organization, and irrepressible determination to excel and to enjoy a place in the sun.

Mr. President, we talk often now about what will be done with mainland China, and we must realize that, though Taiwan is going to be a difficult issue and nonproliferation of nuclear arms is going to be a difficult issue—and there will be other issues, including Vietnam and Indochina, in which we will find it difficult to agree with mainland China—in my judgment, the overriding issue of all is Japan. I can foresee a genuine community of interest between China and the United States with respect to Japan's role in Asia based on quite a different approach. A major challenge for the United States and industrialized Europe is to devise means for a mutually agreeable channeling and absorption of Japan's fantastic productive capacity. Clearly, the upper limits of absorption of Japanese exports into the U.S. economy have been reached—and Europe is not anxious to increase its role as a trading partner for Japan. On the other hand, China's economy is hungry for credits and industrial imports—as are the economies of most other Asian nations, including even Australia and New Zealand.

The ingredients are present for a grand concert in Asia, in which China could play a leading role—for the purpose of channeling and absorbing the great thrust and productive capacity of Japan's ever-growing economy for the benefit of the development of Asia. There lies a true community of interests. And, it does not mean excluding Western Europe or the United States—or self-help by a dynamic and developing Asia, it means only a theater for Japanese effort.

The other direction—that of isolating Japan and thwarting Japan's capacity and determination to excel—is the route best calculated in my judgment to bring about the very results which Peking—and Washington—have the greatest interest in preventing. A Japan which is isolated and thwarted is a Japan more likely to become vengeful and militantly nationalistic. Such a seething and rootless Japan could turn to the path of militarism, which it followed so disastrously in the 1930's and 1940's. This time a militaristic Japan would be equipped with a nuclear capacity.

So the ingredients are present for a grand concert in Asia in which the United States, mainland China, and Japan could all play very leading roles, and which could be of tremendous benefit to all mankind.

Mr. President, a word about the outstanding problem we still have with Japan, and that is the revaluation of the Japanese yen. The revaluation to date has not yet been adequate. So far, the float—or what is called the dirty float—of the Japanese yen has brought it under the 10-percent range in relation to the U.S. dollar. However, Japan has indicated that it is willing to revalue its yen up to 12½ percent if the 10-percent import surcharge of the United States is lifted. If we add this revaluation of 12½ percent to some devaluation of the dollar in terms of a change in the gold parity—which I favored and which I joined Representative Royce, of Wisconsin, to bring about by congressional action and which I believe the Congress would favor—this would effectively realine the yen to the dollar in a range in excess of 15 percent. If that is coupled over the long term with the action of the International Monetary Fund in going to wider bands, from 1 to 3 percent in respect of the relationship between currencies, then the revaluation will come into the very realistic level which ought to be highly acceptable to the United States and to our trade position with Japan which remains very much to Japan's advantage. This would clear the way for the early lifting of the import surcharge before this becomes imbedded in concrete doing great harm to our economic relations with the free world and jeopardizing international flows of trade and investment.

In addition, it is very noteworthy that Japan has agreed to approximately double its military procurement from the United States. This has been running about $100 million a year for the past 5 years. The Japanese hope to increase it to $200 million a year or $1 billion over 5 years, and this is a very good figure.

Finally, Mr. President, Japan was with the United States all the way on the two-China policy in the U.N. The fruit of this for the Sato government has been very bitter; and we hope that the fruit of the ratification of the Okinawa Treaty, plus the new sense of cooperation in the development of Asia about which I have spoken, will be a sweet fruit for the Sato government, and will make up for some of the difficulties it has encountered in respect of following our lead on the China policy in the United Nations.

Mr. President, in my judgment, relations between the United States and Japan have reached a psychological watershed of great importance. The style of relationship forged during the postwar occupation and reconstruction days is obviously obsolescent. Japan has emerged as the second strongest economic power of the free world. That is a new reality which we are accommodating in the tone of our relationship, in its nature, and in the agreements which we are beginning to reach—as, for example in the manmade textile agreement and now in respect of the reversion of Okinawa.

The United States must not be diverted in terms of its domestic troubles, in view of our tragic experience in Vietnam, from the overriding importance of stability and peace in Asia. So, while we require both tact and hardheadedness in equal measure, if there is to be the kind of creative United States-Japan partnership in concert with other multinational efforts which I have described, and which is indicated by the wonderful way in which this treaty was negotiated, we could inaugurate an era of unprecedented growth, prosperity, and peace in all of Asia.

Mr. President, this treaty has a remarkable quality about it which is evident in its very text and texture. It is obviously the product of a close, cooperative, collaboration between friends of mutual good will and common purpose. It is pervaded by an atmosphere of mutual understanding, and considerateness for the varying interests of the two sides. It is prudent and businesslike in its substance as well as its style. In many respects, it could be cited as a model for the successful conduct of affairs between two great and friendly nations.

It is all the more remarkable in this

regard when we remember that it deals with an issue which derives from the heat of fierce battle and deep antagonism less than three decades ago—World War II and the bloody struggle on Okinawa itself. The Okinawa Treaty is evidence of, and a tribute to, the capacity of men to bury the hatreds of the past and forge a new and cooperative future together.

The negotiators on both sides are to be commended for their skill and their success. In this regard, I am especially proud of the key role played by Minister Richard L. Sneider of the U.S. Embassy in Tokyo. Mr. Sneider is one of our most skilled and experienced diplomats in Asia. He was the prime negotiator on the U.S. side. Mr. Sneider is a New Yorker and I want the record of the Senate debate to make note of the credit he deserves in this historic matter.

On our side, it is important that we give Japan every feeling that it is not going to be crowded, thwarted, or restricted in its drive for a place in the sun through economic growth. Japan needs a place—and is entitled to a place—commensurate with the extraordinary vitality, ingenuity, and creativity of her people. If Japan is not made to feel that the developed world is prepared to accept an honorable and leading role for Japan, achieved through peaceful, nonmilitary means, Japan could again turn to the path of militant nationalism and seek its place in the sun through nuclear armament.

On Japan's side, I feel, as an American, that it will be necessary for it to develop great tact and statesmanship in its drive for commercial ascendency. Resistance has grown strongly, in both the developed and undeveloped worlds, to what often seems to others to be the aggressive, almost single-minded Japanese pursuit of profit and commercial advantage. Japan can and should do a great deal itself to avoid creating the external conditions of reactive stifling which could in turn rechannel Japanese energies into negative patterns.

In short, Mr. President, I regard the Okinawa Treaty ratification as a most auspicious landmark on a long and difficult road, a good deal of which we have already travelled, in which both we and Japan—and now mainland China—may, by this means, be encouraged to play the great role in the future development of what is the center of world attention as a continent today—Asia.

Asia's history in this century has not been happy. On the contrary, we have experienced World War II, the Korean war and now the great tragedy of Vietnam.

Out of tragedy has often emerged a golden day for the world.

I hope very much that Senators may recognize, as they vote to ratify the Okinawa treaty—as I hope and trust they will, and as there is every indication they will—that we are all part of a historic process which has the capacity for putting the continent of Asia on a road of development and peace which can be the gratification, not the ending, of all mankind.

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 (Mr. INOUYE). Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 1:45 p.m. today.

The motion was agreed to, and at 1:20 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1:44 p.m., when called to order by the Presiding Officer (Mr. INOUYE).

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.

FOREIGN MILITARY, ECONOMIC, AND HUMANITARIAN ASSISTANCE AUTHORIZATIONS, 1972—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I make the following unanimous consent requests, at the direction and with the approval of the distinguished majority leader, after having consulted with the distinguished minority leader, the distinguished assistant Republican leader, the distinguished Senator from Mississippi (Mr. STENNIS), and other Senators who are known to be interested in certain amendments. The requests are as follows:

I ask unanimous consent that with respect to both S. 2819 and S. 2820, the two foreign aid measures, time for debate on each of the measures be limited to 6 hours, the time to be equally divided between and controlled by the distinguished manager of the bill and the distinguished minority leader or his designee; that time on any amendment thereto be limited to 1 hour, with the exception of an amendment by the Senator from New York (Mr. JAVITS) to S. 2820, the so-called concessional amendment, in connection with which there be 2 hours; provided further, that if the distinguished Senator from Mississippi (Mr. STENNIS) should decide to offer an amendment to S. 2819, time on that amendment be limited to 4 hours; the time on any amendment to be equally divided between the mover of the amendment and the distinguished manager of the bill; provided further, that if the manager of the bill supports such amendment, time in opposition thereto then be under the control of the minority leader or his designee; provided further, Mr. President, that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, with the exception of nondebatable motions; ordered further, that time on any amendment in the second degree, any motion or appeal, with the exception of nondebatable motions, be limited to 30 minutes, the time to be equally divided in each case between the mover of such amendment, motion, or appeal, and the manager of the bill; and in the event that the manager of the bill supports such amendment, motion, or appeal, the time in opposition thereto be under the control of the distinguished Republican leader or his designee; provided further, Mr. President, that amendments not germane may be in order; and provided that any rollcall votes on any amendments not occur prior to the vote on the treaty which is scheduled to occur at 3 p.m. tomorrow.

Mr. SCOTT. Mr. President, I accept and agree to the unanimous-consent request which has been taken up with the members of my party at a policy session now in progress.

While I personally would prefer the rule of germaneness, this requires unanimous-consent request, and therefore, in order to obtain unanimous consent we have had to include the provision on nongermane amendments being offered. I express the hope that they will not; but, in any event, I accept the unanimous-consent request and thank the assistant majority leader.

Mr. BYRD of West Virginia. I thank the distinguished Republican leader.

Mr. JAVITS. If I may interject, just to be sure, we have taken care of amendments to amendments, have we not?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER (Mr. INOUYE). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I thank the Chair. I also thank the distinguished Senator from Mississippi (Mr. STENNIS) for his patience and his courtesy in waiting. I also thank the distinguished Republican leader and all other Senators.

It is the understanding of the joint leadership that when debate on the treaty has come to an end this afternoon, the Senate will then proceed to the consideration of the first of the two foreign aid measures. By the first, I mean S. 2820.

Mr. President, I ask unanimous consent that time on that bill not begin running today.

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

The unanimous-consent agreement reads as follows:

Ordered, That commencing Wednesday, November 10, 1971, during the further consideration of the bills, S. 2819, a bill to provide foreign military and related assistance authorizations for fiscal year 1972, and for other purposes, and S. 2820, a bill to provide foreign economic and humanitarian assistance authorizations for fiscal year 1972, and for other purposes, debate on any amendment (except an amendment to be

offered by the Senator from New York (Mr. Javits) to S. 2820 on which there shall be 2 hours, and an amendment to S. 2819 if offered by the Senator from Mississippi (Mr. Stennis) on which there shall be 4 hours) shall be limited to 1 hour to be equally divided and controlled by the mover of the amendment and the manager of the bill. *Provided*, That debate on any amendment to an amendment (an amendment in the second degree), motions or appeals (except nondebatable motions) shall be limited to 30 minutes to be equally divided and controlled between the mover of any such amendment or motion or appeal and the manager of the bill. *Provided further*, That in the event that the manager of the bill is in favor of the amendment, motion or appeal, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of final passage of the two bills, there shall be 6 hours of debate on each, to be equally divided and controlled, respectively, by the manager of the bill and the Minority Leader or his designee: *Provided*, That the manager of the bill or the Minority Leader, from the time under their control on the passage of said bills, may allot additional time to any Senator during the consideration of any amendment, motion (except non-debatable motions) or appeals.

Ordered further, That no vote occur on either bill, amendment, motion or appeal relative thereto until after the vote on Executive J at 3:00 p.m. on November 10, 1971.

AGREEMENT WITH JAPAN CONCERNING THE RYUKYU ISLANDS AND THE DAITO ISLANDS

The Senate, in executive session, continued with the consideration of Executive J (92d Congress, 1st session), the agreement between the United States of America and Japan concerning the Ryukyu Islands and the Daito Islands.

Mr. STENNIS. Mr. President, what is the pending matter now before the Senate?

The PRESIDING OFFICER. The pending matter before the Senate is the proposed agreement between the United States of America and Japan concerning the Ryukyu Islands and the Daito Islands.

Mr. STENNIS. I thank the Chair.

Mr. President, as I understand it, this matter has been agreed to for a vote tomorrow afternoon at 3 o'clock. As I have to be away tomorrow afternoon, regrettably, I have tried to rush preparation of this statement so that I might make it this afternoon.

Preliminary, let me say that each member of the Committee on Armed Services has understood, as I announced last week, that we would not try to have a formal report on the treaty. We did want to develop the evidence and particularly take testimony relating to the military phases of the treaty; but I said we would not try to have a formal report. I have had this course of action in mind all the while. I did not want to delay the treaty, as the Committee on Foreign Relations has the primary responsibility. Then, when the treaty was reported, I wanted it to come to debate soon—even last Friday.

I appreciate the leadership's agreeing to put it over until we could have our hearings which, by the way, were quite profitable. I think a valuable record has been made.

Now, Mr. President, the Armed Services Committee has held hearings in executive session on the pending treaty. We did not ask that it be referred to us formally, as I have said, but we wanted to discharge our responsibilities to the Senate. We inquired especially into the military implications of transferring control of Okinawa to Japan and how this relates—as provided under the treaty—to our future problems.

Reversion is, of course, a highly important question for the United States and Japan. It is a difficult matter for any Senator—to pass on, I emphasize that—especially for a Senator who has the responsibility as chairman of the Armed Services Committee.

Our committee heard from General Westmoreland, who is the Army Chief of Staff and spoke for the Joint Chiefs of Staff, Admiral Moorer, the Chairman of the Joint Chiefs, being out of the country. We also heard the High Commissioner of Okinawa, Lt. Gen. James B. Lampert. We also questioned Mr. V. Alexis Johnson, the Under Secretary of State for Political Affairs, along with other experts on the treaty. We of course had our own general knowledge of the treaty. Some of us had special knowledge of it when it was announced by the executive department. I have concluded, Mr. President, that while there are military implications for the United States, the fundamental question here is one of sovereignty.

For 25 years we have had unlimited use of Okinawa bases under treaty provisions—that is, our treaty with Japan—following World War II.

I believe that our administration there has been even-handed, but it is, nevertheless, a fact that the High Commissioner has had the power to veto any bill of the local government, to annul any law, or to remove any official. In short, we have had broad powers on Okinawa while Japan has had the unquestioned residual sovereignty there.

This goes to the point that when we have a military base which is not on our own sovereign territory, but on the sovereign territory or the semisovereign territory of another nation, we just have to deal with that nation about it. That is all. It is not like having a base on your own soil.

I questioned General Westmoreland very closely with respect to the views of the Joint Chiefs of Staff on the reversion treaty. He said that, putting political considerations aside, he would prefer the status quo on Okinawa. But he felt that we would realize more under the treaty than without it, when all things are considered. In other words he felt, and he said—the Joint Chiefs concluded, that they would prefer the status quo now, putting political considerations aside, but that when those elements were considered, they really thought that over the years they would get more out of Okinawa under the treaty than without it.

That was a very significant statement to me. I am not following anyone blindly. However, when considered with my ideas concerning sovereign powers, that was a very influential point with me.

General Westmoreland recognized that failure to ratify the treaty would create an unfavorable political climate in Japan. He said that reversion under the treaty would be a plus for relations between the United States and Japan as Japan takes on new responsibility in the Western Pacific.

We have to remember, too, that we have other bases on what we would ordinarily say is the mainland. However, in this case they are on the main islands of Japan. For this question not only involves bases on Okinawa, but also involves the whole relationship with respect to all of those bases in Japan.

In this connection, General Westmoreland told our committee:

> The Joint Chiefs of Staff understand and accept the judgment that political considerations in this case outweigh the partial loss of military flexibility entailed in reversion. We will find other ways to get the job done so as to minimize any loss of capability.

That was in his formal statement. I have been quoting him in his answers to my questions, and that is where we get down closer to the nub of things.

It is important to understand that, within the terms of our mutual security treaty with Japan, the Japanese self-defense forces will be strengthened to assume the primary defense role for Okinawa. I believe this is as it should be.

That means that the local government, as well as the self-defense for Okinawa itself, will now be the responsibility of Japan.

I think it is entirely proper that Japan assume an increasing responsibility for security and stability in Asia and in Asian waters. I believe that unless Japan does assume a role, both with money and manpower, the prospects for peace and economic growth in the area are grim indeed.

That is what I believe. In fact, I believe that Japan's aid and manpower are necessary for the operation of free nations in the Pacific.

Senators should understand that, while we will retain base rights and most of our bases in Okinawa, we will lose some of our military flexibility when Okinawa becomes a part of Japan.

There is no question about Okinawa having belonged to Japan before the war. There is no question about our being there now under the retained power that we kept when that was over. The island has been under the charge of the United States, so far as its administration was concerned, under a high commissioner, who is a military officer of our Armed Forces.

As I have said, while we would retain base rights under the treaty, we would lose some of our military flexibility if Okinawa becomes part of Japan.

We will not be able to make major additions to the U.S. forces there without consulting the Japanese Government. We will not be able to mount combat operations—air strikes, for example—from the bases on Okinawa without prior consultation.

Mr. President, finally, we will not be able to store nuclear weapons in Okinawa without approval, if we should wish to do so.

Generally, however, we will have the

continued use of the Okinawa bases for staging of forces and for logistic purposes.

In one important respect we will be better off both in Okinawa and Japan when the Japanese assert their full sovereignty in Okinawa. A high ranking Pentagon official told me recently that our overall position will be improved if the Japanese Government is responsible for handling disorder and unrest on Okinawa rather than having this responsibility of our own military forces.

Developing further the use of Okinawa, as it will continue under the treaty; if we should fly from Okinawa to bases in South Korea, as an intermediate landing point, we would not have to have any consultation. This is the way I understand it. If we have marines on Okinawa that we want to use, they would probably be embarked on a ship which would cruise for a time and then put the marines ashore. That would be permitted, as I understand the explanations. That is the ordinary way an amphibious force is handled. But, as I have said, everything that might come up cannot be pinpointed exactly.

I understand why we keep the bases there. We are going to have tremendous use for them and, while their use will be limited from what it is now, Okinawa will be very powerful in the Pacific area, beyond question, and will have tremendous uses.

I believe continuing Okinawa under these conditions would be better than letting the situation fall apart altogether as I believe it would do in 3 to 5 years.

Senators should understand that while our base rights are continued by the treaty, there is no guarantee that they will always be continued. In our hearings in the Committee on Armed Services we discussed this aspect of the reversion question. Twenty-five years after the United States gained control of Okinawa, it is surely not possible to say what situation will prevail 25 years hence.

Without trying to delve into the politics of another nation, it is certainly fair to say that there has still been anti-American sentiment in Japan among the minority parties. If that sentiment should, at some future date, change the attitude of the Japanese Government, we might be forced to take our Okinawa bases and those in the home islands to some other locations.

I think that is a highly significant fact. I am convinced we cannot sail on and on forever on these Okinawa bases with free and unlimited use under the High Commissioner as we have for the last 25 years.

The President, in particular, convinced me of this. I was impressed with a statement he made, in the course of a briefing months ago, with reference to what we are up against in our future operations there. I find the same sentiment echoed by the military witnesses, and others.

I say again, for emphasis, that we make a mistake if we think we have a choice between continuing as we are and continuing under reversion or the treaty. I do not think there is a chance for us to continue as we are for but a few more years. Therefore, it is better to establish this new relationship, and better to put our position more in line with those who have the responsibility of power in Japan—in other words, the Government, the administration in office.

I emphasize again that I will not be greatly surprised if, in the future, we are asked to provide alternative sites elsewhere in the Pacific for some of the activities which are to continue on Okinawa under the terms of the treaty.

The security of Japan is only a portion of the U.S. commitment in that part of the world. As Senators know, we have troops in South Korea and close ties to Taiwan, the Philippines, Australia, and other nations. Unless these commitments are somehow reduced, they might have to be discharged from bases other than those in Japan and on Okinawa, and the Senate should understand that.

On balance, however, I am persuaded that we should recognize Japan's sovereignty and approve the reversion treaty. I hope that this will serve to continue an era of cooperation with Japan and that the contingencies that I have mentioned need not materialize. In any event, however, I think the interests of the United States are best served by approval of the treaty. This is my considered judgment based on the facts now existing and likely to exist in the future. When a nation has a military base beyond its own sovereignty, that nation has to deal with the nation which has sovereign power at the site of the base. In this instance it is Japan.

A good deal has been said about storage of nuclear weapons. I am not going into any detailed discussion of that. There is time to take whatever steps are necessary with respect to nuclear weapons, wherever the problem arises.

As I said, I would have spoken on this matter tomorrow—I assume it is going to be open to debate—but, regrettably, I shall have to be away tomorrow afternoon, and I thought I had better discharge my responsibilities here today.

Mr. GOLDWATER. Mr. President, I was present at the hearing on yesterday. The hearings only bolster my fear about this treaty. I will very recluctantly vote against it.

I feel basically as all Americans do, in opposition in effect to colonization or our keeping of lands that we occupy through war.

The Senator from Mississippi mentioned what to me is the main objection in a broad sense, that we would be prohibited from launching any military operations from Okinawa without consultations with the Japanese Government. This came through to me yesterday as I listened to the representatives of the military and the State Department. For example, it is my belief—and correct me if I am wrong—that if we still have troops in South Korea or on the DMZ and the North Koreans attack and we require air operations, which are not available on the mainland of China or in South Korea, that under the language I heard yesterday, we would have to have consultations with the Japanese Government before we could help our own troops. Am I correct on that?

Mr. STENNIS. Mr. President, I do not remember that particular representation. Is the Senator in his illustration talking about an attack by North Vietnam or North Korea on Okinawa bases?

Mr. GOLDWATER. No. I am just using an example. It could apply to any other instance. If North Korea decided to disregard the so-called armistice and open active operations against our troops and South Korean troops that would require air support above that which we could furnish from our South Korean bases, would we be able to operate B–52s from Okinawa or would we first have to get permission of the Japanese Government?

Mr. STENNIS. I did not hear such an illustration in our testimony.

Mr. GOLDWATER. The illustration given was in the Southeast Asian theater. I am assuming the Southeast Asian theater will have been concluded before this treaty goes into operation. I understand the Japanese Government did not yet authorize it. I use Korea only as an example of what we might have in that part of the world where North Korea could attack our troops or South Korean troops. If the Japanese Government by that time wanted to do so, for political reason such as an alliance with the Soviet Union—which I do not put past the possibility of happening—they could deny us or delay cooperation with us to the point that we could not get what we wanted by launching such an attack.

Mr. STENNIS. In such situations, the "cans" and "cannots" are not always crystal clear in advance, but Prime Minister Sato has said—in November 1969—that the security of South Korea was essential to the security of Japan, and that the security of Taiwan was most important to Japan. That serves as a very strong lead, indicating the spirit in which this arrangement has been made by the President and by the Prime Minister.

I do not think our situation is anything like an absolute, because we are on someone else's property and they could intervene and cause us to get off whenever they wanted, like the French did a few years ago concerning NATO.

The theme of this statement by Prime Minister Sato is that their interest lies with our interest. Of course, that might not always be true in years ahead.

Mr. GOLDWATER. The Senator is getting very close to my basic feeling about this. I am not opposed to the idea. A month ago I would not have been opposed to ratifying the treaty but this is a different world this week than it was 2 weeks ago. World power has shifted from the United States. Our alliances are beginning to weaken. While I have great faith and trust in Japan, if Japan joins those countries which begin to feel the United States has no desire to retain its world leadership, she could very well tell us to get off Okinawa, or stay there, but she might say, "You cannot do anything in a military way."

One other question bothers me and I will not delay the Senator.

Mr. STENNIS. That is all right.

Mr. GOLDWATER. I have a California cold, as we call it in Arizona.

We are going to have to remove our nuclear weapons from Okinawa. There is no other place immediately available without further treaty that would put

these missiles within the range of possible enemies—Red China or the very remote possibility of the Soviet Union. Somebody is going to have to provide that nuclear umbrella over there and that somebody is going to be Japan.

The question that comes up secondly in my mind, in addition to the limitations placed on our military operations from the island, is a speeding up by Japan of their rearmament, the creation of not just another power but the creation of a fifth world power. The more powers we have in this world seeking world domination, the more certain to me war becomes. I think history will bear me out on that.

So, Mr. President, I conclude by saying I appreciate the Senator permitting me to use a little of his time. We rarely disagree and I think in this case we disagree just a little. I am going to have to vote against this treaty, not that I am going to like to do so, but I have grave appprehensions about its result.

I think if our State Department and the Government of Japan were able to work out a little more leniency toward us on what we could retain over there in the way of forces and how we could use those forces I would see nothing wrong with this, but I am fearful of what can happen.

I thank the Senator for yielding.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. STENNIS. Yes, I yield.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished chairman of the Armed Services Committee for his statement, to which I was privileged to listen. I want to make reference to one fact which, it seems to me, ought to be included in the RECORD.

From time to time I have heard some who are critical of our Government, both within our country and outside the country, refer to the United States as an "imperialistic" Nation.

I intend to vote for the pending treaty. But I believe it should not be overlooked that the Soviet Union, since the conclusion of World War II, has been occupying some islands near Japan that were part of the country of Japan. It is my understanding that there has been no flexibility whatsoever, so far as the Soviet Union is concerned, in terms of turning those islands back to Japan.

I believe that this situation presents an interesting contrast, one that ought not go unnoticed as we vote on this treaty and as we enter into a new era of relationships with our friends the Japanese.

I thank the Senator from Mississippi for yielding.

Mr. STENNIS. I thank the Senator for his contribution. He certainly has made a splendid point.

The matter of occupation in a self-respecting nation, whose people are in a period of growth and expansion, is no small matter. I come from a part of the country which was occupied, and to a degree, completely occupied, for some years. I inherited some knowledge of the attitude of such people. I can understand it better than I otherwise would. It does not make any difference about the color of the skin or the nationality or anything else. The people are a part of the sovereign government, and they just dread the thought of ever being occupied.

I think we have been fortunate to have had this uninterrupted freedom for 25 years, and I believe by this adjustment we will perhaps have it 25 years more; but if we let an extreme, radical group get in control of Japan, we are not going to have it 15 minutes after they get in control.

Mr. President, I yield the floor.

Mr. FONG. Mr. President, the Senate is today deciding whether it should give its advice and consent to ratification of the agreement between the United States and Japan concerning the Ryukyu Islands and the Daito Islands. This treaty provides for the return of the Ryukyu Islands and the Daito Islands to the administrative control of Japan.

After reading and studying the statements that were given before the Senate Foreign Relations Committee on this matter, and after pondering all the ramifications and repercussions that could result from either acceptance or rejection of this treaty, I have concluded that ratification of the Okinawa Reversion Treaty is indeed in the best interest of the United States.

I firmly believe that this agreement will soon be seen as a historic and significant document because it would not only resolve the last major United States-Japanese issue arising from World War II, but it would also allow "the continuation of friendly and productive relations between the United States and Japan."

As President Nixon recognized in his letter of transmittal to the Senate:

> Japan's phenomenal economic growth represents a most significant development for us and for the other nations of the Pacific. Japan is now the third largest producer in the world and has developed with us the greatest transoceanic commerce in the history of mankind. The potential for cooperation between our two economies, the world's most productive and the world's most dynamic, is clearly immense. For this among other reasons, Japan and the United States have a strong mutual interest in the peace and security of the Pacific area. This interest is recognized in our Treaty of Mutual Cooperation and Security, which both our countries recognize as a keystone of our security relationships in that part of the world. I think all Americans also realize that a close and friendly relationship between Japan and the United States is vital to building the peaceful and progressive world both of us want for all mankind. The problems involved in strengthening the fabric of peace in Asia and the Pacific will undoubtedly be challenging. But if Japan and the United States go separate ways, then this task would be incomparably more difficult. Whatever differences may arise between our nations on specific policy questions, it is essential that the basic nature of our relationship remain close and cordial.

I agree with the President's assessment that it is in our country's interest to maintain a strong and positive partnership with Japan. I will vote for ratification because I believe that this treaty will contribute much to strengthening and improving the ties that bind us in our common pursuit for peace, economic development, and human betterment.

Mr. President, before closing, I wish to call my colleagues attention to an issue that has been stirring as a result of our decision to return the administrative rights over these islands to Japan. The question that is on the mind of many people is: Who has the legal and sovereign rights over the Tiao-Yu Tai Islands?

While testifying before the Senate Foreign Relations Committee regarding this matter, Secretary of State William P. Rogers conceded that:

> This treaty does not affect the legal status of those islands at all. Whatever the legal situation was prior to the treaty is going to be the legal situation after the treaty comes into effect.

Likewise, the report issued by the Committee left unresolved the question of legal sovereignty over the Tiao-Yu Tai Islands. On page 5 of its report the Foreign Relations Committee stated that:

> The Republic of China, the People's Republic of China and Japan claim sovereignty over these islands. The Department of State has taken the position that the sole source of rights of the United States in this regard derives from the Peace Treaty under which the United States merely received rights of administration, not sovereignty. Thus, United States action in transferring its rights of administration to Japan does not constitute a transfer of underlying sovereignty nor can it affect the underlying claims of any of the disputants. The Committee reaffirms that the provisions of the Agreement do not affect any claims of sovereignty with respect to the Senkaku or Tiao-Yu Tai Islands by any state.

The Tiao-Yu Tai Islands are a group of eight small uninhabited but oil-rich islands that are intimately related to the Chinese mainland and Taiwan. They are located about 120 miles from Taipei and 240 miles from Okinawa. Likewise, the surrounding waters are less than 200 meters deep while the water which separates these islands from the Ryukyus is over 1,000 meters deep.

Besides the geographical arguments favoring its exclusion from the present treaty, both the People's Republic of China and the Republic of China on Taiwan claim that the Tiao-Yu Tai Islands are historically and politically part of the territory of Taiwan, which both governments agree is a province of China.

Mr. President, in addition to the above reasons arguing against the inclusion of the Tiao-Yu Tai Islands into the Okinawa Reversion Treaty, I have in my possession a facsimile of an Imperial Edict which shows that in 1893 the Empress Dowager Tzu Hsi awarded the three small islands of Tiao-Yu Tai, Huang Wei Yu, and Chih Yu "to Sheng Hsuan Huai as his property for the purpose of collecting medicinal herbs."

One of Mr. Sheng's lawful descendants, Mrs. Grace Yi Hsu, a citizen of the United States, has the original of this document and therefore claims ownership to the three islands in behalf of herself and the other descendants of Mr. Sheng. It is my sincere hope that she be allowed every consideration in proving her family's claim to the three islands.

Mr. President, I ask unanimous con-

sent that a translated copy of the Imperial Edict of Empress Dowager Tzu Hsi regarding the Tiao Yu Tai Islands be printed in the RECORD at this time.

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

TRANSLATION

(Imperial Edict of Empress Dowager Tzu Hsi issued on the 10th month of the 19th year of Emperor Kuang Hsu, *1893*)

The medicinal pills submitted by Sheng Hsuan Huai, *Tai Chang Szu* Cheng* have proved to be very effective. The herbs used in making the pills are said to have been collected from the small island of Tiao Yu Tai, beyond the seas of Taiwan. Being made of ingredients from the sea, the prescription is more effective than that available in the Chinese mainland. It has come to my knowledge that the said official's family has for generations maintained pharmacies offering free treatment and herbs to destitute patients. This is really most commendable. The three small islands of Tiao Yu Tai, Huang Wei Yu, Chih Yu are hereby ordered to be awarded to Sheng Hsuan Huai as his property for the purpose of collecting medicinal herbs. May the great universal benevolence of the Imperial Dowager Empress and of the Emperor be deeply appreciated.

(SEAL OF QUEEN MOTHER TZU HSI.)

The PRESIDING OFFICER. What is the pleasure of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is it correct to state that the pending treaty covering the Ryukyu and the Daito Islands has now gone through all the stages up to and including the presentation of the resolution of ratification?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. And that it has been decided by the Senate that the vote will occur at 3 o'clock tomorrow, without further debate tomorrow on the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the resolution of ratification.

The yeas and nays were ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

THE REVENUE ACT OF 1971

Mr. LONG. Mr. President, I ask unanimous consent to submit at this time, on behalf of the Committee on Finance, a report on H.R. 10947, the Revenue Act of 1947.

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

Mr. LONG. I ask unanimous consent to have printed in the RECORD an announcement of committee decisions reached in executive session, released to the press today, so that Senators may know the recommendations of the Senate Committee.

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

FINANCE COMMITTEE REPORTS REVENUE ACT OF 1971

Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, today announced that the Committee on Finance had finished its work on H.R. 10947, the Revenue Act of 1971 and that it had ordered the bill reported to the Senate. The principal features of the bill involve restoration of the investment tax credit, a codification of the asset depreciation rules of the Treasury Department, a speed-up of individual income tax cuts, repeal of the Federal excise tax on automobiles and light-duty trucks, and enactment of tax incentives to spur exports.

The Chairman reported that he was pleased the Committee had seen fit to agree to his amendment to upgrade the tax deduction for child care and housekeeping expenses of working mothers and single parents. He said that mothers who must work in order to provide an adequate living for their family should not be penalized by a tax statute which denied them reasonable deductions for these costs which they must incur when they work.

He also indicated his regret that the Committee on Finance was not willing to increase the personal exemption from $750 to $800. He stated that he was sure this was what the Senate itself would want to do, and he would have preferred that the amendment be added to the bill in Committee. Senator Long said that "without this amendment, the bill still suffers an imbalance as between the tax relief its offers business and the tax relief provided for individuals as compared to existing law."

Senator Long also reported his understanding that the Senate would begin consideration of this bill on Wednesday November 10, 1971.

Before completing its work on the legislation, the Committee on Finance amended the House bill in several important respects. These amendments and the revenue impact of the bill as ordered reported are described in the following paragraphs.

REVENUE IMPACT

In general the Committee bill is slightly more expensive from a revenue standpoint than was the House version. In 1972 the Committee bill involves a revenue reduction of approximately $8.0 billion compared to a loss under the House bill of about $7.8 billion. Most of this difference is accounted for by the amendment to upgrade the deduction for child care and housekeeping expenses in the case of single parents and working wives. A comparison of the revenue impact of the House bill and of the Committee bill for 1971, 1972, and 1973 follows:

REVENUE ESTIMATES OF HOUSE VERSION AND SENATE FINANCE COMMITTEE VERSION OF H.R. 10947

[In millions of dollars]

	1971	1972	1973
Individual income	−1,370	+3,230	−1,090
Investment credit	−1,500	−3,600	−3,900
ADR (¾ year)	+2,100	+1,700	+1,500
DISC		−100	−200
Total of lines 2, 3, and 4	+600	−2,000	−2,600
Excises	−900	−2,560	−2,260
Total	−1,670	−7,790	−5,950

SENATE FINANCE COMMITTEE

Individual income	−1,370	−3,460	−1,305
Investment credit	−1,510	−3,610	−3,910
"WIN" credit		−25	−30
ADR (¾ year)	+2,100	+1,700	+1,500
DISC		−100	−170
Total of lines 2 to 5	+590	−2,035	−2,610
Excises	−930	−2,540	−2,240
Total	−1,710	−8,035	−6,165
Change from House	−40	−245	−215

INVESTMENT TAX CREDIT

(a) *Restoration of the Tax Credit.*—The Committee agreed to the proposed restoration of the 7 percent investment tax credit and approved the effective date rules in the House. Under these rules, property ordered after April 1, 1971, or property delivered after August 15, 1971 (regardless of when ordered) would qualify for the credit.

The Committee amendments will clarify that railroad track (and installation costs), certain storage facilities (primarily those used on farms) and other structures closely related to the property they house, and coin-operated laundry machines used in lodging facilities are eligible for the credit.

(b) *Property Used Outside the United States.*—The Committee agreed to the provision in the House bill with respect to tax credits for communication satellites. In addition, it added amendments to the bill to assure that the tax credit will apply also to undersea telephone communication cables manufactured in this country, including cases where the cable connects points outside the United States if it is part of a link with the United States.

Also, the Committee added an amendment to the bill to extend the application of the 7 percent tax credit to special-purpose structures used on the high seas or on the continental shelf of foreign countries for exploration and extraction of underseas minerals.

Finally, the Committee approved an amendment to assure that financial institutions which make financial leases relating to vessels and aircraft used in the foreign trade of the United States would not suffer a reduction in their foreign tax credit by virtue of the transaction. In essence, the Committee amendment will provide that income under such a lease will be treated as income from domestic sources rather than income from foreign sources. This will facilitate arrangements under which lessors will obtain the benefit of the investment tax credit.

(c) *Buy America.*—The Committee generally agreed to the provision in the House bill denying the tax credit to property manufactured abroad for the period within which the import surcharge remains effective. However, this portion of the bill was amended to authorize the President to defer the restoration of the investment tax credit beyond the day on which the import surcharge is terminated. The Committee also agreed to the House provision which authorizes the President, in the public interest, to extend

*Tai Chang Szu had control of the Imperial Court Infirmary. Tai Chang Szu Cheng was an official in Tai Chang Szu.

the credit to a class of foreign products, but amended it to allow him to make the credit applicable in such cases on a retroactive basis of up to two years.

In addition, it is provided in the Committee amendments that foreign property ordered after March 31 and before the President's State of the Economy Message on August 15 will be eligible for the tax credit. As under the House bill, foreign property acquired thereafter will be ineligible.

It was also agreed that the report of the Committee on Finance will indicate that the President may find that it would be in the public interest to extend the investment tax credit to foreign property, such as agricultural implements, which has long been duty-free under the tariff laws.

(d) *Livestock.*—The Committee agreed to provisions in the House bill extending the investment tax credit to livestock, but it modified the House bill in two important respects. First, horses would not be eligible for the credit in any case. Second, livestock purchased within six months before, or six months after, the sale of similar livestock would be ineligible for the credit unless the investment tax credit on the livestock being sold has been subjected to the recapture rules. For this purpose, young breeding stock acquired to replace animals culled from a herd at the end of their useful life for that purpose would not be "similar" and the credit on the new animals would not be denied.

(e) *Used Property.*—Under the House bill, used property purchases of up to $65,000 would be eligible for the tax credit, but the $65,000 limitation would be reduced or offset by the amount of investment in new property during the year. The Committee deleted the offset feature and reduced the limitation from $65,000 to $50,000.

(f) *Regulated Utilities.*—The Committee agreed to eliminate an inequity between regulated communication utilities which qualify for a 4 percent tax credit and nonregulated communications systems owned by private business which, under the House bill, qualify for a 7 percent credit. The Committee decision equates the two situations by allowing only a 4 percent credit in both cases.

The Committee agreed to restore the full 7 percent tax credit to international telegraph companies. The House bill had cut them back to a 4 percent credit, as if they competed with domestic utilities. Actually, they compete with foreign government-supported international telegraph companies.

The House bill provides that if a utility commission acts contrary to the flow-through rules, and rate base rules, in the bill, the utility would be denied the tax credit for all open years in the past and all future years. The Committee modified the House bill so that the credit would be denied only with respect to the particular commission's area—not nationwide—and only for the period the commission does not follow these rules—not forever.

The House bill exerted a pressure on regulatory agencies to comply with the flow-through, and rate base, rules in the bill by April 1, 1972. The Committee amended the House bill to eliminate the April 1 deadline, and to provide instead that the new rules must be complied with in all final determinations of regulatory agencies after the effective date of the bill.

In addition, the Committee clarifies the House bill to prevent avoidance of the flow-through rules by regulatory agencies insisting on one rule for ratemaking purposes consistent with the bill, and a different rule for accounting purposes. Under the bill, the same rules would be required for ratemaking purposes and in the utilities' "regulated books of account."

Finally, the Committee bill makes the flow-through rules inapplicable in those instances where a regulatory body determines that the natural domestic supply of the product furnished by the regulated company is insufficient to meet present and future needs of the domestic economy.

(g) *Lessee-Lessor.*—The House bill provides that the investment tax credit is not to apply in the case of individuals who are lessors of property unless they are manufacturers or lease on short-term bases. The Committee clarifies the House bill so that corporate partners of a partnership will not be denied the credit.

The Committee also agreed that a lessor may pass through the full tax credit to a lessee only if the lease is for a period in excess of 80 percent of the "class life" of the property. In the case of short-term leases not qualifying for the pass-through of the full investment credit, a proportionate part of the credit—related to the period of the lease as a percentage of the class life for the property—may be passed through, but only to the *first* lessee.

(h) *Carryover of Pre-1971 Tax Credits.*—Under existing law, there is a special limitation under which not more than 20 percent of accumulated tax credits could be used in a year subsequent to 1969. The House bill repeals this limitation effective January 1, 1972. A Committee amendment accelerates the repeal of the 20 percent limitation so that it (as well as the regular 50 percent limitation on use of tax credits) would apply with respect to only five-eights of a calendar year taxpayers' liability for 1971, and the 50 percent limitation (but not the 20 percent limitation) would be applied to the remaining three-eighths of tax liability for 1971.

(i) *Accounting Principles and the Tax Credit.*—The Committee agreed to include in its report language to indicate that nothing in the bill should be construed to preclude the use of "flow through" in the financial reporting of net income in nonregulated industries, but that taxpayers should indicate on their financial reports the methods they used to account for the investment tax credit.

ASSET DEPRECIATION RANGE (ADR)

The Committee generally agreed to the provisions in the House bill which incorporate into the statute the basic rules (other than the first-year convention) of the ADR system announced by the Treasury Department in January, 1971. Among the new statutory rules is one calling for a "class life" system for all assets.

In order to provide time for the Treasury Department to determine class lives for real property (and for so-called subsidiary assets, such as jigs, dies, textile mill cam assemblies, returnable containers, glassware and silverware), the Committee agreed to permit taxpayers to continue to use, for up to three years, shorter useful lives for those types of property if the shorter life is one which can be justified under the 1962 depreciation guidelines. Under this amendment, the transition period would end sooner than three years if the Treasury promulgates class lives for the property in question.

The Committee also agreed that railroads would be given an option, on a year-by-year basis, to use the repair allowance rules in existing law as added by the Tax Reform Act of 1969 or those under the ADR rules being codified by the bill.

PERSONAL TAX PROVISIONS

(a) *Withholding Changes.*—The House bill makes changes in the withholding taxes to reflect higher personal exemptions and low income allowances and to reduce underwithholding. The new rules would become effective under the House bill in two steps. The first occurring November 15, 1971; and the second occurring on January 1, 1973. The Committee bill makes the entire change in the withholding rates effective January 1, 1972.

(b) *Deduction for Child Care-Housekeeping Expenses.*—The Committee agreed to an amendment under which (i) single parents—those who are widows or widowers, divorced or separated, (ii) taxpayers with disabled spouses, and (iii) married couples whose combined income does not exceed $12,000 per year, would be allowed to deduct up to $400 per month of the expenses involved in obtaining care, including housekeeping services, for children under age 14 or for disabled dependents in the taxpayer's home in order for the person to become gainfully employed. If the taxpayer chooses to have his children cared for in a child care center or in other child care facilities outside his home he could apply up to $200 per month of this deductible amount toward the expenses of caring for one child, $300 if two children are involved and the full $400 if more than two children are so cared for. In such a case, the remaining amount not used for outside child care would be available as a deduction with respect to amounts paid as housekeeping expenses.

Where a disabled dependent is being cared for, the amount of the deduction under this amendment must be offset by disability benefits received with respect to the dependent. In the case of married couples, the amendment would provide for a reduction in the total deduction that may be claimed so that for each $1 of additional earnings the amount deductible would be reduced by $.50.

EXCISE TAX ON AUTOMOBILES, TRUCKS, ETC.

(a) *General.*—The Committee generally agreed with the features in the House bill providing for repeal of the 7 percent excise tax in the case of passenger automobiles and the 10 percent excise tax in the case of light trucks, those having a gross vehicle weight of 10,000 pounds or less. However, the Committee amended the House bill in a number of relatively minor respects.

First, it provided that the effective date of the repeal of the tax on light trucks will be fixed at August 15, 1971, thus conforming with the effective date provided by the House bill with respect to repeal of the automobile tax. Under the House bill, repeal of the light truck tax would have been September 22, 1971.

Second, the Committee agreed to impose a tax on original equipment tires on imported automobiles, trucks and other equipment and implements conforming the treatment of these tires with the treatment of tires for domestically produced vehicles.

Third, the Committee amended the House bill to repeal the 10 percent tax on light trailers generally used in connection with the light trucks the tax on which would be repealed by the bill. The trailers eligible for this tax exemption are those having a gross vehicle weight of 10,000 pounds or less. The Committee understands that the savings from repeal of the tax on these trailers will be passed on to the ultimate purchase of the trailers.

(b) *Foreign Automobiles and Light-Duty Trucks.*—In addition to the repeal of the excise tax on domestic automobiles and light-duty trucks, the Committee agreed to suspend the tax on *foreign* automobiles and light trucks, also effective August 16, 1971. However, the President would be authorized after the date of enactment of this Act to terminate the suspension and in effect to reimpose the excise tax on imported cars and light-duty trucks from any foreign country which discriminates against automobiles of U.S. manufacturers. The President's authority will be limited by the provisions in existing law which provide for a progressive reduction and ultimate repeal of the automobile excise tax by 1982, and a reduction of the 10 percent tax on trucks to 5 percent on October 1, 1977. After 1981, his authority with respect to both automobiles and light-duty trucks would terminate.

This amendment could be applied by the President, for example, to automobiles im-

ported from those countries which impose special horsepower or weight taxes which discriminate against U.S. automobiles, or which impose higher consumption taxes on U.S. automobiles than are imposed on domestic cars. unless the discrimination is removed.

(c) *Truck Parts.*—The Committee *declined* to approve an amendment which would have repealed the tax on parts suitable for use on light-duty trucks. In making its decision, the Committee was aware that today there is no tax on automobile parts and, in many instances, parts used on automobiles are interchangeable with those used on light-duty trucks, the tax on which is repealed by this bill. Thus, in many situations, the truck part involved will not be subject to tax. Where the part involved is not interchangeable with an automobile part, the Committee felt it unwise to write an exemption which might apply to parts used on larger, taxable trucks.

(d) *Highway Trust Fund—Alcoholic Beverage Tax.*—The proposed repeal of the excise tax on light-duty trucks and trailers reduces the amount of revenues flowing into the highway trust fund for use in construction of the interstate highway system by about $350 million.

In order to restore an approximately equivalent amount to the highway trust fund so that the highway construction schedule will not be impaired, the Committee agreed to divert 7 percent of the revenues from the Federal excise tax on alcoholic beverages to the highway trust fund.

Under this amendment these revenues will be made available to the highway trust fund for each year through 1977.

Fourth the Committee will clarify the tax exemption of demonstrator vehicles and cars made available by dealers to schools for driver training prior to August 15 but which are returned to the dealer and sold by him subsequent to that date. Under this Committee decision, a refund of the tax on demonstrator automobiles and cars will be available if more than 50 percent of the mileage remaining under the warranty is unexpired on the date the vehicle is sold (under the House bill more than 80 percent of the warranty mileage must have been unexpired).

STRUCTURAL IMPROVEMENTS

(a) *Standard Deduction and Personal Exemption—Trust Income.*—Under the House bill, the beneficiary of a reversionary trust would not be allowed to use his personal exemption or standard deduction to offset the trust income if he is related to the grantor of the trust. The Committee substitutes for this provision in the House bill a new rule under which the standard deduction (but not the personal exemption) would be denied with respect to unearned income of a child entitled to be claimed as a dependent of another taxpayer.

(b) *Hobby Losses.*—The Committee approved the provisions in the House bill relating to farm losses incurred by subchapter S corporations but added to the bill an amendment to clarify the treatment of hobby losses under the Tax Reform Act of 1969. Under the Act there is a presumption that an activity is engaged in for profit if the taxpayer realizes a profit in two out of the last five years (two out of seven if the activity relates to the racing of horses). Under the 1969 Act, this presumption would not apply if the loss year preceded the profit year during the first five (or seven) years of a trade or business or during the transition period following the effective date of the 1969 Act. The Committee amendment makes it clear that the presumption does a apply regardless of the order in which the profit years occur in these transition periods.

(c) *Western Hemisphere Trade Corporations.*—The House bill contained an amendment to make the Western Hemisphere Trade Corporations provision inapplicable if less than 95 percent of a corporation's gross income was derived from sources outside the United States and the Virgin Islands. Under existing law, Virgin Island income was treated as qualifying income. The Committee approved the provision in the House bill in principle with a relatively significant modification.

The Committee narrowed the scope of the House provision so that for Virgin Island tax purposes, the Western Hemisphere Trade Corporation provisions would be inapplicable. Thus, income taxable in the Virgin Islands would not be eligible for the 14 point tax reduction.

(d) *Capital Gains—Minimum Tax.*—The House bill provided that foreign capital gains and stock options would be treated as tax preferrence items for purposes of the minimum tax if the foreign country imposes no significant tax with respect to them. Under the House bill, this treatment applied retroactively to the effective date of the minimum tax, January 1, 1970. The Treasury Department had originally issued proposed regulations to the effect that if a country imposed no or a very small tax on all income, the amounts in question would not be tax preferences under the minimum tax. On June 24, 1971, the regulations were reproposed to indicate that these items would involve preferential income. The Committee bill clarifies the past by treating the items as tax preferences for minimum tax purposes from June 24, 1971. It also agreed to clarify that foreign non-taxable transactions, such as corporate reorganizations are not to cause a capital to be treated as a tax preference if it is considered to arise for United States tax purposes because of an allocation of income or a deemed distribution under the corporate reorganization provisions.

(e) *Net Leases-Real Estate.*—The Committee generally agreed to the provision in the House bill regarding the determination of excess interest for purposes of the minimum tax and, effective in 1972, the denial of a deduction for one-half of net investment interest. However, the Committee modified the House bill (and the existing law) in three significant respects. First, it amends the definition of excess investment interest so that to the extent the taxpayer incurs an "economic loss" as contrasted to a "tax loss," the interest involved would not be "excess investment interest," and therefore would remain deductible. In addition, the Committee bill will provide that in determining "excess investment interest" under the so-called 15 percent method taxpayers may elect to aggregate their leases in a single property making it unnecessary to characterize each lease separately as a business lease (the interest on which would be deductible) or as an investment lease (the interest on which would be a preference).

Finally, the Committee agreed to omit properties five years or older from the calculation of excess investment interest unless the taxpayer elects to include all such properties as investment properties.

(f) *Capital Gains Income of Trusts-Throwback Rules.*—The Tax Reform Act of 1969 included a provision to become effective in 1972 under which capital gain income of trusts would be subjected to an unlimited throwback, just as other income of the trusts. A Committee amendment to the bill would defer for one additional year until January 1, 1973, the effective date of the 1969 provision.

(g) *Bribes and Kickbacks.*—Under the Tax Reform Act of 1969 certain bribes and kickbacks (which under the prior law had been deductible) inadvertently were made deductible. The Committee amended the House bill to restore the prior law by denying the deduction for bribes and kickbacks or other illegal payments where the payment involved was in violation of a State statute which is being generally enforced, or in violation of a Federal law. In addition, the Committee bill makes medical referral fees (bribes or kickbacks) illegal under the Medicare-Medicaid Program and other Federal health programs.

(h) *Dividend Distribution to Foreign Corporations.*—Present law limits the portion of a non-cash distribution from one corporation to another which may be treated as a dividend to the lower of the fair market value of the property or its adjusted basis. In the case of distributions to foreign corporations this rule may permit avoidance of U.S. tax on the gain when the property (on which dividends were limited to adjusted basis) is later sold by the foreign corporation. To deal with this possibility, the Committee bill includes an amendment under which the taxable amount of a dividend in property to a foreign corporation will be the fair market value of the property distributed.

(i) *Original Issue Discount.*—The Tax Reform Act of 1969 provided rules for taxing original issue discount on bonds, but makes no provision for collecting tax on this discount in the case of bonds held by a nonresident alien. The Committee bill includes amendments under which the issuer of bonds (with a maturity of more than six months) to a non-resident alien individual would withhold tax (at the regular rate of 30 percent), not only on the interest paid on such bonds, but also on the original issue discount attributable to the period to which the interest relates.

(j) *Foreign Beneficiary of Domestic Trust.*—The Committee bill changes the rules for taxing rental income received by a foreign beneficiary of a U.S. trust (such as a real estate investment trust) to correct a situation under which the 30 percent withholding tax has been diluted by assessment against a "net" income of the trust rather than a "gross" income. Under the Committee decision, the amount of trust income taxed to the foreign beneficiary will be "grossed-up," by in effect adding back in the foreign beneficiary's share of deductions taken by the trust.

DOMESTIC INTERNATIONAL SALES CORPORATION

(a) *General.*—The Committee on Finance agreed to the provisions of the House bill relating to Domestic International Sales Corporations (DISC) with three important amendments:

(1) In lieu of the approach of the House bill to allow deferral only with respect to profits on sales above base-period sales (the base period would be 75 percent of export profits in the three-year period 1968–1970), the Committee amendment permits tax deferral on 50 percent of the export profit of the DISC.

(2) Whereas the DISC provisions of the House bill were written as permanent law, the Committee amendment would terminate the deferral privilege after 1982. Under this Committee amendment, income deferred during the intervening ten years could remain deferred beyond the termination of the DISC legislation.

(3) Deferral is not to be allowed to the extent DISC profits are invested in foreign plant or equipment. Under this "fugitive capital" feature, a DISC's profits will be considered invested in foreign plant or equipment to the extent foreign plant and equipment investments of the DISC's parent (and affiliates) are in excess of (a) 50 percent of the group's foreign earnings, plus (b) the amount of funds raised by the group in the form of debt or equity.

(b) *Export Trade Corporations.*—The Committee also approved an amendment which would retain in the law provisions authorizing tax deferral in the case of Export Trade Corporations. Under the House bill, these deferral provisions would have been terminated with the enactment of the DISC. Under the Committee amendment, existing Export

Trade Corporations may continue to be used as an alternative to Domestic International Sales Corporations.

JOB DEVELOPMENT—WORK INCENTIVE PROGRAM

The Committee approved an amendment (the text of S. 1019) to develop job opportunities for welfare recipients through a job development tax credit and through improvements in the existing Work Incentive Program for Welfare recipients.

As an incentive for employers in the private sector to hire individuals placed in employment through the Work Incentive Program, the amendment would provide a tax credit equal to 20 percent of the wages and salaries paid to these individuals. The credit would only apply to wages paid to these employees during their first 12 months of employment. It would be recaptured if the employer terminated employment of an individual during the first 12 months of his employment or before the end of the following 12 months.

The amendment would also make a number of structural improvements in the existing Work Incentive Program for welfare recipients. First, it would require that 40 percent of the funds spent for the WIN Program be for on-the-job training and public service employment. Second, it would require the Secretary of Labor to establish local labor market advisory councils whose functions would be to identify present and future local labor market needs. These findings would have to serve as the basis for local training plans under the WIN Program to assure that future training was related to actual labor market demands. Third, it would simplify the financing and increase the Federal share of the cost of public service employment (special work projects) by providing 100 percent Federal funding for the first year and 90 percent Federal sharing of the costs in subsequent years.

BALANCE OF PAYMENTS EMERGENCY AMENDMENT

The Committee approved an amendment to provide the President with discretionary authority to protect the balance of trade and balance of payments of the United States by allowing him to: (1) impose selective or general import quotas, or (2) impose an import surcharge of up to 15 percent of the value of the imported article, during a "balance of payments emergency."

Under the amendment, the "national emergency" proclaimed by the President on August 15 under Proclamation numbered 4074 is deemed to be a balance of payments emergency for the purpose of this amendment. In addition, for future emergencies, the President may, from the date of enactment until December 31, 1976, proclaim a balance of payments emergency whenever he determines that—

(1) The balance of payments has been in deficit for four consecutive calendar quarters;

(2) The United States has suffered a serious decline in its international monetary reserves; and

(3) There is a serious threat to the international financial or international trade position of the United States.

The President could terminate a balance of payments emergency period at any time. In any event, it would terminate three years after he initially proclaims it, unless within that period, he proclaims it is necessary to continue the authority, in which case it may continue until December 31, 1976.

The quota and surcharge authority may be used selectively with respect to countries and products, except that the President may not impose a quota and surcharge on the same product, and must relate any quota to a recent representative base period of imports. The surcharge may not be applied to duty-free products. The President may increase, or decrease, or terminate the quotas or surcharges in effect or impose new ones, in accordance with the criteria specified above.

In general, the quota features of this amendment are patterned after Article XII of the General Agreement on Tariff and Trade, which permit countries suffering balance of payments difficulties to protect their external monetary reserves by imposing quotas. The amendment would make it unnecessary for the President to invoke the broader authority included in the "Trading With the Enemy Act" against friendly trading partners. The authority granted by this amendment with respect to surcharges clarifies the President's authority to impose surcharges on imported goods, enabling him to impose a uniform surcharge without regard to the amount of prior tariff concessions. The surcharge he proclaimed on August 15 was less than 10 percent in some cases because the authority under which he acted limited his action to a termination of suspension of past concessions. The Committee felt that the flexibility afforded the President by this provision to impose surcharges and quotas selectively is necessary in the light of the continuing balance of payments crisis and the negotiations over trade and monetary matters which are likely to continue over the next several years.

GENERAL

Provisions of the House Bill Not Described Herein were generally approved by the Committee without substantive change.

SPECIAL FOREIGN ECONOMIC AND HUMANITARIAN ASSISTANCE ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 425, S. 2820. I do this so that the bill may become the pending business.

The PRESIDING OFFICER (Mr. HANSEN). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2820) to provide for an economic and humanitarian assistance authorizations for fiscal year 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, for the information of the Senate, the introductory statements will be made on this bill this afternoon. There will be no votes today. The distinguished assistance majority leader has indicated the procedure which will be followed; I make this statement only to corroborate what he has said, and to put the Senate on notice as to what the situation will be for the rest of the day.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I believe that the Senates' rejection of the omnibus foreign aid bill was a salutary development which should lead to a more rational foreign aid policy and a more realistic view of America's role in the world. The Senate's 41-to-27 vote was a rejection of the old; the bill before us is the beginning of the new. This bill represents the first, irrevocable step toward reordering our foreign aid priorities.

The Committee on Foreign Relations has reported two interim bills which provide reduced funds for a phaseout of the old economic and military aid programs pending the drafting of a new long-range program by the committee next session. Each of the two revised bills begins with a statement of policy which states that:

The bill looks to the phaseout of the current program and to the establishment of a new one which will command the respect and support of Congress and the American people.

Obviously, the old programs did not.

The defeat of H.R. 991 by the Senate was the result of a number of factors. One was the fact that, traditionally, authorizations for foreign economic development, humanitarian, and military programs have been lumped into one bill, forcing members of the Senate to take—or reject—the bad with the good, according to how he viewed each category. The Senate's rejection of H.R. 9910 reflected the growing dissatisfaction by Members with one or more components of foreign aid. Some support bilateral economic and humanitarian aid but oppose military aid. Many Members support military aid and oppose economic assistance. Others support multilateral and humanitarian aid but oppose bilateral aid, as presently constituted. And so it goes. Members of the Senate have not been accorded the opportunity to vote on the merits of each major aid category—bilateral economic aid, military aid, and multilateral and humanitarian aid.

In order to insure that each of the three major categories stood, or fell, on its own merits, I offered in committee three bills which separated the present hodge-podge of programs and allowed authorizations at reduced levels during the phaseout period. Three bills, instead of two, would have provided a sharper delineation of the purposes and objectives of each aid category, and given guidance on how the Senate wanted the new foreign aid programs to be shaped for the future. But, to my regret, the committee decided to combine the bill for bilateral economic aid with that for humanitarian and multilateral programs. The Senate will still be prevented from expressing itself clearly on each of the three categories.

In the past the Foreign Relations Committee has urged passage of separate bills for economic and military assistance. But, thus far, it has failed to persuade the House of Representatives on the merits of separating the two programs, primarily, I believe, because of tactical considerations in getting aid legislation through the House. The committee last tried to separate the economic and military programs in 1966. Its report on the economic aid bill had this to say:

A majority of the committee believes that handling programs by separate bills will allow each to stand on its own merits and that the public will gain a better understanding of the distinctions between the two programs. It has been argued that the economic aid program may be emasculated by the Congress if military assistance is not a part of the package. If the economic aid program is so distasteful to the public and the Congress, it should not continue to have a free ride on the back of military aid. Congress should have the opportunity to consider the program as a separate measure and shape it to more acceptable proportions if it is that unpopular.

The committee has again decided to report two separate bills which will permit Senators to weigh military and economic aid on their respective merits. No longer will either of these categories ride on the back of the other. Each will stand or fall by itself.

Together, the two bills approved by the committee contain all of the policy provisions in the omnibus foreign aid bill defeated by the Senate. These provisions appear in whichever of the two new bills is most appropriate for the subject matter. For example, the Cooper-Church amendment and the prohibition on aid to Greece do not appear in either bill, since they were stricken from H.R. 9910 by vote of the Senate. However, the requirement for the phaseout of development loans is in this bill; the Mansfield amendment, and the $341 million ceiling on aid to Cambodia are carried over in the military aid bill. The only substantive change added in the committee is an amendment relating to the administration of the program for relief of Pakistani refugees.

The pending bill authorizes a total of $1.1 billion for economic and humanitarian assistance programs in fiscal 1972. Of this amount, $695 million is for bilateral economic assistance programs, $154 million is for multilateral programs—primarily under United Nations auspices—and $295 million is for humanitarian relief programs. This is a reduction of $160 million from the amounts in the omnibus bill defeated by the Senate.

In addition to these money authorizations, the bill makes the following policy changes:

First, calls for shifting more of our economic aid to a multilateral basis and requires a phasing-out of the bilateral loan program;

Second, ties the release of funds appropriated for foreign aid and military sales funds to prior release of impounded funds for domestic programs;

Third, provides for annual authorization of appropriations for the Department of State and the U.S. Information Agency;

Fourth, suspends all assistance and military sales to Pakistan, except humanitarian relief. The President must make certain findings before aid could be resumed;

Fifth, tightens the Hickenlooper amendment relative to prohibiting assistance to countries which expropriate American-owned property without fair compensation;

Sixth, authorizes assistance for purposes of controlling the international drug traffic and provides for a cutoff in assistance to countries which do not take adequate steps to control the production, processing, and distribution of drugs; and

Seventh, calls upon the President to take appropriate action to bring about a reduction of the United States regular assessments for the United Nations to not more than 25 percent of the total U.N. budget, and requires annual authorization of U.S. contributions to United Nations programs.

Mr. President, the handwriting has been on the wall for foreign aid for years. On the basis of the reaction of my own constituents, and from what I have heard from my colleagues, the public seems to look upon the Senate's defeat of the aid bill as one of the few constructive things Congress has done in recent years. Perhaps it was inevitable that a foreign aid bill had to go down to defeat before real reforms could be made. No foreign policy can be successful unless it has the support of the American people. Both foreign aid and the war in Vietnam are prime examples. Foreign aid squeaked through Congress each year only because it was constantly being sweetened up with something for everybody—exports for business and labor, investment guaranties for the bankers, fighting communism with arms aid for the conservatives; building schools and hospitals for the liberals; and so on down the list. Foreign aid bills have become a grab bag, a grab bag for everyody but the American people who pay the bills.

I think it is fair to say that the public neither supports nor understands the rationale for much of the foreign aid program. Humanitarian aid, yes. But the programs for which the great bulk of the aid money goes have yet to make a valid case in the public mind. If the new approach to foreign aid is to succeed in the long run, it must be one which the people understand and support. It will not be easy to create a sensible program out of the present chaotic situation but that is the challenge for the committee in the coming months. We will do our best to develop a new concept which will command the support of both Congress and the public.

I believe we are now at a critical turning point and that the Senate is in the position to initiate a major revision in American foreign policy.

Mr. President, the report on this bill, of course, carries a detailed analysis of the provisions of each of the aid categories. As I have said, I think it is better to have two bills than one, but it is not as good as three.

In view of the situation on the floor at present, I think it would be useful at this time to make the statement on the military aid bill although it is not pending; it will however follow this bill. This will, I think, prove useful by having the two statements together in the RECORD.

Therefore, I will proceed to make a short statement on the military aid bill, which I understand is scheduled to follow the economic aid bill.

THE MILITARY AND RELATED AID BILL

I will be brief in explaining the committee's recommendations for military and related aid. The Senate is already aware of the committee's objectives in separating the omnibus foreign aid package into two bills.

This bill authorizes a total of $1,185,000,000 for military aid and related programs in fiscal year 1972. This is a reduction of $425 million from the same programs in the bill as defeated on October 29. The total is broken down as follows:

[In millions]

Military grant assistance	$350
Military credit sales	400
Supporting assistance—general	350
Supporting assistance—Israel	85

A ceiling of $550 million is authorized for military credit sales and, of that amount, not less than $300 million is earmarked for Israel.

In addition to the authorizations I have listed, the bill carries over the pertinent policy provisions from H.R. 9910. The most significant of these are:

First, declare a national policy that all U.S. forces be withdrawn from Indochina within 6 months, subject to release of prisoners of war;

Second, imposes a ceiling of $341 million on obligations and expenditures in or for Cambodia in fiscal year 1972 and puts a ceiling of 200 on the number of American civilian and military government personnel in Cambodia;

Third, requires the President to submit to Congress a country-by-country list of foreign aid allocations within 30 days after passage of the appropriation bill and permits a maximum 10-percent increase in aid in each category and country by transfer of funds from other countries or program without advance notice to Congress;

Fourth, requires advance notice to Congress before use by the President of the transfer, waiver, and certain other special authorities available to him under the Foreign Assistance Act;

Fifth, requires a 25-percent cutback by September 30, 1972, in the number of U.S. military personnel assigned abroad to military advisory missions or similar groups;

Sixth, requires 25-percent payment in foreign currency for U.S. military grant aid; and

Seventh, prohibits waiving by the President of the ceilings on military aid and sales to Latin America and Africa.

Mr. President, the military assistance to be authorized by this bill is only a small part of the money and arms the United States plans to give this fiscal year to other countries for military purposes. The conference report on the defense authorization bill, which will be before us shortly, contains an authorization of $2.5 billion in military aid for Southeast Asia; $454 million in surplus weapons and materials will be given away under authority of the pending bill and other legislation—not counting the vast amounts to be given to South Vietnam, Thailand, and Laos; $90 million in naval ships will be transferred to other countries; and so it goes. All components add up to a total military aid program of nearly $5 billion. And that does not include military aid channeled through the CIA or cash and commercial sales of arms.

There is still about $1.4 billion in the pipeline for the regular military grant aid and credit sales programs, which are to receive additional funds under this bill. We will be dispensing arms through these programs for a long time, even if no additional money is provided this year.

I believe that the amounts the committee approved are much too generous and I hope that they will be reduced by action on the floor. The $1.2 billion in this bill is $370 million more than Congress appropriated for the same purposes in fiscal 1970. With a $30 billion-plus deficit facing us, an unprecedented balance-of-payments deficit, and continued deterioration of our domestic situation, especially in the big cities, I think that

Congress should not approve a military aid program above the 1970 figure.

In closing, Mr. President, I wish to say a few words about the many dire predictions we have been hearing from the vested foreign aid interests about the terrible things that will happen—both here and around the world—if we stop, or seriously reduce the aid program. They differ only in degree from the predictions of calamity we get from the executive branch each year that Congress cuts back a bit on an administration request. Congress has heard cries of "wolf, wolf" for many years. Yet, the world still turns and it will continue to turn if we do not pass any military aid bill at all.

Whether we have a military aid program, and, if so, how large, is a matter on which the Senate should exercise its independent judgment. The track record of the last several Presidents in the use of military aid as a foreign policy tool is not a persuasive one. I think the Senate is capable of doing better and the reductions made by this bill are a good start, although not so much of a start as I would like.

Mr. President, recently there have been two or three other things I want to call to the attention of the Senate which I believe are relevant to these bills.

THE AIR WAR IN INDOCHINA

Mr. President, most Americans appear to hope and believe that American involvement in Southeast Asia and direct American participation in fighting in Vietnam are coming to an end. These hopes and beliefs are constantly reinforced by an endless series of official announcements dealing with projected troop withdrawals, the deactivation of military units and comparisons of past and present trop strengths and casualty figures. Moreover, day after day we are reminded that combat responsibility is being handed over to the Vietnamese.

Due perhaps to the extraordinary success of this thought conditioning process, relatively little public attention has been devoted to the continuing intensity of the U.S. air war in Indochina. It will come as a surprise, therefore, to most Americans to read that "in 1971 as much bombing is being done in Indochina as was done in all theaters in World War II." Similarly, it will surprise many to read that the Nixon administration, which promised us an end to the war "will have deployed in 3 years as much bomb tonnage as the Johnson administration did in 5."

The foregoing statements, supported by extensive documentation, appear in a research document entitled "Air War in Indochina" release today by a group at Cornell University. I commend this report to the attention of my colleagues. The air war report not only renders a detailed accounting of the tragedies and failures connected with the Southeast Asia air war in the past 7 years but, more importantly, it underscores the need for a clear cut statement of policy on the part of the President regarding the future of U.S. air operations in Indochina.

It is obvious to me after examining this report that the answer to the question of whether American involvement in the war is to be ended—as the American people hope and believe—or whether the administration will continue to deal in illusions, is bound up in the President's future plans with regard to American air combat units in Southeast Asia.

While acknowledging that U.S. air activity in South Vietnam has been significantly reduced in the past 3 years, the air war report makes it abundantly clear that "as U.S. troops are withdrawn, massive aerial firepower remains to substitute for manpower." On the basis of the analysis presented in the report it appears that direct U.S. combat air support is of even greater importance in the ongoing conflicts in Cambodia and Laos than it is in South Vietnam.

Thus far the administration has not evidenced any credible interest in negotiating a political settlement in Indochina or in reaching an agreement which would secure the release of American prisoners in return for setting a complete withdrawal date. It is difficult to escape the conclusion, therefore, that the President is still determined to control the future of Southeast Asia by the application of force. As time passes and U.S. troop withdrawals continue in the absence of compromise, I fear that the administration will find itself, as the air war authors suggest, "still boxed in by the enemy's military initiatives" with retaliation from the air as the only remaining available response.

In light of the facts and analysis presented in the air war report, such a strategy would appear to be unacceptable both in terms of its indiscriminate and destructive impact on the people of Southeast Asia, and in terms of the political and military risk involved.

I hope that my colleagues in the Senate will study the air war report and reflect upon its findings. When one considers the futility and the tragedy of the air war one can well ask, as the authors of the report do, Why was it done? A more timely question, and one which the President should be expected to answer a week from today is, Will it continue?

Mr. President, I ask unanimous consent to have the press release bearing on this research report printed in the RECORD.

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

AIR WAR IN INDOCHINA

A research report released today by a group at Cornell University presents for the first time detailed statistical data on the American air war in Indochina. The report contains both a historical account and a technical analysis of the problems connected with air missions. This provides the basis for an accurate interpretation of the present level of deployment of American air power and for a study of the trends for the immediate future. The data reveal that, contrary to reports and impressions, the air war in Indochina is not being "wound down" like the ground war. As U.S. troops are withdrawn, massive aerial firepower remains to substitute for manpower. The Administration's policy of withdrawal-without-political-compromise leaves it still boxed in by the enemy's military initiatives; the only response available is massive retaliation from the air.

The study, sponsored by the Center for International Studies at Cornell University, found that in 1971 as much bombing is being done in Indochina (which is about the size of Texas) as was done in all theaters in World War II. In the first 8 months of this year, over half a million tons of air-dropped munitions were used, 17 times the total amount used by the British in 10 years of successful counterinsurgency in Malaya. By the end of this year, the Nixon Administration will have deployed in three years as much bomb tonnage as the Johnson Administration did in five.

In South Vietnam alone, the U.S. has already dropped 3.6 million tons of bombs, almost four times as much as it used in the Korean war. The report presents a study of the impact of an air war conducted on such a scale. Only 5% to 8% of the air sorties flown in South Vietnam were in direct support of American or allied troops in battle; the rest were for interdiction, harassment, and retaliation—missions which, in a country being defended not attacked from the air, result in widespread civil destruction among the population whose allegiance is being sought. The motivation for many of the air strikes is documented by the leaflet drops which preceded them; the texts of several such leaflets are cited. In South Vietnam to date, it is estimated that there have been over one million civilian casualties, including 325,000 deaths, while over 6 million people (one-third of the population) have become refugees.

U.S. air activity in South Vietnam itself has been cut back, with the South Vietnamese Air Force taking up some of the tactical bombing assignments. U.S. emphasis is now more on saturation bombing by B-52 Stratofortresses. A typical mission of six B-52s drops 300,000 pounds of high explosive in a fraction of a minute. (A hand grenade contains less than one pound.) Such bombing without a detailed target demolishes an area corresponding to 200 city blocks. Over half the tonnage dropped in South Vietnam has been in such massive saturation raids.

Bombing of the North between 1965 and 1968 failed to yield significant results. Economic damage inflicted was about $500 million, with casualties reaching 100,000, 80% of whom were civilians. (Equivalent damage in the U.S. would have been $200 billion and 1.2 million casualties.) In spite of the intensity of the air effort, CIA and Defense Department studies at the time showed no measurable reduction in North Vietnam's will or capability for contributing to the war in the South. The statistics cited in the report show that the 1968 bombing "halt" did not actually reduce air activity in Indochina, but only shifted the focus—first to below the 20th parallel, and then to Laos and the Ho Chi Minh Trail.

Despite Nixon Administration denials, a major air effort has been carried out in northern Laos to support ground activities of the Royal Laotian Government totally unconnected with the conflict in Vietnam. U.S. bombing there during 1969, the study reveals, was as intense as that during the attack on North Vietnam (200,000 tons per year in an area the size of Kentucky), and even fewer restrictions were placed on the use of air power than in Vietnam. The recurring reports of widespread devastation of Laotian society are credible in the light of these facts. Despite this massive bombing effort the Pathet Lao now control more territory than ever before.

In Cambodia, American air operations have been conducted with sustained intensity since 1970. They have included not only interdiction missions against supply and troop concentrations in the northeast, but also close-support operations for Cambodian and South Vietnamese troops. At present Cambodia has joined the list of Indochinese countries totally dependent on the U.S. for their military and economic survival.

The air war over the Ho Chi Minh Trail in

southern Laos has been steadily escalating since 1966, with 400,000 tons of munitions dropped this year. This interdiction campaign has become the focus of the U.S. air war in Indochina; it has also served as a laboratory for the improvement of air-war technology. Elaborate and expensive electronic devices are being developed as instrumentation for an "electronic battlefield," the goal of which is automated and computerized warfare, providing an all-weather, day-night interdiction capability. This development is a further step in the depersonalization of war: "machines fight the gooks, and no human beings are involved on either side!"

The direct budgetary costs of the air war thus far have been about $25 billion, or about one-quarter of the cost of the Indochina war, with the total U.S. economic costs estimated at more than $50 billion. The immense cost to the people of Indochina cannot be put in such precise figures, but it must be taken into account in evaluating the air war.

The air war has also resulted in a direct and massive onslaught on the ecology of Indochina. More than one-third of the forest area of South Vietnam has been sprayed with defoliants, one-half of the country's mangrove forests have been killed off, and enough food has been destroyed by herbicides to feed 600,000 people for one year.

In terms of military effectiveness, the study finds that although air power has been able to achieve narrowly defined military missions, such mini-successes have not added up to yield an overall position of strength. U.S. political aims in Indochina are hardly more secure today than ten years ago. Indiscriminate destruction resulting from the use of air power amidst civilian populations contributes to the continuing weakness of friendly regimes in Indochina.

Various examples point to the paradox inherent in the mechanized American response to guerrilla warfare. For instance, one Defense Department analysis showed that the massive American bombing gave the enemy more than enough explosives from dud bombs, 27,000 tons in 1966 alone, to make his mines and booby traps. Such devices killed over 1,000 U.S. soldiers that year, while the air strikes were estimated to have killed no more than 100 of the enemy.

The credibility of U.S. government statements about the air war is called into question by numerous discrepancies. The Pentagon Papers have now revealed developments through early 1968; this report draws attention to events since that time. In 1969, when 200,000 tons of bombs were dumped on northern Laos, Washington officially admitted only to flying "reconnaissance" missions. B–52 raids in northern Laos went on for more than a year before official acknowledgement. It was stated that U.S. planes were not giving close support to Cambodian troops when in fact they were. "Protective reaction" raids against North Vietnam strike a wider range of targets than their official description implies.

In surveying the present trends in the air war, the report finds that there has indeed been a significant withdrawal of American air power from Southeast Asia. Despite this relative decrease in the number of U.S. aircraft deployed in the theater, more than enough remain to permit a continuation of the air war on a massive scale. American attack planes are being withdrawn primarily from bases within South Vietnam, substantial numbers remain in operation from bases in Thailand and carriers in the South China Sea. At the same time, the South Vietnamese Air Force is being built up to take over many of the in-country operations, while relying however, on U.S. aircraft for the maintenance of air superiority and for missions in other parts of Indochina.

Aerial bombing has undeniable military advantages in conventional warfare with massed troop concentrations; but in guerrilla warfare, the study concludes, the American capital-intensive response, substituting lavish firepower for manpower, is both inefficient and indiscriminate. Military gains, which at most buy time, are mitigated by heavy civilian damage from air war, the consolidation of enemy morale which frequently results, and the unfavorable image of the U.S. projected abroad. Close air support of friendly troops has definite advantages—but only a small fraction of the U.S. air effort has been devoted to that mission. Interdiction is a valid objective—but it has yet to be shown that air power under Indochinese conditions can reduce the flow of men and material enough to curtail guerrilla activities.

This study of the air war in Indochina was undertaken by 20 researchers from the fields of government, economics, Southeast Asian studies, international law, ecology, history, and the natural sciences. It is based on interviews with over 80 experts and a survey of available literature. The work was sponsored by the Peace Studies Program of the Cornell Center for International Studies and the Program on Science, Technology, and Society, with financial support from the D.J.B. Foundation of New York.

Mr. FULBRIGHT. Mr. President, one other document that I thought was revelant relates to the Harris survey published in the Washington Post on November 8, entitled, "Public Backs Viet Pullout by May, 3 to 1."

It reads:

By nearly 3 to 1, the American people favor "getting completely out" of Vietnam by next May. The public is looking for an intent to liquidate U.S. involvement rather than an immediate withdrawal.

Between Oct. 26 an Oct. 31, a cross section of 2,004 households was asked:

If it meant keeping the communists from taking over Vietnam, would you favor or oppose the following?

[In percent]

	Favor	Oppose	Not sure
Leaving 50,000 noncombat U.S. troops there	32	55	13
Continuing to use U.S. bombers and helicopters to support the South Vietnamese Army	29	57	14
Continuing to send over $1,000,000,000 a year in military aid to the South Vietnamese	16	70	14

Even at the risk of a Communist takeover, sizable majorities of the public want the United States out completely from Vietnam.

For the first time, a clear majority of Americans say they feel that the pace of withdrawal of U.S. troops from Vietnam is "too slow." The cross section was asked:

Do you feel the pace of withdrawal of U.S. troops from Vietnam is too slow, too fast, or at about the right pace?

[In percent]

	Too slow	Too fast	About right	Not sure
Late October 1971	53	3	38	6
July	42	4	48	6
April	45	5	45	5
March	34	3	53	10
February	46	4	42	8
January	33	5	55	7
July 1970	32	8	48	12
May	27	13	46	14
April	34	8	47	11
December 1969	26	5	56	13
October	30	9	51	10

The main segments of the public where the pressure is greatest to disengage from the war as opposed to a further "winding down" of the war are in the East, among women, among young people under 30 and among blacks.

By contrast, the last-ditch supporters of the war, now a distinct minority, are most often located in the South in small towns and areas, and among persons 50 years of age and older.

Asked if they favored or opposed the United States "getting completely out of Vietnam by May, including all combat and non-combat troops," the vote was 62 per cent in favor and 21 per cent opposed.

The significance of this, to me, is that it relates especially to our military aid program to Cambodia of $341 million, which was discussed at length on the floor during the earlier foreign aid debate. I believe the $341 million ceiling was approved by a very narrow vote. It was very close. Of course, the RECORD speaks for itself.

I have been and I still am very deeply concerned about this item, and not solely because of the amount of money, although it is a vast amount.

Two years ago, we supplied little, if any, aid to Cambodia. At the time Sihanouk was overthrown, we had no Ambassador there. If there was any aid, it was a minimal amount. There may have been something for Cambodia by way of the multilateral aid programs, but our bilateral aid did not amount to anything. In view of this, I am very concerned about the sudden and rapid increase to $341 million in aid to Cambodia.

I raised the question in the committee with the Secretary of State concerning the policy significance of this. I asked what the ultimate objective of the program was to justify such an enormous increase in this item for Cambodia, a small country with a population of about 6.5 million.

I did not get a satisfactory reply from the Secretary with regard to my question concerning the policy significance of this large amount of money for Cambodia.

I was told, as usual, that this amount would be needed to protect the withdrawal of our soldiers. To me this is a nonsequitur. I do not see how this very large increase in aid to Cambodia would have any particular bearing on our withdrawal policy. I think it has some other significance.

In this connection, I want to draw attention to an article published recently in the paper about an alleged recommendation of the Joint Chiefs to the Secretary of Defense. The article states that our Government plans a major increase, which we will pay for, in the size of the Cambodian Army from its present 180,000 to 300,000 by 1977.

This article is from the New York Times of October 13. I will read some selected paragraphs and I ask unanimous consent that the entire article be printed in the RECORD.

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

JOINT CHIEFS SAID TO DEVISE COSTLY CAMBODIA WAR PLAN

WASHINGTON, October 12.—The Joint Chiefs of Staff are said to have designed a

costly program of "pacification" and other unconventional warfare for Cambodia to protect South Vietnam's western flank as Americans continue their withdrawal from Indochina.

They have also proposed a series of budget devices to augment the funds that Congress will be asked to provide for expanding the Cambodian Army over the next five years.

The Chiefs submitted their program last month to Secretary of Defense Melvin R. Laird, according to Congressional sources Mr. Laird, who has been bargaining with the Chiefs since June about the cost of the effort, is described as still reluctant about the latest version, which would double spending to about $500-million a year by 1977.

The final decision, however, will rest with a senior policy review group run by Henry A. Kissinger, the President's adviser on national security affairs.

How to protect Cambodia from the North Vietnamese forces and deny them the use of Cambodian territory for attacks against South Vietnam's population centers has become a major problem for Pentagon planners. As the American forces in Vietnam are reduced to 50,000 men, at the most, and come to rely on air power for operations in the rest of Indochina, the planners are looking to indigenous forces to carry the burden in ground combat.

With a first-year grant of $185-million in military aid and $70-million in economic aid, the Cambodian Army has already been expanded from 30,000 men in April, 1970—when American forces invaded the North Vietnamese "sanctuaries" in Cambodia—to a current strength of about 180,000. The Cambodians are said to have fought well, but most of them are no match yet for the 60,000 North Vietnamese in their country, mostly east of the Mekong River.

SAIGON'S TROOPS UNPOPULAR

South Vietnamese troops have periodically moved into Cambodia to help out, but they are no more popular among Cambodians than the Communists forces from the north and will in any case be needed for the defense of their own territory.

When the Joint Chiefs of Staff first considered the problem last June, they proposed a 1971–72 military aid program of $350-million, Congressional informants report. Secretary Laird said that he could not afford that much and that Congress would not support such an increase.

The chiefs said that with $200-million in military aid they could not increase the size of the Cambodian Army, but for $275-million they could expand it to 225,000 men. Mr. Laird's budget pruners said that such an increase in strength could probably be achieved with $252-million.

But as finally submitted to Congress, the Cambodian aid program called for $200-million in military aid, $110-million in economic assistance and $15-million worth of agricultural commodities, for a total of $325-million. This was a net increase of $61-million over last year's allocations.

ALTERNATE PLANS OFFERED

Nonetheless, in explaining their elaborate military plans to Mr. Laird, in a memorandum dated Aug. 30, the Joint Chiefs indicated that they could get around the limit on military spending and proceed with the build-up.

According to informants, the Chiefs offered four different ways of generating an additional $52-million so as to add 40,000 troops to the Cambodian Army and also raise the "paramilitary" force of armed civilians to 143,000.

The first way would be simply to transfer $52-million from the economic aid program to military spending, which can be done later in the fiscal year simply by the Administration's notifying Congress. The second way would be to use the economic aid fund for the purchase of all "common use" items such as trucks and jeeps, which have military as well as civilian value, thus freeing other military funds.

A third way would be to increase procurement for the United States Army by $52-million and give the materiel to the Cambodians, for "repayment" later. The fourth way would be to make some exceptions in Defense Department supply regulations, declaring additional equipment to be "excess" and delivering it to the Cambodians.

The Pentagon planners said they were looking ahead to further increases in the Cambodian Army so that it would number 256,000 men by mid-1973 and more than 300,000 men by 1977. The paramilitary units, they believe, must be augmented to nearly 200,000 by mid-1973 and more than 500,000 in 1977. This would mean arming about 10 per cent of Cambodia's population of 7 million, or nearly half the adult male population.

The Joint Chiefs would provide for a mechanized brigade, an artillery brigade and coastal patrol units, as well as ground troops and extensive logistic support. They would look to the Agency for International Development to help finance the paramilitary defense forces, including the police. The Central Intelligence Agency would be asked to mount additional programs and to provide airlift support.

The program of activity drawn up by the Joint Chiefs is divided into four headings, labeled "Pacification," "Unconventional Warfare," "Psychological Operations" and "Civil Affairs." The country would be divided into eight pacification areas and this program would be supervised by a new United States Deputy Ambassador—as in South Vietnam—in a new embassy structure.

The Pentagon would also establish a three-nation military committee with the Cambodians and South Vietnamese, in which the Defense Department would be represented through Gen. Frederick C. Weyand, the deputy commander of American forces in Vietnam.

Mr. FULBRIGHT. The article reads in part as follows:

The Chiefs submitted their program last month to Secretary of Defense Melvin R. Laird, according to Congressional sources. Mr. Laird, who has been bargaining with the Chiefs since June about the cost of the effort, is described as still reluctant about the latest version, which would double spending to about $500 million a year by 1977.

This is for Cambodia.

I continue to read from the article:

Nonetheless, in explaining their elaborate military plans to Mr. Laird, in a memorandum dated Aug. 30, the Joint Chiefs indicated that they could get around the limit on military spending and proceed with the build-up.

According to informants, the Chiefs offered four different ways of generating an additional $52 million so as to add 40,000 troops to the Cambodian Army and also raise the "para-military" force of armed civilians to 143,000.

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The request for $341 million is, of course, quite consistent with this plan, submitted by the Joint Chiefs to the Secretary of Defense. It is not consistent with the idea of withdrawal. This is why I raised the question of the purpose and objective of this administration in Southeast Asia, and especially the purpose of asking for $341 million for Cambodia this year.

It strikes me that the only proposal I can think of that is consistent with this amount is the plan of the Joint Chiefs as reported in the New York Times article, that the administration plans to stay in Southeast Asia indefinitely. That could mean anything from 2 to 20 years or longer, in Cambodia, Laos, and Thailand—not to mention South Vietnam.

The tremendous air bases in Thailand, together with the combined naval and air bases at Sattahip, would be the central strength of the strategic forces of the American military, supported of course by the local Thai army.

Thailand already has a substantial army, to which we have contributed a great deal. We, of course, built the bases.

I believe there was a $350 million ceiling in the military procurement bill for Laos. The pending bill contains $341 million for Cambodia. It seems to me this all adds up to a policy of considerable permanence on our part in that area. What the objective of this is is not clear. It is certainly not clear from anything that the administration has said. It may well be that it is justifiable to pursue the policy of maintaining a very strong and powerful American military presence in that area, supported by a satellite army, such as the one being created in Cambodia and the one which we have already created in Laos. It may be that this policy has some justification. What I would quarrel with is not making it clear, not putting it on the record for both the Congress and the American people to judge whether it is justifiable.

I complained, because they refuse to give any justification other than the quite irrelevant one, that it is to protect the withdrawal of our soldiers from Vietnam.

This is why I was particularly interested in the $341 million for Cambodia. My interest was increased by the fact that the administration went to such lengths to refuse to give to the Committee on Foreign Relations their 5-year military aid plans, including their plans for Cambodia and the other aid-receiving countries in Southeast Asia.

This has all been reported in the press. Senators know what finally happened: The President resorted tc a plea of Executive privilege in order to deny to the committee the 5-year plans for military aid around the world.

At that time I did not realize they were going to ask for so much money for Cambodia. The original ceiling for this item was $250 million, as introduced by the Senator from Missouri, but under the influence of arguments from various people he raised that amount to $341 million.

This disturbs me very much. I think the least we can expect and the least the American people can expect is some rational and reasonable explanation of what our policy is—some explanation of why so much money is required for Cambodia, Laos, and Thailand.

Therefore, until such an explanation is made I expect to vote against the military aid bill. I do not wish to be a party to the initiation of a policy which has not been explained, and about which I am not certain.

It is regrettable that the administration cannot take the Congress and the American people into its confidence with respect to what its real objective in Southeast Asia is.

I believe this poll I mentioned in the Washington Post and many other things indicate that the American people generally have been sold the idea that our policy is a total military withdrawal from Indochina. I think that is what they believe and expect. They support it; I support it. But that is not the policy which we are being asked to support in this military assistance program.

Therefore, there is a high degree of misunderstanding present in this program, and I regret that there has been a failure of the administration to supply as the law requires—unless we accept executive privilege—to the Senate relative to planning data on this program.

I very much regret this and I am willing to guess or prophesize—I guess predict is the word—that if we go down this road of supplying these funds to Cambodia and Laos, it will not be long, 2 or 3 years, until we have what will be a total commitment to the support of these small countries; that we will be so committed militarily that it will be extremely difficult to withdraw; and that it will cause us enormous expense in money and materials.

Parenthetically, I think such would be a hindrance in the long run to the announced goal of this country to seek relations with China. So I very much regret we have not been informed more specifically about the administration's objectives in Southeast Asia in connection with this military aid bill.

PRIVILEGE OF THE FLOOR

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that Mr. Carl Marcy, Mr. Norvill Jones, and Mr. Robert Dockery of the staff of the Committee on Foreign Relations be allowed on the floor during the debate and rollcall votes on the two foreign aid bills.

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

Mr. FULBRIGHT. I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8629) to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8630) to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses.

ORDER FOR RECOGNITION OF SENATOR HARRIS ON THURSDAY, NOVEMBER 11, 1971, INSTEAD OF TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order previously entered by which the distinguished Senator from Oklahoma (Mr. HARRIS) would have been recognized tomorrow morning be vacated.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders, under the standing order, on Thursday the distinguished Senator from Oklahoma (Mr. HARRIS) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

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

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.

ORDER FOR ADJOURNMENT TO 9 A.M. ON THURSDAY, NOVEMBER 11, 1971, FRIDAY, NOVEMBER 12, 1971, AND SATURDAY, NOVEMBER 13, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow and when it completes its business on Thursday, it stand in adjournment until 9 o'clock a.m. on Thursday and 9 o'clock a.m. on Friday, respectively.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday it stand in adjournment until 9 o'clock a.m. on Saturday.

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

Mr. JAVITS. Mr. President, reserving the right to object, is that absolutely an irreversible and irrevocable decision?

Mr. BYRD of West Virginia. No, theoretically; yes, pragmatically.

SPECIAL FOREIGN ECONOMIC AND HUMANITARIAN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (S. 2820) to provide foreign economic and humanitarian assistance authorizations for fiscal year 1972, and for other purposes.

MILITARY AID

Mr. NELSON. Mr. President, I would like to ask the chairman of the Committee on Foreign Relations a question or two about the authorization of some $341 million in military aid for Cambodia. I did not have the opportunity to hear all of the remarks of the committee chairman who may have covered some of this, but what puzzles me is the posture of the administration in asserting that they are withdrawing from Vietnam while we are expanding our military investment in Laos in the procurement bill, and now in Cambodia in this military aid bill which has just come out of the Foreign Relations Committee.

How does the Senator reconcile the rhetoric of the administration in saying that they are withdrawing from Indochina, from Vietnam, while we are dramatically expanding our military investment there?

Mr. FULBRIGHT. The Senator raises the question which bothers me most about the military aid bill. As the Senator knows, this was the item that precipitated more arguments and more vigorous disagreement than any other single item during the earlier foreign aid debate.

The military procurement bill has a blanket or overall authorization of $2.5 billion, excluding Cambodia, for military assistance to Southeast Asia. When this authority was given to the Armed Services Committee, we were at peace with Cambodia. It was a neutral country. We had no AID program there. This program started only a couple of years ago and that is why it is under the jurisdiction of the Foreign Relations Committee, whereas Laos and Thailand and Vietnam are under the jurisdiction of the Armed Services Committee.

Out of the overall authorization of $2.5 billion, the Senate set a ceiling of $350 million for Laos, a country with a little over 2 million people—$350 million in another bill——

Mr. NELSON. That is, in the military procurement bill?

Mr. FULBRIGHT. That has already been done. The conference report has not been approved, but the Senate set the ceiling in the bill it passed. Then came the foreign aid bill with the $341 million ceiling for Cambodia.

What is the explanation of this? I asked the Secretary of State, as a policy matter, "What is the objective? What do you seek to achieve by this kind of enormous enlargement of the military aspects of our program in Indochina?" He talked a great deal around the answer, but he finally ended up with the usual statement that it was for the protection of the withdrawal of our troops in Vietnam.

To me, it just does not fit. To me, it does not make sense. We do not need this kind of involvement in Laos and Cambodia to protect the withdrawal of our troops. It must mean something else. That something else is indicated by the 5-year plan of the Joint Chiefs, as reported in the New York Times, to build up an enormous army in Cambodia, with us paying for all of it.

Mr. NELSON. Let me ask if the distinguished chairman of the Foreign Relations Committee put that plan in the RECORD at the time of the debate on the foreign aid bill, before it was defeated?

Mr. FULBRIGHT. I mentioned it then, and I put the Times article in again today.

Mr. NELSON. Did I understand the Senator to say that it is a 5-year plan to build up the Cambodian army to 300,000?

Mr. FULBRIGHT. We are not sure of the exact period. It is apparently a long-range plan, covering the period through 1977. We are not privy to it. This is a proposal by the Joint Chiefs that was given to Secretary Laird. It was not given to us, but it was reported in the New York Times. Quite often this is the only way we can get information.

To refresh the Senator's mind, we requested DOD's 5-year plans for military assistance which it makes and which it has made for many years, and which would include Cambodia. The Pentagon flatly refused to comply with our request. When we pressed it to the point of asking the General Accounting Office to cut off the funds, the President, at the last moment, invoked Executive privilege. Does the Senator remember that?

Mr. NELSON. Yes.

Mr. FULBRIGHT. In those documents would have been the plan for Cambodia. At the time I wondered why in the world they were so reluctant to give the Senate, even on a classified basis, an indication of what they had in mind. Now it begins to come through a little. It makes some sense, because they do have plans that are contrary to what I think the American people believes to be the administration's policy in Southeast Asia.

Mr. NELSON. Did the Secretary address himself to the New York Times article or the proposal that they are building an army of 300,000 in Cambodia?

Mr. FULBRIGHT. He dismissed that. I think he pleaded ignorance of it.

Of course, it was not his plan. He could say he was not privy to it, and I could not challenge his statement.

Mr. NELSON. The Senator means that——

Mr. FULBRIGHT. The Secretary of State.

Mr. NELSON. The Secretary of State is not privy to the demands of the Pentagon, the Defense Department, for massive activities in foreign countries?

Mr. FULBRIGHT. Well, strange things happen in our Government. This whole business has a long history, and things are just now beginning to fall into place.

I think it is quite interesting to recall the following from which is not quite a year ago, the committee's report of December 14, 1970, on the supplemental foreign assistance bill, page 8. If the Senator will recall, this was just before the invasion of Cambodia by the U.S. Army. Does the Senator remember that? We had the Secretary of State before the committee 3 days prior to the invasion. I read from that report:

> When Secretary of State Rogers appeared before the Committee on Foreign Relations last April 23 to discuss Cambodia, he expressed his concern about initiating a large aid program for Cambodia.

Mr. NELSON. Does that mean interest?

Mr. FULBRIGHT. Oh, no; he was worried. "Concerned" in the sense that one would be concerned for the health of his daughter or son.

This was just 3 days before the invasion of Cambodia. The Secretary told the committee at that time:

> Undoubtedly, even though the request is for military assistance now, it would lead to a request for military advisors and if the going got tough after we had military advisors undoubtedly we would be confronted with a request for military aid in the form of troops, and it might well be that we would have a repetition of what happened in South Vietnam which, of course, would be, I think a very serious and unfortunate situation.

Mr. NELSON. Was he expressing his concern or worry about the level of the aid we were already giving to Cambodia in the spring of 1971?

Mr. FULBRIGHT. We did not have a big program in Cambodia there. We were just discussing the situation.

Mr. NELSON. This was a year ago last spring?

Mr. FULBRIGHT. A year ago last spring—April 27, 1970. The report I am reading from is dated December 14, 1970.

Mr. NELSON. Will the Senator advise me about this; maybe my memory is bad. I have no recollection about any debate or any authorization in any bill on the floor of the Senate.

Mr. FULBRIGHT. Prior to that?

Mr. NELSON. Anything that authorized us to put $100 million, or thereabouts, into Cambodia, which the administration did starting a year and a half or 2 years ago.

Mr. FULBRIGHT. There was no authorization. The administration transferred $110 million and spent it in Cambodia without an iota of authorization. They later came forward—I think this is what the Senator is talking about—5 or 6 months later and asked, as I recall, for $250 million; $110 million of that amount was to repay the money they transferred from other sources earlier. There had been no authority to spend anything at all in Cambodia. We ended by giving $282 million last year, but it was in large part authorized retroactively.

Mr. NELSON. Is the Senator saying that the expenditure by the executive branch was in violation of the law?

Mr. FULBRIGHT. It was in violation of the spirit of the law, because the uniform practice with respect to foreign aid bills has been that when the administration gives a justification for a program, it usually indicates the countries that are to be assisted—A, B, C, D, and E.

The President did have transfer authority under the Foreign Assistance Act. So I should say that, strictly and technically speaking, it was not a violation of the law, but it certainly violated the customary way in which these programs have been conducted in the past.

In the old days, there used to be a high degree of trust between the legislative and executive branches. When I first came to the Senate, the executive used to have confidence in the legislative branch; and Congress reciprocated by giving broad discretionary authority in order to give the executive some flexibility.

Now, what we run into more and more is just what I am complaining about in this bill, a reluctance or a refusal on the part of the executive to inform Congress of what it has in mind, what its policy is, what it is we are being asked to vote this money for, or what objective it is sought to achieve.

I would say that started in the old days, for reasons that I suppose came out of the war and the controversy over the war, and has developed until the bureaucracy and the executive branch just do not wish to tell Congress anything. The most extreme example was their refusal to give the Senate committee the relevant documents in connection with the executive department's so-called 5-year military aid plans, despite the fact that the law specifically requires the executive to make such information available to the relevant committees of Congress. Without it, we are voting blind.

We asked for these plans. They did not answer. Finally we invoked the law that would cut off the funds if we did not get the information.

The only response they made was to plead Executive privilege. I cannot imagine how one can reasonably call a document in the Pentagon, which the President probably never saw, to come within the purview of Executive privilege. But nevertheless, the President exercised that power, however inappropriate, at least to me it was, and therefore we did not get these plans.

A similar document, or a part of these plans, I would say, is what is reflected in the article in the New York Times.

This is a situation which disturbs me very much. It is not just the money, though I will admit it is a lot of money, but the real issue is where we are going in Southeast Asia? The country thinks we are getting out. These facts are, to me, utterly inconsistent with getting out, I mean really removing our military presence from that area.

Mr. NELSON. This is the issue that concerns me: my suspicion that we are really not getting out, and that we are making substantial commitments and expanding them in Cambodia, Laos and Thailand, with the likelihood that we will be there a long time.

I am wondering, what are the establishments? What are we spending in Thailand, and what is the infrastructure there?

Mr. FULBRIGHT. We will have to look that up. Thailand, as I said a moment ago, is not in this military aid bill, because it is under the jurisdiction of the Armed Services Committee. It will get its money out of the DOD authorization bill, the $2.5 billion we have already authorized. It is not in this bill; in total, Thailand is getting $139 million this year.

Mr. NELSON. Is that in military aid?

Mr. FULBRIGHT. That is military, and economic supporting assistance.

However, this amount does not include such sums as accrue to them from expenditures by our forces in Thailand.

Mr. NELSON. That is what I meant to ask.

Mr. FULBRIGHT. We have 40,000 or more troops, Air Force people, and supporting personnel at our big air bases, of which I believe there are a number, plus the Sattahip Naval and Air Base, a very large installation.

The $139 million is the direct aid; $77 million of this is strictly military. It does not include the peripheral costs of our forces there.

Mr. NELSON. But that is to the Government of Thailand itself?

Mr. FULBRIGHT. That is correct.

Mr. NELSON. So our expenditures on our bases there and those of our personnel, and our substantial expenditures on that very large bomber force in Thailand, are all in addition to this?

Mr. FULBRIGHT. That is correct. These are the direct items, the military assistance and what they call economic supporting assistance.

Of course, as the Senator knows, we give them military assistance, and then we give them economic assistance in order to help to pay for the military.

Mr. NELSON. Back to Cambodia for a moment. What was the year in which the administration, without notice, consultation, or advice to Congress, spent that $110 or $120 million in Cambodia?

Mr. FULBRIGHT. It began in fiscal 1970 and ran into 1971. I would like to finish what I was saying earlier with reference to some of the Secretary of State's remarks about the time of our invasion of Cambodia. I read this one paragraph, and got diverted.

Mr. NELSON. Yes.

Mr. FULBRIGHT. Let me read that paragraph again, to show the Secretary's thinking about aid to Cambodia at that time.

The Secretary said, as I noted earlier:

> Undoubtedly, even though the request is for military assistance now, it would lead to a request for military advisors and if the going got tough after we had military advisors, undoubtedly we would be confronted with a request for military aid in the form of troops, and it might well be that we would have a repetition of what happened in South Vietnam which, of course, would be, I think, a very serious and unfortunate situation.

Mr. NELSON. Quite obviously, the Secretary had no notion that there was going to be an invasion at the time he was testifying before the committee.

Mr. FULBRIGHT. The Senator asked me a while ago, could I believe the Secretary was not privy to the proposals of the Joint Chiefs. It is quite evident that he was not privy to the invasion plans at the time he made the statement to the committee. The President made his announcement 3 days later.

Let me now read from a committee statement issued shortly before the invasion began:

> In a meeting with the Secretary of State last Monday, members of the Foreign Relations Committee were virtually unanimous in expressing their deep concern over the possibility of any action by the United States that might involve our Nation further, directly or indirectly, in the changing situation in Cambodia.

This is a direct indication of the committee's attitude at that time. The committee met and was virtually unanimous. I think there may have been one Member who had some reservations.

The rest were unanimous in saying, in effect, "We do not want to become involved in Cambodia."

I do not wish to drag up old ghosts, but the Senator from Wisconsin happens to have been one of the men who I think were most sensitive to the Tonkin Gulf situation in August 1964—certainly much more sensitive than I was. I was more trusting of the then Johnson administration, and I was taken in to a greater extent, I believe, than was the Senator from Wisconsin. At least, he raised some very pertinent questions.

Under the influence of the statements—assurances—of the Johnson administration, I assured the Senator from Wisconsin—because I had no sources of knowledge other than what I had been told by the administration—that, no, there was no purpose of expanding the war, that the purpose was not to have a war, that the purpose of the Tonkin Gulf resolution was to show unity between the executive and the legislative branches and to strengthen the President's hand, so that he could persuade them not to proceed with the war, and thereby be able to persuade the North Vietnamese to stop their support of the war in the south. "No wider war" was the slogan then, and the resolution was presented in that fashion.

The Senator from Wisconsin, much to his credit, raised the question and considered offering an amendment. I said that I was in sympathy with that amendment, that I thought it expressed what I understood to be the policy of the Government, but that if we approved it, we would have to go to conference on it. That would delay passage, and we would lose the psychological effect of the quick action to show our support for the President.

I think we are both entitled—I am—to learn from that experience. The Senator really does not have to learn. He already, I think, has some skepticism about what this policy is, and I am very glad he does, because I think it is healthy for us to be skeptical about such matters.

Take all things together: The refusal to submit the 5-year plan. Such documents used to be available to us. The refusal is unusual. Then the exposure of the plan, as in the New York Times, together with the vast amounts, from nothing to $341 million in 2 years in Cambodia, $350 million in Laos. Put these things together, and what does it mean? It seems to me that this is what we are entitled to know. If we are going to vote on this matter, are we not at least entitled to know what it is for? What is it really for? Obviously, it is not just to protect the withdrawal of the remaining troops in Vietnam. It must have some other purpose, because they do not need it for troop withdrawals.

With respect to the story of the bombing that I put in, they are now bombing at an enormous rate. Of course, they do not call it bombing any more. The administration does not call it bombing. They call it protective reaction strikes. But in these protective reaction strikes, they drop the same kind of bombs that they used to drop in a bombing raid.

The administration says that it is not sending advisers into Cambodia, because the law prohibits it. Rather, they send in equipment delivery teams. The law does not use the term "delivery teams." I imagine they are still human beings, American citizens, who work for the U.S. Government; but they are delivery teams, and, therefore, the administration says they are not covered by the existing restrictions on advisers.

So, really, with this kind of relationship, it is almost impossible to know what is being planned. I am raising this question because it does seem to me that we ought to know where this administration is headed in Southeast Asia. Apparently, the only way you are going to know is for you to figure it out for yourself.

I remind the Senator that the distinguished Attorney General said:

> Judge us by what we do, not by what we say.

I believe this approximates his words.

From what they do, I am trying to figure out what they really have in mind as to the policy in Southeast Asia.

Mr. NELSON. I am concerned because I think there may very well be a parallel between what happened, how the executive branch proceeded in the Vietnam situation in 1964, 1965, and 1966, and what the executive branch is now doing by expanding our involvement—in expenditures, at least—in Laos, and expenditures and advisers and assistance in Cambodia, and maintaining a large operation in Thailand.

I do not think that the Senator from Arkansas was misled by the Tonkin Gulf resolution. I think that what the administration was saying was what they thought at the time, unless we are to say that it was a massive, calculated defeat.

The disturbing thing to me is that very able writers, who are writing about that period, are now saying that Congress gave a blank check in August of 1964 to the President to commence a ground war in Vietnam, if he thought that had to be done. If one reads the broad language of the resolution, as the Senator pointed out—and it was discussed on August 6 and 7, 1964—it would authorize an assault on the moon, for that matter. But the point that the Senator from Arkansas has made is that they were trying to show the unity in this country.

When I offered an amendment to specifically delineate the language in such a way as to make it clear that it did not authorize a change in our role in Vietnam from one of technical aid and assistance to a military commitment, it was because of the interpretation of the intent of the administration, by the Senator from Arkansas, that that was all the resolution really meant.

Looking at the circumstances of the day, and the time, and the political campaign, and what the President was saying to the Nation, and the attacks that were being made upon Senator GOLDWATER for advocating an expansion of the war, I concluded that this was really a kind of cheerleader's resolution; and,

therefore, if the President needed some cheerleaders cheering to convince them in Vietnam that the country was unified and that they should not be attacking us in the Gulf of Tonkin—if, in fact, they did—and we thought they did—then, fine, if that would help prevent an involvement in the war. Then I would vote for the resolution, but not to authorize the President to commence a ground war.

I did not hear anybody say that they favored a ground war at that time. In fact, within a day after that, on the floor of the Senate, I pointed out that that was not what we authorized. I stated in February, 1965, that you could not win a war over there with a million troops, and I voted against the $700 million appropriation in the spring.

What happened was that the President took a resolution which he was using to show unity in 1964, and then later decided that he would use it to prove that Congress authorized him to do what he was then doing, which had become quite unpopular.

I might say to the Senator from Arkansas that if he had stood on the floor of the Senate on August 6 and 7, when the Tonkin Gulf resolution was pending, and said, "Yes, this is the purpose, and this authorizes an all-out ground war in Vietnam," the President of the United States would have repudiated the chairman of the Foreign Relations Committee.

We were saying that Mr. GOLDWATER was going to get us into trouble, and the President was saying that. He was also saying, before and after the resolution, as the Senator well knows, that he was not going to send American boys to fight a war that Asian boys should fight for themselves. I recall that the Senator from Arkansas put in the RECORD four or five or six statements of that kind made before and after, so that if legislative intent or history mean anything, we judge the responsibility in the context of the times. If the Senator had been speaking for the administration, as he was, and said this authorized a war, President Johnson would have repudiated him out of hand because that was contrary to the political campaign he was making at that time.

Mr. FULBRIGHT. I think the Senator is quite right in his observations but I would like to suggest one correction, when he said I was not misled in the second instance, which looks as if it were minor, but what it did do was to create an emotional background which prevented the kind of discussion we are having now, which is more or less an unemotional description and analysis of what happened then, after the Johnson administration made the case that we had been attacked on the high seas. Everyone was stirred up, everyone said it was intolerable. But those reactions were based on deception.

It is quite possible—I agree with the Senator—that the Senator believed, however misguided I was in that belief, that such a resolution would strengthen the President's hand at that time, but he did not believe the President would use it to engage in a massive ground war. That I would not argue with. The only real deception created was the atmosphere which inhibited if not prevented a rational discussion of the policy involved—at least on my part it did, because I thought it was intolerable that we should be subjected to attacks on the high seas. The newspapers played this up so dramatically, as the Senator knows, about how those dastardly people dashed out when we were peacefully going our own way on the high seas. But in my opinion there were no such attacks in the second instance. I wonder what the Senator thinks——

Mr. NELSON. What I meant by that, the Senator not being misled, was, in fact, the Gulf of Tonkin resolution at the time it was asked for by the administration was not for the purpose the President claimed it was a year or two later——

Mr. FULBRIGHT. That is right.

Mr. NELSON. It was for the purpose of showing unity and not for the purpose of starting a ground war.

Mr. FULBRIGHT. That is right.

Mr. NELSON. I thought of that reason later, and that is my only point about it.

Mr. FULBRIGHT. While I think that is relevant, here we are faced with these unusual circumstances of an enormous increase in our involvement in Cambodia, together with the refusal to supply the basic information which we requested but later made public by the New York Times. All of this leads to the question—What is the purpose of this authorization of so much money for Cambodia? Is it really to protect the withdrawal of troops, or is it preparatory to the establishment of a permanent military presence there, permanent in the sense of being indeterminate—I mean by that, 5, 10, 20 years—or however long, which I do not know, but not consistent withdrawal within the foreseeable future, the next 2 or 3 years, which is what I think the people want.

This is very important. It may be justified. It may be a good idea that we have a permanent military presence in Thailand, and a half a dozen more places with these enormous strategic bases in the two buffer states of Cambodia and Laos. Maybe that is a good idea. If it is, it seems to me it is up to the administration to sell the idea, and then for us to vote the money, with our eyes open. We can accept that as a proper principle. This is the real point I am making.

If it is not a good idea—as I happen to think it is not, with all the information I have—I should be entitled to make the argument, "Look, this is what they are up to. I do not approve of it," and the Senate should vote on that basis rather than do it in the dark.

Mr. NELSON. I agree with the Senator that if it is in fact a good idea to make these large investments and build an army in Cambodia of 300,000 troops and spend $350 million in Laos maintaining a big establishment in Thailand, and staying there with a strong physical presence for some years to come, I would like to hear the justification of the idea.

I think it is a bad idea. I am against it. I do not believe that they can give me any reason sufficient to cause me to support that. But it should be above board. I think the constituents in my State think we are just getting out of Vietnam, and we are all happy about that. It is believed that whatever little amounts we are spending, in Laos, Cambodia, and Thailand—and most of the people in this country do not know what those amounts are—that they are for the purpose of protecting our withdrawal; whereas I suspect, however, it is quite another matter——

Mr. FULBRIGHT. That is right.

Mr. NELSON. And that what is going to happen, as has always happened, as the Senator from Arkansas has said before, we spend and spend and spend and pretty soon the country is entirely dependent upon the United States, and we are soon deeply involved there. Then we want to withdraw and they say, "You cannot do that. You build us up. You are our only support. Now you are going to double cross us and pull out." We see many articles in the newspapers about that now.

Mr. FULBRIGHT. That is right.

Mr. NELSON. That by voting against a foreign aid bill we are cutting the ground from under our clients. So it becomes an argument for us not to withdraw. Whether a good policy or not, that is what should be out in the open, discussed, and debated, and then settled on its merits.

Mr. FULBRIGHT. The Senator is quite correct. There are one or two other things that support the thesis. Here is an article published in Newsweek for October 18 entitled "Instant Replay."

It reads in part:

Since late last year, the U.S. Embassy staff in Phnom Penh has jumped from fewer than 60 officials to more than 150. And despite a Congressional resolution specifically forbidding the use of American military advisers in Cambodia, many more U.S. officers appear to be on their way there.

The Senator sees what I meant when I said the administration does not call them advisers but rather equipment delivery teams, a term not used in the law.

Continuing to read from the article:

Among other things, Mataxis favors expansion of last year's $180 million aid package and full U.S. backing for Cambodian assaults on Communist sanctuaries and supply lines.

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

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

INSTANT REPLAY

In one official pronouncement after another, the Nixon Administration has earnestly proclaimed its determination to avoid any major commitment in Cambodia. But for all that, the American presence in the once-sleepy capital of Phnom Penh has grown dramatically. Since late last year, the U.S. Embassy staff in Phnom Penh has jumped from fewer than 60 officials to more than 150. And despite a Congressional resolution specifically forbidding the use of American military advisers in Cambodia, many more U.S. officers appear to be on their way there. As a result, a bitter dispute has broken out in the U.S. Embassy—a clash between U.S. civilians and military men that could well determine the shape of American involvement in Cambodia for years to come.

At the root of the debate is the question of America's military role in that beleaguered country. Arguing for a minimal military-aid program, the civilians, led by chief political counselor Jonathan F. Ladd (himself a former Special Forces commander in South Viet-

nam), contend that the U.S. should train an elite force of Cambodian guerrillas to harass the Communists, but should not get bogged down in support of large-unit operations. By contrast, Brig. Gen. Theodore C. Mataxis, who heads the Military Equipment Delivery Team (MEDT) in Phnom Penh, has fought for a more activist U.S. policy. Among other things, Mataxis favors expansion of last year's $180 million aid package and full U.S. backing for Cambodian assaults on Communist sanctuaries and supply lines.

IGNORED

As of now, Mataxis & Co. seem to be in the lead. When Ladd balked at giving the relatively unsophisticated Cambodian forces expensive M–16 rifles, Mataxis pushed the M–16 order through, contending that the Cambodians should be as well armed as possible. And civilian complaints about the growing U.S. military establishment in Phnom Penh have been pointedly ignored. Just two months ago, Mataxis—who used to spend most of his time in Saigon—moved to the Cambodian capital, bringing with him his aide de camp and personal staff. At the same time, the number of MEDT personnel, whose job is to see that U.S. aid is being "properly used." has more than doubled. Many observers, in fact, believe that, despite the Congressional ban, some MEDT members are fulfilling advisory roles with the Cambodian Army.

To some experts, the growing influence of the military is an inevitable outgrowth of the slackening war in Vietnam. "The pressure to increase the military presence here is really strong," said one American diplomat in Phnom Penh. "There are simply too many officers losing their jobs in Saigon. These men are worried about their careers, and you don't become a general sitting behind a desk in Washington." Others place the blame directly on U.S. Ambassador to Cambodia Emory C. Swank. For although Swank, a 49-year-old career diplomat, is said to favor what he jokingly refers to as a "medium profile," critics have charged that he has knuckled under to the generals. "Swank claims he's not competent to assess the needs of the military," said one embassy official. "But in Fred Ladd, he's got the best adviser in Southeast Asia. By throwing up his hands, Swank is just trying to keep himself off the hook in case everything goes wrong."

Whatever the reason for the growing primacy of the military, the betting is that it will increase. For despite a pending amendment to the foreign-aid bill calling for a 150-man ceiling on U.S. personnel in Cambodia, the Defense Department is reportedly going ahead with plans to expand MEDT forces to an estimated 500 by the end of next year. And there are signs that the military men already in Cambodia are getting more directly involved in the fighting there. American helicopters have reportedly begun transporting Cambodian troops into battle areas and supplying them with ammunition. And at Pochentong Airport in Phnom Penh, U.S. forces recently opened a radio center (officially called a "navigation aid") to coordinate air support for Cambodian troops.

Though no one seriously suggests that the U.S. is about to slip into another Vietnam-scale involvement in Cambodia, the momentum of the buildup appears strikingly familiar. "The military are already falling all over themselves at the embassy," said one U.S. official. "Within a year, the Pentagon will have taken over our operations in Cambodia—and Swank and all the other civilians will be sitting on the sidelines just like the civilians in Saigon."

Mr. FULBRIGHT. Mr. President, it is interesting that the law forbids us from sending in U.S. advisers and training the Cambodians ourselves. This is in the article published in the Washington Post on the 11th and the 7th——

Mr. NELSON. Is the Senator referring to the resolution passed here last year?

Mr. FULBRIGHT. In the supplemental aid bill, a restriction upon our sending in ground troops and advisers into Cambodia.

Does the Senator remember that?

Mr. NELSON. I remember it very well. What is their explanation for the Thailand troops that are fighting in Cambodia and being supported by our money?

Mr. FULBRIGHT. They are called local forces. It is playing with words. The distinction is the same as between a bombing raid and a protection strike. How does the Senator from Wisconsin explain it? It seems to me it is semantic trickery.

This dispatch is dated November 7, 1971. I shall read what Adm. Thomas H. Moorer said, in the face of Cooper-Church restriction:

Adm. Thomas H. Moorer, Chairman of the U.S. Joint Chiefs of Staff, said in Phnom Penh the Joint Chiefs planned to hire foreigners, known officially as third country nationals, to train Cambodians in American logistical systems.

I read further from the dispatch:

At a news conference at Pochentong Airport, Moorer commended the Cambodians for progress in developing their armed forces from a prewar force of only 30,000 to an army of roughly 200,000 today.

That is the phase-in. That is the Chairman of the Joint Chiefs of Staff applauding the Cambodians for an army that is now up to 200,000. Putting all those items together from the story in the New York Times, we can see that the military hopes to have the number of troops in Cambodia up to 300,000. This is the only logical explanation of the $341 million request.

In addition, there is another article from Phnom Penh, published in the Washington Evening Star of October 15, 1971:

The U.S. Army plans to get around the Cooper-Church amendment's ban on American military men in Cambodia by paying $200,000 to hire foreigners for noncombat work, American officials report.

"They are people who can do under contract what we are forbidden to do," a U.S. source declared. Another source said they would cost less than American civilians.

Cooper-Church, passed by Congress last year, bars American military advisers, training personnel and combat troops from Cambodia.

Further the article states:

The foreigners would be employed in supply depots and maintenance shops behind front lines, although the sources did not rule out an eventual role as combat advisers.

The sources said the use of foreigners had been recommended by teams of military experts who visited Cambodia to study supply snarls.

The sources noted that a handful of foreigners are already being paid by the American Military Assistance Program to Cambodia. They include about 10 Air America maintenance crewmen who keep Cambodia's T-28 fighter bombers flying, a representative from Bell Helicopters, and 3 Filipinos brought here from Laos to set up an English language school.

So the program is already underway. What is the objective of it?

Mr. President, I ask unanimous consent that the two articles in their entirety be printed in the RECORD.

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

[From the Washington Star, Oct. 15, 1971]

THE ARMY FINDS A LEGAL WAY

PHNOM PENH.—The U.S. Army plans to get around the Cooper-Church amendment's ban on American military men in Cambodia by paying $200,000 to hire foreigners for noncombat work. American officials report.

"They are people who can do under contract what we are forbidden to do," a U.S. source declared. Another source said they would cost less than American civilians.

Cooper-Church, passed by Congress last year, bars American military advisers, training personnel and combat troops from Cambodia.

LIMIT OF 50 VOTED

The sources said the foreigners, known in official circles as "third country nationals," would supplement the American military equipment team which is responsible for handing over arms and ammunition to the Cambodians but is forbidden to show the Cambodians how to use the equipment.

Headed by Brig. Gen. Theodore Mataxis, the team's current strength is 113 men, with 50 officers and enlisted men assigned to the Cambodian capital and the rest in Saigon.

The Senate Foreign Relations Committee on Thursday voted to limit to 50 the number of foreigners hired in Cambodia. Most likely they will be Koreans, Nationalist Chinese, Australians or New Zealanders experienced in dealing with the American military in South Vietnam or Laos, where some have been engaged in hazardous undercover work for the Americans.

MAY ADVISE ON COMBAT

The $200 million U.S. military assistance program for fiscal 1972, now the subject of congressional hearings, includes an item for third country nationals, a source said. He said salaries for foreigners in Cambodia might total $200,000 a year.

The foreigners would be employed in supply depots and maintenance shops behind front lines, although the sources did not rule out an eventual role as combat advisers.

The sources said the use of foreigners had been recommended by teams of military experts who visited Cambodia to study supply snarls.

The sources noted that a handful of foreigners are already being paid by the American military assistance program to Cambodia. They include about 10 Air America maintenance crewmen who keep Cambodia's T28 fighter-bombers flying, a representative from Bell Helicopters and three Filipinos brought here from Laos to set up an English language school.

UNITED STATES TO PAY OTHERS TO TRAIN CAMBODIANS

Adm. Thomas H. Moorer, chairman of the U.S. Joint Chiefs of Staff, said in Phnom Penh the Joint Chiefs planned to hire foreigners, known officially as third country nationals, to train Cambodians in American logistical systems.

American military men have been barred from giving Cambodians any advice or training here by the Cooper-Church amendment passed by Congress last year.

At a news conference at Pochentong Airport, Moorer commended the Cambodians for progress in developing their armed forces from a prewar force of only 30,000 to an army of roughly 200,000 today.

Moorer, who has been accompanying Secretary of Defense Melvin R. Laird, flew into the Cambodian capital today from Danang, South Vietnam. After calling on Marshal Lon

Nol, Cambodia's semi-invalid premier, and acting Premier Lt. Gen. Sisowath Sirik Matak, Moorer flew to the seaport of Kompong Som for a brief visit and then to Udorn, Thailand.

The U.S. Navy said today it is sending home the last Seabee construction batallion left in Vietnam. The U.S. Army said it was closing down operations of an engineer battalion that had been assigned to the Americal Division.

On battlefronts, U.S. Command spokesmen said at least one American was killed when a unit of the 3rd Brigade of the 1st Cavalry Division came under mortar barrage today 4 miles east of Saigon.

American B–52 bombers blasted a North Vietnamese truck depot near Khesanh this morning, destroying a number of vehicles. The bombing raid was the second attack on the depot this week and followed a rocket attack by helicopter gunships on Wednesday which destroyed 10 trucks.

Mr. FULBRIGHT. What is the objective of the policy? What do we seek to accomplish? It seems to me that the Senate ought to know this before it votes. I tried to get the answer last Wednesday or Thursday when the Secretary of State was before the committee. I did not get it any more than I got when I asked for the 5-year plans.

It is not my place to advise other Senators. However, it seems to me that Senators ought not to vote in the dark. If they want us to support the measure, they ought to be willing to stand up and say what it is for.

Mr. NELSON. Mr. President, I hope that by the time we come to a vote on the military aid bill we will get an answer. I believe it is anticipated that we will vote on the day after tomorrow or that we will take up the economic assistance first and the military aid second.

Mr. FULBRIGHT. The scheduling in the Senate is beyond my responsibility. I thought today that we were going to have some votes and proceed to do business. However, for reasons that I do not understand, we stayed here last night under the pressure, I thought, of getting things done. What will happen tomorrow or the next day, I do not know. I wish I could assure the Senator of what will happen.

I have heard it discussed, without any assurance whatever, that we were going to vote on the Okinawa treaty tomorrow and that we would then be ready to vote on the economic aid bill. When that is passed, we will then proceed on to the military aid bill.

Mr. NELSON. Mr. President, in any event, it is likely that there will be no vote on the military aid before tomorrow or perhaps the day after tomorrow?

Mr. FULBRIGHT. That is a probability.

Mr. NELSON. That would give the administration time to furnish the answers to the questions we have been discussing here so that perhaps someone could explain it on the floor and give us some better justification than the mere assertion that the purpose of being in Cambodia is to protect the withdrawal of our troops.

I do not understand that answer, since the troops that are in Cambodia are Cambodian troops and are not our troops.

Mr. FULBRIGHT. Of course, recently the activity has been primarily between the South Vietnamese and whoever went into Cambodia, and they are attacking the North Vietnamese. I remind the Senator of a little history relative to this. In the old days, there has always been great rivalry between the North Vietnamese and the South Vietnamese. They are a more aggressive people than the Cambodians. The Cambodians have been a relatively quiet people. The traditional enemies have been the Vietnamese and the Cambodians. It was the same way with the Thais.

In the old days there were periodic excursions into one country or the other by the Cambodians and the Thais. They had a long fight over a border problem that went to the International Court.

I believe that the real contest is between North and South Vietnam as to which one will get Cambodia. That is the problem at the present time. Of course, one thing that the Cambodians want above everything else is to get both the North Vietnamese and the South Vietnamese out of there. They are being overrun and occupied by those two countries.

As the Senator knows, when a fight nears the end, it is like two dogs fighting over a bare bone. They fight over the remains. That is what is going on there. We are getting in the middle of it. It is much like what was going on in Vietnam. There were two different factions. There were the South Vietnamese and the North Vietnamese, the Communist and the non-Communists, remnants of the old French regime. They were fighting as to who would be the inheritor of the colonial empire. Now we have a fight in Cambodia between the North Vietnamese and the South Vietnamese as to who will inherit Cambodia. The Cambodians, of course, want to see both get out.

I hate to see us get involved. All of it is beyond our capability to deal with except by this massive military might which does not solve anything.

It of course destroys a country, as we have been destroying Vietnam and Laos.

The situation over there is something our military is not designed to cure, in my opinion. That is why we ought to know the purpose and the objective of the administration's policy.

If my experience is any guide, all the administration will say is that whatever we do in Cambodia, Thailand or Laos is to protect the withdrawal of our troops. If the Senator thinks that is a satisfactory answer, he can vote to support it. In my opinion the policy indicates a military buildup over there which I do not want to support any more than I would have supported the Gulf of Tonkin joint resolution, had I known then what I know now.

Mr. NELSON. Mr. President, I do not think it is a very convincing argument. That is why I voted against the military procurement bill.

Mr. President, I want to thank the Senator for his observation about the issue of our authorization for appropriations in Cambodia. It simply reinforces my belief that our purposes there are other than what have been publicly stated. I therefore cannot support the appropriation.

I thank the Senator from Arkansas.

The PRESIDING OFFICER. What is the pleasure of the Senate?

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PROPOSED CHANGE OF REFERENCE—S. 2574

Mr. McGEE. Mr. President, this afternoon I have agreed to join the Senator from Nebraska (Mr. HRUSKA) and the Senator from North Carolina (Mr. ERVIN) in a colloquy concerning a Senate bill reported from the Post Office and Civil Service Committee, S. 2574.

The bill was reported after having been referred to the committee by the Parliamentarian; and jurisdiction rests with this committee, in his judgment, even though, as most of us understand, almost any bill that comes before this body can be divided, like Gaul, into at least three parts, and maybe more, in terms of where its bits and pieces lie.

Nonetheless, I have agreed, as we have reported the bill from the committee, to respond to questions that the ranking minority member of the Committee on the Judiciary has manifested an interest in raising, that we might discuss the matter more fully, and to questions from the senior Senator from North Carolina.

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

Mr. McGEE. I yield.

Mr. HRUSKA. Mr. President, the Committee on Post Office and Civil Service was assigned the bill because it contained references to the U.S. Postal Service and the Bureau of the Census. But the real thrust of the bill, and the primary thrust of it, is to establish a national voter registration system.

That subject has generally been within the jurisdiction of the Committee on the Judiciary, starting with the Civil Rights Voting Act of 1957, to my personal recollection, and, of course, including the civil rights act amendments of the 1960's, the Voting Rights Act of 1965, and the Voting Rights Act of 1970. All of these were considered by the Committee on the Judiciary.

It just seems to members of the committee that a reference to that committee for a reasonable time in which to get at least some official and systematic analysis of it, and perhaps a little additional testimony in the light of the committee bill, would be desirable.

Mr. McGEE. I would say to my friend from Nebraska that we are all familiar with the multiple referrals latent in any measure that is introduced. In our committee, we raised no particular question on this matter.

The distinguished senior Senator from North Carolina is chairman of the subcommittee of the Committee on the Judiciary which examines the rights of Federal employees. A case could be made that we had some interest there. We felt that, however, he was doing an excellent

job on the point of it that was the relevant one, and we have applauded his efforts.

At present, the Finance Committee, in a current measure which it will soon report, is considering new salary levels for supergrade Federal employees. That would be regarded, I think, as specifically within the prerogative of the Post Office and Civil Service Committee; but it was a part of a larger finance measure that was coming out, and we raised no particular point on that, simply trying to understand the multiple parts of the legislation.

Likewise, then, on S. 2574, we have not proceeded along the lines of the Voting Rights Act of 1970, which was considered by the Judiciary Committee; and we have simply sought to set up a mechanism, a mechanical operation, that would remove some of the remaining obstacles to the process of registration in Federal elections—and only Federal elections.

I would point out that as a consequence of our very extended hearings and the long deliberations of the members of the committee, there were many differences as to whether we should strip out of the original legislation a great many of the provisos in an attempt to keep it as close to the mark as possible. I think we have a barebones bill here, one that simply provides that the Bureau of the Census would be responsible for distributing the necessary forms for applying for registration; that the postcard would be handled by the U.S. Postal Service in returning that information to the county clerk or the State authority responsible for it; and that in that context the responsibility for this measure, as assigned by the Parliamentarian, lay within the jurisdiction, in that category, of this particular committee, from the way that the bill was structured.

I would only add, as to one or two other measures introduced earlier, that when one of them was referred to our committee by unanimous consent—not by the Parliamentarian—the minority whip, Mr. GRIFFIN, at that time made the point——

(Mr. GRIFFIN entered the Chamber at this point.)

Mr. McGEE. I ask the Senator from Michigan, How is that for timing?

He made the point that he thought that in the future, in such matters, the reference ought to be made by the Parliamentarian and this bill was referred to our committee by the Parliamentarian's judgment, namely, that the main substance of the content of the bill lay within the jurisdiction of our committee.

Thus, on that ground, we proceeded in good faith, with very careful attention being paid to avoiding transgressions into the jurisdictions of other committees, and we were hopeful that the courtesies and the understanding that we have extended in similar matters on other bills would be reciprocated in this case.

That is the essence of our position on the matter.

Mr. ERVIN. Mr. President, I would say that if I had known anything about these bills being there, I would have wanted to come and testify about them, because I would consider that anything connected with Federal elections is alien both to the Post Office and to the Bureau of the Census.

One time before in the Nation's history they undertook to let the Federal Government have supervision of certain elections, and the country was filled with fraud and scandals almost throughout the Nation.

I think this bill belongs in the Judiciary Committee. As a precedent, ever since I came to the Senate, every bill having to do with elections has been sent to the Judiciary Committee except one bill on one occasion, which was referred to the Rules Committee.

We have had before us in recent years two voter registration bills, the Voting Rights Act of 1965 and the bill to suspend all literacy tests throughout the United States. Both of those came through the Judiciary Committee.

There is a provision of law that aliens have to register with the post office. By the same token, they could say, "We have charge of the immigration laws, since aliens have to register with us." And they might also say, "Since the Bureau of the Census takes a farm census, we could also take jurisdiction of all matters committed to the Department of Agriculture."

I think this whole procedure is alien to the purposes of the Bureau of the Census and alien to the Post Office Department. But that is beside the point at the present time. I should like to have an opportunity to study the bill. I think it makes a drastic change in the election laws of the country, and I think that some committee that has had some experience on that matter ought to have a chance to look at the bill and see whether it needs amendment.

I have not seen a recent edition of the bill; but I read the first one, and absolutely, under the first bill—the one I read—in my judgment there would be no way to protect the people of the United States against monumental frauds, because the person who registers to vote for President, Representative, or Senator would never be seen by the local registrar. He would be required, as I read the bill, to put the applicant on the books without any opportunity to ask him any questions whatever. We might as well not be so naive as to believe that there are not many people in this country who would steal elections. A few years ago—meaning no harmful reference—it was discovered, after an election in the State of Missouri, that hundreds and hundreds of people were registered and voted there whose addresses in many cases were filling stations.

If this bill is passed without some stringent amendments, there is going to be a general resurrection of the dead throughout the United States on every election day.

We cannot hope that everybody will be as honest as the two men who went to a cemetery in a county in my State to get names from the gravestones. One of them was reading the names off the gravestones, and the other was writing them down.

One man read: "Sacred to the memory of Israel Sherinstein."

The other man said: "Wait a minute. That's a long name. We can divide that into two parts and have two votes here.

The other fellow said: "No, sir. If I'm going to have anything to do with this, it's going to have to be honest." [Laughter.]

That is the kind of election law—with all due respect to my good friend and the committee—that shows that the Committee on Post Office and Civil Service does not know much about elections.

Mr. McGEE. I would say to my friend the Senator from North Carolina that at this point I think we are less concerned about the substance of the bill, which he has not yet had a chance to study—and thus the allegations about where potential fraud might come in ought not parallel that—but, rather, whether we have some jurisdiction over this matter.

I must say that I again applaud the Senator from North Carolina for his efforts with respect to looking into the rights of Federal employees. We are jealous about Federal employees. The Committee on Post Office and Civil Service has jurisdiction over Federal employees. We think the Senator has rendered a service in that connection. We do not think we are the only ones who are concerned about Federal employees and what their rights are.

I think this question lends itself to some knowledge that we on the Committee on Post Office and Civil Service have some considerable knowledge that relates to the feasibility of this process in carrying out the broad lines laid out in the Voting Rights Act of 1970. That is all we really need to submit in regard to it. At this stage, it is a jurisdictional matter, not a substantive matter, as I understand it.

Mr. ERVIN. In fact, referring to the bill of rights for Federal employees, when I first drew that bill and before I introduced it, I went to the distinguished predecessor of the distinguished Senator from Wyoming, the Senator from Oklahoma, Mr. Monroney, and called his attention to the bill. I stated that while I was trying to protect their constitutional rights, a field in which the Committee on the Judiciary has jurisdiction, I recognized that the Committee on Post Office and Civil Service could also take jurisdiction. So I got his consent to introduce the bill and to make a unanimous consent request—which was suggested to me by the distinguished Parliamentarian—that the bill be referred to the Judiciary Committee, and that was done originally.

Then, after the distinguished Senator from Wyoming succeeded to the chairmanship of the Committee on Post Office and Civil Service, I had a similar conversation with him, and he and I agreed that that would be the procedure to follow. That has been done.

In this case, I do not think the Judiciary Committee was told in advance about this proposal. I now want adequate time to read at least the latest version of the bill. I understand that the bill has been revised drastically since I read it, and I have not had an opportunity to see

that. I have 5 days of hearings scheduled in the immediate future. I cannot be here.

Mr. McGEE. I appreciate the point the Senator makes.

At no time on this measure and its reference did I ask unanimous consent that it be referred to the Committee on Post Office and Civil Service. The Senator was kind enough to consult on the other bill and to ask unanimous consent that it be referred. But this is a question that has come up in terms of how the bill got to the Committee on Post Office and Civil Service, and that is the point that was raised in the RECORD by the Senator from Michigan.

Mr. GRIFFIN. I should like to recall what happened, because I remember it very well. It was late in the day. My attention was distracted at a time when the Senator from Massachusetts (Mr. KENNEDY) who is in the Chamber now—presented, from the well, a bill at the desk and asked unanimous consent that it be referred to the Committee on Post Office and Civil Service. There was no objection, and that was it. He left the Chamber.

Then I had the opportunity to go to the desk and take a look at the bill. I realized that it was an election registration bill which, in my humble judgment, should not have been referred to the Committee on Post Office and Civil Service.

Of course, if it were properly to go there, unanimous consent would not have been required. Even though the distinguished Senator from Massachusetts was not then on the floor of the Senate—and I hesitated to do this—I felt so strongly about it at the time that I made a request that if and when the bill should be reported by the Committee on Post Office and Civil Service, to which it was being referred by unanimous consent, it should thereafter be referred to the committee which would have had jurisdiction if the request had not been made.

Frankly, it seems to me that this bill should have gone to the Committee on the Judiciary, and at that time I thought my request would accomplish that result. If it did not, I would certainly join with the Senator from North Carolina in urging now that it be referred to the Judiciary Committee, after having had the benefit of the study of the Committee on Post Office and Civil Service.

Mr. McGEE. Let me say to the Senator from Michigan that that is not the bill about which we are talking.

Mr. GRIFFIN. I see.

Mr. McGEE. That bill was not reported by the committee. That was the bill that was introduced by the Senator from Massachusetts. This is an entirely different bill, the McGee bill, that was reported at a later date. So it is not the same sequence of events about which the Senator was concerned.

Mr. GRIFFIN. Was this the origin of the bill?

Mr. McGEE. No. We had four bills actually submitted and referred to the committee, one way or another—one of them by unanimous consent—in the same way that the bill concerning the constitutional rights of Federal employees was submitted to the Judiciary Committee—by unanimous consent.

But the McGee bill, in its approach in this matter, through the Bureau of the Census and the Post Office Department, was submitted about 10 days later, in its own right among those bills, and was submitted by reference from the Parliamentarian, not by a unanimous-consent request. So I think it still lives up to what I understand the intent or the interest to have been on the part of the Senator from Michigan.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

First of all, I want to extend my warm congratulations to the Senator from Wyoming for the work he has done on the bill, the series of hearings he has held, and the wide range of witnesses that have been heard on the proposed legislation. I think he and his committee deserve the commendation of all Members of the Senate.

As one who has long been interested in the expansion of the right to the franchise, I have been very much aware of the voices that have been raised, time and time again, questioning both the jurisdiction and the substance of legislation in this area. I think we have made significant progress in this body in expanding the right to the franchise, and I believe the present legislation is an important addition to the long line of matters that have drawn the attention of the Senate.

I can think of a recent time when the Senate considered the question of redistricting congressional districts. That was a hotly contested debate. There were efforts to keep it in committee, to study it further, and to examine its various implications over and over.

I can think of a recent time when the Senate considered the poll tax. I remember the hue and cry against our efforts to abolish the poll tax and the injustice it meant for those who were poor or black; we heard all kinds of reasons why the Senate should not abolish the poll tax.

Then I remember the debate on the 18-year-old vote. It was a Senate floor amendment, and its opponents said it had not been given consideration in the committee. Nonetheless, the Senate acted.

In each area, the action of the Senate has been supported by the Supreme Court. On the present bill, there have not been any serious constitutional questions that have been raised. As a matter of fact, two of the most outstanding constitutional scholars on the question of the 18-year-old vote, Professor Pollak of Yale and Professor Freund of Harvard, as well as many other constitutional authorities, are unanimous in supporting the constitutionality of the bill that has been reported.

So I supported and commend the Post Office and Civil Service Committee for its work. As a member of the Judiciary Committee and as one who has been in on some of these past battles, I believe that the Post Office and Civil Service Committee is performing a special service here.

We can talk about these matters of jurisdiction on into the night. The Senator from Wyoming has already touched on some of the various experiences he has had on jurisdictional questions. If we were to consider the whole range of Senate committee jurisdiction over elections, we can think of the Committee on Commerce, which has jurisdiction over broadcast spending in elections. We can think of the Committee on Rules and Administration which has jurisdiction over reporting and disclosure.

We think of the Committee on Finance which has jurisdiction over tax credits for political contributions. It is clear that many different committees have an interest in this area, and I think we should respect the interest of the Post Office Committee, just as we respect the interest of all the other committees.

This is not to say that we are all not jealous of the different matters over which our committees have jurisdiction. We know that there is frequently an overlap in jurisdiction between the Foreign Relations Committee and the Armed Services Committee.

I know the problem firsthand. For instance, as chairman of the Health Subcommittee, I realize that the Finance Committee will work its will in the area of financing health care. There are two essential parts in providing health care. One is delivery, and the other is the financing. They should not be separate, but in this particular matter, that is the way the Senate system works.

Financing of health care goes through the Finance Committee, and the delivery system goes through the Health Subcommittee.

We could spend a great deal of time wrestling around on this bill, but we all recognize that we work our will in terms of what goes on on the floor of this great body.

Last year, the Senate acted on the floor to accept Senator GOLDWATER'S residency requirement of 30 days for presidential elections, and we acted on the floor of the Senate in terms of the 18-year-old vote. This bill is much less complicated. It involves a much simpler kind of question. It is trying to provide opportunities for young and old alike to participate in a more meaningful way in the election process.

I do not believe that we should tarry long. As a member of the Judiciary Committee, I know its many current duties and assignments, including the consideration of the two Supreme Court nominations. I am very much aware that on the present bill, a substantial record has been made by the Post Office and Civil Service Committee, and I am aware of its fairness in conducting the hearings. They had a variety of opinions that were received. The fact is, this is a limited piece of legislation in terms of application. I would certainly hope, with the degree of urgency on this kind of legislation, that the chairman will continue to stand firm in his viewpoint, to insure that we do have the opportunity to debate these issues and act on them before the end of this year.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Massachusetts yield?

Mr. McGEE. I am glad to yield to the Senator.

Mr. GRIFFIN. Since the Senator from Massachusetts serves on the Judiciary Committee, he indicated there were no constitutional questions. I do not think he really meant to say that. I would imagine that there are some, because I am aware of the fact that there were constitutional questions raised in the hearings before the Post Office and Civil Service Committee.

I wonder whether the Senator from Massachusetts would object if a unanimous-consent request were made that the bill now be referred to the Judiciary Committee, which I think, if it did not have primary jurisdiction, certainly would have equal jurisdiction with the Post Office and Civil Service Committee.

Mr. McGEE. The chairman of the committee would object.

Mr. KENNEDY. Is the Senator a member of the Judiciary Committee?

Mr. GRIFFIN. No; my understanding is——

Mr. HRUSKA. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. If I may take just a moment, I would like to finish my question with the Senator from Michigan first. What is the basis for the constitutional questions that were raised?

Mr. GRIFFIN. I am relying on the advice of the Senator from Nebraska, which I always find to be pretty good advice.

Mr. KENNEDY. The Senator from Nebraska is one who opposed the question of congressional redistricting, who opposed the 18-year-old vote, and who opposed the action of this body in terms of the poll tax. I do not question his advice, but——

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Wyoming has the floor.

Mr. KENNEDY. The point I was raising is that in the committee hearings on the present bill, no substantial constitutional questions were raised. Obviously, any lawyer worth his salt can raise a constitutional question. The issue is whether the constitutional question is substantial. Am I not correct in my understanding that no substantial constitutional questions were raised?

Mr. McGEE. The question did come up in the same way in the committee deliberations, as well as in the hearings, but I would be willing to yield some time, as requested by the Senator from Nebraska, to raise a question with the Senator from Massachusetts.

Mr. HRUSKA. Mr. President, I suppose I could have the floor on my time, but I will be glad to take advantage of the Senator's yielding. Representation was made that I opposed the 18-year-old vote as well as the poll tax. The facts are to the contrary. The facts are that I approved of and supported the 18-year-old vote—

Mr. KENNEDY. As an amendment to the Voting Rights Act?

Mr. HRUSKA. To get down to the matter of whether constitutional questions were raised, they were not raised by me, they were raised by Ralph E. Erickson, Deputy Assistant Attorney General, who appeared before the committee for the Department of Justice, and gave a well-reasoned and well-documented presentation of the subject on constitutionality. Here we have the bland and unsupported statement that no constitutional problems or questions were raised. They have been raised. There were constitutional considerations on matters of State laws, on the matter of enforcement, which always resides in the Department of Justice, and of course the Judiciary Committee is the natural home for the consideration of a measure of that kind.

What are the serious constitutional questions which were raised? They begin on page 270 of the committee hearings—20 pages of consideration of that—together with practical considerations of why this proposal should be looked at carefully.

Mr. KENNEDY. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. If I may first respond to set the record straight about the hearings, because I sat in on them during every minute and remember when Mr. Erickson testified. He was drafted at the last minute. He had been in the Department of Justice only 3 days. He had not really had a chance to get into this subject. He ended by testifying to a measure that has been very, very considerably changed from his suggestions. I think that he made some very helpful ones. We changed some of the phrases he used and tightened up the bill. His private observation, as a matter of fact, was that he thought we were on the right track. It was a case of his trying to acquaint himself with the problems as we went along. We worked along together with him.

Mr. HRUSKA. Mr. President, he testified on four bills. There were four bills. He testified on each of them. And at the conclusion of his statement, I find by a hurried reading—and this is the first time I saw the printed hearings——

Mr. McGEE. But not the November bill.

Mr. HRUSKA. No. But that is all the more reason why he should be called back and we should say: "Here is a clean bill. Do any of these constitutional questions apply to the clean bill?" They are raised, and it is right here.

Mr. McGEE. He was called up in such a hurry, and he was new on the job. We gave him the November print, the last print of the bill all cleaned up, and asked him to take it back and review it. He was kind enough to do that and he sent up his general observations.

There was no attempt to bypass or to duck the issue or to go ahead with the basic questions on this. And the constitutional question after the Oregon against Mitchell case was a secondary rather than a primary matter after it was developed by Mr. Erickson in the testimony.

Mr. HRUSKA. Inherent in the proposition is still the question whether there are constitutional questions, and plainly there are.

Mr. McGEE. I would challenge the Senator on that statement. I think that there are no basic constitutional questions. An 8-to-1 vote of the Supreme Court settled that issue in the Oregon against Mitchell case.

Mr. HRUSKA. Mr. President, I am not so sure.

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

Mr. McGEE. I yield.

Mr. KENNEDY. Mr. President, it seems to me that we are getting somewhat selective as to when we shall ask the Judiciary Committee to take these matters. The same thing could be said with regard to other bills. It seems to me that whether we are asked to send a bill to the Judiciary Committee depends upon whose ox is being gored.

Obviously, the fact that a bill contains a constitutional question does not automatically give the Judiciary Committee jurisdiction over it. A few months ago, the Senate passed a major election reform bill that contained a number of first amendment issues, but there was no claim then that the Judiciary Committee had jurisdiction.

This is an extremely basic and fundamental bill of legislation. It deals with the availability of registration, and the Post Office Committee has clear jurisdiction.

The chairman of the committee has stated the constitutional question entirely correctly by his references to Oregon against Mitchell.

However, I did not know we were going to take the bill up and debate it tonight.

I am sure that the Senator would agree that we could have a reasonable amount of time to acquaint ourselves with the bill, before it is called up for floor debate. The Senator from North Carolina and the Senator from Nebraska are great constitutional authorities, and we look forward to their participation in the debate.

Mr. McGEE. We all agree with that statement, having had a fast look at the RECORD.

Mr. ERVIN. Mr. President, the Constitution of the United States still states that each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress. It says that the electors shall elect the President.

This bill says that the Post Office Department and the Bureau of the Census, as I read the first draft, would determine that instead of the States. I think that is a serious constitutional question.

Mr. McGEE. Mr. President, I do not want to go into the subsistance of the question. It is a jurisdictional one, according to my recollection of the hearings. And I have to do this very roughly because I am not a constitutional lawyer, although once I thought I was a constitutional historian. Article I, section 4, does in specific language suggest that Congress should be the judge of the elections in the case of its membership. It was upon that basis that we have the decision in the Oregon against Mitchell case. That is in the Constitution.

We cannot content ourselves by reading a part of the Constitution that proves our side.

Mr. ERVIN. Mr. President, it refers only to Representatives in the House. It says their qualifications are to be pre-

scribed by the States. The part I read refers to the presidential electors.

Mr. KENNEDY. Mr. President, the committee was on sound ground in its view of the constitutional issue. The chairman has already referred to Oregon against Mitchell, which decided the issue of residence requirements. On Smiley against Holm, decided in 1932 by Chief Justice Charles Evans Hughes for a unanimous court, the Supreme Court clearly held that Congress has plenary power under the Constitution to legislate in the area of voter registration.

We know that in the past, Congress has acted on the 18-year-old vote, the question of redistricting, and the question of the poll tax. They were all much closer constitutional issues than the one we have here. Ultimately that matter will be decided on the floor of the Senate, and there is no need for further reference of the bill to any other committee. But, I would think that the Senator from Wyoming would give us a reasonable time for preparation, so that by the time this matter comes up, we can avail ourselves of the necessary study.

Mr. McGEE. Mr. President, the purpose of this colloquy was to spell out the various ramifications and the jurisdictional question on this matter, rather than pressing for a vote on the matter right now.

I am advised by the leadership that the measure will likely follow immediately in the wake—I guess the only guarantee I can make is before adjournment. I will modify the generalization I have made.

Mr. HRUSKA. That gives a little latitude.

Mr. McGEE. The Senator is correct. In the interest of accuracy, I will modify my statement to that extent. I would say again to my friend the Senator from North Carolina that I did not come here to debate the substantive issues in the bill. However, as I read section 4 of article I of the Constitution, it provides:

> The Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; . . .

That is as the Senator said. However, it goes on and says:

> . . . but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

It was the opinion in the Oregon against Mitchell case that made this a legitimate factor and an area for the consideration of this body. Thus, it was not a relevant constitutional matter in the light of that opinion. That was my opinion of it during the hearings when we had a spokesman from the Attorney General's office addressing us.

That is the essence of all I have to say here to my friend the Senator from Nebraska.

Mr. HRUSKA. Mr. President, the Senator from Michigan has inquired as to whether it would be possible to get a unanimous-consent agreement to refer the bill to the Judiciary Committee. I understood the chairman of the committee to indicate that he would object to such a request. What suggestion would the Senator have as an alternative?

Mr. McGEE. Mr. President, I think that the case for the Post Office and Civil Service Committee having jurisdiction of this particular bill and the terms on which it is drawn are very strong. I am not prepared to yield on that in any sense.

As a matter of courtesy, I would be interested in working out some sort of an understanding so that the Judiciary Committee would have a chance to look at the bill, but not a unanimous-consent agreement to refer the bill to it unless that agreement is accompanied by the requirement that it come back to the floor at a time certain in the condition in which we have reported the bill. In other words, the committee would be given a chance to look the bill over and to look at the hearing record, and that sort of thing. However, I am not about to relinquish jurisdiction of the bill.

Mr. HRUSKA. That would not be the purpose of the unanimous-consent request, because jurisdiction having been resident in the Post Office and Civil Service Committee, that would be the primary jurisdiction.

But it seems to me there should be some period of time given to the Committee on the Judiciary because of its interest and its primary interest in the thrust of the bill and because of constitutional considerations and the enforcement and criminal penalty section, and a number of other things. It seems to me they should have some opportunity to analyze and officially report to the Senate their judgment and appraisal of the section.

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

Mr. McGEE. I yield.

Mr. KENNEDY. I always enjoy listening to my good friend from Nebraska on these procedural questions.

I hope that when the gun legislation comes from the Committee on Finance, he will be willing to argue jurisdiction of the Committee on the Judiciary as strongly as he argues the question of this bill being referred to the Committee on the Judiciary.

Mr. HRUSKA. There is no difficulty on that score. The Senator knows it.

Mr. KENNEDY. I hope he will take the same position with respect to the gun legislation. I wish that when we came here to debate sending the gun legislation to the committee, my friend had argued that it go back there and stay for a period of time, when we talked about relaxing the 1968 act.

I think there is no reason in the world why the chairman or the majority leader should not call up this bill at the end of the week, or early next week, to give us all an opportunity to study the full and complete record on this, and to consult with whomever we wish.

As a member of the Committee on the Judiciary, I am sure that committee is extremely busy now. We have witnesses on the two Supreme Court nominations, and a great deal of work is before that committee. To give that committee a week or 10 days for deliberation on this bill is meaningless. The chairman of the Committee on Post Office and Civil Service has done an extraordinary job, and his bill should now go before the Senate.

If we start moving in this direction of further referral, it is a dangerous precedent. Are we going to have health legislation from the Committee on Finance referred to the Health Committee? Are we going to rearrange and adjust the jurisdiction of all the other committees? This matter has been given due deliberation. The record has been made. I hope the chairman will stand firm.

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

Mr. HRUSKA. I yield.

Mr. GRIFFIN. Mr. President, I have before me a copy of the bill that has been reported. As I read it, this act may be cited as the National Voter Registration Act, which is the title of the act. Although I have not read the bill—I do not know whether I would be for or against it—I take it that the primary purpose has to do with the registration of voters in elections.

I know it is not necessary to read for the benefit of the chairman of the committee the jurisdiction of the Committee on Post Office and Civil Service as it appears in Senate rule XXV, but I would like to read it for the RECORD in light of our discussion because the jurisdiction is very limited and does not involve very much reading. I will read the jurisdiction of the Committee on Post Office and Civil Service from rule XXV of the rules of the Senate. It reads:

> (n) Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
>
> 1. The Federal civil service generally.
>
> 2. The status of officers and employees of the United States, including their compensation, classification, and retirement.
>
> 3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.
>
> 4. Postal-savings banks.
>
> 5. Census and the collection of statistics generally.
>
> 6. The National Archives.

That is the extent of the jurisdiction of the Committee on Post Office and Civil Service. There is nothing in the rule that gives the committee jurisdiction over a national registration program.

If any committee other than the Committee on the Judiciary has jurisdiction it would be the Committee on Rules and Administration, which does have some jurisdiction relating to Federal elections. I think that would be very clear. Those two committees might jointly have considered this bill. But it is difficult for me to understand, other than the fact that the mails will be used, which is generally the case with almost anything that happens, that the bill would have any relationship whatever to the Committee on Post Office and Civil Service.

Mr. McGEE. I did not hear the Senator read the "Bureau of the Census."

Mr. GRIFFIN. Yes, I did.

Mr. McGEE. I was busy talking. I want to go back to that. There is a certain carrying factor involved. It is the Bureau of the Census that would have the job to get this distributed. That decision has been made.

We have acted in good faith. We have held extensive hearings in depth on these questions. I feel very strongly about the whole jurisdictional factor here because of the extremes we went to in respect to the other areas, realizing it always is a mixed bag, but the preponderance of the mix, in the judgment of the Parliamentarian, is due to the method we have prescribed for carrying out this segment of voter registration.

I think it is as elementary as that. The jurisdictional question has been raised. Maybe we shall have to resolve that question again.

I have discussed this matter with the Senator from North Carolina and the Senator from Nebraska. I have discussed it with the chairman of the Committee on the Judiciary, the Senator from Mississippi (Mr. EASTLAND). They manifested real concern with regard to the claim that we are busy and are trying to get out at the end of the session.

I note here a copy of a letter that most Senators received from the leadership. It is dated October 20, 1971, and it states that following the disposition of the economic tax proposals the following items will then be considered. This is responsive to the question raised earlier, on which I had to remain ambiguous until I could get the masterpiece itself: Phase II, voter registration, narcotics, 2 Supreme Court nominations, and the Okinawa reversion treaty. That is the program spelled out in the letter from the joint leadership.

I stand firm on the jurisdictional question. We are running out of time. I do not know of any other possibility available. The more we discuss this question, the more I think we are being crowded and are going to have to make a decision on the matter, up or down.

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

Mr. McGEE. I yield.

Mr. KENNEDY. I understand the Senator utilized the post card form with regard to jurisdiction as a means.

Mr. McGEE. That is just a means.

Mr. KENNEDY. Who is the principal administrator of it? Is it the Census Bureau?

Mr. McGEE. The Census Bureau. It is within the Census Bureau that the national voter registration administration would be set up.

Mr. KENNEDY. It seems to me that the Senator's committee clearly has jurisdiction.

Mr. McGEE. That was my understanding. That is why I have been surprised about the jurisdictional question raised here.

Mr. KENNEDY. I agree with the Senator from Wyoming. I think he is completely within his rights, and I agree with the Parliamentarian in referring the bill to his committee.

Mr. McGEE. We did this in good faith because of the judgment made and the equity, on balance, of it all. We introduced no new areas or guidelines. We just followed legislation until now that has been reported by the Committee on the Judiciary. In this process we have arrived at a mechanism totally within the jurisdiction of this committee to permit it to be carried out, and still respecting, in a very stringent way, the rights and responsibilities of the States in this process.

Mr. HRUSKA. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. HRUSKA. I come back to my first question. Inasmuch as a unanimous consent agreement would be objected to, what alternative suggestion has the Senator from Wyoming?

Mr. McGEE. What would the Senator propose? I imagine we would talk about a possible date in which to give somebody time to look at it. We cannot find that time. Senators are going to be gone, making speeches. The Senator's committee is having hearings on the nominations of two justices to the Supreme Court, which may extend some time yet, and we are running out of the projected time left in this session.

I have some responsibility to protect the actions of this committee and to make sure we are not running out the back door.

Mr. ERVIN. Mr. President, as I understand it, the only way the question of jurisdiction could be raised would be when the bill was called up and became the pending business. Then a motion would lie to refer to a committee that any Senator felt had jurisdiction. I would like to make a parliamentary inquiry to that effect.

The PRESIDING OFFICER. The Senator from North Carolina is correct. The bill has to be before the Senate before a motion to that effect can be made.

Mr. ERVIN. It seems to me there is a considerable amount of work already on the agenda, which is going to take some days. I would only make a request of the distinguished majority leader and the distinguished assistant majority leader and the distinguished Senator from Wyoming that whenever this bill is called up, I be notified in advance; and also I request that I be assured that no motion or unanimous-consent request will be made with respect to this bill until the Senator from Nebraska, the chairman of the Judiciary Committee, the minority whip, and I are all given notice, so that we will have an opportunity to be present at any time a motion or a unanimous-consent request is made with respect to it.

Mr. KENNEDY. Mr. President, may I be included in that request?

Mr. ERVIN. Yes.

Mr. HRUSKA. Mr. President, the Senator from Hawaii (Mr. FONG), who is the ranking Republican member of the Committee on Post Office and Civil Service, should be notified.

Mr. BYRD of West Virginia. Mr. President, who has the floor?

Mr. McGEE. Mr. President, I have the floor. I am glad to yield.

Mr. BYRD of West Virginia. Mr. President, if I may respond to the distinguished Senator from North Carolina, I will give him that assurance—and I am sure I can speak for the majority leader—to the extent that the Senator from North Carolina (Mr. ERVIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), the Senator from Wyoming (Mr. McGEE), and the Senator from Mississippi (Mr. EASTLAND) will be notified prior to the calling up of the measure that has been discussed, and that no time agreement will be entered into without the approval of those several Senators whose names have been mentioned.

Mr. ERVIN. Will the Senator from Wyoming agree to that, because there is a great difficulty on the Senator's part and any other Senator's part on agreeing to a time?

Mr. McGEE. The Senator is correct. I would agree. Apparently the Senator from Nebraska would agree to the agreement made by the distinguished assistant majority leader on this matter. I would be willing to let it rest at that point.

Mr. ERVIN. At what point?

Mr. McGEE. At the point just described by the Senator from West Virginia (Mr. BYRD) as a commitment to us.

Mr. HRUSKA. Mr. President, would there be any disposition on the part of the Senator from Wyoming to agreeing to a date, say November 22, which is a week from this coming Monday? It would give the committee some chance to assess the situation and respond to the Senate, and then have it automatically returned to the calendar.

Mr. McGEE. As the Senator knows—and we were discussing this earlier—the 22d gets a bit late in terms of other schedules that are also intruding. November 18 was the date the Senator from Mississippi and I had tentatively discussed informally, without giving any commitment on it. By the time we get to Monday, November 22, we are getting into rather deep commitments that follow there shortly. I think the 22d would be extremely difficult.

Mr. ERVIN. November 18?

Mr. McGEE. I was taken by the suggestion of the Senator from North Carolina as to the parliamentary procedure and the consideration that is guaranteed. That still is the forthright way to get at it, because those issues can be raised at that time, as well as the judgment from the report and the November printing.

Mr. ERVIN. The Senator from Wyoming, as I understand, is willing to let the matter go for consideration by the Judiciary Committee until the 18th, on the understanding that the Judiciary Committee will return the bill by that time.

Mr. HRUSKA. On or before the 18th?

Mr. ERVIN. Yes.

Mr. McGEE. I think we are getting into a little disagreement over the question of referral, on the jurisdiction question. I thought the 18th was the time we could bring it up, but I also thought the suggestion was that we were going to discuss the bill, if we could clear that time, on the ramifications, including the jurisdictional question, on the floor of the Senate. That is what I understood the Senator from North Carolina to say.

Mr. ERVIN. So far as I am concerned, I would not want to agree now to bringing it up on the 18th for action.

Mr. McGEE. I misunderstood. The Senator would leave that to the leadership?

Mr. ERVIN. Yes; it would be up to the leadership.

Mr. McGEE. After notifying all of us?

Mr. ERVIN. Yes.

Mr. McGEE. That is right.

Mr. ERVIN. I agree that the Senator from Wyoming does not refer to "referral" in the technical sense.

Mr. McGEE. In the technical sense. I could not agree to that.

Mr. ERVIN. But is willing to agree that the members of the Judiciary Committee may consider the bill informally, with the understanding that the matter can be motioned up on the 18th or thereafter by the majority leader, subject to the notice we discussed.

Mr. McGEE. If the leadership did not choose to call it up before; but I would gather there would be no break beforehand on that score.

Mr. HRUSKA. That is satisfactory with me. I had no reference to the formal reference to the Judiciary Committee, but to the consideration or a report it might want to make.

Mr. KENNEDY. Mr. President, I would object to that. This measure is on the calendar now. The bill has been reported. Are we going to open up questions of jurisdiction on every matter that is going to come before the Senate?

I understood the Senator from Wyoming and the assistant majority leader to indicate that other Senators would be notified and that we could decide this matter in accordance with the Senate rules. I do not know what is meant by informal or formal committee reference. I think we ought to go by the rules. We often hear statements here about running such situations by the rules. The matter has been referred to the committee. It is on the calendar now. Certainly, at the time when it is going to be called up, all of us ought to have an opportunity to know about it.

And all of us ought to have an opportunity for informal study of it. Nobody would object to that. But I have doubts about an informal report or study. The bill is on the calendar now. Let us have the Senate work its will and not have further delay in the matter.

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

Mr. McGEE. I yield.

Mr. HRUSKA. Reference to the committee, whether formal, informal, or otherwise, is for the purpose of having the committee jointly consider it, just as it passes on any similar measure, in order, on the basis of whatever limited study it can give to the bill, that it can favor the Senate with its sentiments.

We are not going to get to the bill before that, in any event, according to all practical computations; and unless it is just a dog in the manger proposition, Mr. President, I do not see what objection could flow against that kind of situation.

Mr. McGEE. I think our disagreement is over the terminology and the effect of this, but referring it to the leadership, for it to take its place in their judgment, as they see fit, as a question, gives everybody a chance to look at it, whether it is formal or informal, because there is disagreement over whether it should be a formal or an informal referral, would assure that they have access to the hearing record, that they have access to the November print of the bill as it is laid before the Senate, and that the judgments of all concerned can be shared with the Senate in that interval, which will be the interval presently laid out.

Mr. HRUSKA. That is not giving anybody any consideration on the basis of there being some merit to the proposition in view of the fact that virtually in every major voting rights measure since 1957, going right on through, has gone to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, if the Senator will yield, that is not——

Mr. HRUSKA. I do not yield at this time. All we ask is that it be sent to the Committee on the Judiciary, so that that committee may communicate to the Senate officially before the 18th and say, "We have had this little more time to study it; here are some of our thoughts on it."

If the Senator does not want the Judiciary Committee to have even that courtesy extended to it, let him say so, and we will fold our tents and go on to the Judiciary Committee hearing, where we are still considering the nominations of Mr. Rhenquist and Mr. Powell.

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

Mr. McGEE. I have promised to yield first to the Senator from Massachusetts.

Mr. KENNEDY. I have nothing to add at this time.

Mr. FONG. Mr. President, the Post Office and Civil Service Committee has filed its report on the bill, and three of the four minority members have stated, in minority views, under the heading "Jurisdiction of Post Office and Civil Service Committee," as follows:

JURISDICTION OF POST OFFICE AND CIVIL SERVICE COMMITTEE

A severe indictment can be made of this bill on the basis of committee jurisdiction and expertise.

Rule 25–1 "l" states that matters relating to civil liberties shall be referred to the Committee on Judiciary. Bills dealing with voting rights and registration for Federal elections have in the past been referred to and considered by the Committee on the Judiciary.

The Senate Committee on Post Office and Civil Service received this bill on voter registration because contained in it were references to the United States Postal Service and Bureau of the Census. These two Federal agencies were to produce, distribute, monitor and deliver Federal voter registration cards. However, the primary thrust of the bill was to establish a national voter registration system.

The debate that will take place on the floor and the discussions in the Committee on Post Office and Civil Service on this measure will center not around the participation of the United States Postal Center or the Bureau of the Census in the National Voter Registration system but rather whether or not such a system should be established.

It is essential in considering legislation of this importance that the Committee which has the expertise arising out of many years experience in the field consider such legislation. Constitutional questions, impact on state laws, imposition of criminal penalties and a multitude of other questions attending the establishment of a national voter registration system should be given much greater consideration in committee than the Post Office and Civil Service Committee gave S. 2754.

The Civil Rights Act Amendments of the 1960's, the Voting Rights Act of 1965, the Voting Rights Act of 1970, all of these were considered by the Senate Judiciary Committee. The Federal agency charged with overseeing voting rights is the Justice Department. Here the bill seeks to establish a National Voting Rights Administration in the Bureau of the Census, Commerce Department. This appears to be setting up a system without coordination between Federal agencies and is inviting problems that can and must be avoided.

The Committee staff has drafted five or more different versions of this bill. Even after the Committee had acted, substantive changes were being made in the bill. We understand that very substantive floor amendments will also be made by the majority of the Committee during debate on this bill in order to correct deficiencies that have been raised after the Committee voted on the bill.

There may be very many more pitfalls contained in the bill even after adding floor amendments. The Post Office and Civil Service Committee had one executive session of less than an hour's duration on this bill.

With all due respect to the expertise of the Committee members and staff of the Post Office and Civil Service Committee in attempting to write legislation on voter rights and registration, the bill continues in many deficiencies and should be re-referred to the Judiciary Committee for further refining consideration.

As the ranking Republican member of the Post Office and Civil Service Committee, which worked on the bill, I still do not understand the bill too well yet. It is a real hodge-podge, and it should be referred to the Committee on the Judiciary which, after all, has jurisdiction over voter registration.

The main thrust of the bill is voter registration; it is not the use of the U.S. Postal Service nor of the Census Bureau. The only reason why it was referred to the Post Office and Civil Service Committee was that it was tied to the Postal Service in that the Service was going to deliver the cards to the voters; and the only reason another bill was sent to this committee was that it was similarly tied to the Census Bureau.

These are really the only reasons the bills were sent to our committee—because the instrument used getting the forms out was the Postal Service and the Census Bureau.

But there are real, vital questions here, dealing with constitutional rights, and with the impact of the law if we enact this bill, on the registration laws of the States. There are questions of criminal penalties; we have a provision in the bill for a fine of $10,000 for fraud, or 5 years imprisonment, or both, and a fine of $5,000 if one interferes with the rights of a voter.

We have in this bill many, many questions dealing with the judiciary, with justice, and with the judicial process, and I think that the bill should be referred to the Committee on the Judiciary, so that that commitee can look it over.

Mr. BYRD of West Virginia. Mr. President, the subject of committee jurisdiction with respect to the voter registration bill has been discussed pretty thoroughly, I think, this afternoon. It is clear at this time, that no unanimous-consent request to refer the bill to the Committee on the Judiciary would meet with the approval of all Senators present. Moreover, no motion would be in order today to that

effect, by virtue of the fact that the bill is not before the Senate. Consequently, in view of the fact that the leadership is now on notice and has assured certain Senators here that no agreement will be entered into with respect to this bill without prior consultation with those Senators; and second, that the bill will not be called up until those Senators have been properly notified and consulted with, it would seem to me that it would be useful now to proceed to other matters. I do not wish to cut off debate, of course.

Mr. KENNEDY. Mr. President, will the Senator yield for just one final question?

Mr. BYRD of West Virginia. I yield.

Mr. KENNEDY. As I understand, this measure was introduced in September?

Mr. McGEE. Yes; in fact, on the 16th of September.

Mr. KENNEDY. At any time prior to this, has jurisdiction been challenged?

Mr. McGEE. At no time that I am aware of. At no time were we ever aware of its being challenged.

Mr. KENNEDY. And now that it is on the calendar, this question arises?

Mr. McGEE. The challenge has come as we prepared to act.

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

Mr. BYRD of West Virginia. I yield to the able Senator from North Carolina.

Mr. ERVIN. On that point, the time for raising the challenge has not arisen yet. It cannot arise until the bill is called up and made the pending business.

Mr. BYRD of West Virginia. The Senator is correct.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders tomorrow, the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed 15 minutes.

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

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that upon the conclusion of the remarks of the Senator from Missouri (Mr. SYMINGTON) tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, and that at the conclusion of that period the Chair lay before the Senate S. 2820, a bill to provide foreign economic and humanitarian assistance authorization for the fiscal year 1972.

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

ORDER FOR REFERENCE OF THE RUNAWAY YOUTH ACT

Mr. BYRD of West Virginia. I ask unanimous consent that a bill introduced today by the Senator from Indiana (Mr. BAYH) for himself and the Senator from Kentucky (Mr. COOK), to be known as the Runaway Youth Act, be referred to the Committee on the Judiciary.

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

PAY BOARD DECISION INDICATES WHY CONGRESS MUST LEGISLATE STANDARDS AND POLICIES FOR STABILIZATION ACT

Mr. PROXMIRE. Mr. President, yesterday the Pay Board made three significant decisions affecting the lives and fortunes of millions of Americans. This group of 15 men, elected by no one and not even confirmed by the Senate of the United States, took far-reaching and even unprecedented actions.

First, they determined that future standards for pay raises during phase II of the program should be set at 5.5 percent.

Second, where pay increases have been negotiated, they can be put into effect after November 13 provided that are not unreasonably inconsistent with the Pay Board's standards. Most deferred increases will, therefore, go into effect.

Third, and highly significant, they determined that raises bargained for or determined before August 15, but which were to have gone into effect during the freeze, would not be paid retroactively except in unusual circumstances.

ACTION RAISES IMPORTANT QUESTIONS

The latter action, especially, raises grave questions and indicates why it is so important for Congress not only to legislate specifically on these matters rather than to leave them to the arbitrary decisions of appointed bodies, but also why it is imperative that Congress review the powers granted in the stabilization act itself after there has been 2 or 3 months of experience under the act.

There are a whole series of questions raised by the refusal of the Pay Board, by a 10-to-5 vote, to grant the retroactive increases previously agreed to. Among the most important ones are these.

ABROGATION OF CONTRACTS

First. These agreements represent contracts bargained for in good faith between management and labor. Like all contracts they include offers acceptances, and considerations. They are compromises which are the results of give and take.

Now the Pay Board has ruled that certain provisions of these contracts cannot be honored. Agreements reached through private collective bargaining in good faith for wage increases in the period August 15–November 13 are abrogated by the Pay Board.

This not only raises grave questions about labor contracts, but what about other contracts?

Is the Pay Board or the Price Commission going to do the same with respect to other contracts? Most interest rates fell during the pay period. But what about the interest rate on those individual bonds which rose during the freeze period? What about mortgages where the cost of the new homeowner determined during the period of the freeze was increased above the cost of a prior period? While it is true that interest rates and mortgage rates in general declined during the period, or at least did not go up, the general level of rates is composed of thousands of individual transactions, some of which up and some of which went down.

Imagine the hue and cry if the President of the United States or a board acting on his behalf should abrogate a contract involving interest payments. Congress would be overwhelmed with petitions from angry people who feel that this is a sacred contract they entered into and that they have a right to expect payment in full. No more sacred, however, than a wage contract which is negotiated in good faith.

These, too, are contracts. What is to happen to contracts of all kinds if the Pay Board can arbitrarily determine that labor contracts already entered into are not to be carried out?

This is a vast power to be exercised by the Pay Board. In this case the principle is far more important, than the specific consequences.

WAS IT NECESSARY?

Second. Was it really necessary to exercise the power to abrogate contracts in order to fight inflation? Was it worth it?

Wage and salary disbursements for the entire economy were at the annual rate of $580.9 billion in the months of August and September.

Far less than 1 percent of this amount was involved in retroactive contracts—I think probably less one-half of 1 percent. This Pay Board decision, could not significantly affect the basic principle the President is trying to achieve—namely, to reduce the rate of price increases to below 3 percent by the end of next year. For all practical purposes, the amount of money involved in granting retroactive pay provisions was not enough to have any significant effect on the inflation battle.

This is a very strong reason to argue that the Pay Board, as a practical matter, should have honored the contracts.

I can think of only one significant reason against such action. There may have been some cases—especially in the case of small or marginal employers—where granting the pay increases retroactively, while not allowing the employer to raise prices to cover the added costs, would work an unfair hardship on the employer.

On the other hand, there must be dozens of municipal and State governments which had already raised taxes or cut other expenditures to provide for pay increases for teachers, police, sanitary workers, and others scheduled to go into effect during the freeze. Surely, most private employers who had pay increases scheduled for the August 15–November 13 period had already taken action through price increases or other means to meet the scheduled pay increases.

Now, it is true that the Board's exception recognizes this. But the burden of proof—and it is a very hard burden—is on the worker.

In these cases where proof cannot be adduced, working people will be unfairly denied the increase. On the other hand, it is true that in a few cases, there would be a genuine hardship on the employer, if we go the other way.

There is one possible way to both grant the retroactive increases and to meet the

genuine grievances of a small employer. Instead of denying any retroactive increases except where the union proves that the employer raised prices in anticipation of wage increases scheduled to occur during the freeze, why not allow the retroactive increases except where the employer proves that he did not take action in anticipation of the scheduled wage increases?

In other words, why not let the contracts stand except where it can be shown that a hardship resulted?

Instead of taking this course, the Pay Board's action will mean thousands of contracts are abrogated and the burden of proof is thrown on the wage-earner to prove that the employer raised prices in anticipation of the scheduled increases. Since the wage earner does not have access to the employer's books, he is now asked to perform an almost impossible task.

The Pay Board has this matter upside down. This is especially true in view of the extreme seriousness of the power exercised by the Board to abrogate contracts.

NO CONTRACT—NO WORK

Third. Even if the labor members of the Pay Board reluctantly accept this decision—I am talking about their leaders—the rank and file of the labor movement may be entirely unwilling to do so. If the pay provisions of contracts are abrogated, then working men and women may well consider that they have no contract. We may be facing a period of labor unrest and strife entirely out of proportion to the importance of this decision. Last Sunday I spent several hours—I expected to spend perhaps less than an hour, but I ended by spending several hours—with about 500 working men and women in Milwaukee, and I can report that the feeling on this matter runs far deeper than the public or Congress is aware. They deeply resent what has happened to their pay increase. The sentiment at that meeting—there were 500, and they represented a great number of unions—was very powerfully against this kind of action which, of course, had not been made at that time but was anticipated.

A contract is the result of free collective bargaining. It is not only pay rates which are bargained for, but also hours, working conditions, working rules, and hundreds of other matters. A labor contract represents the results of all these matters. When the pay provisions are abrogated, the question becomes whether working men and women are obligated to abide by the remaining provisions of the contracts which represent a compromise between pay raises and working conditions.

But, on balance, there was little or nothing to be gained in the fight on inflation by failing to grant retroactive increases. And there has been a great deal to lose in abrogating the sanctity of contracts. The refusal to honor these contracts, in light of their relatively minor consequences for price stability, could cause the entire stabilization program to break down by destroying working men and women's confidence in the fairness of the program. That risk does not seem to be worth the price.

WHO GETS THE WINDFALL?

Finally, who is to get the money saved by companies or public bodies as a result of the failure to pay out wages already agreed to? There are some cases where taxes have been increased to pay for teachers' pay raises. Now the teachers are not to get the raises for the August 15 to November 13 period. Who gets the windfall?

Meanwhile, some companies will now save tens of thousands of dollars of the costs of doing business. In the absence of direct price decreases to consumers, these savings may merely be transferred from the pockets of the men and women working for these companies into the coffers of the company treasury or to the stockholders as increased equity in the company.

CONGRESS MUST LEGISLATE INTELLIGENTLY

Because of what happened yesterday, it is now even more important than before that the Senate and House of Representatives should not only legislate carefully and in detail on these matters, leaving very little in the nature of general or vague directions to the President and the Pay Board and Price Commission, but also we should refuse to grant authority now beyond April 30, 1972, when this act expires. We ought to have some experience; we ought to know what we are doing. We will have very little knowledge of what we are doing or what the Pay Board and Price Commission is going to do if we act in the next couple of weeks to extend the authority.

The decisions of the Pay Board and Price Commission are just now being made. Before we extend the Stabilization Act another year beyond April 30, 1972, we should wait until there has been some experience under the program.

We have plenty of time. In February or March we can reopen this matter, review what has happened, and legislate after having had some experience under the law.

If we extend the act now until May 1, 1973, there will be no occasion on which Congress will be required to review the act. In view of this tremendous grant of power—power which Arthur Burns, Chairman of the Federal Reserve Board, referred to as "dictatorial"—this is the very least we can do.

I would remind my colleagues that the fundamental authority under which the President is acting is limited to only five lines in the stabilization act. Those five lines read as follows:

> The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

That is all. That is it. That is the whole thing. No standards, no restraints. The President is given the most massive economic power that Congress has delegated to any Chief Executive since I came to the Senate. I think it is among the most massive powers ever given. At this time, there have been no guidelines at all set forth by Congress.

It is now time for Congress to legislate responsibly. And to legislate responsibly we need to spell out the precise powers and standards we are granting to the President, and to make provision for reviewing these powers after there has been 2 or 3 months' experience under the act.

TRIBUTE TO THE LATE RICHARD BREVARD RUSSELL, SENATOR FROM GEORGIA

Mr. BYRD of West Virginia. Mr. President, on October 19, 1971, in Newport News, Va., the very distinguished Senator from Mississippi (Mr. STENNIS) honored the memory of his predecessor as chairman of the Armed Services Committee when he spoke at the keel-laying ceremonies for the nuclear attack submarine, U.S.S. *Richard Brevard Russell.*

The eulogy given by Senator STENNIS on that day serves to remind us—though I know that a reminder would be unnecessary—that the late senior Senator from Georgia was a man dedicated to the concept that a free America must always be a strong America. To that end he lent his immense strength and incomparable skills for many years in this distinguished body.

Mr. President, as I read the words spoken by Senator STENNIS for our late colleague, I was struck by the fact that much of the language, the admiration and respect that the tribute contained could be applied without change to the distinguished junior Senator from Mississippi (Mr. STENNIS) who now lends his distinction and skill to the chairmanship of the committee so long graced by a Senator and an American of such very high stature—Richard Brevard Russell—a man whom I admired more than any other man in Washington and who once said:

> The United States has more than is worth protecting than has any other nation, and I am thankful that our citizens are willing to pay the price for its defense.

I ask unanimous consent to have printed in the RECORD the tribute paid by Senator STENNIS to the memory of a great patriot, Richard Brevard Russell.

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

KEEL LAYING OF THE "RICHARD B. RUSSELL" (SSN 687) NEWPORT NEWS, VA., OCTOBER 19, 1971

(By Senator JOHN C. STENNIS)

Mr. Secretary, Mrs. Stacy and other members of the Russell family, ladies and gentlemen:

For me, my friends, this is a sacred hour. I feel we have the personification here today of much of the fine dedication in our Navy. Too, we honor a man who represented the ultimate in dedication to his country; so, we look to the future with confidence in our system and in our ability to carry it on. So it is with pride and with humility that I speak. Just as I am proud to participate with you in the initiation of another link in the chain of America's defensive armor, so, too, am I humble in the thought that in this dedication we are paying tribute to the memory of that great American for whom this ship will be named—Richard Brevard Russell.

No small part of his service was his own dedication to the concept that this nation must remain strong if it would remain free. And one of the keystones of this philosophy was that America must maintain a Navy that

is second to none. To these ends he bent his energies, his will, his skill for almost four-score years in major Senate positions.

During all that span of time he was foremost among the legislators in urging national defense. I doubt that any man during that period worked harder to preserve peace, yet, at the same time, to prepare for the wars that might come and did come.

He was one of those who took an early lead in 1939, and this is significant, when war clouds darkened on the world horizon, arguing for greater preparedness, even to insisting that an inadequate defense budget be returned for desperately needed increases.

He vigoriously supported every effort during World War II.

He feared the dismemberment of our defense machine after that war, for he could see the threat of the Cold War even then.

He stood firmly behind the President at the time of the Korean War, convinced that the forces of aggression must be repelled.

During all that time he recognized, too, the needs of our fighting men and those of their families, and was in the foremost in seeking legislative means to alleviate the hardships, the sacrifices, and the lonely vigils that are by-products of that great calling.

Six Presidents of the United States turned to Senator Russell for advice and counsel on matters dealing with the country's defense. He gave it freely, frankly, without an echo of partisanship, always in the nation's interest.

And, finally, although he opposed our commitment in Southeast Asia from its inception, once the dye was cast, he used every means at his command to bring that war to a successful conclusion:

I want to quote from him four and one-half years ago these words of wisdom:

As for me, my fellow Americans, I can never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable."

In retrospect, you and I can only marvel at his perceptive judgment, take to our hearts his unerring message, and vow to support such a precept in the future.

For the past 25 years this country has been the bastion of defense for the whole free world. Often expressed, repetition has dulled the colossal magnitude of this undertaking. Our farflung commitments, our bounteous economic largesse, our constant and immediate willingness to back the cause of freedom wherever the gauntlets were thrown—these are unparalleled in history and would, indeed, have brought on the collapse of any other nation.

But during that period of 25 years, our Navy has provided the sinews of strength necessary to implement our foreign policy. When called upon, the Navy has always been prompt to act to blunt the aggressor's sword, to maintain order, to succor those in direct need. On the beaches of Lebanon, as backup to the relief of beleaguered Berlin, as a containment force in the conflicts between Israel and the Arab states, in massive support of Korea ad Vietnam, as a major factor in the Cuban crisis—all these and more have proved the mettle of our Naval forces and their priceless value to our nation and to the free world. They have always been found ready.

Now, my friends, I feel this way. People ask me what keeps you going, what keeps you going during the debates (the debatees this year). I had one seldom-expressed, abiding feeling at the very bottom of my soul that without an effective military power we actually have no foreign policy.

We are just fooling ourselves if we think that we can have a meaningful foreign policy or a meaningful self-defense in the world in which we live unless we have this adequate military power, and I'm not talking merely of machines, and guns, and other weapons, although they are necessary. But let us not make the mistake—we must look to the manpower—the dedication, the very soul and courage of the men that are behind our weapons.

Now, no small part of this readiness to which I referred can be attributed to the foresight and wholehearted assistance over those years given by Richard Russell. During the '50s and '60s, he supported the augmentation of our fleet of aircraft carriers—carriers that aided and still are aiding in stilling the troubled waters of the Mediterranean. He was among the first to recognize the invaluable contribution that nuclear energy could make to undersea warfare. He fought hard and successfully to increase the size of our Polaris fleet in time to neutralize the forces of nuclear blackmail or aggression. He encouraged—he did more, he insisted—on a more rapid increase in our high-speed nuclear attack submarine force, because he early saw in the sudden expansion of the Soviet fleet a threat of worldwide proportions. At the time, I was chairman of the Preparedness Subcommittee, studying the subject with grave concern. I advocated that course, and I welcomed his invaluable assistance; in fact, I was the assistant to him.

In the long history of our country, it has been a tendency—one might almost call it a tradition to neglect our armed forces between major wars.

I mention it with emphasis because, as a layman—a civilian, I want to try to help you understand more about an unfortunate present situation which I believe is getting better. But we, as a people, reject aggression on our own part and, probably as a result, we also reject a proper defense posture. We assume a benevolent attitude toward the world at large with a sort of benign and innocent hope that the forces of aggression will reciprocate with similar benevolence. How ill-founded has been this hope, I need hardly remind those here today. At one time this was permissible, however ill-advised, since a two-ocean moat protected fortress America. But with the crossing of oceans or over poles reduced to computer-calculated nuclear minutes, we no longer can afford the luxury of unpreparedness. It takes five years to build a carrier and almost twice as long to devise and produce new aircraft or a new missile system. We started building a more modern Navy two years prior to Pearl Harbor. But this was not enough time, and it took almost two more years before we could engage the enemy. Today we cannot buy that time. When an aggressor strikes, we must be ready, or suffer a devastating and perhaps a final defeat.

So I hold with Senator Russell—to use his own words—that "we owe it to ourselves and to succeeding generations to work fervently toward peace and understanding among nations." But I hold with him that unilateral disarmament is tantamount to national suicide in our present climate of international aggression. Within the past few days, we have had renewed warnings of a massive Soviet buildup in nuclear weaponry. It would be foolhardy to ignore this portent.

Yet, even as we gather here today, there are Americans—well-meaning Americans—who attack our Army, our Navy, our Air Force on the grounds of size, power, influence and cost. One might excuse this as an inevitable offshoot of the winding down of the conflict in Asia. Or one might attribute it to our pressing economic needs in other areas. One might even attribute the disenchantment with the present war as a source of dissatisfaction with the defense establishment, forgetting that the military carries out our policy, but does not forge it. Let me make this fact clear to all Americans: To wear the American military uniform is a distinct privilege and an honor. An active military career is a highly honorable profession. From the very moment our national independence was declared, but had not been won, the man in the military uniform has been on the front line, winning our independence first, and since then, and until this very moment, maintaining the security and safety of our people.

And, in the larger sense, let us remember it is both fitting and proper that control over the defenses of our country should rest in civilian hands. The Constitution makes this clear. It is of vital importance to the future welfare and strength of our armed forces that we constantly remind ourselves of this, or to act otherwise, would fester the dichotomy of thinking that presently exists, and, in the long pull, weaken that which you and I wish to strengthen.

I have a firm and abiding faith, my friends, in the ultimate judgments of the electorate of this nation. And I know that was true of the man that we honor here today. Given the facts, clearly and impartially stated, I have no doubt as to their unselfish ability to choose—as the phrase has it—between guns and butter. But this requires patience, understanding, and patriotism of the highest order on the part of our military personnel. So be patient! Richard Russell with that wonderful prescience of his, stated it so well when he said several years ago:

"Among the nations of the earth, each attaches an importance to defense that is proportionate to its valuation of its institutions, resources, traditions, and individual rights. The United States has more that is worth protecting than has any other nation, and I am thankful that our citizens are willing to pay the price of its defense. I trust this will always be true."

In my own work there is the Senate, I was singularly fortunate to be able to partake of his profound wisdom, experience, and knowledge. I was proud to be his friend, and proud of the trust that he placed in me, as we found in each other a mutual respect, a common philosophy, and a similar understanding of the basic needs.

I mention these things today in gratitude—to assure you, and others, that so far as my power and energy and ability will go, I propose to maintain those same principles, those same ideals for strength, ability and confidence in our military that he so well personified.

Just as men of such stature as John Paul Jones and David Farragut symbolize the ideal of the patriot in uniform, so, too, does the figure of Richard Russell opitomize that spirit of unselfish patriotism in mufti. And when the nuclear attack submarine *USS Richard Brevard Russell* slips down the ways and assumes its station on patrol in the far reaches of the ocean depths, I confidently believe that this spirit of patriotism that so marked the ship's namesake will be imparted to those brave men who will man the ship—and to other Americans—that they will be imbued with the same type of courage that enabled him to face odds unflinchingly; the same type of almost instinctive, yet reasoned, vision that enabled him unerringly to choose the right course; the same type of unselfish devotion to duty that American needs in this hour.

Those qualities—as long as they remain—for a thousand years and more, a free America will remain. When one sums up this matchless man and his wonderful career in a word, he has to choose the word "Patriot." And when I try to sum up the strength of the Navy in one brief clause, I would say it is the dedication of the man in the Navy and the Marine Corps to our country, to their purposes, to their God. So God bless the memory of Senator Russell. God bless the Navy. God bless the people of the United States.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker has affixed his signature to the following enrolled bills:

H.R. 8629. An act to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes; and

H.R. 8630. An act to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses.

SPECIAL FOREIGN ECONOMIC AND HUMANITARIAN ASSISTANCE ACT OF 1971

The Senate continued with the consideration of the bill (S. 2820) to provide foreign economic and humanitarian assistance authorizations for fiscal year 1972, and for other purposes.

AMENDMENT NO. 632

Mr. HUMPHREY. Mr. President, I send to the desk an amendment and ask that it be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed and will lie on the table.

Mr. HUMPHREY. Mr. President, this amendment is designed to prevent any reduction in foreign assistance authorization being used as an excuse to curtail the already too meager support given to humanitarian assistance, particularly food aid.

I have offered this amendment, Mr. President, because I am convinced those seeking reductions are concerned over the direction of "big money" programs, not the little programs for mothers and children that have already been to often neglected in many instances. I feel such an amendment is necessary, despite the overwhelming legislative history of the Senate concerning the direction of such aid. Why? Because too often in the past, I have seen agencies of our Government apply such reductions in authorization or appropriation exactly the opposite to what the Congress has indicated.

I ask unanimous consent that at this point the text of my amendment be printed in the RECORD.

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

AMENDMENT NO. 632

On page 2, between lines 4 and 5, insert the following new section:

FOOD FOR PEACE PROGRAM

SEC. 3. It is the sense of the Congress that funds to administer the Food for Peace Program should not be reduced as the result of any reduction in the authorizations provided to carry out the Foreign Assistance Act of 1961.

Mr. HUMPHREY. Mr. President, during the past 2 weeks many of my colleagues have emphasized that, despite differing viewpoints on some aspects of foreign aid, they did not want to curtail humanitarian aid, particularly food aid. I certainly agree. One of the great successes of the past two decades has been the effective, constructive use of America's abundant food and fiber production to benefit humanity throughout the world under our food for peace program.

It has been one of the most popular programs with the Congress, with true bipartisan support. Repeatedly, Public Law 480, the legislative basis for food for peace, has been extended by overwhelming majorities. Over the years since this program was originally enacted, based primarily on a desire to make better use of our ability to produce—rather than just shut down rural America through curtailment of farm production, we have seen the original "surplus disposal concept" replaced with nutritional and self-help emphasis.

Mr. President, my work in the Senate over the years of my service has in large measure been directed toward the implementation of food for peace. I am one of the original cosponsors or coauthors of this legislation. During my service in the Senate in the fifties and sixties I offered a number of amendments that I believe improved the food for peace program, extended its coverage, and helped to develop it into a program of nutritional aid and self-help.

We have seen food become the incentive to agricultural production improvements in other countries, instead of just a crutch. We have seen work for development replace perpetual relief handouts. We have seen the donation phases of programs, whether through America's great voluntary agencies like CARE, Catholic Relief Services, Church World Service, Lutheran World Relief, and the American Jewish Joint Distribution Committee or on a government-to-government basis, concentrated more on maternal and child health care, along with school lunch programs, and less on direct family dole. We have seen new products designed and developed to meet nutritional needs of children, and help eliminate the world's protein shortage. And, right now, we are seeing some of these new low-cost high protein products originally developed through this program become the mainstay of saving lives among Pakistani refugee, just as they did in Nigeria before peaceful conditions were restored in that country.

What concerns me, in the face of concern over other phases of our foreign assistance effort, particularly military assistance, is that all of our colleagues may not realize how crucial AID funds are to the effective operation of food for peace.

It is true that the financing of the food purchases in the United States for this program are handled under other appropriations—through the Commodity Credit Corporation in USDA. But the Agency for International Development handles the overseas implementation of the food-for-peace program, and the Washington programing end of the food donation phases for maternal and child health care, for school lunch programs, for work for development projects, for the world food program of FAO and for UNICEF, and for contributions to refugee programs such as in Nigeria and India and East Pakistan. As a result, the administrative funds for the food-for-peace program come out of the Foreign Assistance Act appropriation—a very limited amount—too limited, in my opinion—but a very necessary amount to assure the food gets to the people who need it, and is wisely and construcitvely used. Thus a very small investment in administrative dollars to the Agency for International Development is protecting the effective use of billions of dollars of food aid financed from another source.

My concern, Mr. President, is that nothing in the changes recommended by the Senate Foreign Relations Committee in authorizing continued foreign assistance at a lower level shall be construed by officials of AID as a mandate to cut the already limited funds going in support of the food-for-peace program.

The amendment I offer really states simply that there shall be nothing in the Foreign Assistance Act that shall in any way jeopardize these administrative funds for pursuing the objective and the purpose of food for peace. After all, if the Department of Agriculture budget can sustain the major share of the food-for-peace costs, the least that AID can do is to maintain an effective administrative group to assure continued constructive use of the food.

Mr. President, I do not want my remarks to be interpreted as a criticism of Dr. Hannah, the Director of the AID program or of the AID agency. I want to make sure that when Congress acts on foreign assistance—and I believe it will, and I am sure there will be reductions in the foreign assistance program—there shall be no diminution, no dilution, and no cutting back in the food for peace program, because all that the AID agency does is to help in the administrative costs and to provide help in the form of other developmental loans which may relate to that program.

I am sure there is no intent in this body, in the current debate on certain aspects of our foreign assistance, to minimize the continued effectiveness of the food for peace program, so important to children of the world and yet at the same time so important to American agriculture as well. Once again we have bumper crops in our farm areas, and most of us, I am sure, would rather see a share of this production wisely used for humanity instead of seeing it pile up once more as an unwanted surplus bulging from our storage bins while much of the world goes hungry.

For my colleagues whose constituents, like mine, include farm producers, may I remind them of the volume of U.S. farm products being moved into export markets or contributed under donation programs through the food for peace program, under either title I credit sales or title II food donations. During fiscal year 1971, shipments amounted to over $1 billion worth of cotton and cotton prod-

ucts, condensed milk, nonfat powdered milk, tallow, barley, corn, sorghums, rice, wheat and wheat flour, vegetable oil, tobacco, bulgur, cornmeal, rolled oats, CSM, wheat-soy-blend or WSB, rolled wheat, and soya flour.

Mr. President, I have just received from AID's food for peace office a summary listing these shipments by commodity, quantity, and value. I ask unanimous consent to have these tables, covering title I and title II Public Law 480 shipments, printed at this point in the RECORD.

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

FISCAL YEAR 1971, PUBLIC LAW 480, TITLE I SHIPMENTS BY COMMODITY QUANTITY AND VALUE

Commodity	Quantity (thousand units)	Value (millions) [1]
Cotton (bales)	872	$121.0
Cotton products [2] (pounds)	6,121	4.2
Condensed milk (pounds)	41,817	11.6
Nonfat powdered milk (pounds)	20,244	3.8
Tallow (pounds)	21,462	1.8
Barley (pounds)	13,567	3.7
Corn (pounds)	72,302	22.1
Sorghums (pounds)	99,988	23.5
Rice (pounds)	2,054,210	148.1
Wheat and wheat flour (pounds)	11,667,090	309.0
Vegetable oil [3] (pounds)	661,496	87.5
Tobacco (pounds)	24,750	24.6
Total		760.1

[1] Export market value.
[2] Mostly cotton yarn.
[3] Mostly soybean oil.

FISCAL YEAR 1971, PUBLIC LAW 480, TITLE II SHIPMENTS BY COMMODITY QUANTITY AND VALUE

Commodity	Total	
	Pounds (thousands)	Dollars (thousands)
Barley	171,888	4,816
C.S.M.	361,899	30,845
Bulgur	518,821	21,986
Corn	228,982	6,964
Cornmeal	181,075	8,814
Cotton		2
Cotton products	197	286
Sorghum	202,524	5,765
Nonfat dry milk	311,627	97,688
Rolled oats	67,616	4,141
Oats	77,216	1,991
Vegetable oil	189,746	34,986
Wheat	1,132,463	39,278
Wheat flour	952,524	41,979
W.S.B.	31,064	2,520
Soya flour	250	25
Rolled wheat	10,772	487
Total	4,438,664	302,573

Mr. HUMPHREY. Mr. President, let me make clear that these commodities are not paid for out of foreign assistance money; they are paid for out of USDA money. But the machinery that guides their programing and use, the administrative forces that make sure they are used as intended and not diverted into black markets or wasted, all come out of AID financing. It is these minimal administrative expenses that I want to make sure are protected.

Above all, we must make sure the donation programs are not wiped out, in the heat of concern over doubts about military assistance. Do any of my colleagues want to be responsible for taking food away from the 1,710,000 mothers and newborns now being serviced almost daily by the food for peace maternal and child care programs?

Does any Senator want to say the 12,375,000 children now receiving food for peace commodities in school lunch programs in 21 countries should suddenly go hungry, while we have surpluses that would otherwise go to waste?

By the same token, does any Senator want to shut off the 2,515,000 recipients participating in work front programs—not relief programs—where they are providing free labor on development projects in return for food for their families, a way of preserving their dignity by creating jobs instead of making them just dole recipients?

These are the kind of programs—currently reaching 16,600,000 people, mostly children, with daily rations—developed by the food for peace staff of AID, here in Washington and in our AID missions abroad. They are sound programs, designed to help people help themselves. They are the "regular" programs, designed to help people help themselves. They are the "regular" programs conducted by food for peace, in contrast to the more publicized emergency programs such as Biafra relief or Pakistani relief—or relief at the time of any natural disaster like the earthquakes, floods, and typhoons that hit the world from time to time.

Yet without proper administrative machinery, under foreign assistance funds, we could not have these programs, either the emergency programs or the regular child health and maternal care programs and work-for-development programs.

Mr. President, I urge Senators to see that they are protected; I urge the chairman of the Foreign Relations Committee to see that these programs—involving but a pittance of all that goes under the name of "foreign aid" yet vastly more important in human terms than much of the rest—are not the victims of any reduction this body imposes on foreign aid funds.

Mr. President, I regret that the Agency for International Development—and, yes, most of its predecessor foreign aid agencies—have become so enamoured with the "big money" programs, so captive of the macro-economists building models, that they have neglected to think and speak in the human terms of people—of mothers, of children, of the hungry. Perhaps one of their troubles in holding the support of Congress has been too much concern for "big money" projects, and too little concern for these humanitarian projects of which I am speaking today.

In addition to seeking to prevent any reduction in the small amount of administrative funds devoted to the Food for Peace program, I suggest to AID that it should seriously consider establishing within its organization a Bureau for Food and Humanitarian Assistance, so that the programs like food for peace, voluntary agency support, refugee relief, and similar efforts which do have mass public support are not hidden away in the basement, while all the public attention is focussed on trying to get money for big projects that cannot be interpreted in terms of people, at home or abroad. Such a bureau should be in whatever agency handles other foreign economic assistance—not just in State Department—because we should keep humanitarian assistance away from short-term political influences, and food assistance relates to both economic development and humanitarian assistance. The bulk of humanitarian assistance involves food, yet it would be wrong to categorize all food aid as just humanitarian as many food programs make a solid contribution to economic development. I would hope the chairman of the Foreign Relations Committee would join me in supporting such an effort to make sure the distinction is made to Congress about where foreign assistance money is going, and for what purpose, so that Congress in turn can express itself on the type of programs it approves and the type it opposes.

Mr. President, I am also a cosponsor with the Senator from New York (Mr. JAVITS) of an amendment which would strike out the so-called Goldwater-Stevens amendment on concessionary loans. I have reviewed the impact of the Goldwater-Stevens amendment on our AID program and particularly as it relates to Public Law 480.

I asked the Administrator of the AID program, the Agency for International Development, Dr. John Hannah, to share with me his observations as a result of our conversations. I have a letter that was directed to me by Dr. Hannah at my request so that I would have the information in writing. I ask unanimous consent that the complete text of that lettter be printed at this point in the RECORD.

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

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., November 8, 1971.

HON. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR HUBERT: The revised foreign assistance bills are expected to be considered by the Senate this week. We feel strongly that the amounts proposed for economic development and humanitarian assistance are far below the minimum necessary if we are to make a responsible contribution to the international effort to help the less developed countries. We hope that the amounts reported by the Senate Foreign Relations Committee can be increased, but I am writing to you to draw your attention to another matter.

Under the Foreign Assistance Act we have been authorized to lend money to developing countries at concessionary rates—that is, the loans are made for 40 years with a 3% interest rate. Since the beginning of the program, the reason for a favorable rate has been the poverty of the borrowing countries and their obvious inability to repay if funds had to be borrowed at market rates. However, this has never meant that the individual farmer or industrialist in the borrowing country gets such a favorable rate. When our funds are relent to them, the appropriate commercial rate is charged. Not only has our policy led to an almost faultless repayment record—less than one-fourth of one percent of A.I.D. dollar loans are in default—but the U.S. now receives about $250 million annually in dollar repayments of previous development loans.

I would also point out that our terms are by no means the softest available. Canada makes aid loans for 50 years with an interest rate of 0.3%; Britain and Sweden charge 1%; Denmark charges no interest. Most

other aid donors have an interest rate about the same as ours.

An amendment to the Foreign Assistance Act during the floor debate on October 29, and retained by the Foreign Relations Committee in its revised interim bill, raises the minimum interest on aid loans to the Treasury borrowing rate. This will negate the very purpose of development lending and put us out of step with other industrialized countries. It will have the effect of vitiating the Development Loan program.

It does even more than this—it will seriously and adversely affect the U.S. farmer. Section 106 of the Agricultural Trade Development and Assistance Act (PL 480) as Amended, provides that terms of sales of agricultural commodities on credit shall not be less than the terms of development loans under the Foreign Assistance Act. Thus by raising the interest on development loans, we would automatically raise the interest rate on PL 480 credit sales. Nor is this link an accident. The Congress and outside experts have long felt that the cost of food assistance from the U.S. should not be cheaper than the cost of loans with which to buy fertilizer and other production inputs. To do otherwise, would be to create permanent dependence on the U.S.

We estimate that FY 1972 shipments under PL 480 would amount to

5,126,000 tons of wheat
1,197,000 tons of feedgrains
778,000 tons of rice
420,000 tons of vegetable oil
15,000 tons of tobacco
800,000 bales of cotton, and
90,000 tons of cotton products.

Most of these shipments will not be affected by the proposed change in terms since they derive from sales agreements already signed. However, some shipments in the second half of 1972 and nearly all shipments in subsequent years will be affected.

The full extent of the impact is hard to predict but it is clear that in today's world market, terms are vital to the sale of agricultural products. Japan, facing a large rice surplus, is already offering terms which are competitive with our present terms—if our interest rate were raised, there would be no competition. Japan has a 5 million ton rice surplus to dispose of. Similar developments could be expected in other products such as wheat, oils, cotton and dairy products.

The purpose of PL 480 is both to promote trade in agricultural products and to assist the poor countries by providing basic necessities. By raising the interest rate on A.I.D. development loans—and thus on PL 480 credits—we defeat both purposes. I therefore hope that the interest rate provision of Section 201(d) of the present Foreign Assistance Act can be restored.

Our first priority must be an extension of the Concurrent resolution under which we are currently operating that expires next Monday, November 15. This extension will give time to the Congress to consider the revisions and changes now being given consideration. I hope you will want to take some leadership on this item.

Sincerely,

JOHN A. HANNAH.

Mr. HUMPHREY. Mr. President, what I am concerned about in the Goldwater-Stevens amendment, as it relates to Public Law 480, is stated so well by Dr. Hannah that I would like to read this paragraph:

An amendment to the Foreign Assistance Act during the floor debate on October 29, and retained by the Foreign Relations Committee in its revised interim bill, raises the minimum interest on aid loans to the Treasury borrowing rate. This will negate the very purposes of development lending and put us out of step with other industrialized countries. It will have the effect of vitiating the Development Loan program.

Dr. Hannah gave me the information that I was looking for. However, I wanted to have it verified. He said:

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Mr. President, we have millions of pounds of surplus rice.

I want to place in the RECORD, so that the Senator from Louisiana (Mr. ELLENDER), who is so deeply concerned about this matter, the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Louisiana (Mr. LONG), who represent States where rice is produced, will know that we are cutting our rice producers' throats in the interest rate provided in the Goldwater-Stevens amendment. I want Senators from the grain-producing States and the wheat-producing States of the West—and in the Midwest; the Dakotas, Nebraska, Oklahoma, Texas, Colorado, Wyoming, Washington, and Oregon, to mention a few—whose States today produce millions of bushels of grain for shipment under Public Law 480, to know how seriously their States would be affected. Millions of dollars in sales would be affected by the Goldwater-Stevens amendment.

We are going to be giving the Soviet Union better terms on the purchase of wheat than we are going to be able to give more friendly countries if the Goldwater-Stevens amendment remains in the bill.

There are still a few Senators who speak up for farmers today. Thank goodness. The present Presiding Officer, the Senator from Iowa (Mr. HUGHES), is among them. But if there is one group of Americans today who have been forgotten by both the Congress and the President, it is the American family farmer. I sometimes feel like an oddity in this body even speaking up for them.

This administration can blink its eyes at the possibility of a $300 million drop in net farm income this year. That is the estimate. If that were to happen to the automobile industry, every member of the Cabinet would be over here wrestling us to the floor to get relief. When Lockheed was in trouble they practically put the old double whammy on us. I guess I am one of those that yielded under pain and duress. But when something happens to those who produce our Nation's food and fiber—those who are getting only 2 percent above what they were getting in the depths of the depression—this administration, the Cabinet, and most of Congress pretend it is not even happening.

The Senator from Minnesota is not about ready to see the farmers get another dagger in the back. I am not ready to see rural America get another dagger in the back. There are not more than one, two, three, or four that I can think of around here who are ready to stand up and be counted. As long as I am a Member of this body—and I intend to be one—I intend to speak up for the man who is producing the food and fiber that all Americans depend upon.

If our bankers made money available as cheaply as our farmers make food available, we would be in good shape. Many Members of Congress worry about railroads and banking, but not too many worry about farmers.

I am one of the sponsors of Public Law 480, and I do not want to see one of my legislative children suffocate. That is about what we are up to unless we put on a real battle to take care of some of the more important things in the foreign aid bill.

I am not satisfied with all the aspects of the foreign aid bill by a long shot, but I am very much devoted to what we call Public Law 480, the food for peace program. And anything that may have an adverse impact upon it, I am going to be against it. I feel in this case like the father or a mother of a son in that anything that hurts him, I am against. I know what is going to hurt farmers and our foreign assistance program as it involves humanitarian purposes.

It is difficult to fathom how we act around here with people all over the world starving when we do not have enough storage space in the Midwest to take care of our surplus commodities. We have a 60-million-ton surplus of feed grains and one of our biggest wheat crops. We have so much feed grain that we do not know where to store it, so we are dumping it on the ground—and the administration does not even know it is happening. At least we show some concern.

I do not want to be too unkind about this. Voices are being raised, but they do not get into the newspapers, or on the radio or on television. What we call the media cannot even spell "farmer."

The Farmers Union national convention came to Washington, D.C., and there

was not a single television, radio, or newspaper report on it. Farmers forgot to demonstrate. If they had been lying down in front of the White House or picketing Congress, they would have made it, but they came here as decent, thoughtful, God-fearing, taxpaying citizens. It seems that somehow we have forgotten how people like that look or act. But I am not going to forget them. I came here to represent the unrepresented, the handicapped, the sick, the poor, the minorities, the farmers, the kind of people who do not get in the news. The rest of them can take care of themselves pretty well. That has been my philosophy. That is the way I am going to act. I would not have worked for a loan for Lockheed if I did not worry about workers and their jobs.

I am worried about farmers and their income; I am worried about kids and their education. This country today does not seem to know what comes first.

I offer my amendment and, Mr. President, you just heard the first of a series of comments about it until it is adopted. I hope and pray we will be able to do something about the amendment offered by the Senator from Arizona and the Senator from Alaska. I know their purpose. I understand their interest in having the interest on development loans at not below the rate of interest that the Treasury pays. I understand that, and I appreciate that. I find not too much fault with it; but when it comes to our agricultural sales, which is the only thing that bails this country out in foreign trade, I am opposed to any change of law that will adversely affect that.

Let the Senate and the House know, and let the public know, that if it were not for the American farmer and his production, this country would have a trade deficit that would be colossal, and totally destructive to our country. How in the name of commonsense is the Nation going to have a balance of trade without it I do not know. The American economy cannot be revived with an adverse balance of trade. If they do not know that much, they should go back to school and study economics I and II, for even a freshman knows that.

Mr. President, having delivered myself of a few of my emotions tonight, I have no objection if the distinguished majority whip, who has been so tolerant of me, suggests we go over to another day.

Mr. BYRD of West Virginia. Mr. President, the Senator from West Virginia now speaking thoroughly enjoyed the remarks of the distinguished Senator from Minnesota (Mr. HUMPHREY). He is glad to listen to the Senator from Minnesota at any time and is always educated, informed, and inspired by his remarks.

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

Mr. BYRD of West Virginia. I yield.

Mr. HUMPHREY. Mr. President, I want to include the fine and good Senator from West Virginia as one of those concerned people that I was speaking about. When I have stood on the floor of the Senate in years past and needed an ally, all I needed to do was to walk over to the distinguished Senator from West Virginia, and if he had two votes, I would have gotten them.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. Following the recognition of the two leaders, under the standing order, the distinguished senior Senator from Missouri (Mr. SYMINGTON) will be recognized for not to exceed 15 minutes.

There will then be a period for the transaction of routine morning business not to exceed 30 minutes, with statements limited therein to 3 minutes. At the conclusion of that period the Chair will lay before the Senate S. 2820, a bill to provide foreign economic and humanitarian assistance authorizations for fiscal year 1972.

A time agreement has been entered into with respect to that measure, and the majority leader has asked me to state again that any rollcall votes on amendments to that bill will not occur until after the rollcall vote on the Okinawa treaty, which is scheduled to take place at 3 p.m. tomorrow. So there will be rollcall votes tomorrow afternoon.

It is anticipated that the Senate will complete its action on the foreign economic and humanitarian assistance measure tomorrow—even if the Senate has to stay in late—and that it will then proceed to take up the second of the foreign aid measures, S. 2819, a bill to provide foreign military and related assistance authorizations, in connection with which there is also a time agreement entered into.

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 31 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, November 10, 1971, at 9 a.m.

EXTENSIONS OF REMARKS

FLORIDA'S DEMOCRATIC WOMEN

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. PEPPER. Mr. Speaker, it is my privilege to call to the attention of my colleagues the installation speech of Mrs. Margaret H. Cobbe upon her acceptance of the presidency of the Democratic Women's Club of Florida. Mrs. Cobbe, of Gulfport, Fla., is a distinguished member of the Democratic Party in my State, and I am confident she will prove to be an outstanding leader of our Democratic women.

I cite this speech here because it expresses the new spirit of women in politics. It conveys clearly and simply the determination of dedicated women to make our political system work, to make it work for women and for all Americans.

I believe my colleagues of both parties will be interested in Mrs. Cobbe's remarks, which were delivered on October 9 at the annual convention of the Democratic Women's Club of Florida in Miami Beach, in my congresisonal district, and which follows:

INSTALLATION SPEECH OF MRS. MARGARET H. COBBE

Today the Democratic Women's Club of Florida chartered a new course for the future. I feel humble and proud and a little awed to have been selected as your leader. I don't kid myself into thinking it will be smooth sailing. I'm sure we'll make our share of mistakes but we'll learn from them and we'll pick ourselves up again and row all the more vigorously. With everyone pulling together, I feel confident we'll weather the storms and reach our destination.

You have elected some strong officers here today. I want the Committee Chairmen to be just as strong. For this reason, I will delay appointments until I have consulted with many of you. We must have the most capable people in the state to make our reorganizaiton work and I invite you to give me your recommendations.

I am just so proud of our organization and I hope that during these two years I can project that pride to each of you, and to the small and the mighty throughout the state. We must not only feel affection for our local clubs but we must learn to think regionally and state-wide so that we can multiply our strength and influence and recognition.

Our past presidents have been ladies of the highest order. Their dignity and integrity have been beyond reproach. I promise to work very hard to maintain the high standards they have set and, hopefully, move ahead in other ways:

First, I would like to see a closer liaison with other Democratic organizations. We've made progress, particularly with the State Executive Committee, but there is room for improvement. I believe we should cultivate our Democratic youth; take them under our wing and nourish them. Our Junior Executive Committee project, which we instituted last year, is an excellent opportunity for us to guide our young. Some of their viewpoints may seem radical to us, but with tolerance and vision, they can be tempered with the wisdom of age and experience, and made into workable ideas for us all. They have much to offer and we too can learn. We could use some of their idealism, their enthusiasm and their fresh concepts. The Party is big enough and broad enough to blanket all: the old and young, conservative and liberal, and all the in-betweens. A woman's organization is the perfect vehicle for unifying all Democratic forces—we have the temperament, the patience and the discipline to do it. For years we've bolstered the egos of our men by letting them take the credit for what we've done, and perhaps that's the reason for lack of progress in my next point:

Recognition. Some sources think we're the