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PROCEEDINGS AND DEBATES OF THE 92^d CONGRESS, FIRST SESSION

SENATE—Friday, February 26, 1971

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

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

O Thou infinite and eternal spirit, we turn from the clash and clamor of life without, from the fret and fever of daily work, from all discordant noises of the world beyond, from all fantasies and confused thoughts to open our lives to Thy presence. In stillness of heart and in the light of eternity we would ponder the patterns our lives have been weaving.

May there come upon us in this moment a great sense of Thy pervading presence, renewing our spirits, reinforcing our energies, guiding us in paths of righteousness. Give us sensitive souls, alert minds, and steadfast wills to serve the common good.

Bless this good land which Thou hast given us. Direct by Thy spirit all who exercise leadership in it. And be with those who rule in all the nations of the world that by fidelity to Thee and obedience to divine law, peace and brotherhood may prevail.

We pray in the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, February 25, 1971, be approved.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Maj. Gen. George Marion Seignious II, Army of the United States (brigadier general, U.S. Army), to be assigned to a

position of importance and responsibility designated by the President, to be lieutenant general while so serving, which was referred to the Committee on Armed Services.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR RECOGNITION OF SENATOR EAGLETON ON MONDAY, MARCH 1, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the remarks of the able Senator from Georgia (Mr. TALMADGE), for which an order has already been entered, the able Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

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

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

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

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

FEDERAL COMMUNICATIONS COMMISSION

The assistant legislative clerk read the nomination of Thomas J. Houser, of Illinois, and Robert Wells, of Kansas, to be members of the Federal Communications Commission.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

CANAL ZONE

The assistant legislative clerk proceeded to read the nomination of Maj. Gen. David Stuart Parker, Army of the United States to be Governor of the Canal Zone.

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

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

U.S. MARINE CORPS

The assistant legislative clerk read the nominations of William J. Weinstein, Marine Corps Reserve, for temporary appointment to major general, and Harold Chase, Marine Corps Reserve, for temporary appointment to brigadier general.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE ARMY, IN THE MARINE CORPS, AND IN THE COAST GUARD

The assistant legislative clerk proceeded to read sundry nominations in the Army, in the Marine Corps, and in the Coast Guard, which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

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

THE DEMOCRATIC CAUCUS RESOLUTIONS ON VIETNAM

Mr. SCOTT. Mr. President, the press has dutifully reported on the brave resolutions adopted in camera by the Senate Democratic caucus.

Of course, the "total pullout resolution"—and here I am using what it has been labeled with absolutely deadly precision by the press—has attracted the greatest attention.

It does give one pause to hear of the majority party in the Senate trying to accomplish in secret session what the Senate refused to do but a few months ago after open and full debate where each Senator was recorded.

And yet, in their own way, my Democratic colleagues are presenting an unintended bouquet to the Nixon policies in Southeast Asia and on the domestic scene.

After all, their administrations spent 8 years struggling with the Vietnam question without solution. President Nixon is the originator and successful practitioner of the U.S. withdrawal policy. It has been a steady, step-by-step process, with U.S. battle participation, casualties, and troop levels steadily dropping, while the South Vietnamese forces steadily and successfully assume the defense of their country.

Thus, "withdrawal" is a Nixon concept and accomplishment. True, there were attempts last year to promote resolutions of withdrawal by the end of this year. They were all handily defeated in the Senate.

And, the Democratic caucus itself has

been rather circumspect—for it votes in favor of withdrawal "in a time certain." Well, I am just as certain that President Nixon will effect the U.S. withdrawal in more certain fashion than that, because, of course, a time certain really means a time uncertain because we are uncertain among ourselves as to what a time certain can be.

The President considers it rather bad tactics, however, and even more so the U.S. troops still on the line in Vietnam, to notify the Communist forces of the exact date when withdrawal is or will be accomplished.

As I read the rest of the Senate Democratic caucus resolutions, I find the same endorsement of what the Nixon administration has either accomplished or has already proposed in concrete form.

STOP INFLATION?

Compare the interest rates of a year ago with those prevailing today; compare prime discount rates imposed by the Fed with those of a year ago. All down sharply. The cost-of-living climb has slowed, and hopefully will soon actually drop.

All signs point to the beginning of a slow but solid recovery. At the same time, this administration has eliminated a large number of low-income families from the requirement to pay any income tax; has granted more beneficial tax writeoffs for business plant and equipment; has proposed increases in social security for the elderly and a tying in of future payments to the cost-of-living levels. It has proposed reform of the welfare system, including income floors for poor families and incentives for job training by those on welfare. It has cut very successfully into the hunger problem, through expanded use of food stamps and other measures.

The PRESIDENT pro tempore. The time of the Senator from Pennsylvania has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will yield my 3 minutes to the Senator from Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I thank my distinguished colleague from West Virginia for his very generous action.

STREAMLINE FEDERAL-STATE FINANCIAL RELATIONSHIPS?

Mr. President, the third resolution of the Democrats is a rather vague party platform type of thing; for how many decades have both parties spoken of "streamlining Federal-State financial relationships," of more efficient services, and so forth. But while my Democratic colleagues still talk in generalities, President Nixon has laid on their desks his concrete proposals for revenue sharing with the States and municipalities. We need fewer resolutions now, and more hard, candid work and study of the Nixon proposals. Let us have some "put up" action here on these proposals or some shut down on excuses for inaction.

COOPERATION BETWEEN LEGISLATIVE AND EXECUTIVE BRANCHES?

I would make almost exactly the same comment with respect to resolution No. 4, which wants to "bring about—by streamlining and/or consolidation—more effective operation of the legislative and executive branches."

My friends, where have you been? A massive message on this very subject lies on your desk. Your resolutions would have been in order, and even needed during the years up through January 21, 1969. They now seem but pale caricatures of the real state of government in February 1971.

STRENGTHEN AND IMPROVE THE POLICE AND COURT INSTITUTIONS?

May I point out in all humble honesty, that this has already been done. The Organized Crime Control Act, and the District of Columbia Court Reform and Crime Control Acts, adopted in response to the administration's request of last year, are already having a beneficial effect. If I may ask my colleagues on the other side of the aisle, do you recall from whence came most of the opposition to this action? And have you noted the current reduction in the crime rate—especially in this, our Capital City?

It may be untasty medicine, but I must say in all sincerity that your resolutions are stillborn unless they can be understood as endorsing the goals, programs, and legislation already proposed by the Nixon administration. And may I, in his name, thank our friends on the other side of the aisle for their straightforward approval of his programs. Long ago, someone said that imitation is the sincerest form of flattery. For this, I am sure, our Chief Executive is most grateful.

Mr. BYRD of West Virginia. Mr. President, the able minority leader very graciously had sent to my office a copy of his statement about 15 or 20 minutes before noon today. I am most appreciative of his generosity and thoughtfulness in allowing me an opportunity to read the statement before the session began, although I was unable to read the statement in advance.

Mr. President, the distinguished minority leader refers to "the majority party in the Senate trying to accomplish in secret session what the Senate refused to do but a few months ago."

Mr. President, it is true that the Democratic policy committee meetings and the caucus are not open to the press, if that is what the Senator means. I assume that the meetings of the Republican caucus are, likewise, not open to the press. It must be remembered, however, that the able majority leader—following the meetings of the Democratic policy committee and caucus, to which the minority leader now refers—stated to the press the actions taken by the policy committee and the caucus. So, while these may have been closed meetings, they were not "secret" sessions.

The majority party leader stated, following the sessions of the policy commit-

tee and caucus, precisely what had gone on in the sessions. Let us not be scared, therefore, by the words "secret session," as used by the distinguished Republican leader.

With reference to the President's actions in withdrawing our troops, I think that we on this side of the aisle have often complimented the President and have supported him in this endeavor. We hope that he will continue to withdraw our forces from South Vietnam.

The majority leader very clearly stated the intent of the resolution adopted by the policy committee by a vote of 7 to 2 and by the Democrats in the subsequent caucus. As I recall his statement, it was that it was intended to give the President a supporting hand and to encourage him in his withdrawal policy; to let the President know that the effort to withdraw from South Vietnam would be given bipartisan support and that such withdrawal would not be subject to any re-creation from the majority party in the event he withdraws all troops from Vietnam.

That was my understanding of what the majority leader said. There was no effort to force the President's hand.

Some of us had difficulty with respect to the phrase "in a time certain." I am one of those on the policy committee who expressed reservation with respect to those words. I felt that they might be misunderstood. However, the majority leader indicated here again that it would be left up to the President to determine what that "time certain" would be.

The PRESIDENT pro tempore. The time of the Senator from West Virginia has expired.

Mr. SCOTT. Mr. President, I yield my time to the assistant majority leader.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished minority leader.

The resolution, as I recall it, stated that the Senate majority, during the 92d Congress would work to achieve the end of our involvement in, and withdrawal of all U.S. forces from, Indochina. I do not think anyone could quarrel with that. The resolution urged the release of American prisoners of war. No one can quarrel with that objective. It urged that our participation in the struggle in South Vietnam end "in a time certain."

I hope that the President has a time certain in mind. I would not want him to state that time certain in public. But, if I understand his statement of yesterday, if he has a time certain in mind, it will not be next year. It appears to be a long way down the road, I am sorry to say. What the Democratic majority was seeking to bring about, is a time certain that would not be far down the road into the future.

I think the majority party contributed a service by the adoption of the resolution. I think that the American people want to see an end to the war in Indochina. I think they want to see American troops brought home.

I think they would hope that the administration has at least a tentative timetable within which to bring all U.S. forces home from Indochina.

Mr. SCOTT. Mr. President, I do want to point out that was the import of my statements. We were expressing our thanks to the majority for the support of the President not only with relation to foreign policy, but also with relation to areas of domestic policy. We are glad to see it.

I believe there was a considerable problem over the matter of a time certain, as with all of us. I understand some 13 members of the majority party had at least some problem with that first paragraph.

I am anxious that we keep the consideration of the war out of the political sphere. And I am anxious at the same time that the President receive due credit for what he is doing. As we all know, he has eased the problem and the tensions considerably.

Under the draft now, young men who formerly had to worry until the age of 26 now know within 1 year whether they will be drafted. Under the draft law at the present time, very few draftees are actually serving in active ground combat areas in Vietnam. Under the President's withdrawal policy, the number of combat forces in Indochina is relatively small and will eventually decrease to a point where there will be nothing left but supply, air, medical, and similar forces there.

I do not expect the President to withdraw all forces until we find out what is going to happen there.

Mr. BYRD of West Virginia. Mr. President, the Senator has just used the words "keep the consideration of the war out of the political sphere." I do not think this can be done. This is not to say that the President will not have bipartisan support in bringing an end to our participation in Indochina. That is what he is getting with regard to the resolution that was adopted.

I do not think anyone can hope to keep all consideration of the war "out of the political sphere." It was not kept out of the political sphere when Mr. Johnson was President. I do not expect that it will be kept out of the political sphere under Mr. Nixon.

Now, with respect to the current reduction in the crime rate in the city of Washington, I am happy to see that brought about. I am glad to see that the number of police clearances has increased to 20 percent in 1970. I believe it was 10 percent in 1969, but a long time ago, in 1956, the police clearances were a very commendable 50 percent. In other words, in 1956 half of the major crimes were being cleared with arrests being made.

I compliment those who are responsible for increasing the number of arrests for crimes in 1970 over 1969, but we have a long way to go. It is not yet the time to pat ourselves on the back.

The able minority leader talks of the administration's proposed reform of the welfare system. The administration did send a package up to Congress with a "reform" label on it. But the results of that package would have been to triple the welfare cost and more than double the number of people on welfare.

If one wishes to call that "welfare reform," then let him have his way. But I would say that those members of the minority who assisted those on the majority side last year in rejecting the proposal in the form submitted and in insisting that it have further study and further scrutiny did the administration a great favor.

Mr. President, I simply want to close by saying that I support the President in his efforts to withdraw our forces in a gradual and orderly way from Vietnam. At the same time, I support the resolution that was adopted. It was not adopted in any clandestine, secret, or underhanded manner, it was discussed in a closed session of the policy committee, just as all discussions are carried out there. But any attempt to make it look as if it were a sly, political, and underhanded way of undercutting the President is to be rejected outright.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senate will proceed to the consideration of routine morning business for a period of not longer than 45 minutes, with statements therein limited to 3 minutes.

QUORUM

The PRESIDENT pro tempore. Is there further morning business?

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

APOLLO 14 ASTRONAUTS TO VISIT SENATE CHAMBER ON MARCH 2, 1971

Mr. BYRD of West Virginia. Mr. President, I have been asked by the able and distinguished Senior Senator from New Mexico (Mr. ANDERSON) to announce that the Apollo 14 astronauts and their families will be in Washington on March 2, 1971, and will visit the Senate Chamber at 2 o'clock p.m. on that date.

QUORUM

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

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON PLANNED ACTIONS IN THE NASA FISCAL YEAR 1971 PROGRAMS

A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on action the administration proposes to take whereby it will conduct one program at a level in excess of that authorized in the cited Authorization Act together with the facts and circumstances relied upon in support of such proposed action (with an accompanying report); to the Committee on Aeronautical and Space Science.

REPORT OF THE FARM CREDIT ADMINISTRATION

A letter from the Governor, Farm Credit Administration, transmitting, pursuant to law, a report of the Administration for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION TO AMEND THE IMPORT-EXPORT OVERTIME LAW

A letter from the Under Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON DEPARTMENT OF ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Acting Assistant Secretary of the Army—R. & D.—transmitting, pursuant to law, a report of the Department on research and development contracts, for \$50,000 or more, during the period July 1, 1970 through December 31, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF THE ARMY CONCERNING OFFICER RESPONSIBILITY PAY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report concerning officer responsibility pay, for the calendar year 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control covering the fourth quarter of 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce (with accompanying programs); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

Three letters from the Comptroller General of the United States, transmitting, pursuant to law, reports which were referred to the Committee on Government Operations, as follows:

A report on Army inventories—inaccuracies, effects, and ways to improve, Department of the Army, dated February 26, 1971; A report on the need for improved surveillance over production of critical parts for civil aircraft, Federal Aviation Administration, Department of Transportation, dated February 25, 1971; and

A report on opportunities for savings by increasing competition in procurement of commercial equipment, National Aeronautics and Space Administration, dated February 26, 1971.

PROPOSED LEGISLATION TO REQUIRE CERTAIN CORPORATIONS TO PAY FOR SPACE ASSIGNED IN GOVERNMENT-OWNED BUILDINGS

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 to require activities financed by wholly owned Government corporations, trust funds, or by the collection of receipts from non-Federal sources, to pay for assigned space, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

REPORT OF THE ARCHITECT OF THE CAPITOL

A letter from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period July 1, 1970, through December 31, 1970, from moneys appropriated to the Architect of the Capitol; ordered to be printed pursuant to law.

REPORT OF BONNEVILLE POWER ADMINISTRATION

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Bonneville Power Administration, for fiscal year 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED NATIONAL FOUNDATION FOR HIGHER EDUCATION

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish a National Foundation for Higher Education, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. BYRD of West Virginia (for Mr. RANDOLPH), from the Committee on Public Works:

Donald W. Whitehead, of Massachusetts, to be Federal Cochairman of the Appalachian Regional Commission.

PETITION

The PRESIDENT pro tempore laid before the Senate the petition of Homer Phillips, of Leavenworth, Kans., praying for a redress of grievances, which was referred to the Committee on the Judiciary.

RESOLUTION AMENDING RULE XXIV OF THE STANDING RULES OF THE SENATE WITH RESPECT TO NOMINATION AND APPOINTMENT OF COMMITTEE MEMBERS—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 92-23)

Mr. CANNON, from the Committee on Rules and Administration, reported, unfavorably, Senate Resolution 17, amending rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee

members, with the individual views of the Senator from Michigan (Mr. GRIF-FIN) and the Senator from Kentucky (Mr. COOPER), which were ordered to be printed, and the resolution was placed on the calendar.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 56. Resolution authorizing the printing for the use of the Committee on Interior and Insular Affairs of additional copies of its committee print entitled "Outer Continental Shelf" (Rept. No. 92-22).

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. YOUNG:

S. 997. A bill for the relief of Dr. Dionisio Teng Libl and Dr. Bernadette Libl. Referred to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 998. A bill for the relief of John Persad Morris. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 999. A bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers. Referred to the Committee on Foreign Relations.

By Mr. MUSKIE:

S. 1000. A bill to authorize the Secretary of the Air Force to adjust the legislative jurisdiction exercised by the United States over certain lands within the area formerly known as Dow Air Force Base, Maine. Referred to the Committee on Armed Services.

S. 1001. A bill to authorize and direct the Secretary of Transportation to cause the vessel *Cap'n Frank* owned by Ernest R. Darling of South Portland, Maine, to be documented as a vessel of the United States with full coastwise privileges;

S. 1002. A bill to authorize and direct the Secretary of Transportation to cause the vessel *Eugenie II*, owned by J. C. Strout, of Millbridge, Maine, to be documented as a vessel of the United States with full coastwise privileges; and

S. 1003. A bill to authorize and direct the Secretary of Transportation to cause the vessel *Barbara Ann*, owned by Larry A. Torrey of Winter Harbor, Maine, to be documented as a vessel of the United States with full coastwise privileges. Referred to the Committee on Commerce.

S. 1004. A bill to amend the Tariff Schedules of the United States to provide for the temporary free importation of certain motion picture films. Referred to the Committee on Finance.

S. 1005. A bill for the relief of Waclaw Janusz Rzeszotarski. Referred to the Committee on the Judiciary.

By Mr. MUSKIE (by request):

S. 1006. A bill for the relief of Kenneth W. Downing. Referred to the Committee on the Judiciary.

By Mr. LONG:

S. 1007. A bill for the relief of Louis E. Liles. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. CHILES):

S. 1008. A bill to authorize the Secretary of the Army to dredge the Miami River, Dade

County, Fla. Referred to the Committee on Public Works.

S. 1009. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to engage in public works for the prevention and control of water pollution. Referred to the Committee on Public Works.

By Mr. WILLIAMS:

S. 1010. A bill for the relief of Daniel Henry Sattler. Referred to the Committee on the Judiciary.

S. 1011. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes. Referred to the Committee on Public Works.

By Mr. COOPER (for himself, Mr. BOGGS, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GURNEY, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. MATHIAS, Mr. MILLER, Mr. MUSKIE, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPONG, Mr. TAFT, Mr. TOWER, and Mr. WEICKER):

S. 1012. A bill to amend the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

By Mr. COOPER (for himself, Mr. BOGGS, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. MATHIAS, Mr. MILLER, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPONG, Mr. TAFT, Mr. TOWER, and Mr. WEICKER):

S. 1013. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes. Referred to the Committee on Public Works.

By Mr. COOPER (for himself, Mr. BOGGS, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BENNETT, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. MATHIAS, Mr. MILLER, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPONG, Mr. TAFT, Mr. TOWER, and Mr. WEICKER):

S. 1014. A bill to amend the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

By Mr. COOPER (for himself, Mr. TOWER, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. BOGGS, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. HART, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. MATHIAS, Mr. MILLER, Mr. MUSKIE, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. TAFT, and Mr. WEICKER):

S. 1015. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes. Referred to the Commit-

tees on Public Works and Banking, Housing and Urban Affairs jointly

By Mr. COOPER (for himself, Mr. HATFIELD, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. GURNEY, Mr. HART, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. MUSKIE, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPONG, Mr. TAFT, Mr. TOWER, and Mr. WEICKER):

S. 1016. A bill to control the generation and transmission of noise detrimental to the human environment, and for other purposes. Referred to the Committees on Commerce and Public Works, jointly.

By Mr. MONDALE (for himself, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SPARKMAN, Mr. TUNNEY, Mr. WILLIAMS, and Mr. YOUNG):

S. 1017. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes. Referred to the Committee on Public Works.

By Mr. CHURCH:

S. 1018. A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FULBRIGHT (by request):

S. 999. A bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers.

The bill has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State dated February 9, 1971, to the Vice President, and the detailed explanation of the bill.

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

S. 999

A bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 631 and 632 and the headings thereto of the Foreign Service Act of 1946 (22 U.S.C. 1001 and 1002) are amended to read as follows:

"FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

"Sec. 631. Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which he reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.

"PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS

"Sec. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which he reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service."

SEC. 2. The amendment made by section 1 shall be effective upon enactment, except that any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.

RETIREMENT SCHEDULE

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age 60 or over as of the date of enactment of this Act shall be retired at the end of the month which contains the mid-point between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age 60 or over shall be retired, and thereafter the amendment made by section 1 shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.

DEPARTMENT OF STATE,
Washington, February 9, 1971.

HON. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. VICE PRESIDENT: Enclosed is a draft bill "To amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers."

The bill would lower the mandatory retirement age for career ministers from age 65 to 60. However, such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. The bill would continue the Secretary's authority to extend the service of any officer for up to five years beyond mandatory retirement. This would insure that the lowered retirement age would not work to the detriment of the public interest. The bill also provides for a gradual implementation of the change in order that affected officers may have time to make necessary adjustments.

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. After it has been determined that a career minister past age 60 will no longer serve as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers in class 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed.

EXISTING LEGISLATION

FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS [OR CAREER MINISTERS]

SEC. 631. Any Foreign Service officer who is a career ambassador [or a career minister], other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall [upon reaching the age of sixty-five,] be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years.

PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS [OR CAREER MINISTERS]

SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador [or a career minister] shall, upon reaching the age of sixty, be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years.

None.

A detailed explanation of the bill is enclosed.

The Department has been informed by the Office of Management and Budget that there would be no objection from the standpoint of the President's program to the enactment of this legislation. We would appreciate early consideration of this proposal.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional
Relations.

EXPLANATION

The proposed legislation would lower the mandatory retirement age for career ministers from age 65 to age 60. Such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. Also, the Secretary would retain the authority to extend the service of any officer for up to five years beyond mandatory retirement.

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. When it has been determined that an officer past age 60 who has been promoted to the rank of career minister will no longer serve as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers of classes 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed.

There should be some delay in putting a change of this type into effect. The period of delay should take into account both the legitimate career expectations of officers now serving as career ministers and the Service's need for an early effective date of the change. The attached draft legislation specifies that

for officers age 60 or over at the time of enactment, the effective date would be set midway between the date of enactment and the date the officer concerned reaches 65.

For example, the retirement date under the proposed legislation for an officer 64 years old at the time of enactment whose 65th birthday is ten months hence would be five months after the date of enactment. A 62 year old officer whose 65th birthday was to be 30 months hence would be subject to retirement 15 months after the date of enactment. An officer whose 60th birthday coincided with the date of enactment would be subject 30 months hence. This 30-month date would be the outer limit, and the end of that month would be the effective date of the legislation for all career ministers reaching 60 after the date of enactment. Thus after two and a half years following the date of enactment, all career ministers would be mandatorily retired on reaching the age of 60, unless they were serving at that time in positions to which they were appointed by the President with Senate confirmation, or unless they were extended by the Secretary.

The proposed legislation also includes two technical changes. The first would permit all participants in the Foreign Service retirement system to work and earn retirement credit until the end of the month in which they reach mandatory retirement age. Present wording in the law prevents them from earning retirement credit past the birthday on which they reach such age. Since Foreign Service annuities do not begin before the first of the month following retirement, the change would be both equitable to participants and simplify administration for the Department.

The second technical change would make explicit what has long been done in practice, namely, to require the retirement of officers serving after mandatory retirement age either as a result of a Presidential appointment or of an extension by the Secretary. Such retirement would take place at the end of the month in which such service was completed.

PROPOSED LEGISLATION

FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

SEC. 631. Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which he reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.

PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS

SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which he reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service.

Effective Date—Section 2 of Bill

Sec. 2. The amendment made by section 1 shall be effective upon enactment, except that any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.

Retirement Schedule

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age 60 or over as of the date of enactment of this Act shall be retired at the end of the month which contains the mid-point between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age 60 or over shall be retired, and thereafter the amendment made by section 1 shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.

By Mr. LONG:

S. 1007. A bill for the relief of Louis E. Liles. Referred to the Committee on the Judiciary.

Mr. LONG. Mr. President, I introduce for appropriate reference, a bill for the relief of Louis E. Liles, and ask unanimous consent that a letter which I received from attorney Adolph J. Levy in connection with this measure be printed in the RECORD.

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

LEVY, SMITH & PAILET,
New Orleans, La., December 15, 1870.

Re Louis E. Liles.
Hon. RUSSELL B. LONG,
Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR LONG: We represent Louis E. Liles who was a Third Assistant Engineer on the "Clearwater Victory" in 1967, which vessel was on a voyage carrying cargo to Viet Nam. He suffered injuries to his respiratory system while on that vessel because of problems aboard the ship.

The ship was owned by the United States but was operated by the National Shipping Authority through the Alaska Steamship Company as agent. Mr. Liles was not, of course, employed by the military, but was a civilian merchant seaman.

General admiralty law provides for a three-year statute of limitations for claims under the Jones Act and for laches under other remedies. However, because Mr. Liles was actually working for the United States, although the vessel was being operated by a non-governmental agency, his period within which to sue was shortened to two years. Because the two-year limitation of the Public Vessels Act and the Suits in Admiralty Act, 46 U.S.C. 6740, et seq., is not generally known, Mr. Liles did not timely file suit and his rights are now in all probability precluded.

I understand that this is not an uncommon problem which arises with regard to such people as merchant seamen who are aboard vessels owned by the United States and who do go to Viet Nam but who are not regular military personnel and who, unknown to them, do lose their rights.

It would be greatly appreciated if you could have a special legislation passed waiving the statute of limitations with regard to Mr. Liles' claim and allowing Mr. Liles to sue, within say, one year from the date of the passage of the act or such shorter period as is normal. If I can give any additional information, please contact me. With appreciation for whatever aid you can give to me, I am

Very truly yours,

ADOLPH J. LEVY.

CXVII—258—Part 4

By Mr. BYRD of West Virginia
(for Mr. CHILES):

S. 1008. A bill to authorize the Secretary of the Army to dredge the Miami River, Dade County, Fla. Referred to the Committee on Public Works.

Mr. BYRD of West Virginia. I ask unanimous consent that I be permitted to introduce, in behalf of the Senator from Florida (Mr. CHILES) a bill to authorize the Secretary of the Army to dredge Miami River in Dade County, Fla.

By Mr. BYRD of West Virginia
(for Mr. CHILES):

S. 1009. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to engage in public works for the prevention and control of water pollution. Referred to the Committee on Public Works.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to be permitted to introduce, in behalf of the Senator from Florida (Mr. CHILES), for referral to the Committee on Public Works, a bill to provide for water quality control and the prevention of water pollution.

By Mr. WILLIAMS:

S. 1011. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes. Referred to the Committee on Public Works.

Mr. WILLIAMS. Mr. President, again this year I am introducing legislation designed to strictly control the dumping of wastes into the ocean. This bill is almost identical to the measure which was introduced last year as the National Marine Waters Pollution Control and Quality Enhancement Act of 1970. However, the situation which this bill would attempt to rectify has not remained static.

The dumping of sewage sludge and highly contaminated harbor dredgings into the Atlantic Ocean sometimes as near as 4.5 nautical miles to the New Jersey coast, has continued unabated. A dead sea has developed in the sewage sludge area off New York City of almost 20 square miles, and there are indications that many other areas formerly used by fishermen are being contaminated. The Food and Drug Administration has already declared two areas off limits to shell fishermen in the last year, due to the potential that exists for contaminated products getting on the market place.

I would also like to point to two additional developments which have occurred since the introduction of this legislation last year. A study made of sewage sludge samples by the Marine Sciences Research Center at the State University of New York at Stony Brook has revealed that some of the elements found in the waste material were not only highly toxic to marine organisms, but were carcinogenic in nature.

In addition, a very recent survey by the Food and Drug Administration as reported in the press has led to the discovery that U.S. Government figures regarding the amount of polluted wastes being dumped into the Atlantic Ocean have been seriously underestimated. The 1970 report to the President on ocean dumping, had reported a total of 7.1 million tons of polluted dredge materials, and on this basis, concluded that there was a critical need for a national policy on ocean dumping. New findings by Capt. James Verber, an oceanographer with the FDA laboratory in Davisville, R.I., have estimated that at least 13.8 million tons are being dumped annually off the East Coast, almost twice the previous estimate. These new findings, which also revealed the existence of 35 additional dumping sites not mentioned in the 1970 ocean dumping report, further show that 98 percent of the dredge spoil sites off the Atlantic are within 9 miles of the coastline.

Mr. President, I cannot emphasize too strongly the need for halting this incessant pollution of our immediate ocean areas. My legislation would permanently prohibit the discharge of wastes into the waters of the contiguous zone—the 9-mile belt surrounding our territorial sea. It would also require special regulations for the dumping of wastes within 100 miles of the United States.

My bill would also contain provision for grants to States and municipalities for transporting and discharging of wastes beyond the contiguous zone so long as those wastes receive the most advanced treatment possible in order to prevent any damage to the ocean waters and the total environment.

The legislation which I am introducing today would be a first step and an important beginning in our attempt to reverse the destruction of one of our most important resources, the ocean waters. We must set as an ultimate goal the phasing out of ocean dumping as a regu-

larly accepted method of disposal of sewage sludge and other toxic materials.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD at this point.

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

S. 1011

A bill to amend the Federal Water Pollution Control Act, as amended, 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 "National Marine Waters Pollution Control and Quality Enhancement Act of 1971".

SEC. 2. The Federal Water Pollution Control Act, as amended, is further amended by redesignating sections 16 through 27 as sections 17 through 28, and by inserting after section 15 a new section as follows:

"MARINE WATERS POLLUTION CONTROL AND QUALITY ENHANCEMENT

"SEC. 16. (a) The Congress finds and declares that—

"(1) in the pursuit of solving significant problems involving the disposal of municipal, industrial, and other wastes, man has turned to the sea;

"(2) man, realizing the potentially vast assimilative capacity of ocean waters, in disposing of treated, untreated, and inadequately treated wastes into the sea;

"(3) recent studies indicate that the largely uncontrolled discharge of wastes into the waters of the contiguous zone and the sea and beyond is degrading the quality of the marine environment and threatens to pollute the navigable waters of the United States and adjoining shorelines; and

"(4) it is therefore the purpose of this section to provide means and measures to control the discharge of wastes transported by any means from areas within the United States and to protect and enhance the quality of the marine environment.

"(b) For the purpose of this section, the term—

"(1) 'wastes' means matter of any kind or in any form;

"(2) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(3) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(4) 'onshore or offshore facility' means any facility of any kind and related appurtenances thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States or lands of the Outer Continental Shelf of the United States, which is used or capable of being used for the purpose of transporting or discharging wastes;

"(5) 'United States' and 'State' include a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means, as the context requires, any person, subject to the jurisdiction of the United States, owning, operating, or chartering by demise, a vessel, or owning or operating an onshore or offshore facility;

"(7) 'person' includes an individual, firm, corporation, partnership, association, State, municipality, and other political subdivision of a State; and

"(8) 'contiguous zone' means the entire zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

"(c) (1) No owner or operator shall dis-

charge or cause or contribute to the discharge of wastes from any vessel, except sewage discharged from marine sanitation devices, or from any onshore or offshore facility into or upon the waters of the contiguous zone.

"(2) No owner or operator shall discharge or cause or contribute to the discharge of wastes from any vessel, except sewage discharged from marine sanitation devices, or from any onshore or offshore facility into or upon waters beyond the contiguous zone, unless permitted by the Administrator of the Environmental Protection Agency, by regulations, promulgated under this section, or unless as permitted under this section.

"(3) Any owner or operator who violates paragraph (1) or (2) of this subsection or any regulation issued under this section shall be assessed a civil penalty of not more than \$10,000 for each violation. Each occurrence of a violation may constitute a separate offense. A civil penalty shall be assessed by the Secretary of the department in which the Coast Guard is operating only after the person charged with a violation under this section has been given an opportunity for a public hearing and such Secretary has determined, by decision incorporating his findings of fact therein, that a violation did occur, and the amount of the penalty which is warranted, and incorporating, when appropriate, an order therein requiring that the penalty be paid. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"(4) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, such Secretary shall file a petition for enforcement of such order in any appropriate district court of the United States. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and thereupon such Secretary shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order and decision of such Secretary or it may remand the proceedings to such Secretary for such further action as it may direct. The court shall consider and determine de novo all relevant issues. On the basis of the jury's findings, the court shall determine the amount of the penalty to be imposed. Subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Secretary may appear for and represent him in any action to enforce an order assessing civil penalties under this paragraph.

"(d) (1) Within one hundred and eighty days after the effective date of this section and from time to time thereafter, the Administrator of the Environmental Protection Agency shall, consistent with the purposes of this section and with maritime safety and marine and navigation laws, issue proposed regulations governing the discharge of wastes by any owner or operator of a vessel or onshore or offshore facility into or upon all or any portion or portions of the waters beyond the contiguous zone. Such regulations shall establish the quantities, times, locations, circumstances, and conditions of such discharges and shall designate the area of such waters where such discharges may be permitted. Such regulations shall be such as to protect the public health and welfare and enhance the quality of the waters and shall take into consideration the latest available scientific data, temperature and salinity of the waters, currents, type of wastes to be discharged, seasons of the year, and other environmental factors. Such regulations shall

be consistent with maritime safety and with marine and navigation laws.

"(2) Such regulations shall be published in the Federal Register and shall afford interested persons a period of not less than thirty days thereafter to submit written data or comments. Except as provided in this subsection, the Administrator may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such regulations with such modifications as he deems appropriate.

"(3) On or before the last day of any period fixed for the submission of written data or comments under paragraph (2), any interested person may file with the Administrator written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing on such objections. As soon as practicable after the period for filing such objections has expired, the Administrator shall publish in the Federal Register a notice specifying the proposed regulations to which such objections have been filed and hold a public hearing to receive relevant evidence. Within sixty days after completion of the hearings, the Administrator shall make findings of fact which shall be public. The Administrator may promulgate such regulations with such modifications as he deems appropriate. In the event the Administrator determines that a proposed regulation should not be promulgated or should be modified, he shall within a reasonable time publish the reasons therefor.

"(4) The Administrator shall not promulgate any regulations or part thereof to which the Governor of any State has filed written objections on the basis that such regulations will permit discharges of wastes into or upon waters beyond the contiguous zone which will adversely affect the public health and welfare or the waters, shorelines, or natural resources of such State.

"(5) Whenever waste discharges under regulations issued under this subsection are permitted, such wastes and the effects on the environment shall be monitored for such periods as may be appropriate by the owner or operator permitted to make such discharges at his expense and the reports thereof shall be available to the public.

"(e) Pending the promulgation of regulations pursuant to subsection (d) of this section designating water areas beyond the contiguous zone where wastes may be discharged, any owner or operator of a vessel or onshore or offshore facility authorized under any other provision of law on the effective date of this section to discharge wastes into the waters beyond the contiguous zone may continue to discharge such wastes, except that such owner or operator shall not discharge such wastes within 100 nautical miles of the United States. The Administrator shall provide financial assistance in the form of grants to any municipality, State, or other political subdivision of a State to cover any actual increase in costs incurred by such municipality, State, or other political subdivision thereof in complying with the provisions of this subsection and the Administrator shall promptly act to establish reasonable procedures for determining such costs and providing such assistance.

"(f) In furtherance of the purpose of this Act, the Administrator shall from time to time study, collect, evaluate, and publish data on water temperatures and salinity, currents, waste discharges, the effects of such discharges on the environment, and such other information as he deems appropriate. The Administrator may enter into contracts with, and make grants to, public and private agencies and organizations and individuals in carrying out the provisions of this subsection. No research, demonstrations, studies, or experiments shall be carried out, contracted for, sponsored, cosponsored, or authorized under this section, unless all information, uses, products, processes, patents, and other developments resulting therefrom,

with such exception and limitation, if any, as the Administrator may find to be necessary in the public interest, be available to the general public.

"(g) The Administrator shall make grants available to any State, municipality, or other political subdivision of a State in the percentages specified in section 8 of this Act for the construction of treatment works annually to provide financial assistance to them for the costs of transporting on, and discharging from, vessels wastes into or upon waters beyond the contiguous zone in accordance with applicable regulations issued under this section. The Administrator shall not provide any such financial assistance unless he determines that such wastes will receive, in order to prevent any damage to such waters and the total environment, treatment before such discharge by means and measures that utilize the most advanced treatment technology available."

By Mr. COOPER (for himself, Mr. BOGGS, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GURNEY, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN (Idaho), Mr. MANSFIELD, Mr. MATHIAS, Mr. MILLER, Mr. MUSKIE, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPONG, Mr. TAFT, Mr. TOWER, and Mr. WEICKER):

S. 1012. A bill to amend the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

By Mr. COOPER (for himself, Mr. BOGGS, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GURNEY, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN (Idaho), Mr. MANSFIELD, Mr. MATHIAS, Mr. MILLER, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPONG, Mr. TAFT, Mr. TOWER, and Mr. WEICKER):

S. 1013. A bill to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes. Referred to the Committee on Public Works.

By Mr. COOPER (for himself, Mr. BOGGS, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BENNETT, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN (Idaho), Mr. MANSFIELD, Mr. MATHIAS, Mr. MILLER, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPONG, Mr. TAFT, Mr. TOWER, and Mr. WEICKER):

S. 1014. A bill to amend the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

By Mr. COOPER (for himself, Mr. TOWER, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BENTSEN, Mr. BOGGS, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GRIFFIN, Mr. GURNEY, Mr. HART, Mr. HATFIELD, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN (Idaho), Mr. MANSFIELD, Mr. MATHIAS, Mr. MILLER, Mr. MUSKIE, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. TAFT, and Mr. WEICKER):

S. 1015. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes. Referred to the Committees on Public Works and Banking, Housing and Urban Affairs jointly.

By Mr. COOPER (for himself, Mr. HATFIELD, Mr. ALLOTT, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. GURNEY, Mr. HART, Mr. HRUSKA, Mr. JAVITS, Mr. JORDAN (Idaho), Mr. MATHIAS, Mr. MUSKIE, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPONG, Mr. TAFT, Mr. TOWER, and Mr. WEICKER):

S. 1016. A bill to control the generation and transmission of noise detrimental to the human environment, and for other purposes. Referred to the Committees on Commerce and Public Works, jointly.

Mr. COOPER. Mr. President, on February 18, I had inserted in the CONGRESSIONAL RECORD the text of six bills proposed by President Nixon to implement the program he announced in his environmental message to the Congress on February 10.

In my remarks asking unanimous consent that the text be printed, I announced that I would be introducing these bills after circulating among the Members of the Senate an invitation for cosponsorship. I am today introducing five of the six bills on behalf of the administration as the first formal step in the legislative process which hopefully will lead to enactment of laws in the subject areas of each of these bills. I will introduce the sixth bill to provide for the regulations of ocean dumping next week.

Mr. President, I believe no Member of the Senate or the Congress will stand apart from the growing evidence concerning the deterioration of our environment. The facts are available to anyone who seeks them. The solutions, on the other hand, are not so readily available. The Committee on Public Works, on

which I serve as ranking minority member, has been striving for solutions to these problems for many years. The activity of the committee, in large measure, has contributed to the public awareness of the grave problems of pollution. In the second session of the 91st Congress the committee was responsible for four major environmental protection acts, the Water Quality Improvement Act, Public Law 91-224; the Resources Recovery Act, Public Law 91-512; the Clean Air Amendments, Public Law 91-604; and Great Lakes Dredging, Public Law 91-611. The committee has announced hearings to begin the week of March 15, on pending omnibus water pollution legislation.

The general authorization of one essential element of the Federal Water Pollution Control Act of 1965, that contained in section 8, to assist the construction of waste treatment works, expires on June 30, of this fiscal year 1971. Congress, therefore, must reauthorize the program. In addition, Congress has a duty to go beyond simple reauthorization in order to refine and improve the regulatory provisions of the water pollution control law. Three of the bills recommended by the President, which I introduce today, propose amendments, improve and advance the 1965 Federal Water Pollution Control Act, as amended.

Senators MANSFIELD and SCOTT, the majority and minority leaders of the Senate, are sponsors of various bills. Senator SCOTT of all the five bills, Senator MANSFIELD, of four. I am particularly pleased that Senator JENNINGS RANDOLPH, the chairman of the Public Works Committee, Senator EDMUND MUSKIE, long the chairman of the Subcommittee on Air and Water Pollution, and Senator CALEB BOGGS, ranking minority leader of the subcommittee, whose service in the environmental field is outstanding, are sponsors of various bills.

I am honored to introduce these bills in behalf of the administration, but in doing so, I want to pay my tribute to all cosponsors, from both majority and minority for their interest, and for the help they will give in bringing these proposed enactments.

The first of these, a bill to amend sections 5, 6, and 7, of the 1965 act would enhance tremendously the quality of State water pollution control programs by increasing Federal assistance to support such programs and by providing increased flexibility to the Administrator of the Environmental Protection Agency to assure the most expeditious and efficacious implementation of State programs. The text of the bill to amend sections 5, 6, and 7 of the 1965 act was printed in the RECORD of February 18, at page 3069.

The second water pollution bill proposed by the President would amend section 8 of the Federal Water Pollution Control Act, the section authorizing Federal assistance for the construction of municipal waste treatment systems. In this area, perhaps more than any other, we have some measure of the great expense involved in abating water pollution. The President has proposed an increase in the authorization of Federal

funds to carry out this program from \$1.25 billion in fiscal 1971 to \$2 billion for each of the next 3 fiscal years for a total of \$6 billion, to match on a 50-percent basis an equivalent amount of money from States and local governments. In other words, the President's program would provide for \$12 billion of new construction in the next 3 years.

In addition to the amount of money necessary for the construction of waste treatment works, there are problems regarding such elements as the establishment of priorities for such construction, the proper assessment of costs through user charges, and others which need improvement if waste water is to be adequately treated and we are, in fact, to achieve water quality standards.

Another difficult area which has developed in the application of the section 8 grant program since its enactment in 1966 results from the failure of the Federal Government to provide the actual funds authorized in 1966. As most of the Members of the Senate know, during the first several years of this program, the actual Federal dollars fell far short of the authorization, and, more unfortunately, the expectation. Consequently, one of the areas that will need careful investigation by the committee is the reimbursement of Federal dollars at least morally owing to several States and municipalities which prefinanced the Federal share in order to get projects started.

The text of this bill was printed in the RECORD of February 18, at page 3071.

The third water pollution bill the President has proposed would tighten considerably the water quality standards setting and enforcement process. The President's bill adopts many of the procedural provisions recently enacted by Congress applicable to air pollution and would move tremendous strides toward improving the quality of the Nation's water.

Particularly significant in the President's bill is the proposal to extend Federal approval authority for water quality standards and plans to all navigable and ground waters of the United States. At the present time Federal involvement is restricted to interstate navigable waters and the restriction has been strongly criticized by qualified experts. Another area in existing law which has been subject to criticism, and which the President proposes to improve, is the character of Federal enforcement of the requirements imposed on persons pursuant to implementation plans. Under present law, enforcement proceedings are characterized by delay and frustration. The President's bill clearly retains the primacy of State enforcement but would provide clear authority for the Federal Government to act, and act decisively, to enforce where the States have been lax.

Reflecting the strong commitment this administration has made to public participation in the process of government, the President has recommended that citizens be afforded the right to seek enforcement of the requirements established under the Federal Water Pollution Control Act, as amended, in the Federal courts. In so doing, the President

has adopted a similar provision in the recent clean air amendments and is to be commended for recommending this authorization of public participation be extended to citizens in the enforcement of water pollution laws.

I ask unanimous consent that the text of the remarks of the Honorable Timothy Atkeson, the general counsel of the Council on Environmental Quality, before a forum at George Washington University Law School on the question of citizen suits be inserted in the RECORD at this point.

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

CITIZEN SUITS TO PROTECT THE ENVIRONMENT
(Remarks of Timothy Atkeson, General Counsel, Council on Environmental Quality at Environmental Law Course Sponsored by Environmental Law Society and Environmental Law Institute, George Washington University February 12, 1971)

As you know, the President sent forward a very extensive Environmental Message at the beginning of this week. I wonder how many of you noticed in the section dealing with water quality the words:

"I propose an authorization for legal actions against violation of standards by private citizens, as in the new air quality legislation, in order to bolster State and Federal enforcement efforts."

This proposal marks a quite remarkable evolution of the Administration's position within the last year or so with respect to the role of citizen suits in protecting the environment. Because this has been a subject of great interest to the Council on Environmental Quality, I would like to list a number of the developments along the way you should be aware of.

First, as to the general value of citizen suits, you will recall that Chairman Train last fall wrote Commissioner Thrower of the Internal Revenue Service in connection with the IRS review of the charitable status of public interest law firms that it was the Council's view that:

"Private litigation before courts and administrative agencies has been and will continue to be an important environmental protection technique supplementing and reinforcing government environmental protection programs."

The Council had previously, in its First Annual Report (pp. 281-219) described briefly the role of Citizen Groups in the Courts. I might add that the Council regards the development of environmental law as one of the most dynamic areas within its purview and, as part of its mandate to "coordinate Federal programs related to environmental quality" is taking an active interest in the position taken by the Government in environmental litigation. We hope to give extensive treatment to the subject in the Council's next Annual Report.

Secondly, on the issue of standing of citizen groups to sue, the Council has taken the position that Section 102(2)(C) of the National Environmental Policy Act confers standing on citizen groups concerned to challenge violations of that Act and, so far as I know, the courts have been going along with this view. You will recall that the President, on the Council's recommendation, set the policy in Section 2(b) of Executive Order 11514 that all agencies "develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties." In the Council's proposed revision of its 102 guidelines there is provision for advance notice to the public and, where appropriate, for public

hearings on agency decisions affecting the environment. We intend to follow up these general rules with revised agency procedures which are responsive to the new requirements. Such agency procedures will, of course, be relevant in future citizen Environmental Policy Act. Nothing makes a court prick up its ears faster than to learn that an agency violated its own procedures.

Generally, on standing to sue, the Council subscribes to the view expressed by the Second Circuit last April in *Citizens Committee for the Hudson Valley v. Volpe*, 1ER1237, 1241 (CA2, 1970), cert denied ———:

"... the public interest in environmental resources—an interest created by statutes affecting the issuance of [the permit in that case]—is a legally protected interest affording these plaintiffs, as responsible representatives of the public, standing to obtain judicial review of agency action alleged to be a contravention of that public interest." (The type of statutory provision on environmental considerations referred to is now appearing in a great deal of legislation on Federal projects, ranging from mass transit and airports, to highways and water resource projects.)

It is worth noting that the Solicitor General in seeking certiorari on the *Hudson Valley* case did not challenge the standing portion of the Second Circuit's ruling. We will be most interested to see whether the Supreme Court grants certiorari in the *Mineral King* case, another decision involving standing of citizen groups in environmental litigation. The absence of such environmental legislative provision as the National Environmental Policy Act or such as figured in the *Hudson Valley* case would seem to make the adverse ruling by the Ninth Circuit on the Sierra Club's standing in the *Mineral King* case distinguishable if the Supreme Court does not clarify the matter.

A third area of development of the law with respect to citizen environment protection suits relates to the defense of sovereign immunity. In the view of the Council, citizen suits to enforce the National Environmental Policy Act are entitled to be met on the merits and not with the procedural hurdle of sovereign immunity. I know of no court which has seriously considered this defense to a NEPA suit; hopefully the need to re-litigate this defense in future NEPA actions will diminish drastically. With respect to citizen suits against the Government to abate pollution from Federal facilities, the Council believes that the policy behind Executive Order 11507 (Prevention, Control and Abatement of Air and Water Pollution at Federal Facilities) is highly relevant. The President has said that the Federal Government should take the lead in meeting pollution control requirements. We plan to follow out the implications of this policy with the Justice Department.

The fourth development you should be aware of was that the Council took the lead in winning acceptance within the Executive Branch of the citizen suit provision which appears as the new Section 304 of the Clean Air Act. In the discussions on this we were greatly aided by the support of Bill Ruckelshaus who at that time was still Assistant Attorney General in charge of the Civil Division.

The fifth and final development I want to comment on is the type of legislative provision Michigan has adopted and Senators Hart and McGovern introduced for Federal enactment last year as S. 3575, the "Environmental Protection Act of 1970." Professor Sax who did much of the drafting on this legislation is a member of the Council's Legal Advisory Committee and has just published a most interesting book on the subject, *Defending the Environment, A Strategy for Citizen Action* (Knopf, New York 1971). Because of the limitations of time I cannot describe this proposal in detail. Suffice it to say that it a) creates a Federal cause of action for injunc-

tive relief on behalf of any person against any other person or entity for unreasonable impairment of the environment, b) permits courts to proceed independently of administrative agencies with jurisdiction and c) permits review of administrative determinations "to the extent necessary to protect environmental rights."

Our Legal Advisory Committee advised us last fall that they supported the principles of the Hart-McGovern bill with certain provisos as to the role of administrative determinations on environmental questions.

That the rule requiring exhaustion of administrative remedies prior to court action continue where applicable.

That courts be permitted to remand or refer matters raised in suits before them to appropriate administrative agencies, whether or not such agencies have acted on such matters previously, and

That there be further study of the problems of the extent to which courts may review administrative environmental determinations.

In drawing the attention of the Council to the position of its Legal Advisory Committee the editorials in the *New York Times* and *Washington Post* did not mention these provisos. But we did not need editorials to recognize the important issues present in the Hart-McGovern proposal and we are continuing to give the subject careful consideration.

At the time of our Legal Advisory Committee's discussion on the subject we made a staff analysis of the Hart-McGovern Bill and identified at least three problem areas:

a. The bill, in contrast to the air and water quality legislation where we support a citizen suit provision, has no established standards or criteria for environmental protection. This could lead to very difficult determination of what is unreasonable impairment of the environment which courts would be reluctant to handle.

b. The bill invites courts to override administratively established environmental standards and invites the Federal courts to write environmental law in any area where Congress has failed or been unable to legislate.

c. The bill pushes the Federal courts deep into many matters (e.g. land use questions) traditionally regarded as the primary responsibility of State courts and legislatures.

This last comment leads me to say that we are deeply interested in having some State experience with legislation of this type. We are watching the cases in Michigan and the legislative debate on similar bills elsewhere.

In conclusion I think I would say we favor specific legislation on the various environmental problem areas,—water quality, air quality, oil spills, ocean dumping, pesticides, toxic materials, noise, land use policy, strip mining, power plant siting, etc. rather than throwing these problems into the courts to set standards. You will notice that these are all items on the President's environment action agenda. This is where we will put our prime reliance and we invite the support of all those interested in building meaningful environmental protection for citizens.

Mr. COOPER. Mr. President, combined with the President's action in establishing the Environmental Protection Agency, with its new Administrator, the Honorable William Ruckelshaus, these three bills should make the water pollution control program effective and produce the kind of results the American people have good cause to expect.

The text of the bill to improve water quality standards and enforcement procedures is printed in the RECORD of February 18 on page 3074.

One of the paramount difficulties in financing waste treatment projects under section 8 of the Water Pollution Act has been the inability of several governmental entities, particularly smaller municipalities, to obtain the financial support necessary to provide the share to match the Federal share. Consequently, in many areas facilities have gone unconstructed and water pollution unabated. The President has proposed to assist such municipalities through the establishment of an Environmental Financing Authority, to be administered by the Secretary of the Treasury, in order to provide a Federal market to purchase the bonds and securities of municipalities which have poor credit ratings.

The bill to create an Environmental Financing Authority is innovative and merits close and early consideration by Congress so that the simple fact of poor financial status of municipalities and communities does not stand in the way of the enhancement of the waters of the United States.

Because the bill touches on the jurisdiction of the Committee on Public Works and the Committee on Banking, Housing and Urban Affairs, it will be jointly referred, and Senator Tower, the ranking minority member of the Banking Committee, has joined with me as the principal cosponsor in introducing this legislation. The Committee on Public Works expects to act upon this bill as an integral element of the water pollution legislation and will report the bill to the Banking Committee for its review prior to consideration by the Senate.

The text of the Environmental Financing Authority bill was inserted in the RECORD on February 18 at page 3083.

Mr. President, the final bill proposed by the President which I introduce today would authorize a regulatory program over a form of pollution that Congress addressed for the first time and in a limited manner, in the Clean Air Amendments of 1970. In that act, Congress authorized a study of noise, its sources and its effects, and asked for recommendations for legislation to establish a regulatory program. In part, the President anticipated the problem of noise pollution and pursuant to an administration study he requested he has recommended to Congress that it regulate now the major sources of noise pollution. The bill he has proposed would authorize the Environmental Protection Agency to establish noise control standards and other requirements, such as labelling, for products which are major sources of noise pollution. In addition, the bill will bring the Environmental Protection Agency's authority and expertise to bear on the already authorized programs designed to regulate noise emissions from aircraft.

On the issue of noise from aircraft, it should be noted that a very recent study of the Environmental Studies Board of the National Academy of Sciences National Academy of Engineering recommended that present noise standards for subsonic jet aircraft be reduced by 10 units. This report dated February 17, 1971, examines aircraft and airport problems in an environmental context including noise pollution problems and I

recommend it to the Senate. I ask unanimous consent that the principal conclusions and recommendations be printed at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. COOPER. The noise control bill that I introduce today will be jointly referred to the Committee on Public Works and the Committee on Commerce. Senator HATFIELD, who has long been in the lead of those concerned on the effect of noise pollution on our citizens, serves on the Commerce Committee and joins me as the principal cosponsor of this legislation. Noise is a particularly subtle form of environmental pollution: one of great aggravation to citizens throughout the Nation; its control is absolutely necessary. I commend the President for his initiative in this area.

The text of the bill to regulate noise pollution is printed in the RECORD of February 18, at page 3085.

I ask unanimous consent to have printed in the RECORD following my remarks a statement by the Senator from Delaware (Mr. Boggs) on his cosponsorship of the administration's bills. He wanted to be here and make these remarks but a personal loss in his family prevented him from doing so.

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

(See exhibit 2.)

EXHIBIT 1

JAMAICA BAY AND KENNEDY AIRPORT: A MULTIDISCIPLINARY ENVIRONMENTAL STUDY—VOLUME I: CONCLUSIONS, RECOMMENDATIONS, SUMMARY

(A Report of the Jamaica Bay Environmental Study Group)

PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS

A major environmental decision faces the people of New York City. Should additional portions of Jamaica Bay be filled to provide more runway capacity for Kennedy Airport? It has been claimed that the proposed expansion might impede or make more costly an existing program to improve water quality, adversely affect the maintenance of an unusual wildlife sanctuary, and impair the ecological integrity of a major estuarine area of the New York metropolitan region. It is also feared that aircraft noise in surrounding communities would be increased and the recreational usage of the Bay would be curtailed. Can such environmental damage be avoided while still providing for a needed expansion in air transportation facilities?

This study was prompted by a concern for minimizing the environmental impact of a proposed airport expansion program. In proposing this study the Port of New York Authority suggested that an airport extension might even be compatible with a program for a complete redevelopment of the entire Bay that would yield both environmental and economic benefits to the metropolitan region.

The Study Group has examined several possible configurations of runways extending into Jamaica Bay from Kennedy Airport, one of which was suggested to us by the Port of New York Authority. We have considered these in relation to the natural ecosystem of the Bay, existing or proposed programs for water quality improvement, recreation, and conservation, and present and expected land-use patterns near the airport. We have concluded that:

Any runway construction will damage the

natural environment of the Bay and reduce its potential use for conservation, recreation, and housing. The degree of this impairment will be dependent upon the amount of Bay area taken for this airport extension. A sufficiently large land-taking, such as that proposed by the Port of New York Authority (see Figure 4, Chapter 4, Volume II), could cause major irreversible ecological damage to the Bay.

The Study Group has also considered a variety of plans expected to enhance the values of the Bay area for the people who live there or within reach of it. These values were appraised in light of the history of the Bay's development, the present situation, and the likely effects of expanding or not expanding Kennedy Airport.

It is possible to improve the Bay environment by technological means. Such improvements may be made independent of any airport expansion scheme, but any expansion would increase the economic costs or dilute the benefits of these improvements.

We have viewed the problem placed before us as a broad one of seeking means to meet many human needs—housing, transportation, recreation, waste disposal—in a manner compatible with protecting or even improving the environment of Jamaica Bay. New York City is not faced with a hard choice between forgoing any increase in badly needed air transport capacity and the destruction of a valuable natural resource. We have considered courses of action by which the air transportation needs of the metropolitan area may be satisfied while minimizing the environmental impact on the Bay. For the immediate future we recommend that:

1. The Port of New York Authority, in cooperation with the Civil Aeronautics Board and the Federal Aviation Administration, institute immediately a program of landing fees, consolidation of flight schedules, and other administrative devices that will eliminate existing congestion and allow for a more efficient utilization of existing system capacity. Only after complete implementation of these measures will it be possible to assess fully the need for and the timing of an airport expansion. Adoption of these measures will give priority usage of existing facilities at Kennedy Airport to commercial passenger transportation rather than to general aviation.

Such measures will not provide indefinitely for air transport needs. Other possibilities will have to be considered in the future. We further recommend that:

2. Since the evidence indicates that improved air-traffic-control systems would permit substantial increases in the capacity of the region's airports, such systems be developed and adopted as rapidly as possible.

3. If there is a proven need in the future for increased runway capacity at Kennedy Airport after the introduction of these much-needed technological and administrative improvements, then additional runways might be considered, such as those discussed in Chapter 4, Volume II, which would require minimal land-taking in the Bay. No new runways should be constructed or other measures taken to increase the capacity for aircraft movements unless it can be shown that the benefits exceed the costs, where benefits and costs include a full consideration of their impact upon people and the environment of the Bay area and the metropolitan region.

In the long run, planning for the air transportation needs of the New York metropolitan area will require greater federal participation than has been the case in the past. We therefore recommend that:

4. The Secretary of Transportation, the Governors of New York and New Jersey, and appropriate governing authorities in the region should plan now for the new regional

air transportation facilities that will be needed in the future. They should proceed immediately to designate and acquire a site for a new regional jetport. The development of such an airport and the timing of its construction should be consistent with a demonstrated need for additional airport capacity in the region. They should also begin an intensive study of alternative systems for intercity air and ground transport, such as vertical or short takeoff and landing aircraft and high-speed trains, which might affect future regional jetport needs.

5. The Secretary of Transportation, in cooperation with appropriate state and local governmental agencies, should make an evaluation of the congestion problem, both at terminals and with respect to the ground access to the three major airports in the region, and propose plans to reduce this congestion.

Aircraft noise, and, to a lesser extent, air and water pollution related to airport operation are perceived as major environmental hazards by residents in communities surrounding commercial airports. We have examined these effects in the environs of Kennedy Airport, and have concluded that:

The construction of new runways will not significantly reduce the number of residents of nearby areas exposed to intense aircraft noise. Major reduction in noise exposure can come only from use of quieter aircraft.

On both the local and federal level, measures need to be taken to reduce the impact of aircraft noise. We recommend that:

6. Public authorities in New York City and Nassau County should establish and vigorously enforce building construction standards that protect the health and welfare of occupants against aircraft noise. These standards should apply to all new construction, especially public buildings such as schools and publicly supported housing.

7. In view of the present impact of noise on the community around the Airport, all relevant public agencies, especially the Port of New York Authority, should press for the development and installation of "quiet engines" on aircraft.

8. The Department of Transportation should:

Require the installation of acoustically treated nacelles on all existing aircraft by 1975.

Accelerate, through increased funding and cooperation with the National Aeronautics and Space Administration and other federal agencies, the development of quiet engines, and establish a regulation requiring that all new aircraft have engines that are quieter by 10 EPNdB (effective perceived noise level) below present standards by 1975.

We have considered the many possible ways in which Jamaica Bay may be used to satisfy the needs of the people of the New York area. With respect to some of these uses, we have concluded that:

The permanent conversion of any estuarine area to airport or other commercial or industrial use diminishes a national environmental asset of great potential value to future generations. Although Jamaica Bay has been greatly altered by man's activities, its ecological viability can be maintained indefinitely into the future by environmental improvements only if no additional major incursions into the Bay occur.

To achieve this potential for sustaining a livable environment for millions of people near the Bay, we recommend the following actions:

9. In the next ten years, the City of New York should develop Jamaica Bay extensively for conservation and recreational uses by its own citizens and for compatible housing. This requires completion of its existing sewage-treatment program, immediate termination of dredging and sanitary-landfill operations, and the extension of mass-transit

connections to shoreside areas. The City should oppose federal programs for construction of a hurricane barrier and for creation of a national park in the forms now proposed, since these will impede the development of the Bay for the above uses.

10. The State of New York should establish a Jamaica Bay planning commission, composed of representatives of the Bay communities, the Port of New York Authority, and other relevant City, State, and Nassau County agencies, which should be charged with developing a comprehensive long-range plan for compatible development of the Bay and its contiguous land areas. The planning program should provide opportunity for direct community participation in the formulation of proposals and decisions affecting the uses of the Bay and its related land area, including airport improvements and operations that impinge on the quality of life in adjacent communities.

The ability of local communities to provide for increasing air transportation needs while improving the environment in the vicinity of airports is severely circumscribed by the nature of the air transportation system. A major airport, such as Kennedy, is a component of a national and international system serving air transportation needs of the whole nation. Federal authorities should aid local communities in the resolution of their problems by appropriate actions to bring about those beneficial changes in the entire system that lie beyond local control. In addition to federal action to abate aircraft noise generation, we recommend the following:

11. The Department of Transportation, through the Secretary or its agencies, should:

Take overall responsibility for present and future air-traffic-control system development; select a new and improved system from existing technology; and request the necessary funds and authority to install such a system by 1975.

Conduct an immediate inquiry into the operation of airports that are now or soon will be congested to determine how such operations can make more efficient use of existing capacity, and whether additional facilities are required.

When a need for a new airport has been demonstrated but local authorities have failed to site and construct it, select a site compatible with national environmental and urban growth objectives after consultation with local communities, and take necessary steps to ensure its construction.

Conduct an expanded research and development program for vertical and short takeoff and landing aircraft systems, and evaluate and make recommendations as to the integration of such systems into the total intercity transport system.

Develop ground access systems that can be integrated into an airport complex.

Recommend the modification, or, if necessary, the closing and replacement, of environmentally hazardous airports.

It is our hope that public understanding and discussion of these issues and the options that exist will eventually lead to wise decisions regarding actions to be taken. It is our fear that partisan debate will oversimplify the choices to "birds versus planes" or "jobs versus pollution." In our experience, no environmental problem can be comprehended in such limited terms, nor do we expect that the environmental improvement so sorely needed by our nation can be secured through decisions so narrowly informed.

The economic and political costs of implementing these recommendations may be large, but they are bearable. These are the unavoidable costs of maintaining a livable environment for urban populations. For Jamaica Bay, the environmental bill is due now.

EXHIBIT 2

STATEMENT BY SENATOR BOGGS

Mr. President, I am honored to cosponsor the six pollution control bills introduced today by the distinguished senior Senator from Kentucky (Mr. COOPER). Each of these bills will add significantly to the strong foundation for environmental enhancement that has been established by recent legislation.

As I said at the time President Nixon sent his environmental message to the Congress earlier this month: "President Nixon has prepared a package of proposals that we will be considering for many months to come before many of them are written into the laws of our land. But they are proposals that, when enacted, will bring to our Nation years, and even decades, of progress toward environmental enhancement and thus a better life for every American."

These bills must receive prompt consideration as current Federal programs that assist communities building municipal sewage treatment facilities expire June 30. Continuation of this program is essential to any effort to win the battle against water pollution.

The various proposals advocated by President Nixon and introduced by Senator COOPER include a bill authorizing expenditures of \$2 billion a year in Federal funds for waste treatment facilities. This would be matched by State and local contributions. Spending at this level would double the existing program.

According to some of the calculations presented to our subcommittee last year, \$2 billion a year of Federal spending over 3 years should eliminate the existing backlog of needed municipal treatment plants, and cover projected growth during those 3 years. In other words, this bill should carry us half the distance toward clean water.

The other half must be reached through reductions in industrial pollution. New enforcement procedures and other provisions introduced today by Senator COOPER should encourage industry to achieve clean water standards in the near future.

In closing, Mr. President, I wish to commend Senator COOPER for his sponsorship of these significant bills. Senator COOPER's leadership has been an inspiration to each of us on the Committee on Public Works, encouraging us to achieve much of the progress toward pollution control that we have been able to attain.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Is there further morning business?

Mr. HANSEN. Mr. President, I ask unanimous consent that the bill just introduced by the Senator from Kentucky (Mr. COOPER), to create an Environmental Financing Authority, be referred jointly to the Committee on Public Works and the Committee on Banking, Housing, and Urban Affairs.

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

Mr. HANSEN. Mr. President, I ask unanimous consent that the bill just introduced by the distinguished Senator from Kentucky (Mr. COOPER), to control the generation and transmission of noise detrimental to the human environment, be referred jointly to the Committee on Commerce and the Committee on Public Works.

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

By Mr. MONDALE (for himself, Mr. BIBLE, Mr. BURDICK, Mr.

CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SPARKMAN, Mr. TUNNEY, Mr. WILLIAMS, and Mr. YOUNG):

S. 1017. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes. Referred to the Committee on Public Works.

Mr. MONDALE. Mr. President, the Water Quality Improvement Act, signed into law on April 3, 1970, cleared the way for the enactment of a comprehensive program to improve the deteriorating condition of our waterways. Its passage marked the culmination of a long struggle to strengthen the Federal Water Pollution Control Act.

I was especially pleased by this action because of the enactment of the clean lakes research provision originally introduced by Senator BURDICK and me in 1966. It enables the Federal Government to undertake basic research or to make grants for studies into the cause and prevention of lake pollution.

The Environmental Protection Agency supplemental appropriation, in December, began the funding of this program with \$2 million for the last half of this fiscal year. It is my hope that the administration will utilize these minimal funds carefully to stimulate this vital research, and that more adequate funding will be sought and provided in the 1972 appropriations process.

This is an important first step in what I hope will be a concerted campaign to restore the thousands of lakes which are jeopardized by pollution.

But we need to move immediately beyond research and study and begin implementing programs to restore and preserve these lakes.

Many of the Nation's fresh water lakes are deteriorating. Some of these lakes are in such desperate condition that they cannot wait for the processes set up by the recently passed research provision.

It is to this problem that I am addressing my new legislation.

The bill I am introducing today goes beyond the research program approved by the last Congress. It is in line with the conclusion reached by the 1967 House Committee on Government Operation's report "To Save America's Small Lakes" which stated:

A twin-pronged approach to the problem of accelerated eutrophication would seem desirable—an expanded program of basic research to add to the limited knowledge about the eutrophication processes and their effective and economical control, plus immediate action in the form of demonstration projects utilizing present knowledge and skills.

The new clean lakes bill would establish a coordinated program of increased

waste treatment and lake cleansing utilizing the latest technology. It is aimed at rehabilitating the lakes which are in particularly poor condition.

I am concerned about the hundreds of lakes which already have been fouled by man's carelessness; lakes which have been used as a convenient dumping area for municipal, industrial and agricultural wastes, and lakes which have deteriorated because of runoff from careless shoreline development projects.

Municipal sewage is increasing, filled with phosphorous materials from detergents or human wastes. In many instances, it is dumped untreated into nearby lakes. A recent report by the University of Minnesota Limnological Laboratory indicated that it may take up to 35 years for an urban lake to return to natural equilibrium after the influx of sewage is ended.

Industries find it expedient to locate adjacent to lakes where they can pump their chemical-filled discharges.

Lakes also suffer from agricultural runoffs. Overflows contaminated with pesticide, herbicide, and fertilizer residues wash into the lakes. Construction projects on lake shore areas cause increased runoff of soil and vegetation. Siltation adds to the load.

Unlike moving rivers, lakes have very slow flushing systems to purge themselves of these burdens.

The unrelieved surge of nutrients into these lakes causes the waters to be enriched past their capacity. The problem becomes one of eutrophication—the aging of lakes.

The element added to the lakes by sewage and runoffs act as fertilizers of aquatic growth causing a veritable population explosion of algae. These plants have a self-generating cycle and create an increasing demand on the oxygen in the water, thus killing desirable bacteria which work naturally to cleanse the water.

Meanwhile, lakebeds fill with sludge and debris, and the marine life chokes and dies.

A recent survey by the University of Minnesota indicated that the State's once-sparkling lakes are gradually taking on a new color—green. The study identifies sewage seeping from inadequate disposal systems of lakeshore homes as the main source of pollution. In the West, one of the world's clearest bodies of water, Lake Tahoe, which lies over 600,000 feet high in the mountains, may turn green within 15 years.

This is largely a result of population increase and the boom in water recreation. The population on the shore of Minnesota's recreational lakes is doubling every 20 years. The population on the shores of Lake Minnetonka, outside the Twin Cities, increased by 50,000 in 10 years, and will reach 200,000 by 1980. In 1 year, more than 100,000 pounds of nitrogen entered that lake from seven sewage plants. The University of Minnesota study showed that municipal sewage is dumped directly into the water of 34 major recreational lakes studied.

Runoff of fertilizers from farmland and nutrients from cattle feedlots reduce the quality of many lakes.

The problems are not endemic to the 11,500 lakes in Minnesota which are in excess of 10 acres. Many of the more than 100,000 fresh water community lakes in the Nation are being victimized by the same problems.

Our lakes have too often been forgotten in the rush to improve our environment. Since lakes are so essential to our way of life and represent such an irreplaceable resource, it is obvious that they cannot be neglected.

Yet, unless restorative measures are taken soon, many of our priceless lakes will be irretrievably lost.

The bill I am introducing today recognizes the desperate plight of these lakes and provides for a plan to reclaim these waterways.

There are four major points covered in this new Clean Lakes Act.

First, the bill authorizes an increase in the Federal grant now available under section 8(b) of the Water Pollution Control Act for treatment works which are located near or adjacent to a lake and which discharge treated wastes into the lake or tributary waters. The increase would be to a maximum of 65 percent of the costs, if the State pays at least 20 percent of the costs. To be eligible for this increase, enforceable water quality standards must be established and the works be consistent with the plan for the implementation, maintenance, and enforcement included in the standards. These works must discharge only treated water, and industries hooking up to the municipal system must provide pretreatment of their wastes. The bill authorizes an annual appropriation of \$150 million for fiscal years 1972, 1973, 1974, and 1975 for the purpose of funding these increased grants.

Second, the bill directs the administrator to provide technical and financial assistance to the States and municipalities in carrying out a comprehensive program of pollution control. This would include the use of harmless chemicals to destroy unwanted supplies of algae that accelerate the aging process of lakes, the dredging of lake bottoms to remove decaying sludge and other noxious pollutants, the recovery of overgrowth of algae and trash from the surface, and the improvement of lake shores. The bill authorizes up to 80-percent Federal grants for this program from a total appropriation of \$900 million over a 4-year period beginning in fiscal year 1972.

Third, the bill authorizes the use of experienced Federal water resource agencies such as the Bureau of Reclamation and the Corps of Engineers, to help carry out this program under agreements with the States.

Fourth, the bill provides measures to enforce water quality standards for lakes subject to this program. These measures include penalties and injunctive relief.

I believe we must take these steps if we are to save these troubled waters.

There are several techniques which can be employed to clean the lakes.

Obviously, we can move to upgrade the waste treatment facilities to cut back the

flow of nutrients into their waters. This kind of preventive procedures can sometimes result in rapid improvement, as happily occurred, for example, on Lake Washington in Seattle.

There are other direct measures to be used to rid the lakes of pollution.

Chemicals are being developed which attack algae forms, but do not harm the fish life of the lake. Copper sulfate has been used in the past to control algal bloom for a short period of time. Experiments are also being conducted with alum, which sinks surface sediments, and with lime, which attacks the acidity in some "bog lakes." Research efforts at the Cincinnati Water Research Laboratory resulted in the discovery of a virus which is parasitic, specifically to blue-green algae.

Dredging and surface screening operations have proven successful in clearing lakes of sludge, weeds, and other undesirable contents.

A special treatment developed for the Snake Lake in Wisconsin was less costly than dredging or screening. This consisted of literally flushing the lake's waters into a nearby earth area. There the foul water was strained through a natural filter of sand to seep back into the lake bed. The project, administered by the University of Wisconsin and the Wisconsin Department of Natural Resources through a grant from the Upper Great Lakes Regional Commission, has apparently been a success. The cost was \$10,000 to pump the lake's 21 million gallons.

I am hopeful that we can extend our support of such efforts, for the benefit of future generations. Lakes provide not only a source of water but offer recreational outlets, wildlife habitat, and they are a basic part of the beauty of the earth landscape. Clean lakes are basic to the life balances on which our existence depends.

Our lakes are a priceless commodity. To delay action in cleaning our lakes is to risk losing them. We cannot afford this.

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

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

S. 1017

A bill to amend the Federal Water Pollution Control Act, as amended, 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 "Clean Lakes Act of 1971".

Sections 22 through 27 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 23 through 27 and there is added after section 21 a new section 22 to read as follows:

"LAKE POLLUTION ABATEMENT AND QUALITY ENHANCEMENT"

"Sec. 22. (a) The Congress finds and declares that—

"(1) the public fresh water lakes of the United States are irreplaceable resources for meeting many of man's public water supply, recreational, esthetic, industrial, agricultural, navigational, and other needs;

"(2) some such lakes, both urban and

rural, are carpeted with green scum and formations of slime, their waters grossly turbid and unpleasant in taste and odor, and have been thoughtlessly pillaged by man's technological advances;

"(3) many of America's lakes are suffering from manmade pollution caused by the continuing discharge of untreated or inadequately treated industrial and municipal wastes, from agricultural and urban runoff, including siltation due to soil erosion, and from manufactured products containing harmful pollutants discharged into municipal treatment systems which greatly accelerate the natural eutrophication resulting from the normal aging process of the lakes;

"(4) because a lake has relatively little motion, it has less capacity than a flowing stream to rid itself of wastes;

"(5) while there has been a great deal of publicity about the deterioration of some of our larger lakes, many small community lakes are losing the same battle;

"(6) destruction of water quality in our Nation's navigable lakes cuts deeply into their recreational uses: swimming beaches and picnic areas close; fishing and boating activities decline sharply; shoreline property values fall off; the water supplies of nearby communities and industries are adversely affected and economic disaster can result for the towns and cities whose economic well-being is dependent upon good quality water;

"(7) the restoration or rehabilitation of a navigable lake involves more than the control and abatement of water pollution, since even though the wastes entering these lakes are made less harmful, the discharge of cleaner water into a still degraded lake would solve only part of the problem; and

"(8) It is therefore the purpose of this section to provide a comprehensive and coordinated action program, using the latest technology and available resources, to enhance the quality of public fresh water navigable lakes in urban and rural areas of the United States, with particular attention given to small community lakes.

"(b) (1) The Administrator of the Environmental Protection Agency is authorized to increase the grant percentage for treatment works under section 8(b) of this Act to a maximum of 65 per centum if he finds that the State agrees to pay not less than 20 per centum of the estimated costs of such works and that, in addition to complying with the requirements for treatment works eligible for 30 per centum grants under said section, such works:

"(A) are located in an area near or adjacent to any fresh water navigable lake and discharge treated wastes into such lake or into waters tributary to such lake;

"(B) are located in an area where enforceable water quality standards have been approved by the Administrator for such lake and the waters into which the treatment works discharge wastes, and are constructed or reconstructed in accordance with the plan for the implementation, maintenance, and enforcement included in such water quality standards;

"(C) are planned, constructed, or reconstructed, and equipped, operated, and maintained in a manner that utilizes available up-to-date treatment technology and trained personnel; and

"(D) discharge only treated wastes into such waters and provide for the pretreatment, when necessary, of industrial wastes before entering such treatment works.

"(2) There is authorized to be appropriated annually the sum of \$150,000,000 for such increased grants for the fiscal years ending June 30, 1972, through June 30, 1975.

"(c) (1) The Administrator shall provide technical and financial assistance, in accordance with an application approved of all or part of any public fresh water navigable lake located in such States. In addition to con-

trolling effluent discharges, the program should include a description of means and measures to be employed to improve water quality using all available technology including, but not limited to, the use of safe chemical process, the dredging of lake bottoms near shore to remove decaying sludge and other pollutants; the recovery of overgrowths of algae, the recovery of trash and other materials from the waters and shorelines, and the grading of shorelines and planting of grass, trees, and shrubs to protect banks and improve the scenic beauty.

"(2) The Administrator shall annually approve any application submitted under this subsection by a State which—

"(A) sets forth the programs, policies, and methods to be followed, consistent with water quality standards established for such lake, in carrying out such programs;

"(B) provides that such State or political subdivision thereof has, or will have within eighteen months after the effective date of this subsection, adopted enforceable laws to control industrial, agricultural, and municipal sources of effluents discharged into such lakes and to require persons developing land areas near or adjacent to such lakes or waters tributary thereto for commercial purposes to control soil erosion;

"(C) provides such fiscal control and fund accounting procedures as may be appropriate to grants to the States under this subsection;

"(D) contains assurances that such grants will supplement, not supplant, existing water pollution control programs of a State;

"(E) provides that such State will make reports to the Administrator in such form and containing such information as the Administrator may from time to time require; and

"(F) meets such additional conditions as the Administrator deems appropriate to effectuate the purpose of this section.

"(3) The amount granted to any State for a fiscal year under this subsection shall not exceed 80 per centum of the amounts expended by such State in such year for carrying out such a program. There is authorized to be appropriated \$150,000,000 for fiscal year 1972; \$200,000,000 for fiscal year 1973; \$250,000,000 for fiscal year 1974 and \$300,000,000 for fiscal year 1975, for grants to States under this subsection which sums shall remain available until expended. The Administrator shall provide for an equitable distribution of sums appropriated for such grants to the States where there is an approved application. Applications for grants under this subsection shall be filed at least sixty days prior to the beginning of such fiscal years.

"(4) In addition to such technical and financial assistance, the Administrator may, at the request of a State, enter into agreements with the Secretary of Agriculture and the Secretary of the Army to provide personnel, services, and facilities to the State in carrying out such a program including the constructing of water impoundments or other facilities designed primarily to improve water quality or control pollution for any fresh water navigable lake for which the Administrator has approved an application under this subsection, or the Administrator may provide such personnel, services, and assistance, may enter into contracts with public or private agencies, organizations, and individuals and may acquire by purchase, lease, donation, or exchange lands or interest therein and transfer such acquired lands to such State as part of any grant made to a State for any fiscal year.

"(d) (1) In case of any public fresh water navigable lake for which an application for a grant is approved under subsection (c) of this section in any fiscal year, no person shall thereafter discharge waters from any public, commercial, or industrial facility of

any kind into such lake or waters tributary thereto in violation of established water quality standard or in violation of any other applicable provision of this Act.

"(2) In addition to any other provision of this Act or other law providing for the enforcement of water quality standards for such lake, any person who knowingly violates paragraph (1) of this subsection shall, upon conviction, be fined not more than \$10,000 for each violation, or imprisoned for not more than one year, or both, and one-third of said fine shall be paid to the person giving information which leads to a conviction. Each occurrence of a violation may constitute a separate offense.

"(3) The Administrator may also institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a person subject to the provisions of paragraph (1) of this subsection is located or resides or is doing business whenever such person violates the provision of said paragraph. Each court shall have jurisdiction to provide such relief as may be appropriate, except that such court shall have jurisdiction only with regard to the issue of relief being sought pursuant to this paragraph. Temporary restraining orders shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure, as amended, except that the time limit in such orders, when issued without notice, shall be seven days from the date of entry. In actions under this section, subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Administrator may appear for and represent him."

By Mr. CHURCH:

S. 1018. A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States. Referred to the Committee on Commerce.

Mr. CHURCH. Mr. President, on January 28, the Department of Transportation submitted to Congress its final report on the Basic National Rail Passenger System. That report was made in accordance with Public Law 91-518, the Rail Passenger Service Act of 1970.

Since the system grows out of the 1970 act, I was astonished, to say the least, when I found that five States, including Idaho, with populations totaling nearly 3½ million people, were left totally without any form of rail passenger service.

Immediately after the final report was released, the Idaho congressional delegation protested the action of the Department of Transportation in a joint letter to Secretary Volpe. For almost 3 weeks we awaited a reply. Finally, I sent a telegram to the Secretary insisting on a reply and inserted it in the RECORD. Nearly another week passed before the reply finally arrived.

Mr. President, I ask unanimous consent that the text of the letter of the Idaho congressional delegation to Secretary Volpe, the text of my followup telegram, together with my remarks in the Senate at that time, and Secretary Volpe's recent reply, be printed in the RECORD.

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

INATTENTION TO THE NEEDS OF THE PEOPLE OF IDAHO BY THE DEPARTMENT OF TRANSPORTATION

Mr. CHURCH. Mr. President, 19 days ago, I joined other members of the Idaho congressional delegation in protesting to the Secretary of Transportation the virtual isolation of the State of Idaho from the National Rail Passenger Network.

This is a matter of vital concern to thousands of my fellow Idahoans and I have anxiously awaited a reply from the Department of Transportation. To date, no reply has been received. I consider this delay unnecessary and unwarranted.

Today, I have sent a telegram to Secretary of Transportation John Volpe expressing my concern in this matter. I ask unanimous consent that the text of the letter sent by the Idaho congressional delegation to Secretary Volpe and the copy of my telegram to him appear at this point in the RECORD.

U.S. SENATE,

Washington, D.C., February 1, 1971.

HON. JOHN A. VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR SECRETARY VOLPE: Our understanding of the final report submitted to the Congress on the Basic National Rail Passenger System by the Department of Transportation is that no passenger service will be provided to our state of Idaho, either on a North-South or East-West basis.

Not only has the Department of Transportation refused to accept the recommendation of the Interstate Commerce Commission that trains 35 and 36 providing North-South service between Butte, Montana, and Salt Lake City be included in the system but in addition, it appears that the Department has dropped from its final report the preliminary designation of a Chicago-Seattle route passing through the Southern portion of our state with possible stops at Pocatello and Boise. Our reading of this report indicates that the State of Idaho is left totally barren of any rail transportation facilities under the Department's plan.

This virtual isolation of our state under this final report we most vigorously protest. We fail to understand how an "Integrated National Rail Network" can be achieved by the blanket denial of such service to our state, and its major population centers.

Frankly, we are shocked not only at this action, but also by the arbitrary manner in which it was accomplished. At the time of the submission of the preliminary report, a distinct impression was made that this was the minimal basis of essential passenger service. Now, only eight weeks later, it has been determined that the possible Pocatello-Boise stops are no longer essential. We do not think it improper to insist that an adequate explanation be made as to why the Pocatello-Boise stops have now been deemed dispensable. And, further, why the subject was ignored in the final report, which spoke only of "additions" to the preliminary routes.

Your early attention to this oversight would be greatly appreciated.

Sincerely,

LEN B. JORDAN,
FRANK CHURCH,
JAMES MCCLURE,
ORVAL HANSEN.

U.S. SENATE,
February 18, 1971.

JOHN A. VOLPE,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.:

On February 1, 1971, I, along with other members of the Idaho Congressional Delegation, requested from you, in writing, your reasons for the isolation of the State of Idaho from the National Rail Passenger Sys-

tem. It is now the 19th of February and I have received no reply from you or your Department to that letter.

This is a matter vitally affecting thousands of Idahoans who have a direct interest in the actions of your Department and this administration in eliminating greatly needed rail passenger service in our State. This delay in failing to respond to our concern is not acceptable.

I respectfully request an immediate answer to our request.

FRANK CHURCH,
U.S. Senate.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 24, 1971.
Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in reference to your recent letter, signed jointly by Senator Jordan and Representatives McClure and Hansen protesting the exclusion of rail lines in Idaho from the Basic System of rail passenger service.

I know you recognize that the development of the Basic System was a most difficult task and that it was not practical to preserve the present system without change. To do so would have placed the burden of a \$200 million annual loss on the National Rail Passenger Corporation. Therefore, the Department established a Basic System which we believe is responsive to the need for a national intercity rail system and which has a reasonable chance to succeed.

The Idaho services in question are the Salt Lake City/Ogden to Butte and the Green River-Boise-Pocatello-Portland lines. On the Butte line, service is currently on a tri-weekly basis, and the trains (Union Pacific #35/36) average less than 30 passengers per train mile. At this less-than-bus-load level, a train cannot possibly cover its expenses. Furthermore, neither terminal point is a metropolitan area of one million population or more which was one of our necessary requirements for market development purposes.

On the Boise line, two trains now operate daily in each direction. One, known as the "Portland Rose," handles less than 30 passengers per train mile. The second train, the "City of Portland," handles approximately 80 passengers per train mile. While the latter is a more reasonable ridership level, it still would not meet expenses in view of the fact that a train must not only pay for its direct operating costs, but for track and station expenses as well.

While we have not included these Idaho routes in the Basic System, the Corporation, either on its own initiative or at the request of state and/or local groups willing to support at least two-thirds of the loss incurred, can operate over these lines. Such local subsidies for services in excess of the Basic System are provided for in Section 403 of the Rail Passenger Act.

Should you and your colleagues wish to discuss this matter further with the Incorporators of the National Rail Passenger Corporation, I would be happy to personally arrange a meeting.

Sincerely,

JOHN A. VOLPE.

Mr. CHURCH. Mr. President, section 101 of the law providing for the designation of the basic system, under "Congressional findings and declaration of purpose," fixes the purpose of the legislation as that of continuing and improving passenger service "between crowded urban areas and other areas of the country."

In title II, section 201 of the legislation, Congress specifically directed the Secretary of Transportation to take into

account, in his determinations, the need for rail passenger service between "all regions of the continental United States," and provided, in addition, that the Secretary, in designating the system, should look to the provision of "service to more centers of population."

It is difficult, Mr. President, to square with these congressional mandates, expressly included in the law itself, the type of basic system which the Nixon administration has now presented to the country.

As I have said earlier, five States, including the State of Idaho, with populations totaling nearly 3½ million people, have been entirely left out of the projected passenger network. These five States are South Dakota, Vermont, New Hampshire, Maine, and Idaho. In addition, there is a possibility that Wyoming will actually receive no passenger service under the basic system. This is certainly not my idea of providing service to all regions of the country, as called for by law. It is not the kind of basic national system I had in mind—and I am sure that many other Senators and Members of Congress had in mind—when they voted their approval of the bill.

Since, in my judgment, the Department of Transportation has simply failed to carry out the intent of the law, I think Congress should amend the basic statute, spelling out that by "all" Congress did not mean all but five or six States. Congress meant "all," including Idaho, South Dakota, Vermont, New Hampshire, Maine, and Wyoming.

The amendment I send to the desk today is designed to correct these omissions. If enacted, it would require that the Secretary must designate, under the "basic" system, rail passenger service to at least a major population center in each of the contiguous 48 States.

Mr. President, I am not wedded to any particular verbal formula. If a better formulation can be found to require the Department of Transportation to designate rail passenger service for all of the contiguous States, I will gladly consider it.

But the time for action is short. Most services to be eliminated will cease to exist on May 1 of this year. As the Commerce Committee stated in its report on the Rail Passenger Service Act of 1970, this will have serious long-range effects, for—

Once passenger service on any given route is discontinued, stations, terminals, signals and necessary trackage are abolished shortly thereafter; sales and marketing organizations are disbanded; travel is wholly diverted to other modes and must be lured back to the trains from scratch.

The abandonment of rail passenger service in Idaho is a serious disservice to my State and her people. The same is true for the other States dropped out. The Congress must act to assure that its intent in passing the National Rail Passenger Service Act is not ignored in its implementation. Executive "fiat" should not be allowed to deprive 3½ million Americans of rail passenger service.

I send the amendment to the desk for appropriate reference. I intend to contact all Senators from States eliminated from

the "basic" system should they wish to join in cosponsorship of this legislation.

Accordingly, I introduce the bill and ask that it be appropriately referred, in connection with which I want to announce that I plan to contact all of the Senators from the States that would be eliminated from the basic system to give them an opportunity to join in the cosponsorship of this legislation.

I urge favorable consideration of the measure and ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 1018

A bill to amend the Rail Passenger Service Act of 1970 in order to expand the basic rail passenger transportation system to provide service to certain States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title II of the Rail Passenger Service Act of 1970 is amended by inserting at the end thereof a new section as follows:

"SEC. 203. EXTENSIONS OF BASIC SYSTEM AFTER INITIAL DESIGNATION.

"The Secretary shall, within sixty days after the effective date of this section, designate an extension of the basic system to provide adequate intercity rail passenger service to a major population area of each of the contiguous forty-eight states which did not have any large population area provided with intercity rail passenger service by the basic system designated pursuant to Section 201. Extensions pursuant to this section shall be part of the basic system for all purposes of this Act and the designation of such extensions shall not be reviewable in any court."

ADDITIONAL COSPONSORS OF BILLS

S. 428 AND S. 429

At the request of the Senator from Arizona (Mr. FANNIN), on behalf of the Senator from Nebraska (Mr. HRUSKA), the Senator from Delaware (Mr. BOGGS), the Senator from Kansas (Mr. DOLE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. BROCK), the Senator from North Dakota (Mr. YOUNG), the Senator from Rhode Island (Mr. PASTORE), the Senator from Idaho (Mr. JORDAN), the Senator from South Carolina (Mr. THURMOND), the Senator from New Hampshire (Mr. COTTON), the Senator from Alaska (Mr. STEVENS), the Senator from Florida (Mr. GURNEY), the Senator from Utah (Mr. BENNETT), the Senator from Wisconsin (Mr. PROXMIER), the Senator from Illinois (Mr. PERCY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Arizona (Mr. FANNIN), the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Iowa (Mr. MILLER) were added as cosponsors of S. 428, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising, and S. 429, a bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors.

S. 430 AND S. 431

At the request of the Senator from Arizona (Mr. FANNIN) on behalf of the Senator from Nebraska (Mr. HRUSKA), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Kansas (Mr. DOLE), the Senator from North Dakota (Mr. YOUNG), the Senator from South Carolina (Mr. THURMOND), the Senator from Alaska (Mr. STEVENS), the Senator from Florida (Mr. GURNEY), the Senator from Utah (Mr. BENNETT), the Senator from Wisconsin (Mr. PROXMIER), and the Senator from Tennessee (Mr. BAKER) were added as cosponsors of S. 430, a bill to amend title 18, United States Code, to provide for the issuance of certain persons of judicial order to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes, and S. 431, a bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes.

S. 546

At the request of the Senator from New Jersey (Mr. CASE), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 546, to require specific congressional approval of construction of an oil pipeline across Federal lands in Alaska.

S. 745

At the request of the Senator from New Jersey (Mr. CASE), on behalf of the Senator from Oregon (Mr. PACKWOOD), the Senator from Pennsylvania (Mr. SCOTT), the Senator from New York (Mr. JAVITS), the Senator from Kentucky (Mr. COOPER), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 745, the Federal Environmental Pesticide Control Act of 1971.

S. 887

At the request of Mr. EAGLETON, the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 887, to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology.

S. 927

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 927, to provide criminal penalties for knowingly making false or deceptive claims in environmental advertising.

S. 956

At the request of the Senator from Pennsylvania (Mr. SCOTT), the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 956, to revise the Federal election laws, and for other purposes.

S. 987

At the request of the Senator from Wyoming (Mr. HANSEN), the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 987, the Health Care Insurance Act of 1971.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 5

At the request of the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Washington (Mr. MAGNUSON), the Senator from Alaska (Mr. GRAVEL), the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. MONDALE), the Senator from Indiana (Mr. HARTKE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOPER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Vermont (Mr. PROUTY), were added as cosponsors of Senate Joint Resolution 5, designating January 15 of each year as "Martin Luther King Day."

SENATE RESOLUTION 59—SUBMISSION OF A RESOLUTION RECOGNIZING CERTAIN WIVES AS "WOMEN OF THE YEAR" FOR 1971

Mr. LONG submitted the following resolution (S. Res. 59); which was referred to the Committee on the Judiciary:

S. RES. 59

Whereas there are more than 1,500 Americans being held or missing and believed to be held as prisoners of war by Communist forces in Southeast Asia; and

Whereas the Government of North Vietnam has flagrantly disregarded all the provisions of the Geneva Convention of 1949 regarding the humane treatment of prisoners of war, including refusal to identify prisoners of war held by it; and

Whereas because of the inhumane treatment that has been inflicted upon American prisoners of war and because of the almost total lack of information regarding these brave men, their families, and especially their wives, have undergone and continue to undergo extreme mental suffering and other hardships; and

Whereas the wives of American prisoners of war have demonstrated remarkable bravery, patience, and faithfulness under extremely distressing and anxious circumstances: Now, therefore, be it

Resolved, That the Senate hereby recognizes as "Women of the Year" for 1971 all of those brave women of the United States whose husbands are being held as prisoners of war by Communist forces in Southeast Asia or whose husbands are missing and believed to be so held.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 38

At the request of the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. DOLE), the Senator from Tennessee (Mr. BAKER), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of Senate Resolution 38, to give the Select Committee on Small Business authority to consider and report legislation relating to the problems of American small business.

NOTICE OF HEARING ON FARMERS HOME ADMINISTRATION

Mr. TALMADGE. Mr. President, on behalf of the Senator from South Da-

kota (Mr. McGOVERN), I announce the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture and Forestry will hold a hearing on S. 290 and S. 578 Tuesday, March 9, at 10 a.m. in room 324, Old Senate Office Building. These bills authorize the Farmers Home Administration to insure farm operating loans. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF PUBLIC HEARING TO CONSIDER THE APPOINTMENT OF FEMALE PAGES

Mr. CANNON. Mr. President, I announce that at 10 a.m. on Thursday, March 4, 1971, there will be a public hearing in room 301 of the Senate Office Building on the subject of appointing female pages to serve in the Senate.

The hearing will be conducted by an ad hoc subcommittee of the Committee on Rules and Administration. Testimony will be received concerning existing rules and regulations governing pages, including age, qualifications, education, housing, security, duties, and dress.

"THE SELLING OF THE PENTAGON"—COLUMBIA BROADCASTING SYSTEM DOCUMENTARY

Mr. FULBRIGHT. Mr. President, on the evening of February 23 the Columbia Broadcasting System presented one of the most important documentary productions about our Military Establishment I have ever seen.

Written and produced by Mr. Peter Davis and narrated by Mr. Roger Mudd, the program is a most graphic and impressive portrayal of why our country has become so profoundly dedicated to military affairs.

I ask unanimous consent to insert as a part of my remarks two reviews of the CBS production of "The Selling of the Pentagon," one from the New York Times and the other from the Washington Post.

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

[From the New York Times, Feb. 24, 1971]

TV: CBS EXPLORES PENTAGON PROPAGANDA COSTS

(By Jack Gould)

The Columbia Broadcasting Systems' news division packed its old-time wallop last night in a brilliant documentary entitled "The Selling of the Pentagon." The fur seems certain to fly in Washington, since C. B. S. nailed down traveling colonels dabbling in foreign policy, the chairman of the House Armed Services Committee making a propaganda film for the Department of Defense, small children being introduced to generally deadly weapons and a frank admission that C. B. S. and its nightly anchorman, Walter Cronkite, had either been duped or had knowingly cooperated in shows not under their independent supervision.

Richard S. Salant, president of C.B.S. News, is a man known for basic guts. In "The Selling of the Pentagon" he authorized an uncompromising look at the incredibly extensive and costly efforts of the military services to win public support and struck a whale of a constructive blow for unfettered TV journalism free from Washington manipulation.

The Pentagon seems certain to wince under the exposé, but the hour was like the proverbial fresh breeze in electronic journalism. An institution supposed to be untouchable was roughed up by some hard-nosed digging that not once impinged on national security. Inevitably, there may be screaming from sincere patriots, but this will not negate the program's main point: In the vast sprawl of the Pentagon there is a lot of Madison Avenue.

The "C.B.S. Reports" documentary, one of the best on TV in a great many years, was written and produced by Peter Davis of the C.B.S. News staff and narrated by Roger Mudd. It was not long in getting to the point: The Pentagon now admits to spending \$30-million a year on "public affairs" on the home front. Mr. Mudd said that an unpublished report by the 20th Century Fund suggests that the true total may turn out to be \$190-million.

The program cited the annual ritual of Armed Forces Day, when civilians are seated in grandstands to see combat units put on a show. The complaints of mothers about their children buying toy guns paled into comparative irrelevancy. Thanks to the Pentagon, youngsters could play with real guns and sit in real tanks.

The traveling colonels, at taxpayer's expense, were shown one after another championing American participation in Vietnam on ideological grounds, despite an Army regulation stipulating that "personnel should not speak on the foreign policy implications of the United States involvement in Vietnam."

The C.B.S. film is prima facie evidence to the contrary.

A group of V.I.P. industrialists were shown attending a war exercise in North Carolina. They all professed to be tremendously impressed. Less elevating was their subsequent testimony, couched in childlike enthusiasm, of being allowed to shoot off actual guns.

Other data reported by "The Selling of the Pentagon" were these: The Army spends \$6.5-million a year in making its own films. A total of 12,000 radio and television tapes are mailed annually to 2,700 radio stations and 546 television stations. Over 2 million favorable releases, reporting medals, promotions and reassignments, are mailed to 6,500 weekly and daily newspapers.

In films made years ago but still in circulation, Mr. Cronkite and Chet Huntley, former anchorman for the National Broadcasting Company, were shown giving the authorized Pentagon line. Jack Tolbert, former Air Force major and public information officer in Vietnam, testified that a program in Vietnam was rigged for the benefit of C.B.S. Handsome pilots were briefed to give similar answers to avoid controversy, he said.

Representative F. Edward Hébert of Louisiana, now chairman of the House Armed Services Committee, was seen interviewing a Green Beret in a program for "the taped home district TV reports from pro-Pentagon politicians."

"The standard contention of Pentagon partisans was that all the public-relations efforts were helpful either in recruiting or letting the public know about the activities of the Armed Forces. This could not obscure the Pentagon's participation in politics. Now that the Pentagon's high echelon has seen last night's show, its response will indeed be of major interest, particularly in light of the confusion over the invasion of Laos. C.B.S. News has bravely and skillfully lifted the lid on a story of national importance: What really cooks in the Pentagon?"

"THE SELLING OF THE PENTAGON"

(By William C. Woods)

CBS Reports' "The Selling of the Pentagon" took a local audience by storm Tuesday night, drawing WTOP-TV more than two

hundred phone calls, something of a high water mark for Washington response. Area viewers will get a second crack on Saturday night, when this stunning documentary will be rerun—without commercial interruption—at 6:05 p.m. If you didn't see it—see it.

"The Selling of the Pentagon" relies strongly on a series of speeches given by Sen. J. William Fulbright on Dec. 1, 2, 4 and 5, 1969, which were entered in the Congressional Record later worked into his book, *The Pentagon Propaganda Machine*.

Written and produced by Peter Davis and narrated by Roger Mudd, the program represents a year's effort by a reporting team to assess the way the Pentagon's information program for the troops and the public functions as a massive propaganda strafing run on the public alone.

Judging by WTOP's phone calls, the public has some appetite for Big Brother: the calls were largely critical, as though viewers were outraged by a news team delivering news instead of propaganda. According to CBS in New York, however, the nationwide response has been very large and about 50-50.

The documentary comes across with the same blunt impact of the producer's comments on it: "Millions of the American taxpayer's dollars are spent each year to convince that same taxpayer to support something he is already paying for—the American military establishment. We plan to look at how and why that money is being spent, and what the taxpayer is getting for his dollars."

What the taxpayer is getting for his dollars, according to the documentary, are things like Cold War movies about monolithic-communism-and-the-red-menace, touring colonels who lecture on foreign policy (in direct disobedience of Army regulations), costly displays of war games and weaponry (which the kids can play with once the barrel has cooled), and red-carpet tours for powerful civilians so they can get the thrill of putting their very own fingers on the trigger.

These items and more are quietly and tellingly documented in a program that belongs to the finest tradition of the muck-raking TV documentary. And that's all the more impressive in light of the fact that the muck raked involved no secrets or security—just a cool-headed look at what's always been there to see, but somehow never before been seen.

"We selected three areas for concentration, Mudd remarks in introducing the special, "direct contacts with the public, Defense Department films, and the Pentagon's use of the media . . . We sought no secret films, no politicians pleading special causes, no access to classified documents. We looked only at what is being done for the public—in public."

What they found will make them no friends in the Puzzle Palace. Taking each point in turn, the CBS team brought in facts and figures that needed no editorial support.

They discovered that the Pentagon plans to spend \$30 million this year on public affairs—10 times what it spent 12 years ago. (An unpublished report by the 20th Century Fund guesses the real total may hit \$190 million.) And they outlined some of the ambiguous ways that money is being spent.

Joining an Armed Forces Day display at Fort Jackson, S.C., the team found an audience applauding a "mad minute" display of firepower. Moving to Peoria, Ill., it heard a travelling colonel expound the domino theory to an audience of Reservists and civilians (following Mudd's citation of the Army regulation forbidding such activity). Later, in one of the most striking segments of the show, it watched a Green Beret demonstration of hand-to-hand combat, and then watched children mimic the soldiers afterwards.

The concluding segment of the show was less dramatic but even more thoughtful. Military manipulation of the media was

demonstrated with a look at the "five o'clock follies" (the daily 4:15 p.m. briefing in Saigon); in a talk with an ex-information officer who admitted conning a CBS news team doing a story on the air war by briefing pilots who would be interviewed to insure uniform response; in an interview with an Air Force sergeant who told of staging a river operation in a safe area with Vietnamese troops, and then not using real combat footage of Americans on a similar mission. And so on.

I have indicated only perhaps half of the material this program covers. The rest is as strong or stronger. Taken as a whole, it amounts to a gutsy and intelligent show that is going to have sparks flying for a long time to come. And maybe some heads rolling.

They no doubt will if Chairman F. Edward Hébert of the House Armed Services Committee has anything to say about it. Hébert is featured in an interview on the program, which he claims was acquired by CBS's giving the impression that they wanted to use it for a special on prisoners of war.

He told his committee yesterday that, although he has not seen the program, he surmised that it was "the most misleading, damaging attack on our people over there that I have ever heard of."

COMMENTARY ON INDOCHINA

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a perceptive commentary by the noted journalist, Joseph McCaffrey, relating to Indochina.

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

COMMENTARY BY JOSEPH MCCAFFREY

There is something familiar about what is now happening, all over again, in Indo China. We are told just one little push more and then we've got the thing whipped. We've been giving it that little extra push ever since 1964, and we are still over there, and our men are still dying over there, and we aren't any closer to writing finish to this strange chapter in world affairs than we were on January 1, 1965 or January 1, 1971.

And what has happened since we entered Laos? Well, one thing more that has happened is that we have lost more than 60 helicopters. And this means that we lost more American lives. We have followed the foolish poker player's advice, we have kept tossing in a few more chips on the theory that we already have so many chips on the table that a few more won't matter. That is the way a lot of poker players lose the whole kitty.

The College teach-ins have now started again in protest against the war, but one of those who left here last night to take part in two of them said he wondered what good they would do. Told this today, Senate Leader Mike Mansfield shifted his pipe and asked, "what would do any good?" A reporter said, "Nobody is listening Senator."

"I don't know about that," said Mansfield, who has been worried about the war for seven years. "It's taking effect," he said, "It's like fermenting wheat, down deep there is a reaction. It may take a little while, but it's working, slowly but surely."

QUORUM

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia, Mr. Presi-

dent, I ask unanimous consent that the order for the quorum call be rescinded.

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

AUTHORIZATION FOR COMMITTEE ON RULES AND ADMINISTRATION TO FILE REPORT BY MIDNIGHT TONIGHT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Rules and Administration have until midnight tonight to file a report on Senate Resolution 17, amending rule XXIV of the Standing Rules of the Senate with respect to the nomination and appointment of committee members, together with any minority, supplemental, additional, or individual views.

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

DECORUM ON THE SENATE FLOOR

Mr. BYRD of West Virginia. Mr. President, during the second session of the 91st Congress—which ended on January 2, 1971—26,300 clerks to Senators had been admitted to the floor, and 10,376 committee employees had been admitted to the floor, making a total of 36,676 employees who had been admitted to the floor of the U.S. Senate during the second session of the 91st Congress—in other words, in one session only.

As to the greatest number of passes issued in any 1 day in 1969, there was a total of 750—554 Senators' aides; 196 committee aides—issued on December 10, at the time the Tax Reform Act of 1969, H.R. 13270, was being debated.

With reference to 1970, the greatest number of passes issued on any 1 day was on December 19, during the debate on the conference report on the transportation appropriations bill, H.R. 17555. On that date, 498 passes were issued—297 Senators' aides; 201 committee aides.

Regarding the greatest number of employees on the Senate floor at any one time in 1969, 115 employees were counted—not including Senate attachés permanently assigned to the majority and minority leadership and the Sergeant at Arms—during a vote on the Haynsworth nomination on November 21.

In 1970, during the debate on the farm bill on September 15, there were 59 employees—excluding personnel regularly assigned to the floor in service of the majority and minority leadership and the Sergeant at Arms—present at one time on a vote.

The joint leadership has taken certain steps to reduce the confusion on the floor of the Senate and to improve order and decorum in the Senate at all times. Among the steps taken are these:

First. The Senate Rules and Administration Committee has amended its regulations to provide that, instead of two clerks to any one Senate being allowed on the floor of the Senate at any one time, only one clerk to a Senator may be on the floor at any one time. That same Senator may have a second clerk meet him in the lobby just off the Senate floor, if the Senator wishes to give dicta-

tion, et cetera. The Senator may ask, of course, unanimous consent for the second clerk to come on the floor, if he wishes to do so, but this would be on an individual basis and would be for just that particular occasion.

Second. The floor has been cleared on both of the rollcalls that have occurred on the motions to invoke cloture during this session. Unanimous consent was given in both instances to clear the floor of all clerks to Senators from the time of the start of the rollcall vote until the result was announced. The clerks were encouraged to go to the staff gallery which is regularly set aside for clerks to Senators.

There was splendid cooperation on the part of clerks to Senators and also on the part of Senators. As a result, during both of those rollcalls there was a noticeable improvement in order and decorum in the Senate. Many Senators were cognizant of it and commented on it.

Third. In order to accommodate those clerks who go to the staff gallery, the Senate Committee on Rules and Administration yesterday revised its regulations so as to permit clerks to Senators to take notes in the staff gallery. If they are bona fide clerks to Senators, they may take notes while sitting in the staff gallery. They have heretofore been allowed to take notes if they come on the floor, but heretofore they have not been able to take notes while seated in the gallery. The minority leadership raised the question and suggested that Senate employees ought to be permitted to take notes while seated in the staff gallery. Consequently, hereafter, in accordance with the action yesterday by the Rules and Administration Committee, bona fide employees of the Senate may make notes when sitting in the staff gallery—in the course of their employment.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I seek recognition.

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. GRIFFIN. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the able minority whip.

So the Rules Committee took that action at my request in conformity with the wishes of the minority leadership. I think it was a splendid suggestion on the part of the minority.

Finally, in furtherance of the objective of improved order and decorum, Senators are urged to use the microphones. It is an accommodation to the press and to the visitors in the galleries. It is an accommodation to other Senators, who can better hear what is being said on the floor. It is an accommodation to Senate employees who go to the Senate staff gallery. They need to hear what is being said, so that they can advise their Senators, who may not be on the floor at the particular time.

Moreover, when a Senator speaks into a microphone, his voice is piped into the party cloakrooms at the rear of the Chamber. The young men at the desks in those cloakrooms are made aware of what is being said and can better advise

the offices of Senators as to what is going on on the floor.

So I would hope that all Senators would, in due time, use the microphones more and more. I think it makes for a better understanding on the part of the general public—and on the part of Senators themselves—as to what is being said on the Senate floor.

Mr. GRIFFIN. Mr. President, I merely want to commend the distinguished majority whip for the interest he has taken in trying to improve order and decorum in the Senate, and to indicate that he has had our cooperation. As far as the minority leadership is concerned, we will do everything we can to work with him and to make sure that these changes, these improvements, actually operate as intended and in the interest of the Senate. I want to take off my hat to the majority whip for his continuing interest and work, and I am sure it is going to pay off.

Mr. BYRD of West Virginia. Mr. President, I thank the able and distinguished minority whip for his statement. The leadership for the majority has had splendid cooperation all the way from the minority leadership in the effort to bring about a better atmosphere here in the Senate, one which will be more conducive to the expediting of Senate business.

Regarding the new regulation controlling the admission of employees of Senators to the Senate floor—to which I earlier alluded, it is as follows:

Although two admission cards are provided for the qualified staff personnel of each Senator, only one member of a Senator's staff shall be allowed in the Senate Chamber itself at any given time. The other card (of different color) may be used by an additional member of the Senator's staff only to gain admittance to the Senate Lobby (but not the Senate Chamber) for the sole purpose of conferring with the Senator.

TEN SUGGESTIONS TO SENATORS—REVISION

Mr. BYRD of West Virginia. Mr. President, just a few days ago I inserted in the RECORD 10 suggestions to Senators, with appreciation from the leadership, and among those 10 suggestions was a suggestion that Senators contact the leadership on the floor, or have their staff call extension 53735 for an allocation of time, with respect to the allocation of a 15-minute period for a Senator, in advance, if he wishes to speak the following day at a particular time before morning business, or with reference to the allotment of a time, a day in advance, for colloquies before morning business.

The leadership on the majority side apologizes to the minority leadership for not including the telephone extension to which minority Senators may refer in the event they wish to set aside time in advance on a particular day.

Mr. GRIFFIN. Mr. President, will the Senator yield briefly at that point?

Mr. BYRD of West Virginia. I am glad to yield.

Mr. GRIFFIN. Let me say that, for the minority Members, the appropriate

extension to call would be Mr. Trice's number, extension 53835.

Mr. BYRD of West Virginia. I thank the distinguished minority whip.

The PRESIDENT pro tempore. The time of the Senator has expired. Is there further morning business?

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD the "Ten Suggestions to Senators," with appreciation from the leadership, to which I have previously referred, and I ask unanimous consent to make the following change in the verbiage of the 10 suggestions:

With respect to item No. 2, delete the language:

Please contact the Leadership on the floor or have your staff call Extension 53735 for an allocation of time.

And insert in lieu thereof the following:

Majority Members will please contact the Leadership on the floor or have their staffs call Extension 53735 for an allocation of time. Minority Members will contact the Leadership on the floor or have their staffs call Mr. Mark Trice, Extension 53835, for an allocation of time.

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

TEN SUGGESTIONS TO SENATORS

1. Please do not seek unanimous consent for additional time beyond the 3 minutes allotted during morning business.
2. Speeches up to 15 minutes in length may be arranged for the first part of the day if Leadership is notified during the previous day's session. The Senate will come in early to accommodate a Senator who wants to make such a speech. The Senate will come in early for colloquies of longer duration than 15 minutes if the Leadership is notified during previous day's session. Majority Members will please contact the Leadership on the floor or have their staffs call Extension 53735 for an allocation of time. Minority Members will contact the Leadership on the floor or have their staffs call Mr. Mark Trice, Extension 53835, for an allocation of time. Please keep length of speeches and colloquies within the time requested by you.
3. Speeches of more than 15 minutes duration should be made toward the late afternoon.
4. Please observe the Pastore Rule concerning germaneness. It runs for 3 hours following "the conclusion of the morning hour or after the unfinished business or pending business has first been laid before the Senate on any calendar day." (Rule VIII.)
5. Please use the microphone. This will help the visitors in the galleries to better understand what is being said.
6. In debate, the rules prohibit addressing another Senator in the second person. He must be addressed in the third person.
7. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the Senate galleries. (Par. 7, Rule XIX.)
8. When presiding, remember that it shall be the "duty of the chair to enforce order on his own initiative and without any point of order being made by a Senator." (Rule XIX.)
9. Clerks to Senators are allowed the privilege of the Floor only "when in the actual discharge of their official duties." (Rule XXXIII.) A special gallery is set aside to accommodate Senators' staff members.
10. Twenty minutes is the maximum allotted for a yeas and nays vote. A warning

bell will ring to indicate that the vote will be announced 5 minutes hence.

With appreciation from the Leadership.

The PRESIDING OFFICER. Is there further morning business?

QUORUM

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

RULES OF PROCEDURE OF THE COMMITTEE ON FINANCE

Mr. LONG. Mr. President pursuant to the requirements of section 133B of the Legislative Reorganization Act of 1970, I hereby submit for printing in the CONGRESSIONAL RECORD the Rules of Procedure of the Committee on Finance. The statute requires that they be published in the RECORD not later than March 1.

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

COMMITTEE ON FINANCE—I. RULES OF PROCEDURE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the first and third Wednesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by section 133(a) of the Legislative Reorganization Act of 1946 as amended by section 102(a) of the Legislative Reorganization Act of 1970 (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Executive Sessions.*—Except as provided by section 133(b) of the Legislative Reorganization Act of 1946 as amended by section 103(a) of the Legislative Reorganization Act of 1970 (relating to open meetings) executive meetings of the committee shall not be open to the public.

Rule 4. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Quorums.*—(a) Except as provided in subsections (b) and (c) nine members shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

(c) Once a quorum as prescribed by subsection (a) has been established for the conduct of business in executive session, the committee may continue to conduct business so long as five or more members are present.

Rule 6. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 7. *Proxy Voting; Polling.*—(a) Except as provided by section 133(d) of the Legislative Reorganization Act of 1946 as amended by section 106(a) of the Legislative Reorganization Act of 1970 (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 8. *Public Announcement of Committee Votes.*—Pursuant to section 133(b) of the Legislative Reorganization Act of 1946 as amended by section 104(a) of the Legislative Reorganization Act of 1970 (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 9. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the Chairman, or by any other member of the Committee designated by him.

Rule 10. *Open Committee Hearing.*—To the extent required by section 133A of the Legislative Reorganization Act of 1946 as amended by Section 112(a) of the Legislative Reorganization Act of 1970 (relating to limitations on open hearings, each hearing conducted by the committee shall be open to the public.

Rule 11. *Announcement of Hearings.*—The committee shall undertake, consistent with the provisions of section 133A of the Legislative Reorganization Act of 1946 as added by section 111(a) of the Legislative Reorganization Act of 1970 (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 12. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the chief counsel not later than noon of the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe the proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

Rule 13. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness is not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 14. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television

or radio coverage shall be allowed upon approval by the chairman of a request filed with the chief counsel not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcast coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any member of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 15, *Amendment of Rules*.—The foregoing rules may be added to, modified, amended or suspended at any time.

CHEESE, BOYCOTTS, AND THE SST

Mr. PROXMIRE. Mr. President, lately I have received some letters from State of Washington residents telling me they intend to boycott Wisconsin cheese and other products because of my opposition to the SST.

That is their loss, not ours. Wisconsin cheese, being a superior product, will always have an adequate market. Those who boycott Wisconsin cheese will have to buy inferior products at higher prices.

I have also received many letters from Wisconsin residents urging me to continue my opposition to the SST regardless of a cheese boycott. My constituents tell me they believe the savings of their tax dollars realized by not building the plane will more than offset any effects of a cheese boycott.

I have just received a copy of a letter sent by the Wisconsin State Chamber of Commerce to a Washington State resident which I believe fully points up the absurdity of boycotting products to force legislation. As Mr. Sellinger points out so well in his letter:

For example, over half the U.S. Senate voted against the SST. Thus, the people in the states whose Senators oppose the SST could boycott the products produced in the states represented by the Senators who voted for it—while the people of those states can boycott the products manufactured or processed in states represented by Senators who voted against it.

I ask unanimous consent to have the two letters inserted into the RECORD at this point.

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

PUYALLUP, WASH.,
January 26, 1971.

STATE OF WISCONSIN,
Chamber of Commerce,
Madison, Wis.

DEAR SIR: Because of Senator Proxmire's continued fight against the Super Sonic Transport my entire family and many of my friends and neighbors are refusing to buy Wisconsin cheese and any other products produced or processed in the state of Wisconsin.

Please send me a full list of Wisconsin products sold in the Northwest. I challenge you to fulfill this request.

Senator Proxmire has repeatedly shown himself to be irresponsible and uneducated as to the effects of the SST—if you doubt this consult with Dr. Werner Von Braun. I wonder who is more learned in scientific matters?

Sincerely,

Mrs. GEORGE BURROWS.

THE WISCONSIN STATE
CHAMBER OF COMMERCE,
Madison, Wis., February 1, 1971.

Mrs. GEORGE BURROWS,
Puyallup, Wash.

DEAR Mrs. BURROWS: We are in receipt of your letter requesting a "full list of Wisconsin products sold in the Northwest."

We are truly intrigued by your boycott program and the possibility of conducting national affairs on this basis. It could create an endless variety of interesting situations.

For example, over half the U.S. Senate voted against the SST. Thus, the people in the states whose Senators oppose the SST could boycott the products produced in the states represented by the Senators who voted for it—while the people of those states can boycott the products manufactured or processed in states represented by Senators who voted against it.

In fact, considering the number of controversial issues which are acted on by Congress, it is conceivable that the people in each state would wind up boycotting the products produced in all other states.

The people of Wisconsin frequently disagree with the positions and votes of Washington's representatives in the Senate and Congress. However, we have always been pleased by the many fine products manufactured in your state—and we wouldn't dream of allowing childish temper-tantrums to deprive us of their use or consumption.

Unfortunately, as you may understand with less emotional second thoughts, there is no possible way of determining which specific Wisconsin products are sold in which specific states. However, you can always ask the merchant whether items you may be planning to purchase were produced in Wisconsin—and where such is the case, you can then proceed to boycott the merchant for handling products manufactured or processed in the state represented by Senator Proxmire.

This may limit the number of stores you are able to patronize, but it should give you a great deal of satisfaction.

Yours truly,

PHILIP M. SELLINGER,
Director Research Division.

P.S.—You may want to consider boycotting products manufactured in every state represented by the U.S. Senators who voted against the SST. We regret we are not able to provide that list either, but you can obtain it by writing the Clerk of the U.S. Senate.

DEVASTATING CBS CRITIQUE OF THE PENTAGON PROPAGANDA MACHINE

Mr. PROXMIRE. Mr. President, last Tuesday, the CBS network presented a program entitled "The Selling of the

Pentagon." It was an examination of the numerous programs at the Pentagon for public relations and propaganda. While the vast extent of Pentagon public relations is known to those who have read Senator FULBRIGHT's book "The Pentagon Propaganda Machine," who have examined the military budget in detail, or who have had direct relations with the Defense Department when offering a bill or protesting a wasteful program, the extent of the press and public relations and lobbying activities of the Pentagon is virtually unknown to the vast bulk of the American people.

CBS Reports did not put on a program in which a variety of political critics of the Pentagon held sway. Instead, they showed the press and public relations activities of the Pentagon at work.

The effect was a devastating critique from the mouths of the Pentagon spokesmen and the Pentagon propaganda films themselves.

One highly courageous and healthy aspect of the program was the admission by CBS that a network news team itself had at one point been the victim of the Pentagon public relations ability to manage news from Vietnam.

I ask unanimous consent that the transcript of "The Selling of the Pentagon" be printed in full in the RECORD.

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

CBS REPORTS: THE SELLING OF THE PENTAGON
(As broadcast over the CBS television network, February 23, 1971)

Produced and Written by: Peter Davis.
Correspondent: Roger Mudd.
Research: James Branon and Helen Moed.
Executive Producer: Perry Wolff.

ROGER MUDD. Last spring American soldiers fought a two day battle that did not get into the newspapers or onto the television news broadcasts. Very few people even knew about it. The battle was fought neither in Vietnam, nor in Cambodia, nor anywhere else in Southeast Asia. All the action took place in North Carolina. This was a military exercise, but it was also an exercise in salesmanship—the selling of the Pentagon.

SPEAKER (for Marine Corps). Gentlemen, today we have shown you the individual Marine—the man who implements foreign policy. He comes from all walks of life, all over the USA. He's not much different from the young men we see on the street corners of America today, except he's been trained as a Marine.

He believes in what he is doing, and he's dedicated to his country and to the job at hand, whatever it may be. In short, we could say he has a lot of plain old, red-blooded American guts. Now this concludes our demonstration at this range. The escorts will now show you to your buses. Thank you very much.

CBS Reports: "The Selling of the Pentagon."

ROGER MUDD. Nothing is more essential to a democracy than the free flow of information. Misinformation, distortion, propaganda all interrupt that flow. They make it impossible for people to know what their Government is doing, which, in a democracy, is crucial. The largest agency in our Government is the Department of Defense, and it maintains a public relations division to inform people of its activities.

In December, Congress cut the appropriations for this division, but, according to the

Pentagon, it will still spend 30 million dollars this year on public affairs—an amount more than 10 times greater than what it spent to tell people about itself just 12 years ago. Even this figure may be only the tip of the public relations iceberg. A special, still unpublished report for the prestigious 20th Century Fund estimates the real total at 190 million dollars. The combined news budgets of the three commercial television networks—ABC, CBS, and NBC—are 146 million dollars.

Whatever the true cost at the Pentagon, there have been recent charges in the press and in Congress that the Department is using these public relations funds not merely to inform but to convince and persuade the public on vital issues of war and peace. Ten months ago, CBS News set out to investigate these charges and to examine the range and variety of the Pentagon's public affairs activities.

We selected three areas for concentration: direct contacts with the public, Defense Department films, and the Pentagon's use of the media—the press and television. We sought no secret files, no politicians pleading special causes, no access to classified documents. We looked only at what is being done for the public—in public.

We began in an obvious location—Armed Forces Day on a military base. Fort Jackson, South Carolina is proud of its soldiers, and once a year the public is invited, to come out and take a look at them. At dozens of other bases, dozens of other audiences see the same show. The major event is a firepower display. But in the interests of information, they not only shoot, they also instruct.

INSTRUCTOR. The killing zone is 50 metres deep, 50 metres wide, and two metres high. However, its fragments are also effective against light skinned vehicles.

MUDD. The weapons officer on this range claimed that the information display cost two million dollars. Later, Army public relations officials put the expense at twenty-two thousand dollars.

The last part is known as the "mad minute." It would be hard to argue with that description.

When the demonstration itself is over, another activity begins. The ammunition is gone but the weapons are not. Some of these are turned over to children so they can get the heft and feel of the genuine article.

FIRST CHILD. All right Jack here's a cool tank man.

SECOND CHILD. I'm going over to the other tank.

THIRD CHILD. Get off. . . .

FIRST CHILD. What are you doing?

THIRD CHILD. I'm going to shoot you.

SECOND CHILD. Ready . . . aim . . . fire!

Colonel MACNEILL. In the Chinese view only one country has been liberated from colonialism, and that is North Vietnam. The others will not be considered liberated, in the Chinese viewpoint, until each and every one has a Communist government.

MUDD. The Pentagon has a team of Colonels touring the country to lecture on foreign policy. We found them in Peoria, Illinois, where they were invited to speak to a mixed audience of civilians and military reservists. The invitation was arranged by Peoria's Caterpillar Tractor Company, which did 39 million dollars of business last year with the Defense Department. The Army has a regulation stating: "personnel should not speak on the foreign policy implications of U.S. involvement in Vietnam."

Colonel MACNEILL. Well now we're coming to the heart of the problem—Vietnam. Now the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam. If South Vietnam becomes Communist it will be difficult for Laos to exist. The same goes for Cambodia, and the other countries of Southeast Asia. I think if

the Communists were to win in South Vietnam, the record in the North—what happened in Tet of '68—makes it clear there would be a bloodbath in store for a lot of the population of the South. The United States is still going to remain an Asian power.

MUDD. Over the years, the Colonels have travelled—at taxpayers' expense—to 163 cities and spoken to 180 thousand people. In a question and answer period, they promote American presence in Southeast Asia.

Colonel SERRELL. The bloodbath, the indications at Hue during the Tet offensive as to what might be in store for people who would otherwise have some semblance of freedom or individuality, if we did stay and protect their interests as well, admittedly, as our own.

Colonel BIRD. I personally believe by and large the college students are very sincere in their belief. I think a lot of them haven't attempted to study, to some degree, the history of other things like this. . . .

Colonel MACNEILL. Some say there are no interests at stake today, some say we had none in the beginning. I feel when we put half a million men in there, at least we placed national interest at stake when we did that.

FIRST CHILD. I want to play this one.

SECOND CHILD. Now it's my turn.

FIRST CHILD. Bob, let's see if you can do this.

THIRD CHILD. Let Danny do it.

FATHER. How many mistakes you gonna make?

MUDD. At a St. Paul, Minnesota shopping mall, an Army display emphasizes power, a recurrent theme in Defense Department public relations programs. The Army Exhibit Unit has been to 239 cities in 46 states and has been seen by over 20 million people. The cost to taxpayers: 906 thousand dollars a year.

RECORDED ARMY NARRATOR. The four M's—Mission, Motivation, Modernization, and Management—summarize Army Chief of Staff General William Westmoreland's program for the future of the Army.

MUDD. The Army says it won't send these exhibits out unless requested by local civilians. The manager of this shopping mall told us how the Army's exhibit happened to be there.

Mr. PETERS. We were approached by Sergeant Kerr who is the local recruiting sergeant in this area, a matter of three weeks ago, and he simply asked us would we care to have the exhibit here on our mall. We said yes. So, it's here.

ANNOUNCER (for Air Force). Approaching next will be Major Mike Kirby and his next maneuver, the exciting Wing Walk and Roll.

MUDD. The Air Force Thunderbirds flew 108 exhibitions last year in front of 6 million people. We were told that the Thunderbirds are supposed to attract volunteers, but what we found was a very elaborate commercial for air power.

ANNOUNCER (for Air Force). The Air Force has proved again and again its superiority against the enemy in the air war over North Vietnam. In an environment where the majority of our fighter pilots were flying tactical bombing missions and not primarily hunting for enemy aircraft, the enemy still lost three aircraft for every one of ours in air-to-air combat.

General LEWIS WALT. We fought them up on the DMZ, we fought them across the Laos border, we fought them down south across the Cambodian border. But they're trying to keep the war going—why? Because they think that we're going to give up and pull out before the job is done. That's what they've been told, that's what they read in our newspapers and our magazines.

MUDD. Tonight, like any other evening, there are between 6 and 10 Pentagon speakers appearing in public. With military trans-

portation at their disposal, they traverse the country shaping the views of their audiences. For years, General Lewis Walt has been the Marine speaker most in demand.

General WALT. This is what's kept the war going on. If we could have had the entire American nation in back of us, all of our Americans in back of our Armed Forces in South Vietnam, this war would have been over a year and a half ago.

GREEN BERET ANNOUNCER. Please pay particular attention to the hands, the elbows, the knees, and the toe of the boot, which are used to deliver killing blows to the vulnerable portions of the body.

MUDD. When it comes to sheer muscle, the legendary Green Berets are the Army's glamor exhibit. In 21 states last year, the Berets showed how people kill people sometimes. On one occasion, they showed about a thousand kids in New Jersey.

When the Berets finished their act, the audience had its own turn.

CHILD. C'mon . . . no! Damn you . . . ow!

MUDD. Each year, the Pentagon runs special guided tours for over 3,000 influential civilians. The Joint Civilian Orientation Conference is the aristocrat of these tours, indeed of all Defense Department contacts with the public. For eight days 64 prominent citizens visit key military installations all over the country. To give the community leaders more sense of participation, the Defense Department outfits them in different colors that represent each of the Armed Services. Included in this exclusive party are industrialists, bankers, college administrators, newspaper publishers, and broadcasting executives.

MUDD. High ranking generals accompanied the civilians. These two, three and four-star chaperones were available for briefing, picture-taking, and just mingling. CBS News followed the distinguished visitors on a weekend war game in North Carolina. The purpose of these tours, according to the Pentagon, is to teach military realities. The guests are referred to as "major taxpayers." As their education proceeded, we recorded some of the military realities and part of their impact on the civilians.

The Army gave a demonstration of a massive troop airlift. An air and land assault on enemy territory was simulated for the visitors. The idea here was to show that thousands of troops can be transported thousands of miles in just a few hours. What's more, when they get where they're going, they are ready to fight.

JITTERBUG ANNOUNCER. Notice the jitterbugging action as the Cayuse make a thorough search of suspected enemy locations. Such tactics were battle tested in Vietnam.

KENNEDY WAGON ANNOUNCER. To achieve success in combat, an infantry battalion depends upon the fighting strength of its rifle companies. The company is composed of three rifle platoons and a weapons platoon.

MUDD. The 64 civilians themselves paid part of their own costs and the official total price of this tour is only 12 thousand dollars. 12 thousand dollars, however, does not include the amount spent on elaborate briefings, the war game itself, nor the expenses of several thousand servicemen who performed for the civilians along the way.

KENNEDY WAGON ANNOUNCER. 711 tons of ammunition and 308 tons of fuel.

Dr. RICHARD CHAMBERLAIN. I for one am very grateful for this privilege of seeing how the defense of the country is being organized.

DAVID CONNOR. I found it enjoyable to talk to the enlisted ranks who are handling the weapons as we got in the tanks. I think there's been a subtle, necessary and important emphasis on talking to the manpower.

OFFICER. Of course it could carry rockets, it could substitute a rocket part for an arm. It has tremendous flexibility.

CIVILIAN. A lot of killpower though. OFFICER. Oh yes, yes.

MUDD. Civilians were shown some of the more advanced equipment and training methods. Among the ordnance the Marines displayed were their planes, their weapons, their tanks, and, of course, their Commandant, General Leonard Chapman.

OFFICER. Excuse me, General Chapman, this is Mr. Hoover.

General CHAPMAN. How are you, sir, nice to see you.

CIVILIANS (in boat). Oh, we can use a kyack . . . That's right . . . Bob, you're getting a little too enthusiastic . . . Oh boy we're really making time now.

ROBERT GREENHILL. I think the message I would take back is that we have a first-class military organization led by first-class leaders and the people who carry the load on the enlisted men are some of the finest people that I've been privileged to see. I'm in the investment banking business and I travel all over the United States and I know that for a fact.

WILLARD DOVER. I think the message is that you can be proud of your boys in service.

MUDD. The Defense Department did not permit CBS News to film what many regarded as the highlight of the tour. But the civilians were not shy in talking about it.

Mr. CONNOR. At Fort Hood we all were seated in the gunner's seat of the M-60 Tanks, and we fired the rifles, and were told what excellent shots we were and we were taken over to the recoilless rifles and fired rounds at armored personnel carriers and again told how good shots we were, and we fired grenade launchers and drove tanks and so on . . .

Dr. CHAMBERLAIN. We fired tank cannon and recoilless rifles, machine guns . . .

Mr. CONNER. My gun jammed while I was shooting it and I thought Oh my God what a great situation to be in were someone moving on me.

Dr. CHAMBERLAIN. It was fun to actually get your finger on the trigger of some of the things like the recoilless weapons that most of us have heard about but hadn't actually seen.

Mr. GREENHILL. There is no substitute for hands-on experience.

MUDD. The Defense Department says these demonstrations are merely training exercises for war. War, however, is not fought in front of a grandstand.

MARINE ANNOUNCER. Let me remind you that the speed and flexibility which you have seen today and the maneuverability and coordination of the supporting forces is not a demonstration. It is the stock in trade of the United States Marine Corps.

Mr. GREENHILL. One of the things I can personally see from this tour is that a lot of the statements that for example Mr. Fulbright and Mr. Proxmire make are absolutely baseless.

Dr. CHAMBERLAIN. I just wish that all the American people could see what we've seen. I think we'd find much less of this carping at the military and we'd find a lot more understanding.

Mr. DOVER. I think that one part of this tour is that you won't find a George Romney statement about being brainwashed.

Dr. OLAV SOLA. As we proceeded through numerous phases where we were personally involved my opinion has changed 180 degrees.

JACK WEBB. It seems ironic, that while our finest young men are fighting half-way across the world, other young men and women safe at home, openly advocate abandonment of Vietnam to Communism. Perhaps they really don't know what this war is all about.

MUDD. With scenes of war protesters tinted red for emphasis, the Defense Department introduced a film on Vietnam narrated by television star Jack Webb. Over 300 films a

year are made by the Pentagon. Most of them are meant originally for troop information, but a large number is later released for public showing. It is widely known that the Defense Department often helps sympathetic Hollywood producers who need troop support for their war movies. What has received far less attention is that the Pentagon itself spends over 12 million dollars a year on its own pictures. The annual cost of a single Army series, "The Big Picture", is 900 thousand dollars and the overall Army film budget is more than 6 and one-half million dollars a year. During the 1960's, at least 52 million Americans saw Pentagon motion pictures. 45,000 public gatherings viewed them and at least 356 commercial and educational television stations have presented them as part of their public service broadcast time. Facts and information—not opinions and attitudes—are supposed to be the ingredients of Defense Department films. An official Pentagon directive states: "propaganda has no place in Defense Department Public Information programs". In preparing this broadcast we looked only at products of the last decade—all made after the thaw in Cold War politics. Well-known journalists and movie stars often serve as narrators for the films as these excerpts show.

ROBERT STACK. Hi, I'm Bob Stack. As you may know one of my hobbies is collecting guns. I've hunted on and off, all my life from California to Mexico to safaris in Africa. Speaking of guns and faraway places, I've just come back from a trip to Vietnam where guns are used for an entirely different purpose.

JOHN WAYNE. The Defense Department has asked me . . .

MUDD. The Pentagon helped John Wayne make "The Green Berets". John Wayne helped the Pentagon make this film in Vietnam. Over a thousand prints are in circulation.

SOLDIER (talking to Wayne). In Vietnam, revolution is a double edged word. The enemy uses it—it's what they call the "aggressive war" they're using against people over here.

WAYNE. That's the story and there's nothing mysterious about the kind of revolution the enemy has in mind—it's the same thing we've seen in many parts of the world ever since the Communist revolution fifty years ago. Murder, assassination terror, and over here they've killed over 20 thousand civilian leaders. And it's these same brave people, who have had the will and the guts to conduct their own revolution a real revolution for the betterment of their people.

MUDD. Not only movie stars have aided Pentagon propaganda. For patriotic reasons newsmen such as Edward R. Murrow, Lowell Thomas and John Daly often volunteered their talents during World War II and the Cold War. The Pentagon has used many journalists to carry its message, including some years ago, two of the best known broadcasters.

CHET HUNTLEY. I'm Chet Huntley. To most of us, this is the United States Navy—the aircraft carrier, the cruiser, and destroyer. The modern deepwater navy extending American strength across the oceans of the world.

This is the American Navy in Vietnam, moving quickly where and when needed, displaying the flexibility of modern sea power, controlling the seas, extending its influence on land, and holding superiority in the air. A three-way force for peace, here to meet at any spot on the globe.

MUDD. "The Eagle's Talon" made in 1962, narrated by Walter Cronkite, deals with America's response to Communism.

WALTER CRONKITE. Starting in World War II, the aggressive Communist tide has spread in Europe and Asia to engulf its neighbors. Communist China even now has plans to dominate Asia by mass murder—destroying ancient civilizations. Right next door is the nation we freed in 1898—Cuba. A Communist

tyranny holds sway and whiskers do not hide the naked face of dictatorship. Our army is face to face with Communism around the world. To meet immediate threats on any front we must build up our land forces at home and overseas. This soldier, guarding one of Asia's gateways against Soviet aggression symbolizes the determination of free men everywhere to resist Communist expansion by force of arms.

MUDD. On a policy level, the Pentagon says it has discarded the rhetoric of confrontation. But city by city, public showing by public showing, the language and symbols of the early 60's are still being widely distributed in the 70's. Here, in Elmendorf, Texas this month, a Baptist congregation attends a Pentagon film on Communism made in 1962. Even though the expressed policy of the United States is negotiation and not confrontation—even though Walter Cronkite and Chet Huntley may now disagree with the intent of the films they narrated—even though the roles of journalist and Government spokesmen are incompatible—the films grind on and on.

A Pentagon film often contains a map that seems to be bleeding. The blood turns out to be the spread of international Communism. Interpretations of Communism and assessments of Communist intent are significant themes in Defense Department films. In "Red Chinese Battle Plan", an anonymous Pentagon narrator describes a foreign policy bent on world conquest.

PENTAGON FILM NARRATOR. It is a blueprint for world revolution. Red China's battle plan—divide and encircle; conquer and enslave.

MUDD. In an excerpt from a film called "Road to the Wall," the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world.

CAGNEY. The Wall is a solid fact. It stands in Berlin today. It stands—and will stand—wherever the road of world Communism leads. Someday, according to its builders, it will surround not merely the world, but the moon, the stars, outer space—the universe!

MUDD. In what is perhaps the Pentagon's most ambitious film, "Red Nightmare," Jack Webb presents a Russian scheme to crush American freedom.

FIRST RUSSIAN SOLDIER. Americans! They have too many freedoms.

SECOND RUSSIAN SOLDIER. That is another thing you must remember, Comrade. One day it will be your mission to destroy those bourgeois, capitalist freedoms!

WEBB. Frightening, isn't it?

MUDD. The hero of Webb's film, a lathe-worker named Jerry Donovan, dreams that his town is invaded by Communists. With remarkable ease, they quickly subvert everyone except Donovan himself, who listens with shock to a Commissar's speech.

COMMISSAR. When the moral fibre of the United States weakens, and the economy collapses under the pressures of competitive coexistence, it will be your responsibility, Comrades, to purge the minds of the reactionary Americans, so that they will welcome the enlightened Soviet system and conform without resistance to the dictatorship of the proletariat.

DONOVAN (to soldier). Hey! What do you think you're doing?

MUDD. When Donovan returns home, he finds his own daughter about to leave for a commune.

DAUGHTER. It's true Daddy. I did volunteer for farm work.

DONOVAN. Linda, why?

DAUGHTER. The party convinced me that I should free myself of the lingering bourgeois influence of family life. I am ready. Do not interfere. It is for my own good.

RUSSIAN SOLDIER. And Comrade Donovan. Do not think that your deviationist remarks will be overlooked. They will be reported to the proper authorities.

JUDGE. Comrade Donovan, you are accused of the following crimes against the state: subversion, deviationism and treason.

MUDD. 900 prints of "Red Nightmare" are currently in circulation. It was first released in 1962, then reissued in 1965. The film was made for the Armed Forces Directorate on Information.

JUDGE. As an ugly remnant of the diseased bourgeois class, you must be eradicated before the contagion can spread.

DONOVAN. Believe me you Communists can't keep fooling the entire world. You can't even keep fooling your own people. Because the news about Communism is getting around—that it's only another word for slavery! (Soldier fires the gun.)

WEBB. Don't worry Jerry. That bullet will never reach you, because it's time to bring you back from your red nightmare.

MUDD. The Department of Defense believes that one of the best ways to save Americans from a red nightmare that comes true is with films like these. Although the Pentagon labels them informational, these films contain a high proportion of propaganda, as well as an obsession with monolithic Communism. Tax money financed all of them, and they have all been distributed during the Kennedy, Johnson, and Nixon administrations. It has been more than a decade since the national policy of peaceful coexistence replaced the harsher rhetoric of early cold war years. But to the filmmakers at the Pentagon, with at least 12 million dollars a year to spend, 1946 seems to have lasted a whole generation.

MUDD. The Pentagon, in Washington, is the command post of a military establishment with a multitude of ways to get its message across to the public. Many millions of Americans are reached by Defense Department displays, tours, and motion pictures. But the widest, most penetrating of all contacts the Pentagon has with the public is through the media—newspapers, magazines, radio and television. Once each day, the press and the Pentagon have a formal confrontation.

JERRY FRIEDHEIM. I think this is the first time Dr. Foster has discussed the three different kinds of SS-11s . . . That's correct, these are MRV not MIRV . . .

MUDD. Every morning at 11 o'clock, in pursuit of Defense Department news, Pentagon reporters get a crack at a careful and respected adversary, Deputy Assistant Secretary of Defense Jerry Friedheim. He does not, of course, tell all he knows; he wouldn't have his job long if he did.

FRIEDHEIM. I can't discuss that at all.

NEWSMAN. What about the size of the warhead?

FRIEDHAM. I just don't have anything I can give you on that. We'll pursue that question.

ROBERT GAROLSKI (NBC News). When did you last have three carriers on station in the Med?

FRIEDHEIM. We'll have to check back and find that date for you.

NEWSMAN. Has the Guam chopped to the Sixth Fleet?

FRIEDHEIM. Negative. It has not.

BOB SCHIEFFER (CBS News). Would she normally be going to replace one of them; is that it?

FRIEDHEIM. That has been the normal operations in the past. We've observed some nineteen Soviet combatant vessels there in recent days. The Sixth Fleet strength is roughly comparable, slightly larger.

NEWSMAN. Slightly larger?

FRIEDHEIM. That's correct.

JACK TOLBERT. It's extremely difficult for a Pentagon reporter, even a regular, to establish sources outside the public affairs arm.

MUDD. Former Public Information Officer Jack Tolbert was an Air Force Major who

worked with the press at many military bases for twelve years. He believes that the Defense Department confronts reporters with numerous obstacles.

TOLBERT. The Department of Defense has so many avenues of getting its story across, around, and over and under the media, that I'm not even sure even if every reporter who covered the Pentagon was a hard nosed reporter, that we still wouldn't get the story through.

MUDD. The vastness of the Defense establishment confronts a reporter with an almost impossibly complex task. Pentagon stories develop in many other ways besides formal briefings, but the sheer size of the building itself remains bewildering. Often it is impossible to get to a news story—even when the story does not involve national security—until the Pentagon chooses to announce it. Going into and out of the 30 thousand Pentagon offices each day are 200 thousand phone calls and 129 thousand pieces of mail. But very little of this communicating is done with the press. Although the Department of Defense is the biggest business in America, over 95% of the news bureau in Washington do not even assign a reporter regularly to the Pentagon. More newsmen cover the pennant race than the arms race. We asked the man in charge of all Pentagon public relations, Assistant Secretary of Defense Daniel Henkin, if he thought the press did a good job covering the Defense Department.

HENKIN. I believe that it does . . . From time to time of course it gives me some headaches and I give the press some headaches. We understand that. We act professionally, as a professional relationship not only with the Pentagon press and other members of the Washington news corps but with newsmen who cover military activities around the world.

MUDD. What about your public displays of military equipment at state fairs and shopping centers—what purpose does that serve?

HENKIN. Well, I think it serves the purpose of informing the public about their Armed Forces. I believe that the American public has a right to request information about the Armed Forces, to have speakers come before them, to have questions, and to understand the need for our Armed Forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in Armed Forces. What are we doing about the racial problem in the armed forces, and we do have a racial problem. I think the public has a valid right to ask us these questions.

MUDD. Well is that sort of information about the drug problem you have and the racial problem you have and the budget problems you have, is that the sort of information that gets passed out at state fairs, by sergeants who are standing next to rockets?

HENKIN. No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now there are those who contend that this is propaganda. I don't—do not agree with this.

MUDD. What the press wants to reveal, the Defense Department often wants to conceal. We asked the Washington Post's military specialist, George Wilson, who should be prouder of Pentagon press coverage, the press or the Pentagon.

GEORGE WILSON. The Pentagon by virtue of its overwhelming troops in this area has done better in propagandizing as a whole than the press has done on exposing. I don't fault the digging reporters and there are several. What I fault is the lack of demand from the editors, both of TV and of newspapers generally.

MUDD. How hard is it Mr. Wilson for a

single reporter at the Pentagon to discover the truth when the Pentagon doesn't want the truth to be known.

WILSON. It's difficult. They can always pull out the secrecy stamp and say it's against the national interest to give you the full explanation for what we did, but you'll just have to trust Big Daddy.

MUDD. Can't a case be made, Mr. Wilson, from the standpoint of national security, to prohibit you from printing in your paper information that the enemy wants to know?

WILSON. It certainly can. A case can be made, but my counter to that is that if it's going to be—if the weapon is going to be described in public as it was in 1969 and 1970, along with the sales job to get the anti-ballistic missile defense approved it should be described accurately. The point here is that because the technology is reachable, that there will always be the pressure to build it. Weapons are inexorable and they're imperious, and only public challenges and public resistance can keep technology from running us right onto the road of Armageddon, and I think that points up why more coverage of the Pentagon is desirable. Editors should have a larger appetite for these weapons because they're not just nuts and bolts; they often dictate the largest policy decisions in the world today.

RADIO VOICE (Hometown News Center). This is Army Specialist Jean Campbell reporting from Pleiku, Republic of Vietnam . . .

MUDD. The Armed Forces do not have to wait for radio, television and newspapers to come to them. They have their own way of reaching the media. At the Army's Hometown News Center in Kansas City, a blizzard of press releases is turned out in all seasons. Each year, 12 thousand radio and television tapes are mailed to 27 hundred radio stations and 546 television stations. Over two million printed releases are sent to six thousand five hundred daily and weekly newspapers. In these releases, medals, promotions and re-assignments are emphasized. While transmitting legitimate information about servicemen, the news center also functions as a publicity agency for American forces abroad. The only news from the center is good news. The center is commanded by Colonel Richard Stewart, who feels the operation is helpful to the Army.

Colonel STEWART. This is another way of seeing your Army in action and it's even more meaningful because the people can relate to this particular soldier. This is not just an exercise or combat operation or something of that nature but this here is Sergeant Willy Jones.

JACK TOLBERT. There are hundreds and thousands of weeklies and small dailies in this country that live on what we call the hometown release, where the Army, Navy and Air Force maintain hometown news release centers, and are just spewing this stuff into these newspapers who accept it willingly and who print it.

STEWART. They have said time and time again when I've talked to them, they've said, "Keep it coming," in effect, words like that "Keep it coming."

TOLBERT. What the press—and this is the whole press, the community press which is extremely important to this country, is giving a free ride to a military story.

REPRESENTATIVE HÉBERT. I'm one of those who believes that the most vicious instrument in America today is network television.

MUDD. Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the anti-military tilt of network reporting. War heroes are made available for the taped home district TV Reports from Pro-Pentagon politicians. Here Representative F. Edward Hébert of Louisiana asks Major James Rowe, a Green Beret and former P.O.W., what keeps the Viet Cong fighting.

Major ROWE. The support that the VC receives from the United States is the only thing that keeps them fighting.

MUDD. Later, Congressman Hébert, who is the new Chairman of the House Armed Services Committee, asks Major Rowe for his reaction to a peace rally.

ROWE. I walked up and I heard one of the speakers yelling, "Down with imperialism, down with capitalism, down with the oppressive leadership in Washington. Power to the people." I heard the same thing from the Viet Cong except there it was in Vietnamese and here it is in English. I looked around the crowd—I walked through the crowd, and I saw some VC flags flying from the flagpole of the Washington Monument, I saw American flags with VC flags flying over the top of them. I saw American flags with the stars removed and a peace symbol superimposed. I saw the red flag with a black peace symbol on it and then I heard one of my Senators say that "We are here because we cherish our flag." And the only thing I could think of in answer is what flag does he cherish?

HÉBERT. I want to congratulate you. It's an honor to have had you on this program with me, and I only wish to God we could have more people wearing the uniform privileged to speak as you've spoken, because the silent majority will and must be heard.

MUDD. The war is covered extensively not only by the civilian press but also by the Defense Department's own camera crews in Vietnam. Their product is distributed to American TV stations and networks. This is a soccer match played by North Vietnamese prisoners of war and filmed by the Defense Department. It is intended to supplement regular network news coverage. But the Defense Department can hardly be said to be a disinterested observer in Vietnam. Recently, there have been charges that some of the Pentagon's footage was staged. In fact, the cameraman who filmed this soccer game told CBS News that the prisoners had never been permitted to play soccer before but were trotted out for this match when his crew arrived. The cameraman, former Air Force Sergeant Thomas Demitor, spoke about his filming experience shortly before leaving the service after 16 years.

THOMAS DEMITOR. In many stories that were filmed in Vietnam, with my team, we staged a number of stories of the Vietnamese. We were propagandizing the war and an example of it was a story titled, "US and South Vietnamese forces patrol enemy infiltration routes." We went out with the Vietnamese in the Riverine patrol, went down the river until we found an area that was suitable for our landing. Because I knew it wasn't an actual combat situation I had no fear—I was off the boat on the land before the Vietnamese infantry came up, so that we could get a shot as the boats came onto the shore. We proceeded inland about three quarters of a mile or half a mile while we were getting shots of them running through the rice paddies. They didn't fire any shots. There were no traces of Viet Cong.

We were told when we thought we had a sufficient amount of footage exposed, to tell the Vietnamese and they would turn around. When someone turns around and asks you well do you have enough film, and you say yes, then it is definitely staging.

MUDD. Later, while filming the same story, Sergeant Demitor shot real combat footage involving American troops.

DEMITOR. In the final release, we see none of the actual combat footage of the Americans, we see all of the staged footage of the Vietnamese, and it would lead someone to believe that the Vietnamese were doing the majority of the work. The staged action got in. The actual action did not get in.

HENKIN. We are trying our best to provide information. There undoubtedly have been times when certain actions have been staged. I think this is true of all TV news coverage; after all this interview here is being staged.

MUDD. How so?

HENKIN. Well props were set up, arrangements were made. You and I did not just walk into this room cold. Arrangements were made for it.

MUDD. Well, we wanted to film in your office but your people said let's go into the studio—so we didn't stage it.

ARMY BRIEFER. We are conducting limited duration protective reaction air strikes. . .

MUDD. Defense Department information machinery is well established in Vietnam, where a special language has developed that takes some time to learn. "Protective reaction" means the United States resumed the bombing of North Vietnam. "Selective ordnance" means napalm. "Defoliation" means nothing will grow there any more. A "civilian irregular defense group volunteer" is a mercenary. "Population resettlement" means getting villagers out of their villages, and "Military Assistance Command Daily Press Briefing" means this scene right here, which is popularly known among newsmen in Saigon as the five o'clock follies. The most popular phrase at these sessions, however, needs no explanation.

ARMY BRIEFER. No comment.

FIRST REPORTER. Well, can you please tell us. . .

ARMY BRIEFER. I have nothing further to add.

SECOND REPORTER. Why don't you answer my question?

ARMY BRIEFER. I have no further comment.

MUDD. Often the Press is an unwitting partner in its own deception. Former Information Officer Tolbert once took great pride in utilizing the media. He's not so proud of the record any more.

TOLBERT. A network was coming over to cover and do a documentary on the air war over North Vietnam. They were going to film it out of Danang where I was the information officer. So in preparing for them we tried to pick out the most articulate, the best-looking pilots that we could, to be able to describe through their eyes what the air war was all about. We briefed the pilots so that they would understand that we were trying to present our views in a one-voice concept; we didn't want divergent views coming from a variety of the different pilots that might raise questions concerning whether they understood, or whether they were satisfied with the way the air war in the north was being fought.

MUDD. And the cast of characters that you made available to those network men was such that they never heard any dissension or criticism about the bombing mission?

TOLBERT. No, no never. You know, being an insider, knowing fully what was going on, if I was absolutely candid with them, and opened all of our closets to them, yes they would have come out with a lot more balanced report. I could have helped them do that.

MUDD. What was the result of that network team's journalistic efforts?

TOLBERT. Frankly it was just great. It represented the pilots, it represented the way we conceived that the air war in the north was being fought by very professional people and it was as good as if we had done it ourselves.

MUDD. Well, I'm duty-bound to ask, I've got to ask you which network it was. Could you tell me?

TOLBERT. Yes, yes I will.

MUDD. Which one was it.

TOLBERT. It was CBS.

MUDD. Well, taking that incident you had with CBS and applying it, Mr. Tolbert, to your 12 years as a public information officer, what effect do you think incidents like that have on a democratic society which is supposed to enjoy a free press?

TALBERT. I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers able to

present its viewpoint to the American people I think this attitude it was able to develop allowed Vietnam to happen. Had we not been able to convince the American people prior to Vietnam that a military solution was a correct solution, without a doubt and not to be questioned we couldn't have had a Vietnam. I feel that if we allow this pervasiveness to continue, that frankly it could lead us to another Vietnam.

MUDD. We have reported tonight only a fraction of the total public relations apparatus belonging to the Pentagon and supported by the taxpayers.

Indeed, the news restrictions on the current invasion of Laos raise the question whether the public's right to know is being served or thwarted.

On this broadcast, we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology, Pentagon propaganda insists on America's role as the cop on every beat in the world. Not only the public but the press as well has been beguiled—including, at times, ourselves at CBS News. This propaganda barrage is the creation of a runaway bureaucracy that frustrates attempts to control it.

Last November 6, President Nixon sent this memorandum to executing agencies criticizing what he called self-serving and wasteful public relations efforts. He directed an end to what he described as "inappropriate promotional activities". The President specifically ordered—in his words—a curtailment of "broadcasting advertising, exhibits and films."

Just since the memo was written the Army's Golden Knights—a parachute team—have performed for the public in Nevada, California and North Carolina. Other Army exhibits have travelled to 59 different locations.

Air Force displays, like this Hounddog-Quail missile, have appeared in at least 36 shopping malls and municipal centers since the memo was written.

We went back to the Pentagon and asked what effect the Presidential directive would have. We were told there will be cuts in personnel not activities. There may be some disagreement, of course, over just what constitutes an "inappropriate promotional activity". But to date not a single activity shown on this broadcast has been eliminated. Tomorrow morning according to Defense Department schedules, there will be an Army show pushing the ABM in Mountain View, California, an Air Force missile will turn up in Houston on Friday, the Pentagon's travelling colonels will be in Hampton, Virginia on March 8, and next week fifth graders at the Hill Elementary School in Davidson, Michigan will get to see the Navy's propaganda film on Vietnam.

This is Roger Mudd for CBS Reports.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended for an additional 15 minutes today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUORUM

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

CLOTURE MOTION

Mr. CHURCH. Mr. President, I send to the desk, under the provision of paragraph 2, rule XXII, of the Standing Rules of the Senate, a motion, signed by myself and 19 other Senators, to bring to a close the debate on whether to proceed to the consideration of Senate Resolution 9. I ask that it be read.

The PRESIDING OFFICER. The motion having been filed, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

RICHARD S. SCHWEIKER, FRANK CHURCH, HUGH SCOTT, JACOB JAVITS, GAYLORD NELSON, ALAN CRANSTON, MIKE MANSFIELD, HARRISON WILLIAMS, HAROLD E. HUGHES, JOHN O. PASTORE, ROBERT GRIFFIN, EDWARD KENNEDY, JOSEPH M. MONTAYA, PHILIP A. HART, JAMES B. PEARSON, WILLIAM PROK-MIRE, JENNINGS RANDOLPH, THOMAS F. EAGLETON, EDWARD W. BROOKE, EDMUND S. MUSKIE.

Mr. ERVIN. Mr. President, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator will state it.

Mr. ERVIN. I should like to inquire as to whether or not this motion is in order. It refers to bringing debate to a close. I have been here in rather constant attendance on the sessions of the Senate. In the English language, the word "debate" signifies a discussion or series of discussions in which adverse views are expressed in respect to a subject. In my opinion, there is no debate to be brought to a close. The proponents of the resolution to change the rules of the Senate have been conspicuous by their absence and by their silence, and I respectfully submit that the rules of the Senate cannot be construed to be applicable to the end of debate upon a proposition when the debate has never begun.

So I raise a parliamentary inquiry as to whether or not this motion for cloture is not, for that reason, out of order.

The PRESIDING OFFICER. The Chair will say that, while the present occupant of the chair may feel that the Senator from North Carolina has raised a pertinent point, the Chair feels that it is not an appropriate parliamentary inquiry at the present time.

Mr. BYRD of West Virginia. Mr. President, I should like to propound a ques-

tion and direct it to the able Senator from Idaho (Mr. CHURCH).

In the event that the motion to invoke cloture does not carry on next Tuesday, can the Senator state, for the benefit of the leadership and Senators on both sides of the aisle, whether or not it is anticipated that there will be a fourth motion to invoke cloture; and, if so, can the Senator also indicate when the fourth motion to invoke cloture will be introduced?

Mr. CHURCH. Mr. President, in response to the inquiry of the able Senator from West Virginia, I can only say that it is presently intended, should the cloture motion fail on Tuesday next, that another cloture motion will be filed. No decision has been made as to when the motion will be filed, but there is no doubt in my mind that another attempt will be made.

Mr. BYRD of West Virginia. Before the Senator proceeds—the reason I ask is in order that all Senators may be on notice as to exactly when a fourth vote will occur, and we shall perhaps have better attendance for the fourth—and presumably final—vote on the motion to invoke cloture.

Mr. CHURCH. So far as the proponents are concerned, no decision has been made limiting the number of cloture attempts. It could be that if we cannot secure cloture on the next attempt, the proponents would then decide to take the floor and carry on the debate. That would make up for the deficiency the distinguished Senator from North Carolina complains about. For it is quite possible, I assure the Senator, to say as much on behalf of this proposition as can be said against it. This is one of the possibilities open. I would also want to give as much advance notice as possible to Senators. I appreciate the importance of it. I can only say that every effort will be made, once a decision has been reached, to give as much advance notice as possible.

Mr. BYRD of West Virginia. I thank the Senator from Idaho. It was for that express purpose that I sought the information. The Senator, I take it, then, is not in a position to say now whether there is a possibility, a probability, or a likelihood—in the event the motion to invoke cloture does not carry on Tuesday next—that there would be a motion to invoke cloture presented that same afternoon so that there would be a fourth vote on Thursday next? The Senator is not in a position—

Mr. CHURCH. I am not presently in the position to say that.

Mr. BYRD of West Virginia. I thank the Senator from Idaho.

Mr. ERVIN. Mr. President, if the Senator will yield for an observation, I should like to endorse the recommendation of the Senator from West Virginia if a fourth cloture motion is to be filed. I have stayed here throughout this so-called debate in the hope that I would hear just one rational reason advanced why we should alter the rules of the Senate, and I have been here in vain.

On Friday of this week I shall be emulating the example of some of my friends opposing this measure who have gone off to make speeches, and I shall be making two speaking engagements on Friday,

so that I would rather vote on Thursday, if possible, than on Friday for that reason.

Thus, I trust that the hope voiced by the distinguished Senator from West Virginia to the distinguished Senator from Idaho will be realized, if we do have a fourth cloture vote.

Mr. CHURCH. Mr. President, if the distinguished Senator had been listening more carefully during the past 4 weeks, I am certain he would have heard some very convincing arguments in favor of Senate Resolution 9; but there is justice in his observation that most of the time has been taken by the opponents, which has placed a burden upon them.

It may be, in the interest of fairness, that we should divide this debate by the month. The opponents have already had 1 month to state their case. Perhaps the proponents should now take next month to state their case, during which the Senator from North Carolina can meet his speaking engagements. Then the opponents could take it up the following month, and, in this manner, we might pass it back and forth for the remainder of the session, in the interest of equity to both sides.

Mr. ERVIN. Mr. President, will the distinguished Senator from Idaho permit the Senator from North Carolina to voice the hope that at least we can bring this alleged debate to a close by the first day of November so that we can have the remaining 2 months for legislative purposes.

Mr. CHURCH. I agree that is one of the possibilities, but perhaps we should find a way to break the impasse before the first of November. In the interest of the country, both sides should attempt to break the impasse now, so that a vote on the merits of this proposal can be reached without further delay.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. CRANSTON). The Chair, on behalf of the Vice President, in accordance with Public Law 91-213, appoints the Senator from California (Mr. CRANSTON) to the Commission on Population Growth and the American Future.

The Chair, on behalf of the Vice President, pursuant to Public Law 89-81, appoints the Senator from Wyoming (Mr. HANSEN) to the Joint Commission on the Coinage.

ADDITIONAL STATEMENTS

REPORT BY PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION ON SELECTED INDEPENDENT REGULATORY AGENCIES

Mr. PROUTY. Mr. President, on February 11, the President released the report of his Advisory Council on Executive Organization—the Ash Council—containing numerous proposals for reorganizing seven of the major independent regulatory Commissions. All but one of those regulatory Commissions, the Securities and Exchange Commission, come under the jurisdiction of the Committee on Commerce on which I serve as second

ranking minority member. Accordingly, I have reviewed the recommendations contained in that report with a great deal of care.

Mr. President, at this time I have serious reservations about the Council's recommendation to replace all of the existing Commissions—with the exception of the FCC and the Antitrust Board proposed to be formed by separation of the FTC into two agencies—with single Administrators appointed by and serving at the pleasure of the President of the United States. This proposal, if adopted, would in effect serve to divorce these agencies from congressional control and move them into the executive branch of the Government.

I am not convinced that this proposal would improve the quality of regulation by the affected agencies, nor is it justified, in my opinion, by the reasons advanced in the report which boil down to the principal notion that regulation by a single Administrator would be more efficient.

I, for one, question whether efficiency should be the sole measure of regulatory effectiveness. In this connection, it should be noted that the Council itself recommended plural headed organizations in the communications area and antitrust fields for reasons which it enumerated as follows:

We believe that the overriding needs for a mixture of views in the communications area and for extensive economic judgment at the point of decision in the antitrust field justify plural-headed organizations in these areas.

It appears to me that these attributes are equally desirable and should not be lightly discarded in the other areas of regulations studied by the Council.

More specifically, as the ranking minority member of the Subcommittee on Surface Transportation of the Committee on Commerce, I am concerned about the recommendations of the Council that the Interstate Commerce Commission, Civil Aeronautics Board, and Federal Maritime Commission should be combined into a new Transportation Regulatory Agency, headed by a single administrator appointed by and serving at the pleasure of the President of the United States.

Consider for a minute the magnitude of the responsibility that would be placed upon a single administrator charged with the regulation of all modes of transportation and their operations both domestic and international. For one thing, such a man would be responsible for the regulation of industries having combined assets conservatively estimated at substantially in excess of \$100 billion. For another he would be responsible for the regulation of an enterprise, which the words of the President in his recently transmitted Economic Report to Congress, "is important both to the Nation's rate of overall growth and to the way that this economic activity is distributed geographically"—page 122. I am not convinced that vesting this much responsibility in a single individual would be either wise or desirable.

In expressing my concern about this recommendation at this time I do not want to be understood to be opposing

the concept of merger of the transportation regulatory commissions. It may well be that the technological changes in the various modes of transportation identified by the Council will dictate the need for a unified regulatory response and ultimately the merger of the three presently existing transportation regulatory commissions. If this is determined to be the case, however, merger should only be undertaken after a careful study of the statutes administered and standards applied by each of the presently existing commissions in regulating transportation.

Mr. President, the regulatory conflicts and inconsistencies pointed to by the Council as its principal basis for recommending merger of these three commissions are the direct result of the existence of conflicting statutes and standards being applied by the various commissions in regulating transportation. We, the Congress of the United States, and not the transportation regulatory commissions are principally to blame for this deplorable situation and it is up to us to correct it. We have paid a great deal of lip service to the concept of creating a balanced and coordinated national transportation system but when it comes to legislating, we proceed to enact legislation on a mode-by-mode piecemeal basis. I have decried our tendency to enact piecemeal legislation in the past and I will continue to do so in the future. The results of legislating in this fashion are just now beginning to manifest themselves in the area of transportation.

Mr. President, it is all well and good to talk about organizational restructuring of these commissions but it should be apparent that such a restructuring will in and of itself accomplish very little so long as the different modes are regulated under different and frequently conflicting statutory provisions.

The Ash Council itself appeared to recognize this fact as evidenced by the following paragraph found at page 82 of its report:

Merger of the functions of transportation regulation into a single regulatory agency will place a great burden on the administrator of that organization. At the outset, he would have several statutes to administer, which might tend toward inconsistent policy. This result must be avoided if the agency is to exercise its mandate effectively. Statutes written to accommodate the requirements of the public and the industry in 1887, 1916, or 1938, are not the statutes which can serve the requirements of the integrated transportation network of the Seventies and beyond. For these reasons, the Interstate Commerce Act, the Shipping Act, and the Federal Aviation Act must be reexamined to make compatible their provisions and to determine how best they can be amended for the purpose of enabling private initiative to restore a viable and efficient transportation system.

Nowhere is the need for reexamination more apparent than in the area of rate regulation as I have pointed out repeatedly. Last year I introduced Senate Joint Resolution 186 which would have provided for a study of the standards applied by the transportation regulatory commissions in passing upon the lawfulness of carrier filed rates. Unfortunately,

although hearings were held by the Subcommittee on Surface Transportation last year with respect to this problem, my resolution got lost in the press of other business before the committee during the concluding days of the 91st Congress. I intend to reintroduce a similar resolution shortly and am hopeful that it will receive early and favorable consideration. Such a study is obviously necessary whether or not the transportation regulatory commissions are to be merged as recommended by the Council.

Similarly, the Senator from Tennessee (Mr. BAKER), also a member of the Subcommittee on Surface Transportation, introduced a bill last year, S. 3760, which would have provided for a comprehensive study of the feasibility as well as the desirability of combining the existing transportation regulatory commissions into a single transportation regulatory commission. I did not cosponsor that bill because it was not clear to me at the time that the study commission provided for would be required to thoroughly review the operating procedures, policies, and substantive provisions of law administered by each of the existing commissions prior to submitting its recommendations for or against merger. Had that bill been considered by the committee, I would have proposed an amendment to clarify that point, because in my view a merger study which does not come to grips with these fundamental issues would be an unreliable base for determining the appropriateness of a merger. Unfortunately the committee did not even hold hearings on that bill during the last Congress.

Happily, Senator BAKER has recently reintroduced a revised study commission bill—S. 784—which clearly requires the commission to undertake the sort of comprehensive study which I believe to be essential to an informed consideration of reform of the transportation regulatory structure. I strongly support S. 784 and I commend it to the attention of anyone genuinely interested in regulatory reform with respect to transportation. I am hopeful that the Committee on Commerce will expeditiously proceed with hearings on this vitally necessary piece of legislation.

Mr. President, let us not delude ourselves, there are no simple solutions to a problem as complex as overhauling the structure for the regulation of transportation. No one is satisfied with the manner in which that structure is functioning at present. Everyone wants to do something to improve the quality of the transportation regulatory process. But I cannot caution too strongly against acting precipitously in an area of such great sensitivity as the regulation of transportation. What I am saying is: Let us look—and carefully—before we leap to the conclusion that existing transportation regulatory commissions should be abolished and their functions lumped together somehow within the framework of a super transportation regulatory agency.

If as a result of the rate study, which I believe to be necessary, and the study of the other substantive provisions of the laws administered by the existing com-

missions, such as would be provided under S. 784, it is determined that the statutory mandates of the various commissions can be standardized or at least harmonized, the principal reason which has been assigned to date for merger will have been eliminated. The majority of the proposals for procedural reform advocated by the Council, such as increased reliance on rulemaking and reduction of the number of issues decided on a case-by-case basis, clearly do not require merger for their implementation.

In any event, the study provided for under S. 784 is an obvious necessity if we are to avoid regulatory chaos in connection with attempting to merge the three transportation regulatory commissions. It is even more necessary in my opinion to provide a rational blueprint for regulatory reform, which may or may not include the creation of a single agency or commission to regulate all modes of transportation.

I will have more to say on a number of the subjects covered in the Ash Council Report later. The purpose of these remarks is simply to bring the existence of their report and some of its salient recommendations to the attention of my colleagues. While I find much to disagree with in the report, it is bound to stimulate the sort of vigorous public discussion which the President indicated was his reason for releasing it. In so doing the President urged "all concerned to respond with their comments or criticisms by no later than April 20, in order to help us restructure the regulatory process to make it realize the expectations of the American public." I am hopeful that he will receive the widespread response to the report which he is apparently seeking.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement of the President upon releasing the report to which I have referred and a fact sheet released by the White House summarizing the background, findings, and principal recommendations contained in that report.

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

STATEMENT BY THE PRESIDENT

Today, I am releasing an extensive study on the organization and structure of seven major independent regulatory commissions. Prepared by my Advisory Council on Executive Organization (The Ash Council), the study contains far-reaching recommendations for change.

Of varying ages, the regulatory agencies were established for a variety of purposes.

Following the near collapse of the railroads after the Civil War, and the ensuing era of monopolistic and discriminatory practices, the Interstate Commerce Commission was established in 1887.

The desire to improve competitive markets and protect consumers and shareholders from fraudulent practices were the central goals of the Federal Trade Commission, created in 1914, and the Securities and Exchange Commission, created in 1934.

On the other hand, the development of Federal regulation of radio communication and the radio industry, culminating in the establishment of the Federal Communications Commission in 1934, was in response to an industry seeking regulation of the spectrum for its own protection.

However, there was a thread common to all—the effort of the Federal Government to protect the members of the consuming public against market abuses over which they had little or no control.

Since their establishment, all of these agencies have grown in haphazard fashion—and despite repeated criticism and calls for reform, very little change has been undertaken beyond some modest internal reorganization.

As the agencies deal in areas of great sensitivity, in which major economic interests are affected, and in which interrelationships exist between the executive, the Congress and the courts, the reluctance to reform can be readily explained.

The Ash Council found considerable merit in the following criticisms that some have leveled against the commissions:

1. That, lacking in direct accountability to anyone, their structures frozen into a cast set years ago, the commissions have at times been unresponsive to changing circumstances, and to new needs.

2. That they have at times failed to carry out their statutory responsibilities with either effectiveness or efficiency.

3. That the very constituency they were established to serve—the consuming public—is now the source of increasing and legitimate complaints.

4. That their collegial decision-making is inefficient and permits avoidance of responsibility.

5. That the regulatory process has in some areas become so obscure and complex that it has effectively insulated vital issues of policy from public scrutiny and correction.

6. That the activities of the commissions are largely uncoordinated either with each other or with national policy goals.

However, it should be noted that the deficiencies of the independent agencies may not be entirely attributable to faulty organization and procedure.

The failure to review and reform outdated social and economic policies embedded in the regulatory fabric may also be partially responsible. In addition, the substantive goals of regulation often seem confused, unclear, or even contradictory. Regulation may have been extended to some fields in which market forces would better serve.

Too often, out of habit or inertia, governments maintain organization structures and agencies that are either no longer necessary, no longer relevant, or no longer truly responsive to the problems of the modern era.

The Ash Council's report persuades me that, despite the best efforts and intentions of the commission's members, there is room for substantial improvement both in the way in which these organizations are structured, and in the way in which they carry out their functions.

At this point, I have made no final decisions on the merits of the Council's recommendations. But to stimulate a vigorous public discussion, and to receive the benefit of the views of the agencies themselves, the regulated industries, the interested bar groups, consumer protection organizations and others, I am releasing today this full report of the Advisory Council.

I have asked the Ash Council staff to solicit comments from the broadest possible range of groups and individuals concerned and affected, including consumer and user groups familiar with the industries involved.

I urge all concerned to respond with their comments or criticisms by no later than April 20, in order to help us restructure the regulatory process to make it realize the expectations of the American public. Following an evaluation of these views, I will recommend to the Congress as may be appropriate, those reforms that appear desirable and in the public interest.

FACT SHEET: PROPOSAL FOR A NEW REGULATORY FRAMEWORK

(Report of the President's Advisory Council on Executive Organization on Selected Independent Regulatory Agencies)

BACKGROUND

Major and fundamental changes have taken place in each of the areas of economic enterprise under regulation by the seven independent regulatory commissions studied in the Council's Report:

In transportation, increasing integration between the various modes reflects a persistent striving for greater efficiency in the movement of goods and people;

In trade, new and probably enduring levels of public and producer attention are being given to the quality of goods and services, and to the operation of the marketplace;

In securities, even as the structure of the industry itself and the relationship between Government and industry are experiencing major changes, a well established trend toward institutional investment and new methods of financing are significantly altering the characteristics of securities trading;

In power, where industry structure is also undergoing change, supplies of electrical energy and natural gas have not consistently kept pace with increasing demands in certain areas, and new technologies have yet to take up the slack;

In communications, burgeoning technology has created new avenues for service and new products which together complicate the task of regulation and blur distinctions between the various forms of communications.

The independent regulatory commissions play a critical role in balancing the changing demands of the Nation for the goods and services of regulated industries and the related need for financially sound and effectively managed industries in the regulated sectors of our economy. Unfortunately, obsolete organizational forms limit the effectiveness of these commissions in responding to economic, technological, structural, and social change.

FINDINGS

The regulatory commissions are not sufficiently accountable for their actions to either the Congress or the President. Regulatory activities, therefore, are not adequately supported and are not effectively coordinated with national policy goals.

Inherent deficiencies in the commission form of organization prevent the commissions from responding effectively to changes in industry structure, technology, economic trends, and public needs. Moreover, even the most able administrators have difficulty in serving as coequals on collegial commissions.

Many commissions engage excessively in case-by-case adjudication as a basic for policy formulation rather than using less formal procedures such as exchanges of written or oral information, informal regulatory guidance, or rulemaking. The judicial cast of agency review proceedings generates an organizational environment inimical to regulatory efficiency and to constructive response to industry and the public.

Over judicialization of the administrative process encumbers the time and energies of commissioners and staff, imposes high costs upon litigants, and hinders coordination of agency policy and priorities with those of the executive branch.

Certain functional responsibilities are inappropriately distributed among the various commissions:

(a) Diffusion of responsibility for transportation regulation among the ICC, CAB, and FMC impedes the development and implementation within the Department of Transportation of a consistent national transportation policy. Moreover, responsibility for

promotion of transportation which has been vested in some regulatory commissions often conflicts with the regulatory activity of those agencies.

(b) Combination of antitrust enforcement and consumer protection in the FTC deprives that agency of a central purpose.

(c) Regulation of public utility holding companies should be transferred from the SEC to the FPC which possesses the necessary regulatory expertise regarding public utilities.

RECOMMENDATIONS

1. The transportation, power, securities, and consumer protection regulatory functions should be assigned to agencies headed by single administrators, appointed by the President, and respectively designated: Transportation Regulatory Agency, Federal Power Agency, Securities and Exchange Agency, and Federal Trade Practices Agency.

The communications regulatory function and the antitrust enforcement function should, as now, be carried out by multimember bodies for reasons supervening the advantages of a single administrator. The FCC should be reduced in size from seven to five members who are appointed to serve 5-year terms.

2. Internal agency review of proceedings should be limited in time and focused primarily on the consistency of the decision with agency policy. Thus, a 30-day period should be allowed after a hearing examiner's decision for policy review by the single administrator. In a greater percentage of agency cases, initial decisions of agency examiners should become the final determinations of the agency.

3. Appeals from final decisions of many agencies should be heard by an Administrative Court of the United States, consisting of up to 15 judges, appointed by the President and confirmed by the Senate for terms sufficiently long to attract men of high judicial quality. The Administrative Court should review appeals from final agency determinations of the transportation, securities, and power agencies. Decisions of the antitrust, trade practices, and communications agencies would continue to be reviewed directly in the Federal courts.

4. The ICC, CAB, and the FMC should be combined within a new Transportation Regulatory Agency.

5. The promotional subsidy-granting activities of the CAB should be transferred to the Department of Transportation.

6. The FTC's consumer protection responsibilities should be vested in a new Federal Trade Practice Agency.

7. The FTC's antitrust enforcement responsibilities should be vested in a new Federal Antitrust Board consisting of a chairman and two economist members.

8. The regulatory responsibilities of the SEC under the Public Utility Holding Company Act should be transferred to the Federal Power Agency.

Mr. Frederick R. Kappel's dissent to the Council's recommendations for single administrators and for a separate administrative court is on page 9 of the Council's report.

RICHARD BREVARD RUSSELL

Mr. ERVIN. Mr. President, one of the most perceptive journalists on the Washington scene is Mrs. Virginia Weldon Kelly, who had many opportunities to witness the great contributions which our departed colleague, Senator Richard Brevard Russell, made to our country.

On January 29, 1971, the Independent and Press-Telegram of Long Beach, Calif., published in their columns Mrs. Kelly's appraisal of Senator Russell as

an individual and as a national legislator. Her appraisal of this great Georgian and American merits the widest possible dissemination. For this reason, I ask unanimous consent that it be printed in the RECORD.

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

OF RICHARD BREVARD RUSSELL

(By Virginia Weldon Kelly)

"Richard Brevard Russell, Democrat, of Winder, Georgia," is his complete biography in the Congressional Directory. He was a modest, reserved man who detested self-aggrandizement.

When he died a few days ago, the Senate asked President Nixon to defer his State of the Union address for a period of Senate mourning. The President declined. But at the Joint Session of Congress he paid Senator Russell a tribute.

He said that when he visited the senator recently at Walter Reed Hospital, Mr. Russell did not refer to his condition, but made a plea for a strong national defense. This was characteristic of the senator's unselfishness.

For many years, he smoked three packs of cigarettes a day. In 1957, doctors said he had emphysema. At the same time, a brother who was a heavy smoker developed lung cancer. Senator Russell never smoked again, but he went downhill in health.

It is not true that he died a lonely and bitter man (as a Washington newspaper alleged) because he did not become President. Senator Russell never married because he had a tragic love affair in his youth. But he was an admirer and beau of lovely women at home and abroad.

He was one of the thirteen children of the chief justice of Georgia's Supreme Court and Mrs. Richard B. Russell, senior.

Devoted to his mother, he made a home for her throughout her long life. After her death, he had a bench placed by her grave in the family cemetery so that he could rest in the twilight to meditate and pray.

A deeply but quietly religious man, he was reared to read the Bible daily. He helped rear, educate, and counsel his many nieces and nephews, and their children, who were as close to him as if they had been his own. He suffered anguish when a nephew was critically wounded in Vietnam.

He knew no southerner could be nominated or elected President in 1952 when he briefly sought the nomination. He campaigned only a few days, and had no organization and little campaign money. But at the Democratic National Convention, he received 294 votes before Gov. Adlai Stevenson was nominated.

President Truman said, as did many other Democratic leaders, that Dick Russell could have been President if he had not been a southerner.

Senator Russell and Governor Stevenson were distant cousins. Early in the campaign, Russell visited Stevenson in Illinois but they could not agree on important matters.

In the Eisenhower Administration, Senator Russell warned the President, Secretary of State Dulles, and Assistant State Secretary Thruston B. Morton that it would be catastrophic to send arms and technicians to Vietnam. He told succeeding Presidents that involvement in a ground war in Asia was nationally suicidal. But he loyally supported each President when the nation was committed.

Senator Russell was the close friend of President Franklin D. Roosevelt and his successors. But a coolness developed between the Senator and Presidents Roosevelt, Truman, Kennedy, and Johnson because Russell deplored some of their policies. This was especially painful vis-a-vis Mr. Johnson because Mr. Russell exerted his influence to

make Johnson Senate majority leader—the big step toward the presidency.

Senator Russell always said he was a fiscal liberal in a depression, but a conservative in good times.

Frugal and above reproach in private and public life, he never even accepted fees or expenses for making speeches.

After he refused to serve on the Warren Commission, the senator was amazed when President Johnson publicly announced that Russell would serve. He did so, but was dissatisfied with the evidence presented and other aspects of the investigation of President Kennedy's assassination.

He was active in legislation which provided rural electrification, home and farm loans which helped millions of poor whites and blacks.

He led the southern bloc against civil rights legislation, but he knew it would come.

Roy Wilkins and other black leaders praised Senator Russell for his leadership in areas other than civil rights.

He supported intervention in Korea, and he advised President Kennedy to take a strong position in the 1962 Russian missile crisis in Cuba.

Senator Russell considered that the Bay of Pigs fiasco and failure to overthrow Castro contributed toward the Vietnam war.

An intellectual, an avid reader of history, he was a renowned constitutional lawyer, a formidable parliamentarian and debater.

Until his illness, he was a skilled woodsman, angler, and hunter; and a baseball and football enthusiast.

ANNOUNCEMENT OF MEMBERSHIP OF JOINT COMMITTEE ON DEFENSE PRODUCTION

Mr. SPARKMAN. Mr. President, section 712(a) (1) of the Defense Production Act, as amended, provides that the Joint Committee on Defense Production shall be composed of 10 members, five of them members of the Senate Committee on Banking, Housing, and Urban Affairs, and five of them members of the House Committee on Banking and Currency. The law provides that these five members from each of the committees are to be appointed by the chairmen of the respective committees, three from the majority and two from the minority party.

The Senate members of the Joint Committee on Defense Production will be the Senator from Alabama (Mr. SPARKMAN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Utah (Mr. BENNETT), and the Senator from Texas (Mr. TOWER).

INDIFFERENCE TO FATE OF SCIENTIFIC AND ENGINEERING COMMUNITY

Mr. MUSKIE. Mr. President, I ask unanimous consent that the column entitled "A Word for Science," written by Robert Bendiner, and published in the New York Times of January 15, 1971, be printed in the RECORD. Mr. Bendiner trenchantly argues the need for utilizing our vast scientific and engineering resources in the immense tasks that we have neglected so much at home, especially the problem of pollution. The column addresses itself to those who are indifferent or even hostile to the fate of the scientific and engineering community. I think of this problem more in terms of reorienting the investments we

have made in research and engineering from space and military to domestic areas.

It is the same old theme of priorities. In this case, however, we are talking about research and engineering that must be completed before meaningful capital investments can be made. For instance, in the field of pollution control, 5 years of well-financed and highly directed research in the area of waste treatment might lead to the development of techniques which in turn would make past treatment processes obsolescent or even obsolete. The research must come first.

The costs of the Vietnam war and the misallocation of our resources have delayed and perhaps fatally weakened many of our domestic programs. Even more tragic has been the overwhelming use of our scientific and engineering communities in areas that do not benefit our domestic community. We can no longer delay in reorienting at least this sector of our economy if we are to attack our domestic problems in the future with any degree of sophistication.

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

A WORD FOR SCIENCE

WHAT TECHNOLOGY HAS DONE TO THE EARTH, TECHNOLOGY CAN CURE

(By Robert Bendiner)

Until recently rich and revered as the great American faith, science has fallen on lean and hungry days. Some 50,000 assorted scientists and engineers are now walking the streets, driving taxis or running gas stations. Where industry recruiters once stood in line to snag fledgling physicists before they could even shed their commencement robes, nearly half the 1967 crop of Ph.D's in physics still had not found full-time work in their field two years after graduation.

Research projects once welcomed by university presidents for the lush finances they attracted to their institutions are so thinned out by now that the president of the National Academy of Sciences talks grimly of the whole national research structure approaching a "shambles." Government money, long since become the secret ingredient of scientific progress, has in some cases shrunk in absolute terms and in others failed sadly to keep up with inflated costs. And among students themselves the linking of research with defense, of progress with pollution, has so discredited science that it has a hard time competing with Tarot cards and enlightenment by way of the Zodiac.

In this age of racial romanticism a certain denigration of science is probably inevitable. An electronic rock musician rates ahead of a physicist, rationalism is equated with insensitivity and science is blamed for all the sour products of materialism, instead of materialism being blamed for the misuses of science. Yet to all who want to right the wrongs supposedly fostered by science, particularly to those who want to clean the air, water and earth of this planet, it should be plain that there has never been greater need of the scientist, the engineer and the technician or less sense in their being unemployed for so much as an hour.

We need them, to start with a modest example, to develop efficient machinery for recycling waste. Here would be a triple boon to society: It would dispose cleanly of the rubbish that threatens to bury whole populations alive; it would yield materials better than many ores now being mined to the detriment of the earth above them, and it

would preserve those same resources against the day when they might be desperately in demand.

We need scientists, engineers and technicians to develop fuels that can generate more electric power without fouling earth, sea and sky in the process. But why more electric power? Indeed, why not cut back on power and return to a simpler, less demanding, way of life? If only waffle irons and electric toothbrushes were at stake, the argument would be unanswerable.

But the fact is, we need more power to do the very recycling of waste that is so desirable. We need it to operate the vastly expanded sewage treatment plants that a growing population demands. We need it for that immeasurably developed system of mass transportation that our metropolitan areas must have if the automobile is not to make the human lung outmoded. We need it for the herculean clean-up of the nation's lakes and rivers. And, not least, we need it if all who are just emerging from dire poverty are to enjoy a standard of living we have so come to take for granted that many now hold it in scorn (or pretend to). Those who have yet to enjoy it understandably prefer not to knock it till they've tried it.

To achieve these ends—and we are concerned here with keeping the planet livable—we are going to require sources of power that do not themselves add to the world's pollution. And here is opportunity for all the technique we can muster.

European cities, particularly Vienna, have made considerable progress in producing electricity as well as heat from solid waste. We are still not sure about picking the stuff up. Coal is the greatest power source we have, but it is dangerously dirty. Ultimately it will be converted to clean efficient gas—but when? Nuclear fuel promises equally clean and even cheaper power, but atomic plants are still in the Model-T stage. If time, talent and money were concentrated on the breeder reactor, the results could be enormously rewarding.

So it goes. Unlimited cheap fuel with no pollution whatever is the promise of controlled hydrogen fusion, which is thought to be some thirty years off. But need it be? Likewise off in the distance are such other great potentials as oil from shale and geothermal power.

The importance of all these sources lies in the fact that electricity itself is totally clean and nonpolluting. Let it at last be cleanly produced and cleanliness will follow in space-heating, in industry, in transportation, in everything. The world will be so sanitized that we might almost miss the dirt.

On all these fronts—not to mention fields like biology, medicine and oceanography, which not even the most romantic rebel deplores—there is such great good to be done that funds, far from being begrudged, should be poured out as though our lives depended on it. They do.

ADDRESS BY SENATOR DOLE BEFORE NATIONAL FARMERS UNION CONVENTION

Mr. HANSEN. Mr. President, the members of the Rocky Mountain Farmers Union are presently visiting Washington, and are conducting their 69th annual convention sessions in the Capital City.

Last evening, Farmers Union members were addressed by the Honorable Bob DOLE, Chairman of the Republican National Committee and Senator from the farm State of Kansas.

Senator DOLE expressed during his message a point which bears repeating: The Republican Party cares about farm-

ers, the Nixon administration cares about them, and both are able to match words with deeds.

Senator DOLE took occasion to outline, in some detail, ongoing programs and achievements which evidence interest in the welfare of those engaged in agriculture. So that this record can be reviewed by others, I ask unanimous consent that his speech be printed in the RECORD.

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

REMARKS OF SENATOR BOB DOLE, REPUBLICAN NATIONAL COMMITTEE CHAIRMAN, 69TH ANNUAL CONVENTION, NATIONAL FARMERS UNION, FEBRUARY 25, 1971, WASHINGTON, D.C.

I am pleased to be with you this evening at this 69th annual meeting of the National Farmers Union, especially for the opportunity it affords to discuss agricultural facts and the real issues. Over the many years of my strong and continuing interest in farm matters, I have learned much from my NFU contacts. I know these will continue to be constructive.

I welcome this opportunity to be with you, for we share a common concern. It is concern for American agriculture and for all segments of American life.

With that concern, we also share a common determination. It is a determination to face squarely the problems of the present, and together develop constructive answers for a brighter future.

It is significant that Tony Dechant has seen fit to invite the chairmen of the two great political parties to discuss issues affecting you this evening. It is significant as an indication of administration interest in farmers that President Nixon should choose for the top Republican political post a man from a western Kansas wheat town who has served on the House Agriculture Committee, is presently serving on both the Senate Committee on Agriculture and Forestry and the Select Committee on Nutrition and Human Needs. I have travelled abroad and will continue to travel whenever the need arises to promote the best interests of all people under the food for peace program. You will recall that this program was initiated by President Eisenhower in 1954 and has had strong bipartisan support ever since. It is one of the greatest and most constructive programs to advance the foreign policy interests of the United States.

Let me make one point clear—just as Secretary of Agriculture Clifford Hardin was given the charge by President Nixon to represent the farmers of this country in the councils of government—so will the present chairman of the Republican National Committee fight not only in the Senate, but also in the political arena for those interests.

Let me say at this point that those interests—the interests of farm people—are the interests of America—just as the strength of a dynamic and progressive agriculture is a source of strength and progress for our nation and the world.

You know and I know that there is a great deal of misunderstanding among our citizens both over the importance and the complexity of farm and rural programs.

If you will permit me one small partisan remark—and I know you suspect that I have one little one tucked away—I can't help be dismayed by the attitude that city Democrats have toward agriculture.

REFUSED TO SERVE

That attitude was manifested this year when Congressman Herman Badillo of New York City refused to serve on the House Agriculture Committee. Congressman Badillo's fellow Democrats were unhappy that he did not remain on the Agriculture Com-

mittee, since the Committee oversees the major anti-poverty legislation concerning food stamps, commodity distribution and school nutrition. Two years ago Representative Shirley Chisholm said, "All I'm asking for is something more relevant than agriculture," when it was suggested by Democrat colleagues that she devote some time to tackling one of the major domestic problems facing the nation—our food and farm policy.

I believe the attitude of these two city Democrats is symbolic of a great segment of the Democratic Party—a group of people who hold dear very little of the values that exist in rural America; values that has made and do make America great.

I am reminded, of course, that similar observations have been made about my own party—that we Republicans don't care about the farmer and rural America.

I even recall a quote from my own friend, Bob Poage of Texas, who once said that neither political party cared about 5 percent of the population when the other 95 percent was off the farm.

GOP DOES CARE

Well, friends, I'm here to tell you that's only half right. The Republican Party does care, and I'm going to do my best to see that it continues to care, and I know President Nixon is going to do his very best to bring prosperity and tranquility to the ruropolis as well as to the metropolis.

Words and phrases are, of course, empty echoes unless accompanied by deeds. And this administration will be like every other administration—measured by its deeds—not its words.

There was a great Democrat who once said, "Let's look at the record." Let's take a quick look at some items of accomplishment that farmers and rural residents from across the nation can examine.

FARM INCOME

First of all, the 1961–1968 average realized net farm income was \$13.8 billion. The 1968–1970 average—the Nixon years—was \$16.0 billion, or 16 percent. You and I know this is still inadequate. It's still not fair, but it's a start. We intend to do even better with new programs.

GRAIN DUMPING

I recall the millions of bushels of grain dumped into the market to hold down prices during the Freeman years. I recall a former Secretary of Agriculture expressing pleasure when farm prices fell, and a Chairman of Economic Advisors under President Johnson stating on television that dumping corn and other grains on the market was good because it would result in lower hog prices.

I recall an effort made in the House Agriculture Committee to raise the minimum resale price above the 105 percent of loan level and the pressure that came from the Great Society to maintain that low resale price—an effort which was successful by the narrow margin of one Democrat.

I recall the outcries from the farmers union *GTA* against this market-destroying activity.

However, my recall mechanism does not include any statements of criticism of these policies by the present chairman of the Democratic National Committee in regard to the interests of our farm families on this real dollar and cents issue.

NO DUMPING POLICY

I can recall in the mid-sixties farmers would dread the day Commodity Credit Corporation was to announce the sale of some surplus grain. It was a pretty sure bet grain markets would drop 3c to 10c. I am pleased to say that the minimum legal resale for grains is now 115 percent of loan. *CCC* is getting that much and more. There is no "dumping" philosophy or practice in this administration.

CXVII—259—Part 4

Foreign nations know they can depend on the U.S. to deliver the quality grain they want. Your local cash price once again reflects export sales. This is a healthy trend, for as world markets expand, grain prices should increase. On top of this, the farmer still receives his marketing certificate for 100% of parity on his domestic production. When you combine the cash price you receive when you sell your grain and average the marketing certificate income, a blend price is the result.

Let's look at the blend price on wheat the past three years. In 1968 it was \$1.79 per bushel. In 1969, it was \$1.89, and in 1970 it was \$2.11 per bushel. If the administration is successful in maintaining and expanding world markets for U.S. grains, we can foresee a further increase in this blend price in 1971.

IGA

In regard to the international grains agreement, there is another matter of overriding interest to grain farmers and to all the membership of this great farm organization—which I should like to lay on the table for your careful analysis. For it is time you got the real facts on the International Grains Agreement and what it did to you—not for you.

The I.G.A. proved to be an international economic disaster, especially for U.S. wheat growers, despite the following November, 1967 statement by President Johnson at the signing on behalf of the United States:

"The new arrangement thus will prove new price insurance to U.S. wheat farmers."

It proved to be low price insurance and losing market insurance. Other countries undersold us and we were left "holding the bag" full of unexported wheat.

I will not take the time of this group to detail all the reasons for the quick demise of the I.G.A. Perhaps, just the following few words, couched in diplomatic language, by Secretary Hardin on November 17, 1969, are sufficient:

"World production and exportable supplies have climbed to record levels, but import needs have fallen. These changes have been of sufficient magnitude to cause extreme downward pressure upon world wheat prices. Thus the price provisions of the new arrangement were immediately put to the severest possible test. Among the problems encountered with the wheat trade convention are a number of structural deficiencies, which tended to distort trade patterns and weakened confidence in the fairness and workability of the arrangement."

Just listen to this comment by the Australian Minister for Primary Industry, the Honorable J. D. Anthony:

"What has happened is that France has increased her sales at the expense of Canada and the United States. At the same time, the Australian Wheat Board has taken full advantage of its favorable position under the I.G.A. and has been very vigorous and successful in its marketing. As a result—and there is no doubt about this—Australia has gained more than her traditional share of the world market. While this has been happening, countries who are not parties to the I.G.A.—particularly the Soviet Union and East European countries—have been expanding their sales at prices out of line with I.G.A. prices."

A NEW AGREEMENT

A new agreement was negotiated and announced earlier this week which enables U.S. wheat growers to prosper from expanding markets. The machinery of the International Wheat Council for consultation and the collection of detailed information about prices, commercial and concessional sales and freight rates will be maintained. The IWC will also keep under review the possibility of convening another negotiating conference

when and if it appears that the problems of establishing a reference wheat and a pricing arrangement appears feasible. The new agreement also provides for period meetings and continuous consultations on the general wheat markets. During the life of the new agreement, wheat trading prices are determined by the ordinary play of market forces.

It is the intention of this administration to obtain our fair share of the world wheat markets. Our wheat growers deserve every consideration, and we intend to see that they get it.

HUNGER AND FOOD

Let us discuss another factor of our American scene in which NFU membership has a great direct and indirect interest. It is the question of hunger and malnutrition in the United States.

In May, 1969, President Nixon delivered a memorable "Hunger Message," in which he said, "That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable." Since that date, the United States has moved forward in overcoming these problems.

While there are some whose hunger for headlines exceeds their thirst for facts, I feel you should have an exposure to facts of record since 1969:

A tripling in the number of people benefitted by the Food Stamp Program, from 3.2 million to 9.5 million.

More than a five-fold increase per month in the value of food stamp bonus coupons, from \$22 million to the current monthly value of \$128.5 million.

An increase from 3.8 million to 6 million in the total of needy children receiving free or reduced-price meals at school. Some 800,000 additional youngsters benefit from special food service and school breakfast programs. Total participation in the school lunch program approaches 24 million.

A widening geographic research for food assistance. In May of 1969, 436 of the country's more than 3,000 counties and independent cities lacked a family food program for poor people; that total has now been reduced to 10.

A near doubling of the total coverage of family food assistance programs, from 6.8 million persons to 13.2 million today.

This is a proud record for all America, for we are well on the way to attaining the President's goal—to banish hunger from this land for all time.

Never before had the leader of a great nation set such a goal as a matter of national policy. Never before in the history of mankind had a nation committed itself to cope with hunger and malnutrition on such a vast and unprecedented scale. Never before have farm families benefitted from so many new and better customers.

But, one more comment. The Food Stamp Program now includes nearly 10 million people throughout the nation. It now incorporates a key element of the President's Family Assistance Program, that is, the "workfare" provision. It includes a specific requirement that those who are able to work should be willing to work if they want to receive the helping hand of their fellow citizens and taxpayers who finance the Food Stamp Program.

FARM EXPORTS

Just a week ago, the USDA issued a press release with the heading "1970 Farm Product Exports Hit Record \$7.2 Billion." This was 22 percent above 1969. All of us should rejoice that American farmers cracked the \$7 billion barrier for the first time in history . . . and like the man said, "You ain't seen nothin' yet," because we are on our way to a \$10 billion annual export goal.

You and I know it is most important that we expand our agricultural exports. In considering farm policy, one must be sensitive to the fact that export outlets for feed grains,

wheat, cotton and soybeans, including the products, provide an important share of the market. And we have to be most concerned with the need to maintain and expand these outlets.

Our programs must look to overseas markets, and we must be prepared to compete for maximum utilization of our products throughout the world.

If U.S. farm exports are to reach our \$10 billion goal by the next decade—a necessary objective—they must move competitively in the markets of the world. It will be our policy to do everything feasible in our discussions with foreign governments to stimulate export markets for U.S. farm families. We are not satisfied with the results of the Kennedy round of trade negotiations. We know now that in that round agriculture was treated as a poor relative.

MARKET OPPORTUNITY

The new agricultural policies in their emphasis on expanding markets provide an outstanding opportunity to gradually increasing orientation toward a market concept which lets you, the farmer, make most of the decisions. This is in distinct contrast to the previous supply management, government controlled view of commodity movements which assumed that those in Washington are endowed with greater market and production wisdom than you have. Actually, by the end of the 1970 marketing year we will have made considerable progress in keeping the government out of the market for sales of agricultural commodities. The statistics bear this out. Witness the following data on reduction of carryover stocks:

(Amounts in millions)

	1969	Estimate 1971	Reduction in carryover
Wheat (bushels).....	819	725	-94
Feed grains (tons).....	50	34	-16
Soybeans (bushels).....	324	75	-249
Cotton (bales).....	6.5	5	1.5

I believe that by the end of this marketing year, the Commodity Credit Corporation will have disposed of all or practically all of its stock of soybeans and corn, and it is the administration's policy to develop programs that will prevent commodities from coming into CCC ownership. Implicit in this concept is the need for agriculture to hold and expand its markets, and achieve higher farm income.

FUTURE OUTLOOK

Now, let's take a quick look into the crystal ball and see what agricultural legislation is pending in coming months.

First, the Sugar Bill expires this year. The present program regulates sugar imports and assures domestic producers about 60 percent of the total market. A decreasing schedule of payments is made to the producer, based on the market of his production. The Act is in effect self-financing. Hearings are expected to be conducted in the near future and Congressional consideration of this legislation is expected early in 1971.

Second, pesticide legislation is to be considered. I needn't remind you of the importance of this legislation. Anyone who has handled these chemicals as much as you have on your farms knows the two factors that must be considered in this legislation:

(1) They are dangerous. They will kill or injure if not handled and applied properly.

(2) They are vital to agriculture. These chemicals have in some cases, replaced the "hired" man . . . in fact, several hired hands if you were to attempt to farm without the valuable "tools" of pesticides and herbicides.

Proposed legislation by this administration would classify these chemicals and restrict the use of the chemicals. Hearings will be held on this legislation in the near future in

the Senate. They are already underway in the House. Closely related to this environmental problem is agricultural pollution which is being considered in the Public Works Committee of the Senate of which I am a member. Through the use of sedimentation and other techniques, the abatement of water pollution from animal feedlots can be effectively controlled. The real problem in controlling the amount of runoff rain water that mother nature chooses to drop in the feedlot area. Hearings will be held on this problem soon.

RURAL DEVELOPMENT

Third, rural development is a term used throughout the nation today. Some people would have you believe it is the answer to all the ills of the city. Some proponents visualize literally moving thousands of our urban dwellers back to the rural communities. I've seen the mess some of the urban renewal projects have created—and we don't need to copy that mess in rural America.

A good rural development program will come about only in time—it will evolve—for if we were to attempt a massive shift of population, the rural economic, social and ecological environment could be destroyed in the process.

Consequently, this administration is working toward providing the tools to assist this evolution. Title IX of the Agricultural Act of 1970 dealt with the first step—to appraise existing rural programs and assure residents of rural areas the same federal service and privileges the urban dweller enjoys.

The Rural Telephone Bank Bill was favorably reported by the Senate Agriculture Committee yesterday. This legislation has been pending in the past four Congresses, but the Nixon Administration is the first to advocate and support it. I both hope for and anticipate prompt passage of this constructive measure. It will assure rural America the means to establish comparable telephone service as is available in urban areas.

A Rural Development Bank to make financial and technical assistance available for the establishment or expansion of rural private or public enterprises has also been introduced. Considerable research is underway on other rural development legislation, including a comprehensive revision and expansion of the farm credit system.

Fourth, and not to be minimized, is farm bargaining. Proposals along this line have been made repeatedly in the past with little success. Of the numerous proposals being discussed so far this session of Congress, it would seem a new emphasis is being aligned and there is some well-founded optimism that needed legislation will be worked out.

We all know we have problems. We all know that we all make mistakes. I am not foolish enough to try to tell you that this or any other administration has been perfect in its agricultural or rural record. You and I know there have been mistakes, but I want you to know that whatever errors that occurred were made without malice and in most instances were corrected as quickly as possible.

CONCLUSION

To conclude, I would like to draw attention to some areas where I see agreement between farmers and the Republican Party:

Neither the Republicans nor the farmers like to see surplus grain accumulate and "dumped" on the market to force farm prices down. Under this administration, CCC stocks have been reduced and that grain sold on the market was at margins which did not reduce cash prices to farmers.

Agricultural chemicals are essential "tools" for farmers, and this administration is working to preserve their continued safe and appropriate use.

Farmers like a chance to be independent and to make as many decisions on their farms as possible. This administration helped Congress pass legislation which, for the first time in a decade, permits farmers to plant

more of whatever crop makes him the most money.

Export sales help improve domestic prices for grain and this administration has actively pursued expansion of exports of all grains.

Farmers and Republicans feel an obligation and a desire to feed the poor and hungry through commodity distribution, school feeding programs, and the Food Stamp Program. These programs are being expanded as rapidly as possible without losing control of their administration.

I think the farmers and the Republicans agree with the way Louie Armstrong put it on a recent television interview as he recalled an admonition of his father, "We ought to help the poor, needy people . . . but not the poor, lazy." If a man is not handicapped and can work, he should be willing to work to earn food stamps or welfare payments.

Dairy farmers have been generally satisfied with administration actions regarding price support levels, market promotion and other legislation—and this administration has not recommended that housewives use the "low-priced spread."

Rural people and Republicans are completely in tandem on the need for supplemental financing for rural telephone borrowers in order to expend and improve telephone service to farmers, ranchers, and other residents of rural America.

Farmers and Republicans agree the 16.7 percent of disposable income the American consumer pays for food is the biggest bargain in the world.

So let's keep tabs—deeds speak louder than words. From this list and those items we see as possible legislation in the near future, I can see farmers and Republicans already have a lot in common, and there's a lot more to come.

THE GREGORIO CASE

Mr. BROOKE. Mr. President, on February 11, 1971, a young Filipino couple, Angelica and Apollinario Gregorio, were deported from the United States to the Philippines. They left behind their two young sons, Lloyd and Lawrence, ages 2 and 1 respectively, both of whom were born in the United States.

Mr. and Mrs. Gregorio had been in this country for nearly 2½ years, having arrived September 1, 1968, on 30-day visitors' visas. Throughout that period of time, they applied on innumerable occasions for an extension of their visas. The reasons advanced by the couple for these extensions varied: The health of the children, the health and pregnancy of Mrs. Gregorio, Mrs. Gregorio's application for third preference as a professional person, the acceptance of the couple by an educational institution.

On October 9, 1970, only 3 days before the third of four deportation orders were to be carried out, the Gregorios filed suit in the Federal District Court in Boston alleging that since Mrs. Gregorio had married out of her class in violation of Philippine tradition the couple "will in the Republic of the Philippines—sic—be an object of socioeconomic persecution—which persecution is reasonably expected to visit substantial and irreparable harm and damage." Later, in speaking to the press, the couple alleged that they had violated Philippine marriage laws, and that if they were deported to the Philippines the penalty for the husband would be death.

In the previous 2 years and 2 months of petitions to the Immigration Service

and the Federal courts, the Gregorios had never cited possible physical harm of persecution as a reason for extension of their visitors' visas. Nor did they ever file with the immigration authorities—as was their right—a petition under section 243(h) of the Immigration and Nationality Act which specifically provides for exceptions in cases of religious, racial, or political persecution. Philippine authorities when consulted by this office and appraised of the statements made by the Gregorios vehemently denied that the couple had violated any Philippine laws. They dismissed the charges that the couple was likely to encounter persecution in the Philippines as "ridiculous."

With the cooperation of my staff, I made an indepth study of all available evidence. I conferred with the Immigration Service and studied the records of the Gregorio case from the time of their first application for visitors' visas in 1968. I made a thorough study of the judicial record in the case. My colleague from Massachusetts (Mr. KENNEDY), whom the Gregorios first approached for assistance, made all of his records in the case available to me.

I conferred and corresponded with the Philippine Embassy and the Philippine Consulate General in New York about the serious legal and public policy questions which the Gregorios and their counsel raised. I also consulted with the Chairman of the Senate Judiciary Committee and appropriate staff personnel about committee policy and the rationale underlying that policy in cases of this kind.

On the basis of this exhaustive investigation, I decided not to introduce a private bill in Mr. and Mrs. Gregorio's behalf. I made that decision on the basis of the facts as I was able to ascertain them. I was also convinced that such a bill would not have been enacted by the Senate and the House.

In the final days before the Gregorios' deportation, reports about the case reached crescendo proportions in the Boston-Massachusetts media. I regret to say, Mr. President, that most of these reports were one-dimensional, ignoring the complexity of the case and in some instances reporting as fact what was, in truth, fiction.

A full, detailed explanation is not only in order; it seems to me it is mandatory if those who have followed this case are to understand truly what has happened and why it has happened.

Mr. President, I am considerably saddened that the Gregorios, who were by law precluded from remaining in this country, chose to leave behind their two young sons, who by birthright are U.S. citizens.

At the same time, I do think it would be eminently unfair for the more than 159,000 people who remain in the Philippines awaiting the issuance of permanent resident visas and to their families and sponsors who for many months have anxiously awaited their arrival in the United States to even try to create an exception to existing immigration law.

In the belief that this account will be of interest to the Senate and to the public, I ask unanimous consent that it be printed in the RECORD.

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

THE GREGORIO CASE INTRODUCTION

On Thursday, February 11, 1971, Apolinario and Angelica Gregorio were deported from the United States.

Their departure from Logan International Airport in Boston was the occasion of considerable interest in the part of the press and the people of Massachusetts. For four days preceding their departure and since, articles and news reports have abounded. Statements of fear that the Gregorios would face persecution and death upon their return to the Philippines have been made.

Questions have been raised as to the fairness and effectiveness of the U.S. immigration laws and the adequacy of the legislative remedies available in these cases.

Such questions must be answered. The public record, and the public right to know, demand a full and complete response. The many hundreds of Massachusetts citizens who have written and phoned about this matter, the many thousands more who may entertain unspoken doubts, and the many millions of people throughout the world who have seen fragmentary reports of this particular case and as a result are now experiencing doubt about our democratic system, all deserve to know the facts.

The answers could have been provided by a number of sources. The Immigration and Naturalization Service could cite the law, the precedents, the provisions under which exceptions are granted. The official representatives of the Republic of the Philippines could answer questions about that country's laws and customs as they pertain to this case. The Senate and House Judiciary Committees could provide appropriate information on instances in which legislative remedies are approved.

But this office was sought out as a "court of last resort." And it was this office which, on the basis of the entire record determined that the Gregorio case did not merit legislative action.

What follows is an attempt to set forth all the facts of the Gregorio case. The full chronological record is cited. The claims made by the Gregorios and the press are listed. The cases is explained including House and Senate Judiciary Committee policy and the policy of this office. The conclusions which were reached complete the presentation.

CHRONOLOGY

July 23, 1939: Birth date of Apolinario Gregorio.

May 26, 1947: Birth date of Angelica Dy Gregorio.

May 26, 1968: Day upon which Angelica Gregorio reached majority.

July 20, 1968: Marriage of Apolinario and Angelica Gregorio.

August 31, 1968: Apolinario and Angelica Gregorio admitted to the United States for 30 days on visitor visas—to expire September 30, 1968.

September 30, 1968: Gregorios apply for extension of their temporary stay in the United States until December 3, 1968 "to have enough time to see the U.S." Extension granted.

December 3, 1968: Gregorios visitors' visas expire. Gregorios are illegally present in the U.S.

December 6, 1968: Gregorios apply for another extension of visitors' visas to March 30, 1969. Extension denied because of "failure to establish that (Gregorios) intend to depart from the U.S. within a definite time."

Gregorios informed by Immigration and Naturalization Service (INS) that their departure on or before March 6, 1969 would be satisfactory.

January 7, 1969: Lloyd Gregorio, son of

Apolinario and Angelica Gregorio, born in Niskayuna, New York.

February 26, 1969: Gregorios apply for another extension of visitors' visas for one year in order that their son, Lloyd, might receive inoculations and vaccination claimed necessary to be given over a period of twelve months. No action taken by INS.

March 6, 1969: Gregorios' visitors' visas expire. Again, Gregorios illegally present in the United States.

March 25, 1969: INS initiates deportation proceedings against Gregorios.

April 11, 1969: Gregorios appear with counsel at deportation hearing in Albany, New York. They admit deportability. Special Inquiry Officer issued order permitting voluntary departure on or before May 25, 1969.

April 29, 1969: Gregorios apply for another extension of visitors' visas to June 24, 1969. Extension granted.

April 29, 1969: Angelica Gregorio files third preference petition as a Criminologist, in an effort to adjust her status to that of a permanent resident.

May 13, 1969: Third preference petition denied for reason that Angelica Gregorio did not possess the necessary qualifications. No appeal was taken.

June 17, 1969: Gregorios apply for another extension of visitors' visas to July 25, 1969. Extension granted.

July 10, 1969: Gregorios apply for another extension of visitors' visas to September 15, 1969 based on Angelica Gregorios' "current fit of inoculations before travelling to the Philippines." Extension granted.

August 7, 1969: Gregorios informed by INS that no administrative avenues were open to them for adjustment of status to that of permanent resident. Gregorios ordered to depart on or before September 15, 1969.

September 13, 1969: Gregorios apply for extension of visitors' visas to October 30, 1969 based on Angelica Gregorios' "current health and pregnancy." Extension granted.

October 30, 1969: Gregorios' visitors' visas expire.

Congressman Daniel Button of New York introduces private bill in House of Representatives to adjust Gregorios' status to that of permanent resident.

October 31, 1969: Gregorios apply for another extension to January 9, 1970 on grounds of Angelica Gregorio's pregnancy. Extension granted.

November 26, 1970: Lawrence Gregorio second son of Apolinario and Angelica Gregorio, born in Niskayuna, New York.

January 9, 1970: Gregorios' visitors' visas expire.

January 24, 1970: Gregorios apply for another extension of visitors' visas to February 26, 1970. Extension granted.

February 26, 1970: Gregorios' visitors' visas expire.

March 23, 1970: Gregorios' reply for another extension of visitors' visas to April 30, 1970. Extension granted.

April 30, 1970: Gregorios' visitors' visas expire.

May 21, 1970: Gregorios apply for another extension of visitors' visas.

May 27, 1970: Application for extension denied by INS. Gregorios ordered to depart on or before June 12, 1970.

June 12, 1970: Gregorios fail to depart. Deportation warrants issued.

July 21, 1970: Gregorios applied for another extension of visitors' visas citing difficulty in making travel arrangements, and expressing desire that the second son should be vaccinated prior to departure.

September 9, 1970: No action taken because of outstanding warrants of deportation. Gregorios applied and accepted for full courses of study at Washington Educational Center, Schenectady, New York, for purpose of adjusting status to student visa. INS refuses approval because of outstanding warrants of deportation.

October 2, 1970: Gregorios notified deportation will take place on October 12.

October 8, 1970: Charles Mamakos and Christie Perdikes of Massachusetts, attorneys at law, retained by the Gregorios.

October 9, 1970: Gregorios file suit in the U.S. District Court in Boston seeking temporary restraining order on deportation. Assistant U.S. Attorney for Massachusetts advised counsel for Gregorios to proceed on petition for review in U.S. Circuit Court of Appeals for 2d Circuit in New York.

October 13, 1970: Gregorios file petition for Review of the Deportation Order in the U.S. Circuit Court of Appeals for the Second Circuit in New York.

October 19, 1970: U.S. District Court in Boston denies Gregorios relief with reference to suit of October 9th. Gregorios appeal to the U.S. Circuit Court of Appeals for the First Circuit in Boston.

December 10, 1970: Gregorios request Senator Edward M. Kennedy to file private bill in the United States Senate to adjust their status to that of permanent residents.

December 14, 1970: Senator Edward M. Kennedy denies Gregorios request for introduction of private bill and refers case to Senator Edward W. Brooke.

January 12, 1971: Gregorios withdraw Petition for Review of Deportation Order in Second Circuit Court of Appeals in New York.

February 1, 1971: Gregorios notified deportation will take place on February 9, 1971.

February 9, 1971: Gregorios applied to U.S. Circuit Court of Appeals for the First Circuit in Boston for temporary restraining order.

U.S. Circuit Court of Appeals for the First Circuit in Boston issues temporary restraining order pending hearing on February 10, 1971.

February 10, 1971: U.S. Circuit Court of Appeals for the First Circuit denies application for injunctive relief.

February 11, 1971: Angelica and Apolnario Gregorio deported to the Republic of the Philippines.

CLARIFICATION OF THE FACTS

(1) *Reported:* Mrs. Gregorio is considered royalty and Mr. Gregorio is considered to be a peasant in the Philippines. (*Herald Traveler*, 2/10/71).

Reported: Mrs. Gregorio's family objects to her marriage to a commoner because it violates the caste system. (*Quincy Patriot-Ledger* 2/11/71.)

Fact: Consul Vincent Reyes, Philippine Consul General in New York stated in his letter of February 17, 1971, to the *Boston Globe*, "there is no 'royalty' in the Philippines."

Fact: The Honorable Alferedo F. Tadiar, trial court judge on leave from the Philippine government to study at Harvard School of Law, in a letter to the editor of the *Boston Globe*, 2/17/71: "I wish to state that the Philippines is a democratic state. We pride ourselves in being the only Christian nation in Asia. We have had no tradition of and there exists no legal discrimination by reason of social class, race, color or religion. There is no such thing as a 'royalty' class, at least for the overwhelmingly Christian Filipinos (more than 90 percent of the total population)."

(2) *Reported:* The couple violated the Philippine marriage law. (*Boston Globe*, 2/8/71).

Reported: Apolnario Gregorio faces possible execution under the Island's marriage laws. (*Boston Globe*, 2/12/71).

Alleged: If the Gregorios are returned to the Philippines, the marriage is doomed. (letter from Attorney Charles P. Mamakos to Senator Kennedy dated 12/10/70).

Alleged: Philippine society is 'persecutive' in nature. (letter from Attorney Charles P. Mamakos to Senator Brooke dated 12/30/70).

Fact: Philippine Consul General Reyes

stated in same letter of February 17, 1971 to the *Boston Globe* that, "Under Philippine criminal law, there is no penal sanction upon the act of contracting marriage between any two persons except where such act of contracting marriage constitutes bigamy or polygamy as defined by law. The death penalty is imposed in the Philippines only on the most serious and heinous crimes."

The Consul also stated that, "The persons whose names appear in the by-line of the (*Globe*) article did not communicate in any way with the Consulate concerning the matter. The only inquiry received was a telephone call by a lady who claimed to be an employee of the *Boston Globe* and who was emphatically advised that the allegation concerning the death penalty for marrying a 'daughter of the royalty' is pure fantasy."

Fact: The Honorable Alferedo F. Tadiar stated in letter to the *Globe* of 2/17/71: "I could not help being outraged at the imputation given by this 'Romeo and Juliet' story that the Philippines is still living in the benighted medieval ages when official sanction is given to the murder of anyone marrying against parental wishes! Nothing could be farther from the truth. Under Philippine laws, a woman 18 or over (Angelica Gregorio was 21 years of age at the date of her marriage) is absolutely free to marry whosoever she pleases, irrespective of class, race, color or religion. She does not need parental consent and can get married even against their opposition. Where she is over 18 but under 21, the law only imposes a waiting period of three months to think things over, where there is parental opposition. This is for the laudible purpose of preventing rash marriages for which no remedy of divorce is available in the Philippines. After said three months period, she is free to get married. I wish to stress that social class is and has never been a legal ground for a parent to object to a marriage."

(3) *Reported:* "The Philippine Consulate in New York confirmed that the death penalty still can be imposed on a peasant who marries the daughter of royalty against her family's will, as in this case." (*Boston Globe*, 2/12/71).

Fact: In a letter to the *Boston-Globe* of February 17, 1971, the Philippine Consul General in New York, stated "It is regrettable that the *Boston Globe* should falsely attribute such as a ridiculous statement to this Consulate. This Consulate absolutely denies having made such a confirmation."

Fact: In a letter to Senator Brooke dated February 23, 1971, the Philippine Embassy in Washington, D.C. stated "It might also interest you to know that the Embassy has been informed by the Consulate General in New York that it had had several previous discussions with the Filipino couple's lawyer over the past two years in connection with the deportation proceedings, and that not once had the alleged possibility of the couple's execution in the Philippines been mentioned in these conversations."

(4) *Reported:* The Gregorios lived in the Philippines as man and wife for a year in fear of being murdered by the Philippine authorities. (*Boston Globe*, 2/8/71).

Fact: The Gregorios lived in the Philippines as man and wife approximately 1½ months before departing for their visit to the U.S. on September 1, 1968. They did not return to the Philippines until their deportation on February 11, 1971.

(5) *Alleged:* The Gregorios needed a private bill to assist them to remain intact as a family unit. (letter from Attorney Mamakos to Senator Kennedy dated 12/10/70).

Fact: They had the option of taking the children with them to the Philippines.

Fact: During the period of time that they were in the United States, the Gregorios had the option of going to a country other than the Philippines to establish a home. They then could have waited in this third country

as Philippine citizens until permanent immigration visas became available to them for their return to the United States as permanent residents. They never pursued this alternative.

(6) *Alleged:* It is unfair of the U.S. Government to allow persons from Communist countries to receive political asylum, but "not allow asylum for social persecution which is equally, if not more, intolerable, degrading and dehumanizing . . ." (letter from Attorney Mamakos to Senator Kennedy dated 12/10/70).

Fact: On October 9, 1970, (two months before they wrote to Senator Kennedy and two months and 21 days before they wrote to Senator Brooke) an Assistant U.S. Attorney in Boston advised the Gregorios through their attorneys Mamakos and Perdikes that if they feared persecution because of race, religion or political opinion at the hands of the Philippine Government, the Attorney General of the United States was authorized by Section 243(h) of the Immigration and Naturalization Act to withhold deportation. No request was ever made by the Gregorios or counsel in their behalf under this provision.

(7) *Alleged:* The law now permits any U.S. citizen over 21 to bring in parents "regardless of his or her character as a citizen." (letter from Attorney Mamakos to Senator Kennedy dated 12/10/70).

Fact: The Department of State is authorized to determine whether an alien is admissible under all sections of the law—including moral character. (section 212(a) of the Immigration and Nationality Act of 1952 as amended).

(8) *Reported:* Brooke's office failed to keep them posted on the situation. (*Boston Globe*, 2/8/71).

Reported: It was as if they didn't even care about these people. (*Boston Globe*, 2/8/71).

Reported: An appeal to Senator Edward Brooke went unheard. (*Boston Globe*, 2/12/71).

Fact: After Senator Edward Kennedy denied the Gregorios' request to introduce a private bill on their behalf, he referred the case to Senator Brooke on December 13, 1970. On December 16, Senator Brooke wrote to Charles Mamakos, attorney for the Gregorios, as follows: "As long as this matter is pending before a court of law, I am unable to intervene. Once the decision is rendered, I shall be happy to review the file to insure that all administrative remedies have been exhausted." On this date, December 16, 1970, the Gregorios had an appeal pending in the U.S. Circuit Court of Appeals for the First Circuit in Boston.

Attorney Mamakos and Senator Brooke's office were in constant telephone contact, sometimes as often as 4 or 5 times a day. Attorney was subsequently informed that the information supplied by the Immigration and Naturalization Service, Senator Kennedy and the Philippine Embassy, along with the information acquired through independent investigation, in the Senator's opinion, did not warrant the introduction of a private bill. In addition, allegations which were highlighted by press stories during the week of February 8, were thoroughly researched and found to be unsupported. The Senator reviewed the case again, and after careful consideration concluded that the facts still did not warrant the introduction of a private bill.

RELEVANT STATUTES AND LEGISLATIVE POLICY

The law governing immigration into the United States is contained in 66 U.S. Statutes at Large 163 (1952) as amended by 79 U.S. Statutes at Large 911 (1965).

Any private legislation introduced by a Member of Congress is, by definition, an attempt to obtain an exception to that law.

1. *United States Senate, Committee on the Judiciary.*

(a) Letter from Chairman James O. Eastland to Senator Edward W. Brooke, February 24, 1971.

"The Congress will not approve private legislation in the case of aliens who enter the United States temporarily, and thereafter seek to remain permanently unless unusual equities are present, since enactment of any private bill granting permanent residence deducts a quota number, thus depriving an alien lawfully awaiting his turn on the quota waiting list abroad from the opportunity of immigrating to the United States . . . Certainly, the facts in their cases present no basis on which to justify granting them relief through private legislation, and are no different from those on which the committee has acted adversely."

(b) Memo from Senator Edward M. Kennedy to Senator Edward W. Brooke, February 24, 1971.

"In this particular case it is doubtful that even a private bill would have been beneficial to the Gregorios. It would only serve to delay their inevitable departure.

In addition the introduction of a private bill in behalf of the Gregorios would have created an opening for a deluge of similar requests. It would be impossible to handle these requests with equity and fairness.

Last year alone 159,459 Filipinos legally qualified for permanent residency. It would be unjust to deny these people of their legal rights by introducing a private bill for the Gregorios who do not legally qualify for permanent residency."

2. *House of Representatives, Committee on the Judiciary. "Rules of Procedure."* Adopted February 1970).

"6. The Subcommittee shall not address to the Attorney General communications designed to defer deportation of beneficiaries of private bills who have entered the United States as visitors, exchange visitors, students, stowaways, in transit, or deserting seamen, or by surreptitiously entering without inspection through the land or sea borders of the United States. Exemption from this rule may be granted by the Subcommittee in cases where the bill is designed to prevent extreme hardship. However, no such exemption may be granted unless the author of the bill has secured and filed with the Subcommittee full and complete documentary evidence in support of his request to waive this rule."

3. *Policy of the Office of Senator Edward W. Brooke:* The policy of this office has been and is to introduce private bills only in cases where extreme and unusual hardship can clearly be substantiated should the intending immigrant be required to leave the United States.

After a careful review of the facts, a review of the judicial proceedings, consultation with immigration officials, the Philippine Embassy, the Consulate General in New York, the office of Senator Edward M. Kennedy, the appropriate congressional committee, together with an independent investigation, I concluded that the Gregorio case did not support the introduction of a private bill.

THE DEATH OF SENATOR RICHARD B. RUSSELL

Mr. MUSKIE. Mr. President, Richard B. Russell was a man for trusting. He was courteous. He was considerate. He expected the best from his colleagues and he gave the best of himself. But above all, he was a man we could trust.

We knew he listened to us, considered our views, and responded honestly with intelligence and wisdom. He earned the confidence and affection of his colleagues, and spanned the differences of age, region, and political philosophy. His

character won friends. It won respect. It won influence, and it earned good will and understanding for Georgia and the South.

Senator Russell's presence reminded two generations of Senators that the confrontation of ideas need not fuel ill-will. He demonstrated that honorable men can hold honest disagreement without questioning the motives and integrity of another.

These are the qualities that make cooperation and progress possible in a free society. These are the qualities which made Richard B. Russell a great American and great Senator.

In common with so many of my colleagues, I recall my personal relations with Senator Russell. He was unfailingly kind, courteous, and understanding. I shall miss him as a friend and remember my associations with him as one of the privileges and highlights of my Senate career.

THE ALASKA PIPELINE: AN INTERVIEW

Mr. STEVENS. Mr. President, I believe that a series of articles published in the *Seattle Times* is an important source of information about the proposed trans-Alaska pipeline. The series was written by Stanton H. Patty, who was a newsman in Alaska before joining the *Times* staff.

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

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

ALASKA OIL—PIPELINE FIRM PLEDGES TO PROTECT ENVIRONMENT (By Stanton H. Patty)

Alyeska Pipeline Service Co. will pledge itself to maximum protection of the environment and to hiring as many Alaska natives as possible when new Interior Department public hearing on the proposed trans-Alaska oil pipeline begins Tuesday in Washington, D.C.

"We will welcome the opportunity to tell what we have found to be reassuring about this project," Edward L. Patton, Alyeska president, told *The Seattle Times* in an exclusive interview.

Patton answered more than 100 questions posed by *The Times* on topics ranging from environmental concern to financing.

Among other things, he said:

The aboriginal land claims of Alaska's 55,000-plus natives, now pending in Congress, must be settled before construction can begin.

Even if the land-claims issue is settled this year, federal court injunctions are lifted and the necessary federal permits are issued, it is doubtful that construction of the pipeline itself can begin this year.

However, if all the above hurdles are cleared by July, Alyeska likely will start construction of the pipeline service road—north from the Yukon River to Prudhoe Bay—in October.

Following this schedule, with pipeline construction beginning in 1972, it should be possible for the first Arctic oil to be flowing through the pipeline by fall of 1974. If the needed permits and other factors had fallen into place this month, the pipeline could have been in operation by the spring of 1974.

Alyeska will conduct schools in Alaska to train and qualify as many Alaskans as possible for pipeline-welding and other jobs.

Special efforts are planned for Alaska natives.

Alyeska already has spent about \$6 million on environmental-research and investigations—in addition to other millions spent by the owner oil company. The Alyeska expenditures have included such studies as tundra-reseeding experiments, testing of effects of warm-oil pipelines buried in permafrost and studies of caribou migrations. Not included in the \$6 million are extensive soil investigations carried out along the 800-mile pipeline route.

Between 5,000 and 8,000 persons will be employed during the construction period. The exact number will depend on how condensed a construction schedule Alyeska decides to set.

Total right-of-way for the pipeline will amount to only 8.2 square miles—versus Alaska's over-all area of 586,412 square miles. When the road, airstrips, pumping stations and the tanker terminal at Valdez are added, the entire project will occupy a total of just 55 square miles.

Operational safety of the pipeline will be assisted by an elaborate microwave communications system, automatic monitors, emergency shut-off valves and other features.

Patton emphasized that the pipeline will be elevated in permafrost zones that truly are problem areas.

"We have no intention of burying the pipe in unstable soils or in soils that could become unstable when thawed," Patton declared.

Patton also conceded that further long delays could kill the project for the trans-Alaska route from Prudhoe Bay to Valdez.

"Obviously," he said, "there is a point at which (increasing) costs could cause us to drop this way of doing and go on to another scheme."

This could happen, for example, if the temporary injunction granted to conservation groups is made permanent and Alyeska faces a lengthy legal battle all the way through the United States Supreme Court.

What would be the alternatives to the Prudhoe Bay-Valdez route?

There have been no firm decisions on alternatives. But Patton indicated that likely options could include: A trans-Canada oil pipeline from Prudhoe Bay to the American Midwest, or a short pipeline from Prudhoe Bay to a port at Herschel Island, in Arctic Canada's Yukon Territory, for tanker shipments to the East Coast by way of the North-west Passage.

"The cost is getting higher and higher every day we wait," Patton said.

PIPELINE WILL COST IN EXCESS OF \$1 BILLION

To hear some of the critics of the proposed Alyeska pipeline, one might get the impression that Ed Patton is something of an ogre who presides over a sinister apparatus for the big, bad oil companies.

Not so.

Patton, 54, is a soft-spoken Virginian with almost 33 years of experience in the petroleum industry. He has a sincere concern for the environment—and believes the trans-Alaska pipeline can be built and operated safely.

Twice for Humble Oil & Refining Co. in Norway and in California, he was responsible for building clean refineries. The most recent, at Benicia, Calif., won an award from the San Francisco Water Quality Control Board, for outstanding conservation activities.

Now Patton is "on loan" from Humble to serve as president of Alyeska Pipeline Service Co., the combine of seven oil companies assigned the job of designing, constructing, operating and maintaining the 800-mile oil pipeline in Alaska.

Patton intends to see that it is done right. So does the Interior Department, which has written a long list of environmental stipulations.

"I have my own personal standards of environmental protection that I would have insisted on, even if the Department of Interior hadn't imposed any," Patton said.

Understandably, Patton is irritated by irresponsible attacks from some zealots who are trying to block construction of the pipeline. But he is sure of his facts and prepared to weather the rest of the storm.

The reason I was given this job is that I have demonstrated my concern for the environment," he said.

In a wide-ranging interview with The Seattle Times at Alyeska's Bellvue headquarters, Patton put dozens of the facts on the line. Here are some of the answers:

Q. Who owns Alyeska?

A. The largest shares are owned by ARCO Pipe Line Co., BP Pipeline Corp. and Humble Pipe Line Co. Owners with lesser interests are American Hess Corp., Mobile Pipe Line Co., Phillips Petroleum Co., and Union Oil Co. of California.

Q. What happened to the 2 per cent share sold by Home Oil Co., one of the original owners?

A. Some of the other owners bought Home's interest.

Q. Are other North Slope oil producers eligible to join Alyeska?

A. An outside company could try to acquire shares, but the present owners have the right of first refusal if shares are to be released. The pipeline will be a common carrier, so it would be possible for outsiders to ship their oil through it, but probably at a higher cost than will be paid by the Alyeska member companies.

Q. How much will the pipeline cost?

A. More than \$1 billion, but the owners will not disclose how much more until all contracts have been awarded. This is to guard against possible automatic escalation of bids.

Q. What will be the pipeline's initial capacity?

A. 600,000 barrels a day, after an extensive testing period. This may be followed by an "intermediate" capacity of 1.2 million barrels daily, but this stage has not been approved yet by the owners.

Q. What will be the ultimate capacity?

A. 2 million barrels a day, with capacity expanding as required and as funds become available through the owner companies.

Q. How many pumping stations are planned?

A. Five in the beginning; 12 at full capacity.

Q. How much oil would there be in each mile of the line at any one time?

A. About 11,000 barrels, based on 42 gallons to the barrel.

Q. How fast will the oil move through the pipeline?

A. Probably at less than 2 miles an hour with initial capacity; at just over 7 miles an hour at full capacity.

Q. What will be the per-barrel cost of transporting the oil to market through the pipeline?

A. This has not been determined. Alyeska eventually will provide a detailed cost estimate to the owners so they can design a tariff structure.

Q. How will the oil be gathered from wells at Prudhoe Bay and fed into the pipeline?

A. There will be two crude-oil receiving tanks—each capable of holding 210,000 barrels—at Prudhoe. Producers will run metered lateral lines into these tanks and the oil will be pumped from there into the Alyeska pipeline.

Q. What is the estimated life of the Prudhoe oil field?

A. Patton said it is none of his business, but he has heard about 30 years. Some say it will be longer.

Q. What is the total right-of-way requested for the pipeline?

A. Fifty-four feet, to permit ample room for construction and maintenance. The 1920 Mineral Leasing Act provides 54 feet for pipeline right-of-way. Even at that, the entire pipeline will occupy a total of only 8.2 square miles along its 800-mile route from Prudhoe Bay to Valdez.

Q. How much pipe is on hand now in Alaska and what is its origin?

A. About 700 miles of the 48-inch-diameter steel pipe has been delivered to Alaska. The balance will be there by July. Three manufacturers in Japan are supplying the pipe.

Q. How will the pipe be protected?

A. It will have a special coating to protect it from chemical corrosion. In addition, there will be an integral cathodeprotection system built into the line to prevent electrolytic corrosion.

Q. Have contracts for the coating work been awarded?

A. Yes. Work will begin in the spring at three plants—in Valdez, Fairbanks, and Prudhoe Bay. The job is to be completed during the summer.

Q. What is the exact mileage of the pipeline?

A. Probably about 790 miles, depending on the outcome of additional soils investigations due to resume next month.

Q. What are the recoverable oil reserves of the North Slope?

A. Patton does not know for sure. The Alyeska owners are saying at least 10 billion barrels. Speculation ranges up to 50 billion barrels.

Q. If other major oil fields are developed on the North Slope, will other Alyeska-size pipelines be required?

A. Logic says, according to Patton, that future developments would make maximum use of the investment already in place before spending new money.

Q. Who owns the land the pipeline will cross?

A. Except for a small portion owned by private parties, the route will traverse land either selected by the State of Alaska, or federal land now in the public domain. Most is subject to the aboriginal land claim of Alaska's natives.

Q. How long will it take to build the pipeline?

A. About three years for the initial stages. There will be at least a dozen major contractors and "hundreds" of subcontractors.

Q. How many persons will be employed?

A. Between 5,000 and 8,000 during the actual construction period; about 200 to 300 during the operating period.

Q. Can construction of the pipeline begin yet this year?

A. Probably not. However, work on the pipeline service road from the Yukon River to Prudhoe Bay might begin in about October, if the necessary federal permits are issued in time and the native land claims have been settled by Congress.

Q. Why does Alyeska feel an early start on the road is so important?

A. There must be a road before any pipeline construction can begin north of the Yukon River. The plan is to work from the Yukon River north and from Prudhoe Bay south with pipeline installations, behind the road construction. Meanwhile, on the southern part of the pipeline (south of the Yukon River) it may be possible to begin a number of "spreads" simultaneously. This will depend on the number of competent contractors Alyeska screens and signs. It may be that some contractors will be able to handle more than one segment.

Q. What is the earliest oil can be flowing through the line if permits are granted by summer of 1971?

A. Probably the fall of 1974.

Q. At what seasons of the year can Alyeska plan on pipeline construction?

A. It appears that work is not possible in

the Brooks Range area between about December 1 and March 1. Alyeska will take a good look at the possibility of year-around construction in other areas. In some areas it actually is desirable to work when the ground is frozen so as not to damage the tundra.

THIS IS ROUTE OF PIPELINE FROM PRUDHOE TO VALDEZ

The proposed Alyeska crude-oil pipeline will extend from Prudhoe Bay, on Alaska's Arctic North Slope to a supertanker terminal in the ice-free port of Valdez.

This is the route the line will traverse:

From Prudhoe Bay, the pipeline will follow the Sagavanirktok River and Atigun Valleys, then cross the Brooks Range by way of 4,800-foot-high Dietrich Pass.

On the southern slope of the Brooks Range the pipeline will follow the Dietrich and Koyukuk Valleys and cross the hills and muskeg of the Yukon-Tanana uplands to the Yukon River. The Yukon River crossing will be in the hills west of the Yukon Flats.

South of the Yukon River the line will pass through more rolling hills, going about 10 miles east of Fairbanks, then south to the Alaska Range. The line will reach an elevation of 3,500 feet as it crosses through Isabel Pass before descending into the Copper River Basin.

After it crosses the Copper River Basin it will enter the Chugach Mountains, reaching an elevation of 2,500 feet as it goes through Thompson Pass. From Thompson it descends through Keystone Canyon to the Valdez terminal.

The total distance is about 800 miles.

From Valdez, the oil will be shipped by tankers to refineries or other pipeline terminals in the "lower 48" states.

THE PIPELINE—COSTS MOUNT AS DELAY CONTINUES

The long delay in building the Alyeska crude-oil pipeline has been expensive—for everyone.

When the project first was announced in February, 1969, the cost of the 800-mile line was estimated at \$900 million. Now it may be past the \$1.5 billion mark.

In addition, the oil companies have been hurt by interest payments on money they tied up for the pipeline project. Not to mention the \$900 million or so in bonus bids they paid the State of Alaska in September 1969, for their North Slope acreage. Stockholders expect quick results.

The state has suffered, too. Not only does the state have to wait longer than anticipated to begin collecting severance taxes and royalties from North Slope oil, but the delay has resulted in increased costs for Alyeska Pipeline Service Co., which seem certain to boost eventual wellhead prices for the oil. The higher the wellhead price—which takes into account the cost of getting oil to market—the lower the state's take.

"What it all means is that we have had two years of escalating costs already," Edward L. Patton, Alyeska's president, said.

The Alyeska pipeline already rates as the most expensive construction project in the history of private industry.

Alyeska is owned by seven of the oil companies with holdings on the North Slope, or their pipeline subsidiaries. It is charged with designing, building, operating and maintaining the giant pipeline.

Here are other answers by Patton to questions posed by The Times:

Q. Was Alyeska perhaps taking too much for granted when it placed orders in Japan for the 800 miles of four-foot-diameter pipe before federal permits were granted?

A. No, the oil companies were acting in good faith. They were proceeding under the Mineral Leasing Act of 1920—the "pipeline law." This act provided a logical basis for

approaching the pipeline project. It has been done this way many times in the past.

Q. How much of the system has been designed?

A. In areas of the route where the Interior Department has not expressed concern, most of the engineering is completed. Design of the Valdez terminal also has been completed. Design of the pumping stations is very far along.

Q. What about the problem of installing a pipeline carrying warm oil through permafrost zones?

A. There are several kinds of permafrost. Pipe can be laid underground in "dry" permafrost areas of rock or gravel which have low-moisture content. Such areas remain stable in a frozen or unfrozen state and do not melt when thawed. Where high-moisture content permafrost is found, insulated pipe will be set above ground on a gravel berm or supported on structural bents. Thus, extensive thawing and melting of ice-rich permafrost will be avoided.

Q. How much of the pipeline will be elevated?

A. Interior is suggesting that about 400 miles, or about half of the pipeline, will have to be elevated. Based on its soil investigations, Alyeska estimates about 200 miles. We think the final figure will be somewhere in between. Alyeska will continue its soils investigations and provide the data to the Geological Survey, which will have the final word. Alyeska estimates it has about three more months of soils tests to conduct.

Q. Are Alyeska and the Geological Survey in conflict over details of the pipeline installation?

A. No, Alyeska has to give Geological Survey evidence to move (permafrost) areas from the questionable into the assured category for burying pipe. Alyeska will not bury any pipe in soils that would be unstable when thawed. Alyeska and Geological Survey always have been in agreement on that.

Q. How long have Alyeska and Geological Survey been working together on the project?

A. There have been continuous contacts since the spring of 1969. Alyeska has great respect for personnel of Geological Survey—including Arthur H. Lachenbruch, the scientist whose 1970 report on thermal effects of heated pipelines in permafrost Alyeska feels has been grossly misinterpreted by pipeline foes.

Q. At what temperature will the oil be transported through the pipeline?

A. The oil will emerge from the ground at 170 to 180 degrees, then cool to 100 to 145 degrees by the time Alyeska receives it. A final decision still is pending, but Alyeska probably will carry the oil at a temperature as low as 100 degrees to preserve natural fractions for various products and reduce thermal effects on the environment. The oil could be cooled at pumping stations along the route.

Q. How quickly could the pipeline be shut down in an emergency?

A. About 10 minutes. Valve closing is what takes the time.

Q. If a break should occur, how would the spilled oil be controlled?

A. Alyeska is working now on emergency plans. Berms could be used to corral pools of oil. Stockpiles of sand and gravel would be placed at strategic sites. Vacuum trucks would suck up liquid oil. If the oil were jelled by the cold, it would be scooped up and reliquified to re-enter the pipeline. Affected soil would be cleaned and restored.

Q. How will the pipeline be controlled?

A. The entire line can be controlled remotely from the main control station at the Valdez terminal—in addition to controls at each pumping station. The situation at each pumping station will be monitored continuously. Thus, emergency shutdowns could be accomplished either from Valdez or the near-

est pumping station. Pumping stations will be manned around the clock. There will be a microwave communications system, plus backup facilities to protect against failure. Shutoff valves, power-operated and remotely controlled, can be closed to compartmentalize the pipeline, if required.

Q. Can excessive pipeline pressures be avoided automatically?

A. Yes, there will be system controls, relief valves and relief tanks—plus backup relief valves—at all stations.

Q. What other safety precautions are planned?

A. The entire line will be visually inspected daily from the air, weather permitting.

Q. What about earthquake danger?

A. The system is being designed to remain safely operational under the most severe earthquake expected along the route. In addition, the entire system will be monitored seismically by instructions on the basis of G-forces and fractions of G-forces. Readings will be transmitted to the control station at Valdez. At the outset, the pipeline probably will be shut down at the first rumble of an earthquake. It will not be restarted until there has been a complete inspection. In time, we expect to build up a reference base of G-forces through which the pipeline can operate safely.

Q. Will everything be automated?

A. Yes and no. The entire pipeline will be monitored 24 hours a day by the Valdez control center. Two computers there will receive a continuous flow of information from points all along the line. The computers will evaluate the information and react accordingly. There also will be automatic equipment at each pump station. However, the automatic monitors will be backed up by human monitors keeping a 24-hour watch on the line.

THE PIPELINE—WHEN OIL WELLS RUN DRY, PIPE WILL VANISH

(By Stanton H. Patty)

What will be done with the Alyeska pipeline when the North Slope oil wells run dry?

Virtually all traces of the 800-mile line will vanish when that happens, Edward L. Patton, president of Alyeska Pipeline Service Co., said.

Interior Department stipulations require Alyeska to remove all surface evidence of the pipeline and plug the openings where the pipeline travels underground.

But Alyeska is not going to wait for that time before beginning restoration work. The company plans to reseed the entire route soon after construction with fast-growing perennials and grasses until the slower-growing natural vegetation can take hold again. Reseeding experiments already being conducted on the North Slope are encouraging.

Reseeding is more than aesthetic. Alyeska wants to protect the right-of-way from erosion.

Other answers from Patton:

Q. How will rivers be crossed by the pipeline?

A. Alyeska still is studying each case. It may be best to bury the line in river beds in cases; bridging may be best at other sites. When buried, the pipe will be coated with concrete four inches thick to prevent scouring.

Q. Where will gravel be obtained for construction?

A. Mostly from river beds. However, Alyeska will make some of its own gravel by crushing rock in areas of solid rock. Care will be taken to avoid removals in rivers when fish are spawning and incubating.

Q. How will wildlife be affected by the pipeline?

A. Industry scientists have been studying wildlife along the route for the past two years. Both the route and construction schedule take their findings into account to minimize effects on wildlife. For example, nesting

grounds and calving areas will be avoided in critical seasons.

Q. Will above-ground sections of the pipeline become a barrier to normal caribou migrations?

A. No, studies have shown that caribou normally range 25 to 40 miles a day. If well-worn caribou paths should appear after the pipeline is built, these areas will be provided with ramps or underpasses. Besides, Anaktuvuk Pass, in the Brooks Range, is the main caribou route and we are not using that pass.

Q. In addition to protecting caribou, why did Alyeska choose 4,800-foot-high Dietrich Pass over the lower, 2,200-foot Anaktuvuk Pass in the Brooks Range?

A. Because soils in Anaktuvuk Pass are too high in moisture content. This is another example of Alyeska trying to avoid unstable soils. The decision will result in the expense of an additional pumping station.

Q. How about hunting by pipeline crews?

A. No firearms will be permitted in the camps. Alyeska plans to be only a minor and temporary inconvenience to wildlife of the area.

Q. Will construction crews leave a trail of debris?

A. No. Alyeska will police contractors, and contracts will stipulate that every scrap of garbage and trash must be removed or they won't be paid. And Alyeska does not intend to be the cause of any air or water-pollution input.

Q. What kind of a road is Alyeska planning in connection with the pipeline?

A. Before, pipeline construction can begin north of Yukon River, a road must be built to accommodate construction equipment. This will be a gravel road, 28 feet wide, and about 350 miles long. In the south, most of the pipeline will follow the existing Richardson Highway to Valdez.

Q. Has part of the northern road been built already?

A. Yes, the 57-mile section from Livengood, which is 81 miles north of Fairbanks, to the Yukon River. Existing roads lead from Livengood into Fairbanks.

Q. How many lanes will the pipeline service road have?

A. Three. It must have room for two-way traffic, and a lane for equipment that is stopped and in place for pipeline work.

Q. Will the pipeline road be useable the year around?

A. Yes, within reason.

Q. How will the pipeline road differ from the infamous Hicel Highway, the temporary "ice road" that turns into a bog when winter ends?

A. There is no similarity. Alyeska is planning a permanent road, built according to 34 pages of Interior Department stipulations. To prevent the permafrost under the road from thawing, the road must be built so that it itself acts as an insulator. Tests have indicated that a gravel road bed up to five feet deep will provide the needed insulation.

Q. How many camps and airstrips will there be along the pipeline road?

A. Present plans call for nine camps and three airstrips. Fuel will be flown in for the construction equipment until we get the road going.

Q. What will happen to the road after the pipeline is completed?

A. It will be turned over to the state to be integrated into the state-highway system. In the meantime, Alyeska will maintain the road and control the traffic that is permitted to use it.

Q. What plans are there for spanning the Yukon River in connection with the road?

A. Alyeska will not build a bridge, thus preventing the road's use by casual traffic while under our control. We will use a construction-type ferry and winter ice bridge, in season, to get across the Yukon.

Q. Are standby costs being paid to some

contractors who moved road-construction equipment to the northern section of the proposed pipeline road before work was stalled?

A. Yes, but that information (cost details) is confidential. Alyeska chooses not to disclose to one contractor what another is receiving because each standby agreement was negotiated separately. Some contractors drove better bargains than others.

Q. What is the value of idle equipment on the road route now?

A. Perhaps \$30 to \$40 million, but this is a guess.

Q. Regarding the oil pipeline itself, has Alyeska learned much of value from various experiments and tests that have been conducted?

A. Yes. The information is proving very useful. It has shown that some of the things we feared haven't happened.

Q. There was a cold-pipeline test at Barrow. What did Alyeska learn from that?

A. For one thing, we found out that the effects of frost-heaving and ice-jacking are negligible, when compared with the strength of the pipe. We also learned how to protect the tundra from damage by installing a thin layer of packed snow. We also found it was possible to roll up tundra and replace it, like sod, and found that we can protect tundra with a layer of foam plastic topped with gravel.

Q. What is the nature of the hot-pipeline test now under way at the University of Alaska?

A. We are pumping air heated to 145 degrees through 1,000 feet of pipe buried in permafrost there to study the effects on the ground and to see whether heat will stimulate plant growth. This test probably will continue for several years, but we have received useful data already. There has been no significant ground warming so far. However, it is too early to tell conclusively what might happen after several years.

Q. Is Alyeska receiving information from a hot-pipeline test being conducted by another combine at Inuvik, in Northwest Territories, Canada?

A. We do have an information-exchange agreement with them.

Q. You discussed permafrost problems earlier, but could you go over it again in connection with the Alyeska pipeline?

A. It is obvious that if a warm line is buried in permafrost of high ice content, the heat of the pipe will thaw the permafrost and melt the ice, this causing a loss of support for the pipeline. That is why, after hundreds of test borings, geologists have selected a route that will take the pipeline through rocky, stable, dry permafrost for most of its journey. In these areas, the pipeline will not create an unstable condition. Where the line crosses ice-rich permafrost it will be elevated to avoid thawing the permafrost.

THE PIPELINE—FIRM PLANS TO TRAIN, HIRE ALASKA NATIVES

Ed Patton wants to make it clear that Alyeska Pipeline Service Co. is "not just fanning the breeze" when it promises to train and hire as many Alaska natives as possible for pipeline jobs.

"We mean it—we are putting it in writing," the president of the pipeline company, told The Seattle Times in an exclusive interview at the firm's Bellevue headquarters.

"We are going to make a special effort where the natives are concerned."

Alaska's natives include Eskimos, Indians and Aleuts. They make up about 20 per cent of the state's population.

Patton gave these answers when asked for specifics:

Q. What "special effort" does Alyeska have in mind for the natives?

A. For one thing, Alyeska will be running welding schools in Alaska for Alaskans. I hope we qualify a lot of native welders for work in building the pipeline.

Q. When will these schools begin?

A. Probably a couple of months before the first pipe spread goes into the field. It takes three to five weeks to train a pipe welder.

Q. What other training programs are planned?

A. We will probably run a qualification school to check out (construction) equipment operators, too.

Q. There are fears that much of the labor for construction of the pipeline will be imported from the "lower 48." Is this so?

A. We would like to hire 100 per cent Alaskans, if they are available and they can be qualified. That would be great.

Q. How many employes will you have after the construction period, that is, during the operating period?

A. Not over 300—to man the pumping stations, the terminal at Valdez, for maintenance, standby, and so on. In my opinion, we will be totally dependent on Alaskans—many natives—to operate the pipeline once it's done.

Q. Please comment on allegations that the pipeline project will disrupt the native cultures.

A. Alaskan native culture has been touched already by the modern world—not always for the good and not always for the bad. Our hope is that education, training and job opportunity provided by Alyeska—coupled with benefits from anticipated land-claims settlements, oil royalties and severance taxes—should improve present conditions for many of them.

Q. What position has Alyeska taken on the native land claims?

A. We take no position on the terms of the settlement. However, aboriginal claims of Alaskan natives, now pending before Congress, must be settled before (pipeline) construction can begin.

Q. Turning to the tanker terminal at Valdez, the southern end of the proposed pipeline, how many docks will there be there for supertankers?

A. In the initial stage, there will be two for vessels of from 16,000 to 250,000 deadweight tons and one for vessels of from 16,000 to 120,000 deadweight tons. Later, there will be at least one more, perhaps two more, additional docks, or a total of five eventually.

Q. How will oil be received from the pipeline at the terminal?

A. In the initial stage (for throughput of 600,000 barrels a day), there will be up to 15 crude-oil-storage tanks at Valdez, each with a capacity of 510,000 barrels. Later (the ultimate capacity of the pipeline will be 2 million barrels a day), of course, there will be additional storage tanks.

Q. What about treatment of tanker ballast at Valdez?

A. Alyeska will have a very sophisticated ballast water-treatment system. We will not load a tanker at Valdez unless the master of the vessel certifies in writing that he has not dumped any ballast at sea on the way to Alaska.

Q. What safety precautions does Alyeska plan at the Valdez terminal?

A. For one thing, no cargo hoses will be used for loading oil into tankers. A hose can break. We will use steel arms instead.

Q. What if an oil spill should occur in the Valdez harbor?

A. We will have automatic cutoff valves—and there will be a floating boom to drop quickly around a tanker if this should happen. We also will have suction skimmers to pick up the oil that might be spilled.

Q. What measures will Alyeska take to prevent tanker accidents in Prince William Sound?

A. There will be the latest navigation aids

and a modern communications system throughout the area. In addition, there will be in-and-out lanes established for tankers. There will be one-way traffic in Valdez Arm itself. When a tanker is going out, for instance, an incoming tanker would have to wait, and vice versa.

Q. Is Alyeska aware of the great value of marine resources in Prince William Sound?

A. Yes. We are awarding a contract for a long-term survey of marine life in Valdez harbor by marine experts so Alyeska will have basic information before any work is done there.

Q. Has the Valdez terminal been started?

A. No, and it won't be until we have a clear go-ahead on the pipeline.

Q. Why was Valdez chosen over other ports as the terminal site?

A. Valdez is the northernmost ice-free port in Southern Alaska—it's a good, sheltered, deep-water harbor. It is also the shortest route for the pipeline.

Q. Speaking of tankers, Humble Oil & Refining Co. has suspended its studies in the Northwest Passage after two seasons of work with the icebreaking tanker Manhattan. Does it appear to you that the Northwest Passage is dead now as a tanker route for moving North Slope oil to market?

A. Yes, for the short term—but the idea of icebreaking tankers is not dead, and I would expect that some day use will be made of them. The Arctic Islands of Canada, where they think they have oil, is where I believe they will have their day.

Q. What is the outlook for utilization of North Slope natural gas that will be produced with the crude oil?

A. It's going to be reinjected (into the wells) until there is a way to get it to market. It won't be flared or vented. A little will be used to fuel our northernmost pumping stations.

Q. What is the outlook for a natural-gas pipeline?

A. I think there is certain to be one through Canada from Alaska some day. Study groups are looking at this possibility now.

Q. Why not have the gas pipeline in Alaska instead?

A. It is not economical to tanker gas. And the most direct route to market is through Canada.

Q. The recent environmental-impact report on the Alyeska pipeline by the Interior Department said the pipeline is essential to the security of the United States. Why do we need North Slope oil?

A. The United States requires about 15 million barrels of oil a day. It now produces some 10 million barrels a day and this domestic production, excluding the North Slope—is expected to peak and then decline during this decade. We import crude oil from overseas sources, primarily the troubled Middle East. We have the choice of increasing our dependency on other nations—or developing our own domestic reserves. An assured source of energy will help maintain this nation's security.

Q. Alyeska recently began a series of nation-wide advertisements to sell the pipeline project to the public. Some of your critics have described the advertisements as misleading. What is your comment?

A. We didn't put anything in the ads that isn't the truth.

HUMAN RIGHTS AND INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, the United States has inspired ideas, movements, laws, and events which have advanced human rights in many other countries. The American Constitution, particularly the Bill of Rights and the

14th amendment, have left their traces in constitutions and in thousands of laws, charters, and manifestos. Some constitutions were drafted with our assistance—those of Liberia, the Philippines, the Federal Republic of Germany, and postwar Japan. American concern about human rights has been exported by American foreign policy and diplomacy, in protest against the mistreatment of minorities by czars and Hitlers; in peace treaties requiring the vanquished to respect the rights of minorities; in the growing protestations of customary international law assuring justice to aliens; in doctrines assuring fundamental human rights to all; in the human rights provisions of the United Nations Charter; in the United Nations Declaration of Human Rights; in covenants drafted under the auspices of the United Nations; and in conventions and institutions of European and other regional bodies.

Influence has not, of course, been a one-way street. Many of the rights protected by the Constitution owe much to French and British antecedents. The ideas and experiences of others helped bring our 18th century constitution up to the changing needs of a new age.

In one respect, however, the United States stood apart from international efforts to promote human rights. Louis Henken, writing in the University of Pennsylvania Law Review, August 1968 says:

Although the American Government has insisted that observance of human rights is indispensable to international peace and security; although our own observance of human rights is, in most respects, as high or higher than any in the world; although the United States has obligated itself to cooperate with other nations and international organizations to promote human rights; although American representatives have played principal roles in drafting declarations and covenants advancing freedom and justice—the United States has generally refused to adhere to international efforts to establish minimum standards for individual human rights.

For instance, the Genocide Convention has awaited ratification by the Senate since 1949. The United States did not sign the convention on the status of refugees, which it helped draft and promote, until August of 1968.

The United Nations Human Rights Conventions are an attempt to build a lasting body of international law. Through them, we can achieve the international cooperation necessary to help rid this planet of famine, war, persecution, and discrimination.

By our favorable action on the Convention on the Prevention and Punishment of Genocide, we can make this need a reality. The lesson we must learn is that our future lies not in a retreat from the international arena, but in a strengthening of it.

CHILE CANNOT HAVE IT BOTH WAYS

Mr. FANNIN. Mr. President, two subjects in which I have a very deep interest are Latin America and copper.

CVXVII—260—Part 4

Recently there have been some very disturbing developments in Latin America, and these developments have involved copper.

The Chilean Government, under newly elected Marxist President Salvador Allende, is expropriating outright American-owned copper investments without paying fair, prompt, or effective compensation.

At the same time, the new Chilean Government proposes to receive loans and grants both from the United States and from U.S.-financed international agencies.

The startling effort on the part of the Allende government to have its cake and eat it too can only be appreciated fully by remembering several important facts:

First. The preceding government, under President Frei, negotiated and virtually forced the American copper companies to sell 51 percent of their interest in most of the American-owned mines in Chile. The American companies agreed under duress, in large part because they were to be paid, even if inadequately, in dollars and over a reasonable period of time.

Second. The Chilean Government formally ratified these contracts. Not only were the contracts approved by the President, but also by the Chilean Congress.

The Allende government now intends to expropriate all American interest in the copper mines without any real compensation. American investment in related plants and equipment purportedly will be paid for in 30-year Chilean bonds at 3-percent interest. Thus, Allende proposes both to repudiate the solemn contracts made by the Government of Chile only months ago in violation of international law. The mines will be seized illegally; the proposed payment for the plant and facilities is not prompt; the interest rates are ridiculously low; and since Chile has 30-percent inflation per year, there is really no compensation at all. Moreover, Allende contends there have been certain excess profits that must be returned and that taxes must be increased retroactively. Thus, through a ridiculous process that is totally inconsistent with law or ethics, he can argue that the American companies actually owe Chile money.

There are certain other pertinent facts. To begin with, the U.S. Government has loaned or granted \$1.7 billion to Chile; a billion dollars has yet to be repaid. Moreover, the U.S. Government has insured over \$350 million in loans to American copper companies in Chile. If the Allende government expropriates these insured American investments, then our taxpayers will have to pick up a \$350 million tab.

It is difficult to see how any government, even one headed by a Marxist, could believe that the wholesale violation of international law along with the systematic repudiation of its own government's contracts, could be rewarded with continued loans, grants, and trade preferences by law-abiding countries. Yet that apparently is precisely what the Allende government expects. It was only shortly after the Chilean Senate passed

the President Allende's proposed constitutional amendment to seize American investments without compensation that the President sent his Minister of the Economy to meet with officials of the Alliance for Progress to ask for financial assistance. The Alliance is financed largely by the United States.

Does President Allende really expect the U.S. Government to continue furnishing financial assistance directly or indirectly to a government that plunders U.S. citizens? Chile is at the crossroads. She has a choice of abiding by international law and contracts and thus remain with her historic friends in the hard currency area and receive assistance from Western Hemisphere governments. Or she can continue her plans to expropriate U.S.-owned property in violation of international law, thus isolating herself from the entire Inter-American financial system and bring on economic ruin. Surely the impoverishment of Chile and its people can hardly be the goal of even a Marxist president. Some claim that President Allende is a Chilean first and a Marxist second. We shall soon see if he considers Marxist dogma to be more important than jobs for his own people.

Mr. President, I ask unanimous consent that an editorial on this important subject, published in the New York Daily News of February 23, 1970, be printed in the RECORD.

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

DELEGATION FROM CHILE

A delegation came up from Chile to Washington over the weekend headed by Pedro Vuskovic, Minister of the Economy in Marxist President Salvador Allende Gossens' new Chilean government.

Sr. Vuskovic wants foreign capital to invest in Chile and wants to tell the Alliance for Progress why he thinks such investment would be well-advised.

What makes the Vuskovic mission look dubious is the fact that Allende is talking about grabbing Chilean properties of U.S. nationals and other foreigners, with alleged compensation which won't compensate or come anywhere near it.

INVEST IN A RED COUNTRY?

If Allende & Co. do that, any foreigner thereafter investing a dime in Chile will be a damned idiot. And any foreigner now investing in Chile is being imprudent.

What are needed are (1) an ironclad guarantee from Allende (whom some call as honest as a Red can be) of the safety of future investments in Chile, and (2) an earnest show of good faith in the form of proper payments for any foreign holdings Allende may nationalize.

Helpful, too—most helpful—would be a stern warning from our White House and State Department that we want no Castro-style thieveries in Chile, and will retaliate (peaceably, of course) if any are committed. How about it, Mr. President Nixon?

IMPORTS OF JAPANESE TEXTILES

Mr. TALMADGE. Mr. President, press reports today indicate that the Japanese textile industry has agreed to unilaterally restrain its textile and apparel exports to the United States. According to the newspapers the Japanese proposal involves:

First. One overall quota at 1970 import

levels for cotton, wool, and manmade fiber textiles. There would be no restraints on individual textile or apparel products.

Second. A short-term period of restraint—not more than 2 years.

Third. An annual growth rate of 5 percent.

This proposal is totally and completely inadequate and cannot be accepted by this administration nor by this Congress. To put it bluntly it is a sham. It apparently excludes all yarn and all manmade fiber.

Without limitation by product lines, the Japanese can concentrate their total exports to the United States in any given market, undercut that market, and shift into another market. This type of limitation is meaningless and worthless.

Now what is this proposal? It is one developed by a Japanese trade association aimed at a major economic problem of the United States. It is designed purely to let the Japanese capitalize on their years of frustrating reasonable negotiation.

There can be little doubt that it is designed to undercut legislation and to destroy the long-term cotton arrangement. Taken with all our past experience in dealing with the Japanese, it demonstrates conclusively the need for legislation to provide proper limitations on our textile imports.

That the Japanese textile industry would put forward such a proposal shows its arrogance and its contempt for our own Government. It gives the Japanese industry all it wants and locks in the heavy job displacements our domestic industry has already suffered. But it does even more. It guarantees additional job displacements on a compounded basis.

This proposal would set the pattern for action by other exporting countries. Japan, while the largest exporter, accounts for any one-quarter of our total imports. These other countries would expect at least as liberal treatment.

It raises the sorry spectacle of the Japanese textile industry frustrating the Congress of the United States from expressing its will on this subject. It is an affront to the administration which has spent 2½ years in an effort to reach a reasonable agreement with the Japanese Government.

We cannot allow ourselves to be put in such a position. The proposition is meaningless. Any enforceable agreement must be on a government-to-government basis. It cannot and will not work, and I do not intend to be a party to it. Rather, I intend to do all that I can to see that appropriate legislation is pushed to a successful conclusion in this Congress.

At a time when our own rate of unemployment is reaching crisis proportions, I appeal to the administration and ask the Department of Commerce not to sit by and be taken in by this arbitrary and unrealistic Japanese offer.

I have known for years from detailed knowledge that the U.S. textile industry must expect high volume imports with some degree of growth rate. But the proposal apparently now being advanced by the Japanese textile industry would frustrate even that generous position of the American industry. If it were to go

through, it would mean virtually no controls, with dire economic consequences on U.S. textile manufacturers, and the 2½ million Americans who depend upon textile and apparels for their employment and livelihood, as well as the industry's many suppliers, including a large and important segment of American agriculture.

LAWRENCE FANNING: A TRIBUTE

Mr. STEVENS. Mr. President, I have said farewell to a friend and great Alaskan, Lawrence S. Fanning, who died February 3 in Anchorage at the age of 56.

In the all-too-brief 3 years that Larry was a member of the Alaskan newspaper community, he demonstrated an embodiment of the attributes most admired by Alaskans—courage, independence, sincerity, and compassion for his fellow human being.

His skill as a journalist took him from a beginning as a copy boy to top editorial positions with the Chicago Sun-Times and the Chicago Daily News. It reflected the ability and energy he later used in bettering conditions for all Alaskans, particularly the needy residents of remote Indian and Eskimo villages.

He is mourned by friends throughout Alaska and the Nation.

Tributes to Larry Fanning came from many individuals and newspapers in Alaska and the rest of the Nation.

His own newspaper, the Daily News at Anchorage, paid him tribute in an editorial which I ask unanimous consent to have printed at this point in the RECORD.

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

THE VOICE HAS NOT DIED WITH THE MAN

Larry Fanning is gone, but he left a legacy that will live on in this newspaper and its employes.

His was a resonant, compassionate voice for the liberal, progressive ideals which to him epitomized the best in our nation and state. He championed the poor, the weak and the oppressed; he had an abiding faith in the young ("Most of my generation has spent too damn much time talking and not enough time listening."); he abhorred social injustice, corruption and bigotry.

When he acquired control of The Daily News in 1967, Larry Fanning let the community know right away what it could expect. "The Anchorage Daily News will be a politically independent newspaper," he wrote in an editorial in the first edition of the paper under his ownership. "We expect to be outspoken on issues and candidates. As a consequence, no political organization or power structure is likely to applaud our efforts consistently. Our purpose is to serve the interests of all the people and to provide a forum for dissent as well as consensus."

And that is the way he ran the newspaper—to the delight of some and the chagrin of others.

As time passed, many residents came to know Larry Fanning well, for his door was open to all, and readers of the paper became familiar with his philosophy through scores of punchy editorials.

Two subjects in particular cropped up time and again in his editorials: the need for a generous and honorable settlement, with state participation, of the century-old Native land claims; the necessity of protect-

ing the spectacular Alaskan environment as development proceeds. Neither subject has been particularly popular with a majority of Alaskans. But both fired Fanning's imagination. And when aroused, his displeasure could sting.

Following the Prudhoe Bay oil lease sale, when many Alaskans were deploring the interest the rest of the country was showing in Alaska, he wrote:

"Most Alaskans welcome the boom and look forward to the benefits that prudent and concerned development of our natural resources will bring. But some members of our community want it both ways. They're all for development, but they're becoming increasingly sensitive over the loss of privacy.

"In response to the awakening national interest in the Great Land, they trot out the shop-worn shibboleth of 'Alaska for Alaskans, Outsiders go home' to do battle against visiting, frequently critical journalists . . .

"This type of attack may have been good form when the only outsiders who cared about our state were high school geography students or desk men at the Department of the Interior. It won't do now . . .

"It is all too easy to lapse into a false sense of security based on reading or seeing only that which pleases. The list of those who have paid the price for self-delusion is too long to print here."

After three and a half decades of devotion to a demanding craft, whose pressures and constant contact with the seamy side of life have turned many a flaming young idealist into a cynic by middle age, Larry Fanning retained an undiminished faith in people and the democratic process.

"He was the only man I ever met who, after talking to him, always made me feel better," one friend said this week.

An editorial from the fall of 1969 shows why.

"The great lesson of last year's national election was that participatory democracy still worked," Fanning wrote. "Even in this age of computers, faceless cities and a burgeoning population, individuals made themselves heard. Eugene McCarthy's campaign showed that the hard questions could be asked of our leaders and fair answers demanded as the price of their re-election . . .

"The lessons of the past year have not been lost on some Alaskans. Last spring saw the inspiring Blafra walk as well as the formation of Democrats for Issues and Answers, a group determined to bring rational investigation to partisan issues. The Alaska Citizens Concerned about the Deployment of the ABM proved that not all Alaskans welcomed a poorly rationalized, questionably conceived weapons system.

"More recently the League of Women Voters has turned its not inconsiderable talents with wit, charm and energy to the structure of Anchorage area government. And the Save our State Committee performed a valuable service by focusing attention on the Amchitka nuclear test shot.

"These people are concerned Alaskans, newcomers and pioneers alike, who at considerably personal expense and time are helping to ventilate the key issues of the day . . .

"Free discussion cannot hurt Alaska. The state is already subject to pressures which tax the intellectual and physical resources of our small population and relatively short modern political history. Yet our ability to deal imaginatively and progressively with the challenges of rapid development depends on Alaskans being involved in everything that's going on.

"The simple fact is that the government that governs best does not govern least, but rather governs with the greatest participation of its citizens. Abuse and corruption are the companions of disinterest. Participation, relevance, involvement are the keys to a healthy democratic society."

People were always the key.

And to the young people of Anchorage, many of them distressed by the direction of society, there was this bit of advice in a 1968 editorial:

"Remember always, the struggle is half won, not half lost; the glass is not half empty, it's half full."

And when his long-time friend Ralph McGill, editor of the Atlanta Constitution, died in 1969, Larry Fanning penned a tribute that in many respects could apply as well to himself:

"An extraordinary man died . . .

"A man who left an indelible mark on the land he loved;

"A man who wrote the kind of passionate prose that produced miracles of change and reform;

"A man of courage, integrity, wit and compassion.

"(He) was a newspaper writer and an editor. (He was also a publisher, but he had no appetite for that title. It made him uncomfortable.) . . .

"As a writer, and as a man, (he) answered to his own instincts. And because he did, a generation of writers found their voices.

" . . . loved by his friends, respected by his enemies, (he) spoke out in a time when 'it took guts to have guts.'

"Let those words be his epitaph."

There is no way to fill the void that Larry Fanning left at this newspaper. Gone will be the special grace that illuminated everything he touched. But his concerns—social equality and justice in a Democratic society—remain with us as an enduring legacy. We will continue to espouse them.

The voice has not died with the man.

Mr. STEVENS. Mr. President, even his competitors recognized Larry Fanning's ability and worth. I ask unanimous consent that a tribute to him from the editorial page of the Anchorage Times of February 4, 1971, be printed in the RECORD.

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

LAWRENCE S. FANNING

It was not quite four years ago that Lawrence S. Fanning acquired controlling interest in the Anchorage Daily News and made plans to apply his own image of journalism excitement to the city's morning newspaper.

In assuming the dual role of editor and publisher of the News, Mr. Fanning accepted an assignment that was both professionally stimulating and technically challenging.

He became not only an editor—a task he knew well from a variety of prior duties in the forefront of the nation's newspaper business—but a businessman who had to deal with the problems of equipment, production, advertising, personnel and other aspects involved in manufacturing a new product every day of the week.

He pursued his challenges with vigor and dedication, always armed with good humor and friendly grace, and supported by his wife, Kay, whose own talent in newspapering is substantial.

It was a shock, therefore, to all who learned to know him and admire him in those short years, that he had so suddenly been stricken and so suddenly succumbed.

His death, at the age of 56, is a great loss to his associates on the News and deprives all of us in journalism of a thoughtful man of high ideals whose contributions to our profession were many.

More than that, his loss is one that the whole community suffers.

We mourn especially, however, for his family, to whom he was devoted. We join all his friends and associates in extending sympathies to Kay Fanning in her hour of grief.

Larry Fanning was our chief competitor. He was an admirable one. We honor his memory. And we mourn his death.

Mr. STEVENS. Mr. President, the Chicago Daily News had this to say:

A TRIBUTE FROM CHICAGO: TO LARRY FANNING, PEOPLE CAME FIRST

. . . A man of instilled convictions graced with genial charm, he had a way of bringing along new, young reporters. Many now-prominent newsmen knew him as their "father figure"—the man they could talk to any time and whose ears always were open to new concepts.

And if his proteges had started as newspaper copy boys, all the better as far as Mr. Fanning was concerned. That's the way he began his own career on the San Francisco Chronicle.

By age 27 he was managing editor of that newspaper, an eminence seldom attained on any large metropolitan newspaper by anyone so young . . .

One of Mr. Fanning's frequently quoted pronouncements was: "To hell with the bulletin and the new lead."

That was his pithy expression of the belief that newspaper readers deserved more depth than they often got in news stories.

Mr. Fanning also believed that it wasn't necessarily true that every story had two sides of equal weight.

He once counseled a young reporter: "Sometimes, in an argument, only one guy is right. When that happens, the people deserve to know the guy is right."

A tall man whose deep voice seldom rose above gentle tones, Mr. Fanning maintained warm, personal relations with his staff.

His office door always remained open and reporters—and copy boys—felt free to drop in for advice. Somehow, he always managed to find time for them.

Maybe it was this style of personal warmth, this love of good talk and banter that gave Mr. Fanning's desk a special place in Daily News annals.

It was always piled high with papers, documents, memos, books, magazines—read and unread, lost and found. Somewhere in that assortment, it was assumed, he knew where everything was. People came first.

And with it all went a command of the newspaper craft that particularly evidenced itself in coverage of major news events.

Mr. Fanning's ability to recognize and develop new writers was equalled by his steadfastness in encouraging them to write what they believed.

Perhaps his biggest talent was being able to spot what had to be done—and then finding the right people to do it. And he would be willing to take a chance. He turned copy boys into vice presidents, literally.

One is John G. Trezevant, now executive vice president of Field Enterprises newspaper division.

Trezevant first worked for Mr. Fanning as a copy boy on the San Francisco Chronicle. Says Trezevant:

"You could put together a thousand little vignettes about things that he did in order to try to describe him. When you got done, all you could wind up saying is that no one is ever going to meet anyone quite like him again."

These comments came from Chicago:

AN UNCOMMON TOUCH, A RARELY GIFTED TEACHER . . .

Larry Fanning had an uncommon touch for bringing out and shaping the talent of others and instilling in them his curiosity, enthusiasm and sense of caring. It was the latter quality that gave such distinctive tone to his great gift as an editor. He cared that readers know the significance of events which shape their lives. He cared that newsmen be

given the freedom and support to call forth their best efforts.

—The Chicago Sun-Times.

Larry Fanning was dependably late for his next appointment—because he had to give the person he was with the last full measure of attention and, usually, help. Larry Fanning had a warmth that warmed everyone around him; perhaps that was partly why he was able to inspire many of his fellow newsmen to heights they hadn't dreamed they could scale.

—The Chicago Daily News.

The news of Larry came as a terrible shock—he was a central figure in my life—the person who more than anybody else made it possible for me to do most of the things I am now doing. I have always had for him a feeling very much like reverence. His generosity and straightness were unique, and I must be one of many thousands who will miss him more than we can possibly say.

—Joseph Kraft, columnist.

Gerry Boukett, editor of the South-east Alaska Empire at Juneau, paid him this tribute:

LARRY FANNING

We learned of Larry Fanning's death while in Seattle last week and, as with many of our colleagues, we felt a great loss.

Mr. Fanning had been the editor and publisher of the Anchorage Daily News only since 1967 but in that time he demonstrated professional capabilities—a flair for newspapering—that we had not seen before in Alaska.

He was a newspaperman's newspaperman—one we had admired from afar for many years. During our college days, he was managing editor of the San Francisco Chronicle which at that time was a great newspaper, a model for journalism students.

Mr. Fanning went on to become a large figure in Chicago journalism, but we remember him best from his San Francisco days, when we picked up our copy of the Chronicle each morning with keen anticipation.

It was our privilege to go to work for him here in Juneau shortly after he took over the Anchorage Daily News. Not only did we learn a great deal from him but we were profoundly affected by his great enthusiasm and dedication. It was exciting to work for Larry Fanning.

He was controversial, of course. But he was a great human being and while you could disagree with him you could never doubt his sincerity, his compassion for his fellow man.

He was a rarity among newspaper publishers—a man who would consult with his reporters, seek out their opinions and ideas. He was equally at home in an executive suite or the turmoil of a newsroom.

His ability to take charge when major stories were breaking and lay out a dramatic front page was nothing short of dazzling. An imaginative innovator, he shook up his competitors, forced them to make progressive changes in their own newspapers. And he inspired others to try a little harder.

The award-winning series in the News, "The Village People," was admirable. The newspaper became the first in Alaska to take a penetrating look at the hardships of surviving in the bush areas of our state.

Larry Fanning was a remarkable man and we are glad—and fortunate—that he came our way.

—G.E.B.

These comments were made by Thad Poulson, managing editor of the Sitka Sentinel:

Alaska journalism has suffered a great loss with the untimely death of Larry Fanning, editor and publisher of the Anchorage Daily News.

In the three short years he had at the helm

of the News Larry Fanning established a standard for journalism that will be his greatest legacy to his adopted state. Larry came to Alaska at the height of a distinguished career in which he guided the news operations of some of the greatest newspapers in America. Yet he always retained the enthusiasm of the youngest reporter in his city room.

We knew Larry only briefly through a series of encounters over the past three years. Yet we retain some lasting impressions: Of his unfailingly courteous manner; of the unwavering attention he gave to whoever should be talking to him—for he was a good listener; of Larry with his shirtsleeves rolled up, bent over a pile of news copy and editing rapidly through the haze of smoke from his ever-present pipe.

By providing an outlet for liberal opinion—rare in the Alaska press—and giving his staffers a free rein, Larry Fanning attracted and developed some of the finest newsmen in Alaska: Joe Rothstein, Bill Fox, Bob Zelnick, and Tom Brown, to name a few. He matched the effort of his youthful staffers in the newsroom and bore the additional burden, as publisher, of charting the rocky course of a paper that has never been free of the shadow of the powerful Anchorage Times.

His time with us was all too short, but Alaskans are the richer for having been served by this exceptional newspaperman.

—JTP.

ANCHORAGE, ALASKA.—Lawrence S. Fanning, 56, editor and publisher of the Anchorage Daily News, suffered a heart attack in his office Wednesday morning and died a few hours later in Providence Hospital.

Prior to joining the News in 1967, Fanning's newspaper career had included service as managing editor of the San Francisco Chronicle, executive editor of the Chicago Sun-Times and editor of the Chicago Daily News.

"Larry Fanning was always in the forefront of leadership in all concerns that dealt with human betterment," Governor William A. Egan said, "Alaska has lost a man of uncompromising principle and high ideals . . ."

Fanning, born April 14, 1914 in Minneapolis, attended the University of San Francisco and San Francisco State College.

He joined the San Francisco Chronicle in 1933 while still in college and became its managing editor in 1945, a post he held for nine years. During that time he also was a member of the Board of Directors of the Associated Press Managing Editor's Association.

Fanning joined Field Enterprises, Inc., of Chicago as editor of the Sun-Times Syndicate Division in February, 1955. He became a member of the Sun-Times editorial department in 1957 and was named assistant executive editor of the Chicago Daily News and took over its editorship in October 1965.

The following January, Fanning was named editorial director of Publisher's Newspaper Syndicate, a division of Field Enterprises. He left that position in 1966 and became editor and publisher of the Anchorage Daily News Sept. 6, 1967.

Survivors include his widow, Kay whom he married in 1966; a son, Michael; a daughter, Judith Hunt of Anchorage; and three stepchildren.

The Fairbanks Daily News Miner had this to say in its editorial page:

STATE LOSES GREAT TALENT

Larry Fanning, editor of the Anchorage Daily News, died suddenly Wednesday, and the state and his profession lost a great talent.

Mr. Fanning came to Alaska in 1967 and purchased the morning News from Norman Brown. He brought with him his talent and experience which had carried him to top

editorial positions on such papers as the San Francisco Chronicle, the Chicago Sun-Times and the Chicago Daily News.

We well recall the day that he completed the purchase of the News, signed the papers and prepared to embark on a new field as editor and publisher of a comparatively small paper in a comparatively small town—compared, that is, with San Francisco and Chicago. He was highly optimistic that he could bring to Alaska his beliefs that a good newspaper should present more than just the bare facts of a story. He believed that in-depth reporting, background stories explaining major issues, and strong editorials were required for a newspaper to meet its obligations to its community.

A warm, friendly, outgoing person, he was a definite asset to his profession and his community. His paper won innumerable awards for the work of its reporters. He, too, was cited for his excellence.

Unfortunately, his time as an Alaskan was cut tragically short, but we believe he lived up to his ambitions in every way in the short time he had here. We in his profession, his city and his state will miss him, but we are better for the fact that he was here.

Here is an account of his funeral from his newspaper, the Daily News of Anchorage:

RITES HELD FOR MR. FANNING

The reader intoned the words of the New Testament:

"Though I speak with the tongues of men and angels, and have not charity, I am become as sounding brass, or a tinkling cymbal.

"And though I have the gift of prophecy, and understanding all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not charity, I am nothing . . .

"Charity never faileth . . . And now abideth, faith, hope and charity, these three; but the greatest of these is charity."

And so it was that some 200 persons commemorated Larry Fanning, whom they had known as a man of charity, at a simple memorial service at St. Mary's Episcopal Church Friday.

Among them were his widow, Kay, his stepchildren, Ted, Kathy and Barbara, and his children, Michael and Mrs. Judith Hunt.

Also on hand for the service for the editor and publisher of The Daily News, who died Wednesday of a heart attack, were dozens of colleagues, employees, businessmen and civic leaders, family friends, politicians and admirers.

Included were U.S. Sen. and Mrs. Charles Percy of Illinois, long-time friends of the family, former Gov. Keith H. Miller, former state Senate President Brad Phillips, Executive Editor Bernie Kosinski and Managing Editor Bill Tobin of the Anchorage Times, and publisher C. W. Snedden of the Fairbanks Daily News-Miner.

A. Robert Hahn, first reader of the First Church of Christ, Scientist, officiated at the simple 15-minute service. He read from the scriptures and from the teachings of Christian Science.

Interment for Fanning, who was 56, was to be at Angelus Memorial Park.

"Wherever Larry Fanning lived and worked, he became an integral part of the fibre of the community," Sen. Percy said later in a written tribute. "As an editor in San Francisco and Chicago and editor and publisher in Anchorage, he looked upon his personal mission and that of the journalistic profession as one of informing free citizens in a Democratic Republic about the issues that affected the quality of life in our nation, state and locality.

"Never avoiding controversy, never intimidated, he sought to disseminate truth, to

shed light and to expose waste, corruption, bigotry and ignorance.

"Larry Fanning had a zest for life and a mission to fulfill that is the heritage he leaves to his family and friends," Percy said. "In the most intimate way, these past few years, he has shared his emotions and thoughts, his hopes and disappointments with his devoted wife Kay and his stepchildren, Ted, Kathy and Barbara.

They have all worked by his side, at home and in the office, to carry on the tradition of free and open journalism that through the years has brought about, preserved and strengthened the political, economic and social freedom that is unique to our nation.

"We shall all greatly miss Larry Fanning, but we shall all benefit from his life and work. My sympathy goes also to his daughter, Judy, his son, Michael, and their families.

In addition to his immediate family, Fanning is survived by five grandchildren—Mrs. Hunt's sons, Harold Ward and Peter Lawrence, and Michael's children, Gretchen Lisa, Elnor Wynne and Dale Edward—and by three brothers, Thomas of New York City, Paul of San Francisco and Ward of Mesa, Ariz.

The Washington Post had this to say about his death:

LAWRENCE FANNING, NOTED EDITOR OF ANCHORAGE, OTHER U.S. PAPERS

(By Alex Ward)

Lawrence S. Fanning, editor and publisher of the Anchorage, Alaska, Daily News and the former editor of the San Francisco Chronicle and Chicago Daily News, died yesterday after a heart attack in Anchorage. He was 56.

Mr. Fanning, remembered by many of his contemporaries as an imaginative and innovative newspaperman, began his career as a copy boy for the Chronicle in 1933, while he was a student at the University of San Francisco.

Six years later after brief stints as a copy reader, telegraph editor and news editor, he was promoted to managing editor at the age of 27.

In 1954 Mr. Fanning left San Francisco to become editor of the Chicago Sun-Times Syndicate and was named assistant executive editor of the Sun-Times in 1957. He moved over to the Chicago Daily News as executive editor in 1963.

He purchased a controlling interest in the Anchorage paper in 1967 and moved there to become editor and publisher.

During his career, Mr. Fanning was credited with having a perceptive eye for talent. According to Hal Bruno, a Newsweek magazine editor who worked with Mr. Fanning in Chicago, "he had a tremendous knack for surrounding himself with the best possible people, and he was never bound by tradition in hiring them."

Peter Lisagor, Washington bureau chief of the Chicago Daily News, remembered Mr. Fanning as giving Nicholas von Hoffman his first newspaper job, and with promoting Mike Royko, a well-known columnist in Chicago, from a county reporter.

Franc Shor, now an associate editor with The National Geographic, began his career on the Chronicle at about the same time as Mr. Fanning.

"When I first knew him, Larry was a copy reader," recalled Shor. "In a few months, he was in charge of the copy desk, and then every few months he would get another promotion. At 24, he was assistant managing editor, and I think the youngest man in the country that held a position that high on a major paper."

Mr. Fanning, a Minneapolis native, had been a member of the board of directors of

the Associated Press and was on the board of Marshall Field Enterprises.

Surviving are his wife, Katherine, who was formerly married to the late Marshall Field IV, a son and two daughters from previous marriages, and a stepson and two stepdaughters.

POSSIBLE INVASION OF NORTH VIETNAM

Mr. MONDALE. Mr. President, yesterday the Senator from Ohio (Mr. SAXBE) and I introduced a bill, S. 974, to prohibit both an invasion of North Vietnam by U.S. ground forces and U.S. combat air support for a South Vietnamese invasion of the North.

We are deeply concerned at the ominous signs that such an invasion may be under consideration.

As I pointed out yesterday, President Thieu, of South Vietnam, is reported to have openly advocated an invasion.

This morning there are disturbing new reports that President Thieu is not only predicting an invasion, but has also asked the South Vietnamese general staff to draw up detailed plans for an American-supported attack across the borders of North Vietnam.

These reports—filed by correspondents in Vietnam—merit the most serious consideration by Congress.

I ask unanimous consent that articles published in the Baltimore Sun and the Washington Post be printed in the RECORD.

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

THIEU ASKS PLANNING OF DRIVE INTO NORTH SOUTH VIETNAM'S CHIEF DESCRIBES MOVE AS BEING "ONLY A MATTER OF TIME"

(By Michael Parks)

SAIGON, Feb. 25.—President Nguyen Van Thieu has asked the South Vietnamese general staff to draw plans for an American-supported invasion of North Vietnam, an operation he described yesterday as being "only a matter of time."

President Thieu asked for detailed plans for a series of coordinated strikes across the demarcation zone and at points farther north along the Lao border, according to usually reliable South Vietnamese military sources.

The plans presumably would call for extensive American air support. President Nixon and other American officials have pointedly refused to rule out such an operation.

WEEKEND CONFERENCES HELD

Their statements had been generally regarded as attempts to deter North Vietnam from sending troops to counterattack allied forces assaulting the Ho Chi Minh trail but it was unclear whether President Thieu is engaged in a similar feint.

He reportedly made the request for battle plans after a series of weekend conferences with top South Vietnamese generals, who are said to have urged him to strike now at Communist troops and supplies in the North while enough U.S. troops remain to support the invasion.

Mr. Thieu also asked for a diplomatic assessment of whether Communist Chinese troops would be sent to aid North Viet . . . invaded, according to South Vietnamese and foreign sources here.

Both requests were said to have been made early Monday. On Wednesday, President Thieu told local leaders in the Central Highlands city of Pleiku that "a march north . . . is only a matter of time," the official government news agency reported.

"NOT JUST PLANNING EXERCISE"

In Saigon, government spokesmen declined to elaborate or clarify the reversal of the President's Public position but several military planners at the Joint General Staff said they had been specifically told that "this is not just a planning exercise."

American officials, caught by surprise by the statement, said they believe the plans were "only for contingency purposes, just a routine updating."

Some Americans also suggested that the reports of a planned invasion, which have been circulating for three weeks, were meant to force the North Vietnamese to dilute their opposition to the allied operations in Laos by keeping more troops at home.

Diplomatic sources here reported, however, that representatives of at least three countries that have diplomatic relations with China have been asked for their assessments of whether Chinese troops would be sent to aid North Vietnam if it were invaded.

"PSYCHOLOGICAL WARFARE"

This prompted one ranking diplomat to comment, "this whole thing is an elaborate psychological warfare operation. If they were going to invade, they wouldn't go around announcing it. But that's what I said about the Laos operations, too."

President Nixon, speaking with newsmen last week, refused to speculate on the possibility of American air support for a South Vietnamese invasion of North Vietnam.

While American participation would have to be approved in Washington, Mr. Nixon said that "South Vietnam now, as we withdraw, has an ever-increasing responsibility to defend itself. South Vietnam will have to make decisions with regard to its ability to defend itself."

THE NEXT LOGICAL STEP

Shortly after the U.S.-South Vietnamese invasion of Laos, Vice President Nguyen Cao Ky said the next logical step would be an invasion of North Vietnam, a course of action he has long advocated.

William P. Rogers, the U.S. Secretary of State, said then that such an operation was "Not under consideration now." He declined to comment further, saying the proposal was not that of President Thieu.

Gen. Do Cao Tri, who was killed in a helicopter crash Tuesday told newsmen last week that "hypothetically speaking, the most effective way to shut off the enemy's supply line is to destroy it at its origins in North Vietnam."

But General Tri warned that "there are many very difficult military problems involved in an invasion of the North. The enemy's defenses would be very heavy, our supply lines very vulnerable and the prospect of long campaign very large."

THIEU SAID TO PREDICT ATTACK ON NORTH SOON

(By Peter Osnos)

SAIGON, February 25.—President Thieu, who until this week had expressed no eagerness to invade North Vietnam, was quoted today as saying a drive across the Demilitarized Zone would take place "in the near future."

Regional and local militias, the president reportedly said, "are able enough to take firm control of internal territory. Main forces can have a free hand for action. Thus a march to the north is only a matter of time."

Thieu's statement, quoted by a number of Saigon newspapers, was made in remarks yesterday in Pleiku to a hawkish audience of 5,000 civil servants and Montagnards.

The crowd, which was said to have enthusiastically applauded mention of the Laos invasion, cheered when Thieu said there would be a "march to the north in order to attack the lair of aggressive Communists directly. This will occur in the near future."

The president's aides could not be reached

tonight for confirmation of what he had said. But one government spokesman said the newspapers that printed the remarks were "all right."

It was the second time in three days that Thieu had spoken of a possible South Vietnamese drive to the north, but the latest declaration represents a significant escalation of rhetoric.

In Vungtau Monday Thieu said: "If we dare to launch operations into neutral Cambodia and Laos, why shouldn't we dare to attack the very origin of aggression?"

Whether or not an invasion is actually being planned, Thieu's attitude is seen here as having two immediate benefits for the Saigon government:

First, it diverts local attention from the fighting in Laos, where a South Vietnamese ranger battalion took heavy losses last weekend and the operation to disrupt the Ho Chi Minh Trail is apparently bogged down.

Second, the sabre-rattling is likely to make the North Vietnamese uneasy, meaning they will keep their forces deployed above the DMZ rather than send them against the South Vietnamese in Laos.

The American embassy had no comment on Thieu's statement. A spokesman said that efforts to reach the president's staff for elaboration tonight had been unsuccessful.

While Thieu often takes an uncompromisingly hard line against the Communists before sympathetic audiences, veteran observers here could not recall him advocating a northern invasion—let alone predicting that it would soon take place.

This kind of talk, until now, had only been heard from Vice President Ky, whom officials in Saigon and Washington refuse to take seriously.

Thieu, some observers believe, may be attempting to outflank Ky in hawkish Vietnamese circles that have been calling for an invasion of North Vietnam as a natural follow to the Laotian operation.

While the accuracy of the newspaper reports of Thieu's remarks have not been officially confirmed, the government has not discouraged their publication. If the accounts were embarrassing the president, the papers could have been seized or at least warned against repetition.

EMPLOYMENT IN THE DEPARTMENT OF AGRICULTURE

Mr. CURTIS. Mr. President, recently the distinguished Senator from Wisconsin (Mr. PROXMIER) made a statement that appeared to be highly critical of the Department of Agriculture. The statement would cause many who read the RECORD to believe that the Department of Agriculture under Secretary Hardin's management was increasing the number of people employed in the bureaucracy that was serving the farmers of our country.

All of us would like to see the number of Government employees reduced. I think this includes not only farm citizens back home but members of the Cabinet, such as Secretary Hardin, and many Members of the Congress. I certainly would applaud any effort to reduce the payroll by any reasonable means. It is important that the record be set straight. It is important that we examine what has happened in the Department of Agriculture since Secretary Hardin took office. It does not show an increase in the number of employees administering our agricultural programs.

In the fiscal year 1968 the total number of full-time employees in the Department of Agriculture was 85,397. The esti-

mated number of employees for fiscal 1971 is 85,600 and the estimated total number for fiscal 1972 is 87,300. However, the figures on the meat and poultry inspection show that the number has increased from 7,293 in fiscal 1968 to an estimated 9,750 for 1972. This is an increase of approximately 2,500 employees for this particular activity. In the Food and Nutrition Service, which administers the food-stamp and school-lunch programs, the number of employees over the same period has increased 500.

The point is these meat and poultry inspection and school lunch and food stamp programs are not farmer programs. They are not programs which have a part in administering the agricultural programs. They are consumer programs. They represent recent enactments of Congress intended to serve consumers and not producers of food.

Consequently, if due allowance is made for this increase in personnel for consumer services, the actual number of employees engaged in agricultural matters has been reduced under the leadership of Secretary Hardin.

I hope the day will soon arrive when the taxpayers of the country will not have to support as big a bureaucracy as they are now supporting in any Federal agency or department. This depends in a large measure, however, upon Congress. Congress adds programs and adds programs. Congress writes the laws relating to civil service and other employment practices. If there is a waste of manpower, and I believe there is, Congress has the primary responsibility.

STATEMENT IN SUPPORT OF THE CLEAN LAKES ACT OF 1971

Mr. CANNON. Mr. President, I speak in support of the Clean Lakes Act proposal because I am convinced that this legislation could be of great help in improving and maintaining the unique purity and clarity of one of the Western United States', indeed the Nation's, most treasured resources, Lake Tahoe.

Nestled in the 10,000-foot Sierra Nevada peaks between Nevada and California, Lake Tahoe is one of the purest water bodies in the world. Since its creation as a glacier lake many thousands of years ago, its color has been a deep, crystal-clear blue.

Lake Tahoe itself is only 22 miles long and 12½ miles wide, but it is deep enough to cover the State of Texas with an 8-inch film of water. At a depth of 1,645, the size is being diminished by algae and mud expanding in the water—a result of man's disturbance of the soil in the watershed.

Thousands of people are being drawn each year to the lake basin to live, work, and play. The present permanent population is estimated at 50,000 and growing. Vacationers swell that amount by an additional 100,000 during peak times. As the use of the Lake Tahoe Basin increases, the water body is in danger of prematurely aging—a process called eutrophication. Scientists tell us fertility in the lake has increased by 72 percent in the last 10 years, and if this progression

continues, the lake will decline rapidly, possibly within 20 years.

The fertilization process has been speeded up by the people influx and all that goes with it: Lumbering, roadbuilding, clearing land for housing development, ski slopes, and golf courses.

This is Tahoe's tragedy: The masses of people who flock to the lake and enjoy its beauty are by their presence destroying its prime attraction—its clarity—and thus their reason for being there.

A regional planning agency was approved by Congress a year ago and the agency is already actively involved in establishing standards and controls over air and water pollution, zoning, building, and general development of the lake and surrounding area. But the lake is already in trouble from past neglect. Some research into the eutrophication process is being carried out under a Federal Water Quality Administration grant. We are finding out the causes of eutrophication, its processes, and results, but we have not yet been able to come up with some cures.

This is why the clean lakes bill is so encouraging. The bill directs the Environmental Protection Agency to provide technical and financial assistance to the States and municipalities in carrying out a comprehensive program of pollution control, including the use of harmless methods to destroy unwanted algae. It would help by providing aid to improve land shores and aid in recovery of overgrowth of algae and trash from the surface.

Lake Tahoe is fortunately in a position where it can easily reverse its present dangerous course. This legislation can insure that we do so.

PENTAGON PROPAGANDA—PURE, SIMPLE, AND PERVERSIVE

Mr. EAGLETON. Mr. President, in the complex and often bizarre world of government bureaucracies, propaganda goes by many names: Public information, public education, public service, media assistance.

Tuesday night CBS News discussed what the taxpayers are really getting for their \$30 million—it could be as high as \$190 million, and probably is—that each year goes for "The Selling of the Pentagon." Propaganda—pure, simple, and pervasive.

The Pentagon's almost unlimited manpower and money are used to justify the military's view of such things as the ABM and our SALT position; the continuation of the war in Vietnam and its extension into Cambodia, Laos, and North Vietnam; the requests of the military and the merits of a specific weapons system.

This use—I believe misuse—of the Pentagon's public relations machine has far-reaching consequences. By creating an atmosphere of fear, by selectively releasing information to bolster its own arguments, by retreating behind the barrier of "national security" when its viewpoint is disputed, the Pentagon effectively views the public debate and interplay which are so much a part of

our democratic decisionmaking process. In a democracy dependent on the judgments of an informed electorate, there is no higher form of subversion than the suppression or distortion of facts.

A monolithic voice speaking at Government expense to sell its own policies presents a great danger to democracy.

"The Selling of the Pentagon" was reporting at its best. But Congress, not the press, must bear the responsibility of carefully scrutinizing the moneys it authorizes and appropriates. And "The Selling of the Pentagon" shows just how much work we must do in the first session of the 92d Congress.

Mr. President, I ask unanimous consent that the transcript of "The Selling of the Pentagon" be printed in the RECORD.

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

CBS REPORTS: THE SELLING OF THE PENTAGON

(As broadcast over the CBS television network, February 23, 1971)

Produced and Written by: Peter Davis.

Correspondent: Roger Mudd.

Research: James Branon & Helen Moed.

Executive Producer: Perry Wolff.

ROGER MUDD. Last spring American soldiers fought a two day battle that did not get into the newspapers or onto the television news broadcasts. Very few people even knew about it. The battle was fought neither in Vietnam, nor in Cambodia, nor anywhere else in Southeast Asia. All the action took place in North Carolina. This was a military exercise, but it was also an exercise in salesmanship—the selling of the Pentagon.

SPEAKER (for Marine Corps). Gentlemen, today we have shown you the individual Marine—the man who implements foreign policy. He comes from all walks of life, all over the USA. He's not much different from the young men we see on the street corners of America today, except he's been trained as a Marine.

He believes in what he is doing, and he's dedicated to his country and to the job at hand, whatever it may be. In short, we could say he has a lot of plain old, red-blooded American guts. Now this concludes our demonstration at this range. The escorts will now show you to your buses. Thank you very much.

ROGER MUDD. Nothing is more essential to a democracy than the free flow of information. Misinformation, distortion, propaganda, all interrupt that flow. They make it impossible for people to know what their Government is doing, which, in a democracy, is crucial. The largest agency in our Government is the Department of Defense, and it maintains a public relations division to inform people of its activities.

In December, Congress cut the appropriations for this division, but, according to the Pentagon, it will still spend 30 million dollars this year on public affairs—an amount more than 10 times greater than what it spent to tell people about itself just 12 years ago. Even this figure may be only the tip of the public relations iceberg. A special, still unpublished report for the prestigious 20th Century Fund estimates the real total at 190 million dollars. The combined news budgets of the three commercial television networks—ABC, CBS, and NBC—are 146 million dollars.

Whatever the true cost at the Pentagon, there have been recent charges in the press and in Congress that the Department is using these public relations funds not merely to inform but to convince and persuade the public on vital issues of war and peace. Ten

months ago, CBS News set out to investigate these charges and to examine the range and variety of the Pentagon's public affairs activities. We selected three areas for concentration: direct contacts with the public, Defense Department films, and the Pentagon's use of the media—the press and television. We sought no secret files, no politicians pleading special causes, no access to classified documents. We looked only at what is being done for the public—in public.

We began at an obvious location—Armed Forces Day on a military base. Fort Jackson, South Carolina is proud of its soldiers, and once a year the public is invited, to come out and take a look at them. At dozens of other bases, dozens of other audiences see the same show. The major event is a firepower display. But in the interests of information, they not only shoot, they also instruct.

INSTRUCTOR. The killing zone is 50 metres deep, 50 metres wide, and two metres high. However, its fragments are also effective against light skinned vehicles.

MUDD. The weapons officer on this range claimed that the information display cost two million dollars. Later, Army public relations officials put the expense at twenty-two thousand dollars.

The last part is known as the "mad minute." It would be hard to argue with that description.

When the demonstration itself is over, another activity begins. The ammunition is gone but the weapons are not. Some of these are turned over to children so they can get the heft and feel of the genuine article.

FIRST CHILD. All right Jack here's a cool tank man.

SECOND CHILD. I'm going over to the other tank.

THIRD CHILD. Get off. . . .

FIRST CHILD. What are you doing?

THIRD CHILD. I'm going to shoot you.

SECOND CHILD. Ready . . . aim . . . fire!

Colonel MACNEILL. In the Chinese view only one country has been liberated from colonialism, and that is North Vietnam. The others will not be considered liberated, in the Chinese viewpoint, until each and every one has a Communist government.

MUDD. The Pentagon has a team of Colonels touring the country to lecture on foreign policy. We found them in Peoria, Illinois, where they were invited to speak to a mixed audience of civilians and military reservists. The invitation was arranged by Peoria's Caterpillar Tractor Company, which did 39 million dollars of business last year with the Defense Department. The Army has a regulation stating: "personnel should not speak on the foreign policy implications of U.S. involvement in Vietnam."

Colonel MACNEILL. Well now we're coming to the heart of the problem—Vietnam. Now the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam. If South Vietnam becomes Communist it will be difficult for Laos to exist. The same goes for Cambodia, and the other countries of Southeast Asia. I think if the Communists were to win in South Vietnam, the record in the North—what happened in Tet of '68—makes it clear there would be a bloodbath in store for a lot of the population of the South. The United States is still going to remain an Asian power.

Over the years, the Colonels have travelled—at taxpayers' expense—to 163 cities and spoken to 180 thousand people. In a question and answer period, they promote American presence in Southeast Asia.

Colonel SERRELL. The bloodbath, the indications at Hue during the Tet offensive as to what might be in store for people who would otherwise have some semblance of freedom or individuality, if we did stay and protect their interests as well, admittedly, as our own.

Colonel BIRD. I personally believe by and large the college students are very sincere

in their belief. I think a lot of them haven't attempted to study, to some degree, the history of other things like this. . . .

Colonel MACNEILL. Some say there are no interests at stake today, some say we had none in the beginning. I feel when we put half a million men in there, at least we placed national interest at stake when we did that.

CHILD 1. I want to play this one.

CHILD 2. Now it's my turn.

CHILD 1. Bob, let's see if you can do this.

CHILD 3. Let Danny do it.

FATHER. How many mistakes you gonna make?

MUDD. At a St. Paul, Minnesota shopping mall, an Army display emphasizes power a recurrent theme in Defense Department public relations programs. The Army Exhibit Unit has been to 239 cities in 46 states and has been seen by over 20 million people. The cost to taxpayers: 906 thousand dollars a year.

ARMY NARRATOR. The four M's—Mission, Motivation, Modernization, and Management—summarize Army Chief of Staff General William C. Westmoreland's program for the future of the Army.

MUDD. The Army says it won't send these exhibits out unless requested by local civilians. The manager of this shopping mall told us how the Army's exhibit happened to be there.

Mr. PETERS. We were approached by Sergeant Kerr who is the local recruiting sergeant in this area, a matter of three weeks ago, and he simply asked us would we care to have the exhibit here in our mall. We said yes. So, it's here.

ANNOUNCER (for AIR FORCE). Approaching next will be Major Mike Kirby and his next maneuver, the exciting Wing Walk and Roll.

MUDD. The Air Force Thunderbirds flew 108 exhibitions last year in front of 6 million people. We were told that the Thunderbirds are supposed to attract volunteers, but what we found was a very elaborate commercial for air power.

ANNOUNCER (for Air Force). The Air Force has proved again and again its superiority against the enemy in the air war over North Vietnam. In an environment where the majority of our fighter pilots were flying tactical bombing missions and not primarily hunting for enemy aircraft, the enemy still lost three aircraft for every one of ours in air-to-air combat.

Gen. LEWIS WALT. We fought them up on the DMZ, we fought them down south across the Cambodian border. But they're trying to keep the war going on—why? Because they think that we're going to give up and pull out before the job is done. That's what they've been told, that's what they read in our newspapers and our magazines.

MUDD. Tonight, like any other evening, there are between 6 and 10 Pentagon speakers appearing in public. With military transportation at their disposal, they traverse the country shaping the views of their audiences. For years, General Lewis Walt has been the Marine speaker most in demand.

General WALT. This is what's kept the war going on. If we could have had the entire American nation in back of us, all of our Americans in back of our Armed Forces in South Vietnam, this war would have been over a year and a half ago.

GREEN BERET ANNOUNCER. Please pay particular attention to the hands, the elbows, the knees, and the toe of the boot, which are used to deliver killing blows to the vulnerable portions of the body.

MUDD. When it comes to sheer muscle, the legendary Green Berets are the Army's glamor exhibit. In 21 states last year, the Berets showed how people kill people sometimes. On one occasion, they showed about a thousand kids in New Jersey.

When the Berets finished their act, the audience had its own turn.

CHILD. C'mon . . . no! Damn you . . . ow! (Crying).

MUDD. Each year the Pentagon runs special guided tours for over 3,000 influential civilians. The Joint Civilian Orientation Conference is the aristocrat of these tours, indeed of all Defense Department contacts with the public. For eight days 64 prominent citizens visit key military installations all over the country. To give the community leaders more sense of participation, the Defense Department outfits them in different colors that represent each of the Armed Services. Included in this exclusive party are industrialists, bankers, college administrators, newspaper publishers, and broadcasting executives.

High ranking generals accompanied the civilians. These two, three and four-star chaparones were available for briefing, picture-taking, and just mingling. CBS News followed the distinguished visitors on a weekend war game in North Carolina. The purpose of these tours, according to the Pentagon, is to teach military realities. The guests are referred to as "major taxpayers." As their education proceeded, we recorded some of the military realities and part of their impact on the civilians.

The Army gave a demonstration of a massive troop airlift. An air and land assault on enemy territory was simulated for the visitors. The idea here was to show that thousands of troops can be transported thousands of miles in just a few hours. What's more, when they get where they're going, they are ready to fight.

JITTERBUG ANNOUNCER. Notice the jitterbugging action as the Cayuse make a thorough search of suspected enemy locations. Such tactics were battle tested in Vietnam.

KENNEDY WAGON ANNOUNCER. To achieve success in combat, an infantry battalion depends upon the fighting strength of its rifle companies. The company is composed of three rifle platoons and a weapons platoon.

MUDD. The 64 civilians themselves paid part of their own costs and the official total price of this tour is only 12 thousand dollars. 12 thousand dollars, however, does not include the amount spent on elaborate briefings, the war game itself, nor the expenses of several thousand servicemen who performed for the civilians along the way.

KENNEDY WAGON ANNOUNCER. 711 tons of ammunition and 308 tons of fuel.

Dr. RICHARD CHAMBERLAIN. I for one am very grateful for this privilege of seeing how the defense of the country is being organized.

DAVID CONNOR. I found it enjoyable to talk to the enlisted ranks who are handling the weapons as we got in the tanks. I think there's been a subtle, necessary and important emphasis on talking to the manpower.

OFFICER. Of course it could carry rockets, it could substitute a rocket part for an arm. It has tremendous flexibility.

CIVILIAN. A lot of killpower though.

OFFICER. Oh yes, yes.

MUDD. Civilians were shown some of the more advanced equipment and training methods. Among the ordnance the Marines displayed were their planes, their weapons, their tanks, and, of course, their Commandant, General Leonard Chapman.

OFFICER. Excuse me, General Chapman, this is Mr. Hoover.

General CHAPMAN. How are you sir, nice to see you.

CIVILIANS IN BOAT. Oh, we can use a kayak . . . That's right . . . Bob, you're getting a little too enthusiastic . . . Oh boy we're really making time now.

ROBERT GREENHILL. I think the message I would take back is that we have a first-class military organization led by first-class leaders and the people who carry the load on the enlisted men are some of the finest people that I've been privileged to see. I'm in the investment banking business and I travel all

over the United States and I know that for a fact.

WILLARD DOVER. I think the message is that you can be proud of your boys in service.

MUDD. The Defense Department did not permit CBS News to film what many regarded as the highlight of the tour. But the civilians were not shy in talking about it.

Mr. CONNOR. At Fort Hood we all were seated in the gunner's seat of the M-60 Tanks, and we fired the rifles, and were told what excellent shots we were and we were taken over to the recoilless rifles and fired rounds at armored personnel carriers and again told how good shots we were, and we fired grenade launchers and drove tanks and so on . . .

Dr. CHAMBERLAIN. We fired tank cannon and recoilless rifles, machine guns . . .

Mr. CONNOR. My gun jammed while I was shooting it and I thought Oh my God what a great situation to be in were someone moving on me.

Dr. CHAMBERLAIN. It was fun to actually get your finger on the trigger of some of the things like the recoilless weapons that most of us have heard about but hadn't actually seen.

Mr. GREENHILL. There is no substitute for hands-on experience.

MUDD. The Defense Department says these demonstrations are merely training exercises for war. War, however, is not fought in front of a grandstand.

MARINE ANNOUNCER. Let me remind you that the speed and flexibility which you have seen today and the maneuverability and coordination of the supporting forces is not a demonstration. It is the stock in trade of the United States Marine Corps.

Mr. GREENHILL. One of the things I can personally see from this tour is that a lot of the statements that for example Mr. Fulbright and Mr. Proxmire make are absolutely baseless.

Dr. CHAMBERLAIN. I just wish that all the American people could see what we've seen. I think we'd find much less of this carping at the military and we'd find a lot more understanding.

Mr. DOVER. I think that one part of this tour is that you won't find a George Romney statement about being brainwashed.

Dr. OLAV SOLA. As we proceeded through numerous phases where we were personally involved my opinion has changed 180 degrees.

JACK WEBB. It seems ironic, that while our finest young men are fighting half-way across the world, other young men and women safe at home, openly advocate abandonment of Vietnam to Communism. Perhaps they really don't know what this war is all about.

MUDD. With scenes of war protesters tinted red for emphasis, the Defense Department introduces a film on Vietnam narrated by television star Jack Webb. Over 300 films a year are made by the Pentagon. Most of them are meant originally for troop information, but a large number is later released for public showing. It is widely known that the Defense Department often helps sympathetic Hollywood producers who need troop support for their war movies. What has received far less attention is that the Pentagon itself spends over 12 million dollars a year on its own pictures. The annual cost of a single Army series "The Big Picture", is 900 thousand dollars and the overall Army film budget is more than 6 and one-half million dollars a year. During the 1960's, at least 52 million Americans saw Pentagon motion pictures, 45,000 public gatherings viewed them and at least 356 commercial and educational television stations have presented them as part of their public service broadcast time. Facts and information—not opinions and attitudes—are supposed to be the ingredients of Defense Department films. An official Pentagon directive states: "propaganda has no

place in Defense Department Public Information programs". In preparing this broadcast we looked only at products of the last decade—all made after the thaw in Cold War politics. Well-known journalists and movie stars often serve as narrators for the films, as these excerpts show.

ROBERT STACK. Hi, I'm Bob Stack. As you may know one of my hobbies is collecting guns. I've hunted on and off, all my life from California to Mexico to safaris in Africa. Speaking of guns and faraway places, I've just come back from a trip to Vietnam where guns are used for an entirely different purpose.

JOHN WAYNE. The Defense Department has asked me . . .

MUDD. The Pentagon helped John Wayne make "The Green Berets". John Wayne helped the Pentagon make this film in Vietnam. Over a thousand prints are in circulation.

SOLDIER (talking to Wayne). In Vietnam, revolution is a double edged word. The enemy uses it—it's what they call the "aggressive war" they're using against people over here.

WAYNE. That's the story and there's nothing mysterious about the kind of revolution the enemy has in mind—it's the same thing we've seen in many parts of the world ever since the Communist revolution fifty years ago. Murder, assassination terror, and over here they've killed over 20 thousand civilian leaders. And it's these same brave people, who have had the will and the guts to conduct their own revolution, a real revolution for the betterment of their people.

MUDD. Not only movie stars have aided Pentagon propaganda. For patriotic reasons newsmen such as Edward R. Murrow, Lowell Thomas and John Daly often volunteered their talents during World War II and the Cold War. The Pentagon has used many journalists to carry its message, including some years ago, two of the best known broadcasters.

CHET HUNTLEY. I'm Chet Huntley. To most of us, this is the United States Navy—the aircraft carrier, the cruiser, and destroyer. The modern deepwater navy extending American strength across the oceans of the world.

This is the American Navy in Vietnam, moving quickly where and when needed, displaying the flexibility of modern sea power, controlling the seas, extending its influence on land, and holding superiority in the air. A three-way force for peace, here to meet at any spot on the globe.

MUDD. "The Eagle's Talon" made in 1962, narrated by Walter Cronkite, deals with America's response to Communism.

WALTER CRONKITE. Starting in World War II, the aggressive Communist tide has spread in Europe and Asia to engulf its neighbors. Communist China even now has plans to dominate Asia by mass murder—destroying ancient civilizations. Right next door is the nation we freed in 1898—Cuba. A Communist tyranny holds sway and whisks do not hide the naked face of dictatorship. Our army is face to face with Communism around the world. To meet immediate threats on any front we must build up our land forces at home and overseas.

This soldier, guarding one of Asia's gateways against Soviet aggression symbolizes the determination of free men everywhere to resist Communist expansion by force of arms.

MUDD. On a policy level, the Pentagon says it has discarded the rhetoric of confrontation. But city by city, public showing by public showing, the language and symbols of the early 60's are still being widely distributed in the 70's. Here, in Elmendorf, Texas this month, a Baptist congregation attends a Pentagon film on Communism made in 1962. Even though the expressed policy of the United States is negotiation and not confrontation—even though Walter Cronkite

and Chet Huntley may now disagree with the intent of the films they narrated—even though the roles of journalist and Government spokesman are incompatible—the films grind on and on.

A Pentagon film often contains a map that seems to be bleeding. The blood turns out to be the spread of international Communism. Interpretations of Communism and assessments of Communist intent are significant themes in Defense Department films. In "Red Chinese Battle Plan", an anonymous Pentagon narrator describes a foreign policy bent on world conquest.

PENTAGON FILM NARRATOR. It is a blueprint for world revolution. Red China's battle plan—divide and encircle; conquer and enslave.

MUDD. In an excerpt from a film called "Road to the Wall," the Pentagon has James Cagney tell of a Communist plan that encompasses even more than the world.

CAGNEY. The Wall is a solid fact. It stands in Berlin today. It stands—and will stand wherever the road of world Communism leads. Someday, according to its builders, it will surround not merely the world, but the moon, the stars, outer space—the universe!

MUDD. In what is perhaps the Pentagon's most ambitious film, "Red Nightmare," Jack Webb presents a Russian scheme to crush American freedom.

RUSSIAN SOLDIER No. 1. Americans! They have too many freedoms.

RUSSIAN SOLDIER No. 2. That is another thing you must remember, Comrade. One day it will be your mission to destroy those bourgeois, capitalist freedoms!

WEBB. Frightening, isn't it?

MUDD. The hero of Webb's film, a lathe-worker named Jerry Donovan, dreams that his town is invaded by Communists. With remarkable ease, they quickly subvert everyone except Donovan himself, who listens with shock to a Commissar's speech.

COMMISSAR. When the moral fibre of the United States weakens, and the economy collapses under the pressures of competitive co-existence, it will be your responsibility Comrades, to purge the minds of the reactionary Americans, so that they will welcome the enlightened Soviet system and conform without resistance to the dictatorship of the proletariat.

DONOVAN (to soldier). Hey! What do you think you're doing?

MUDD. When Donovan returns home, he finds his own daughter about to leave for a commune.

DAUGHTER. It's true Daddy. I did volunteer for farm work.

DONOVAN. Linda, why?

DAUGHTER. The party convinced me that I should free myself of the lingering bourgeois influence of family life. I am ready. Do not interfere. It is for my own good.

RUSSIAN SOLDIER. And Comrade Donovan. Do not think that your deviationist remarks will be overlooked. They will be reported to the proper authorities.

JUDGE. Comrade Donovan, you are accused of the following crimes against the state: subversion, deviationism and treason.

MUDD. 900 prints of "Red Nightmare" are currently in circulation. It was first released in 1962, then reissued in 1965. The film was made for the Armed Forces Directorate on Information.

JUDGE. As an ugly remnant of the diseased bourgeois class, you must be eradicated before the contagion can spread.

DONOVAN. Believe me you Communists can't keep fooling the entire world. You can't even keep fooling your own people. Because the news about Communism is getting around—that it's only another word for slavery!

WEBB. Don't worry Jerry. That bullet will never reach you, because it's time to bring you back from your red nightmare.

MUDD. The Department of Defense believes

that one of the best ways to save Americans from a red nightmare that comes true is with films like these. Although the Pentagon labels them informational, these films contain a high proportion of propaganda, as well as an obsession with monolithic Communism. Tax money financed all of them, and they have all been distributed during the Kennedy, Johnson, and Nixon administrations. It has been more than a decade since the national policy of peaceful coexistence replaced the harsher rhetoric of early cold war years. But to the filmmakers at the Pentagon, with at least 12 million dollars a year to spend, 1946 seems to have lasted a whole generation.

MUDD. The Pentagon, in Washington, is the command post of a military establishment with a multitude of ways to get its message across to the public. Many millions of Americans are reached by Defense Department displays, tours, and motion pictures. But the widest, most penetrating of all contacts the Pentagon has with the public is through the media—newspapers, magazines, radio and television. Once each day, the press and the Pentagon have a formal confrontation.

JERRY FRIEDHEIM. I think this is the first time Dr. Foster has discussed the three different kinds of SS-11's—that's correct, these are MRV not MIRV.

MUDD. Every morning at 11 o'clock, in pursuit of Defense Department news, Pentagon reporters get a crack at a careful and respected adversary, Deputy Assistant Secretary of Defense Jerry Friedheim. He does not, of course, tell all he knows; he wouldn't have his job long if he did.

FRIEDHEIM. I can't discuss that at all.

NEWSMAN. What about the size of the warhead?

FRIEDHEIM. I just don't have anything I can give you on that. We'll pursue that question.

ROBERT GAROLSKI (NBC News). When did you last have three carriers on station in the Med?

FRIEDHEIM. We'll have to check back and find that date for you.

NEWSMAN. Has the Guam chopped to the Sixth Fleet?

FRIEDHEIM. Negative. It has not.

BOB SCHIEFFER (CBS News). Would she normally be going to replace one of them?

FRIEDHEIM. That has been the normal operations in the past. We've observed some nineteen Soviet combatant vessels there in recent days. The Sixth Fleet strength is roughly comparable, slightly larger:

NEWSMAN. Slightly larger?

FRIEDHEIM. That's correct.

JACK TOLBERT. It's extremely difficult for a Pentagon reporter, even a regular, to establish sources outside the public affair's arm.

MUDD. Former Public Information Officer Jack Tolbert was an Air Force Major who worked with the press at many military bases for twelve years. He believes that the Defense Department confronts reporters with numerous obstacles.

TOLBERT. The Department of Defense has so many avenues of getting its story across, around, and over and under the media, that I'm not even sure even if every reporter who covered the Pentagon was a hard nosed reporter, that we still wouldn't get the story through.

MUDD. The vastness of the Defense establishment confronts a reporter with an almost impossibly complex task. Pentagon stories develop in many other ways besides formal briefings, but the sheer size of the building itself remains bewildering. Often it is impossible to get to a news story—even when the story does not involve national security—until the Pentagon chooses to announce it. Going into and out of the 30 thousand Pentagon offices each day are 200 thousand phone calls and 129 thousand pieces of mail. But very little of this communicating is

done with the press. Although the Department of Defense is the biggest business in America, over 95% of the news bureaus in Washington do not even assign a reporter regularly to the Pentagon. More newsmen cover the pennant race than the arms race. We asked the man in charge of all Pentagon public relations, Assistant Secretary of Defense Daniel Henkin, if he thought the press did a good job covering the Defense Department.

HENKIN. I believe that it does . . . From time to time of course it gives me some headaches and I give the press some headaches. We understand that. We act professionally, as a professional relationship not only with the Pentagon press and other members of the Washington news corps but with newsmen who cover military activities around the world.

MUDD. What about your public displays of military equipment at state fairs and shopping centers—what purpose does that serve?

HENKIN. Well, I think it serves the purpose of informing the public about their Armed Forces. I believe that the American public has a right to request information about the Armed Forces, to have speakers come before them, to have questions, and to understand the need for our Armed Forces, why we ask for the funds that we do ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in Armed Forces. What are we doing about the racial problem in the Armed Forces, and we do have a racial problem. I think the public has a valid right to ask us these questions.

MUDD. Well is that sort of information about the drug problem you have and the racial problem you have and the budget problems you have, is that the sort of information that gets passed out at state fairs, by sergeants who are standing next to rockets?

HENKIN. No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now there are those who contend that this is propaganda. I don't—do not agree with this.

MUDD. What the press wants to reveal, the Defense Department often wants to conceal. We asked the Washington Post's military specialist, George Wilson, who should be prouder of Pentagon press coverage, the press or the Pentagon.

GEORGE WILSON. The Pentagon by virtue of its overwhelming troops in this area has done better in propagandizing as a whole than the press has done on exposing. I don't fault the digging reporters and there are several. What I fault is the lack of demand from the editors, both of TV and of newspapers generally.

MUDD. How hard is it Mr. Wilson for a single reporter at the Pentagon to discover the truth when the Pentagon doesn't want the truth to be known.

WILSON. It's difficult. They can always pull out the secrecy stamp and say it's against the national interest to give you the full explanation for what we did, but you'll just have to trust Big Daddy.

MUDD. Can't a case be made, Mr. Wilson, from the standpoint of national security, to prohibit you from printing in your paper information that the enemy wants to know?

WILSON. It certainly can. A case can be made, but my counter to that is that if it's going to be—if the weapon is going to be described in public as it was in 1969 and 1970, along with the sales job to get the antiballistic missile defense approved it should be described accurately. The point here is that because the technology is reachable, that there will always be the pressure to build it. Weapons are inexorable and they're impervious, and only public challenges and public resistance can keep technology from running us right onto the road of Armageddon, and I think that points up why more coverage of the Pentagon is desirable. Editors should have a larger appetite for these weap-

ons because they're not just nuts and bolts; they often dictate the largest policy decisions in the world today.

RADIO VOICE (Hometown news center). This is Army Specialist Jean Campbell reporting from Pleiku, Republic of Vietnam . . .

MUDD. The Armed Forces do not have to wait for radio, television and newspapers to come to them. They have their own way of reaching the media. At the Army's Hometown News Center in Kansas City, a blizzard of press releases is turned out in all seasons. Each year, 12 thousand radio and television tapes are mailed to 27 hundred radio stations and 546 television stations. Over two million printed releases are sent to six thousand five hundred daily and weekly newspapers. In these releases, medals, promotions and re-assignments are emphasized. While transmitting legitimate information about servicemen, the news center also functions as a publicity agency for American forces abroad. The only news from the center is good news. The center is commanded by Colonel Richard Stewart, who feels the operation is helpful to the Army.

Colonel STEWART. This is another way of seeing your Army in action and it's even more meaningful because the people can relate to this particular soldier. This is not just an exercise or combat operation or something of that nature but this here is Sergeant Willy Jones.

JACK TOLBERT. There are hundreds and thousands of weeklies and small dailies in this country that live on what we call the hometown release, where the Army, Navy and Air Force maintain hometown news release centers, and are just spewing this stuff into these newspapers who accept it willingly and who print it.

STEWART. They have said time and time again when I've talked to them, they've said, "Keep it coming," in effect, words like that "Keep it coming."

TOLBERT. What the press—and this is the whole press, the community press which is extremely important to this country, is giving a free ride to a military story.

REPRESENTATIVE HÉBERT. I'm one of those who believes that the most vicious instrument in America today is network television.

MUDD. Using sympathetic Congressmen, the Pentagon tries to counter what it regards as the anti-military tilt of network reporting. War heroes are made available for the taped home district TV Reports from Pro-Pentagon politicians. Here Representative F. Edward Hébert of Louisiana asks Major James Rowe, a Green Beret and former P.O.W., what keeps the Viet Cong fighting.

Major Rowe. The support that the VC receives from the United States is the only thing that keeps them fighting.

MUDD. Later, Congressman Hébert, who is the new Chairman of the House Armed Services Committee, asks Major Rowe for his reaction to a peace rally.

Rowe. I walked up and I heard one of the speakers yelling, "Down with imperialism, down with capitalism, down with the oppressive leadership in Washington, Power to the people." I heard the same thing from the Viet Cong except there it was in Vietnamese and here it is in English. I looked around the crowd—I walked through the crowd, and I saw some VC flags flying from the flagpole of the Washington Monument, I saw American flags with VC flags flying over the top of them. I saw American flags with the stars removed and a peace symbol superimposed. I saw the red flag with a black peace symbol on it and then I heard one of my Senators say that "We are here because we cherish our flag." And the only thing I could think of in answer is what flag does he cherish?

HÉBERT. I want to congratulate you. It's an honor to have had you on this program with me, and I only wish to God we could have more people wearing the uniform privileged

to speak as you've spoken, because the silent majority will and must be heard.

MUDD. The war is covered extensively not only by the civilian press but also by the Defense Department's own camera crews in Vietnam. Their product is distributed to American TV stations and networks. This is a soccer match played by North Vietnamese prisoners of war and filmed by the Defense Department. It is intended to supplement regular network news coverage. But the Defense Department can hardly be said to be a disinterested observer in Vietnam. Recently, there have been charges that some of the Pentagon's footage was staged. In fact, the cameraman who filmed this soccer game told CBS News that the prisoners had never been permitted to play soccer before but were trotted out for this match when his crew arrived. The cameraman, former Air Force Sergeant Thomas Demitor, spoke about his filming experience shortly before leaving the service after 16 years.

THOMAS DEMITOR. In many stories that were filmed in Vietnam, with my team, we staged a number of stories of the Vietnamese.

We were propagandizing the war and an example of it was a story titled, "US and South Vietnamese forces patrol enemy infiltration routes." We went out with the Vietnamese in the Riverine patrol, went down the river until we found an area that was suitable for our landing. Because I knew it wasn't an actual combat situation I had no fear—I was off the boat on the land before the Vietnamese infantry came up, so that we could get a shot as the boats came onto the shore. We proceeded inland about three quarters of a mile or half a mile while we were getting shots of them running through the rice paddies. They didn't fire any shots. There were no traces of Viet Cong.

We were told when we thought we had a sufficient amount of footage exposed, to tell the Vietnamese and they would turn around. When someone turns around and asks you well do you have enough film, and you say yes, then it is definitely staging.

MUDD. Later, while filming the same story, Sergeant Demitor shot real combat footage involving American troops.

DEMITOR. In the final release, we see none of the actual combat footage of the Americans, we see all of the staged footage of the Vietnamese, and it would lead someone to believe that the Vietnamese were doing the majority of the work. The staged action got in. The actual action did not get in.

HENKIN. We are trying our best to provide information. There undoubtedly have been times when certain actions have been staged. I think this is true of all TV news coverage; after all this interview here is being staged.

MUDD. How so?

HENKIN. Well props were set up, arrangements were made. You and I did not just walk into this room cold. Arrangements were made for it.

MUDD. Well, we wanted to film in your office but your people said let's go into the studio—so we didn't stage it.

ARMY BRIEFER. We are conducting limited duration protective reaction air strikes . . .

MUDD. Defense Department information machinery is well established in Vietnam, where a special language has developed that takes some time to learn. "Protective reaction" means the United States resumed the bombing of North Vietnam. "Selective ordinance" means napalm. "Defoliation" means nothing will grow there anymore.

A "civilian irregular defense group volunteer" is a mercenary. "Population resettlement" means getting villagers out of their villages, and "Military Assistance Command Daily Press Briefing" means this scene right here, which is popularly known among newsmen in Saigon as the five o'clock follies. The most popular phrase at these sessions, however, needs no explanation.

ARMY BRIEFER. No comment.

REPORTER No. 1. Well, can you please tell us?

ARMY BRIEFER. I have nothing further to add.

REPORTER No. 2. Why don't you answer my question?

ARMY BRIEFER. I have no further comment.

MUDD. Often the Press is an unwitting partner in its own deception. Former Information Officer Tolbert once took great pride in utilizing the media. He's not so proud of the record anymore.

TOLBERT. A network was coming over to cover and do a documentary on the air war over North Vietnam. They were going to film it out of Danang where I was the information officer. So in preparing for them we tried to pick out the most articulate, the best-looking pilots that we could, to be able to describe through their eyes what the air war was all about. We briefed the pilots so that they would understand that we were trying to present our views in a one-voice concept; we didn't want divergent views coming from a variety of the different pilots that might raise questions concerning whether they understood, or whether they were satisfied with the way the air war in the north was being fought.

MUDD. And the cast of characters that you made available to those network men was such that they never heard any dissension or criticism about the bombing mission?

TOLBERT. No, no never. You know, being an insider, knowing fully what was going on, if I was absolutely candid with them, and opened all of our closets to them, yes they would have come out with a lot more balanced report. I could have helped them do that.

MUDD. What was the result of that network team's journalistic efforts?

TOLBERT. Frankly it was just great. It represented the pilots, it represented the way we conceived that the air war in the north was being fought by very professional people and it was as good as if we had done it ourselves.

MUDD. Well, I'm duty-bound to ask you which network it was. Could you tell me?

TOLBERT. Yes, yes I will.

MUDD. Which one was it?

TOLBERT. It was CBS.

MUDD. Well, taking that incident you had with CBS and applying it, Mr. Tolbert, to your 12 years as a public information officer, what effect do you think incidents like that have on a democratic society which is supposed to enjoy a free press?

TOLBERT. I feel that the military information arm is so vast, has been able to become so pervasive by the variety and the amounts and the way and the sheer numbers able to present its viewpoint to the American people I think this attitude it was able to develop allowed Vietnam to happen. Had we not been able to convince the American people prior to Vietnam that a military solution was a correct solution, without a doubt and not to be questioned, we couldn't have had a Vietnam. I feel that if we allow this pervasiveness to continue, that frankly it could lead us to another Vietnam.

MUDD. We have reported tonight only a fraction of the total public relations apparatus belonging to the Pentagon and supported by the taxpayers.

Indeed, the news restrictions on the current invasion of Laos raise the question whether the public's right to know is being served or thwarted.

On this broadcast, we have seen violence made glamorous, expensive weapons advertised as if they were automobiles, biased opinions presented as straight facts. Defending the country not just with arms but also with ideology. Pentagon propaganda insists on America's role as the cop on every beat in the world. Not only the public but the press as well has been beguiled—including, at times, ourselves at CBS News. This propaganda barrage is the creation of

a runaway bureaucracy that frustrates attempts to control it.

Last November 6, President Nixon sent this memorandum to executive agencies criticizing what he called self-serving and wasteful public relations efforts. He directed an end to what he described as "inappropriate promotional activities". The President specifically ordered—in his words—a curtailment of "broadcasting advertising, exhibits and films."

Just since the memo was written the Army's Golden Knights—a parachute team—have performed for the public in Nevada, California and North Carolina. Other Army exhibits have travelled to 59 different locations.

Air Force displays, like this Hounddog-Quail missile, have appeared in at least 36 shopping malls and municipal centers since the memo was written.

We went back to the Pentagon and asked what effect the Presidential directive would have. We were told there will be cuts in personnel, not activities. There may be some disagreement, of course, over just what constitutes an "inappropriate promotional activity". But to date not a single activity shown on this broadcast has been eliminated. Tomorrow morning according to Defense Department schedules, there will be an Army show pushing the ABM in Mountain View, California, an Air Force missile will turn up in Houston on Friday, the Pentagon's travelling colonels will be in Hampton, Virginia on March 8, and next week, fifth graders at the Hill Elementary School in Davidson, Michigan will get to see the Navy's propaganda film on Vietnam.

This is Roger Mudd for CBS Reports.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, will the Chair kindly state the pending business before the Senate?

The PRESIDING OFFICER (Mr. CRANSTON). The pending question is a motion of the Senator from Alabama (Mr. ALLEN) to postpone for one legislative day consideration of the motion to proceed to the consideration of Senate Resolution 9.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

QUORUM

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.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to

the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. HANSEN. Mr. President, when I spoke during the controlled time last Tuesday, just before the second vote on cloture, I referred to the fact that there have been a number of instances when unlimited debate in the Senate has made for much better legislation. I spoke of the good that can come from the continuing application of rule XXII remaining unchanged.

There are a number of instances which come to my mind, even in my short tenure in the Senate, when pieces of legislation—including the Civil Rights Act and the various crime control bills, to mention only two—were made better laws than was the case when these bills were first introduced because the majority of the Members of this body by virtue of the application of rule XXII had to listen to the sound counsel, the valid points, the logic, and the voice of the minority.

I am sure that one of the reasons this country has survived for nearly two centuries operating under the Constitution that was adopted at its beginning is because the Senate has supplied the balance necessary to insure that we will have wise laws and that the rules that are made for the behavior of all Americans by the Congress of the United States have been adequately and thoroughly discussed and have the necessary support of the people of this country to insure proper respect and observance of them.

You know, it was once said that we should obey the laws of this country, not because we fear them, not because we necessarily support them, but rather because we respect them.

I think one of the ways in which we can be certain that the laws of this country will be respected is to afford the intelligent and oftentimes the low voices of the people of this country a forum where they can be brought to the attention of all parties.

Mr. President, this is the only time that a number of minorities and a number of people who disagree with the majority have any opportunity of having their thoughts voiced and given consideration. That is the sort of situation that I think assures that there will be respect for the laws of this country. While we may not agree with all of them and while we may not think they are all right, we will have the assurance that comes from the knowledge that they have been adequately debated and considered and believing that they are understood and do have the support of a significant group of people.

Why is this important? It seems to me we need only recall what happened after the close of the Civil War to understand what happens and what can happen in this country when a bare majority is able to ram through a number of laws that, taken together, form the body of some very controversial legislation.

After the close of the Civil War, the majority party in this body was able to visit some very unjust and unfair

laws upon the South. The North was vindictive. It had the power because of the number of Members in this body to pass any kind of laws it chose. And it proceeded to do just that. Without then having the benefit of rule XXII it was able to ram through a lot of legislation that was not well considered, that did not take into account the rights of all of the people. They did not recognize the diversity that has been one of the great strengths of this country. They were able to ram legislation through simply because they had the numbers. And, as a consequence, any student of history knows that many of those laws were never enforced. They were, to state it very bluntly, unenforceable. They did not have the support that I believe is necessary in order to assure that all of the laws we have on the books in this country will not only have the backing of those persons charged with their enforcement, but will also be supported by the majority of the people in this country.

It is for that reason that I appeal today to the Senate of the United States to consider well the great advantages that flow from the continued implementation by this body of rule XXII unchanged.

During the closing days of the 91st Congress, there were many who said the uncompleted tasks of that Congress were the direct result of the inability of the Senate to cut off debate. That, I submit, is simply not true.

The facts are that such a backlog of legislation had piled up that Congress simply was not able to hear all of the necessary committee reports and give proper and adequate consideration and attention to the numerous proposals before it so as to enable it to take final action one way or another on many bills.

There is no doubt in my mind but that some who, next Tuesday, will vote to invoke cloture ought to consider their own positions.

The debate on the SST reflected a very real difference of opinion between the administration, on the one hand, and the Members of Congress, on the other.

It seems strange indeed that some who favor now a modification of rule XXII, within less than the last 6 months were debating—motivated, I am certain, by sincere convictions—proposals before this body that, without the substantial strength that comes from rule XXII, would have resulted in their being denied the opportunity further to debate such things as the SST.

I joined with a number of distinguished Senators in opposing the SST. I will continue to oppose as strongly as I can further funding of the SST.

My reasons are not necessarily those that may prompt the persuasive opposition that was mounted in this body by the distinguished Senator from Wisconsin (Mr. PROXMIER). I suspect there may be no two of us who oppose further funding of the SST who would agree in every detail and every respect in all of our reasons.

Yet I think this is important not only to this body's operations, but more important to this Republic of ours, that

whatever may be the reasons that are compelling and persuasive to us, they should be heard in this body and those of us who believe differently than others should be given the chance to speak.

Now, I think the distinguished Senator from Arkansas (Mr. FULBRIGHT) pointed out that some who today plead with the Senate to change rule XXII could look back or could look ahead, whichever they choose, and find some good reasons for wanting to keep rule XXII unchanged. As a matter of fact, within recent months I think it is true that a number of distinguished Members of this body, whom some characterize as more liberal than others, have used this body and this rule in order to expound at length their opposition to certain measures which could possibly and, indeed, I think may have the support of a majority of the Members of this body.

I have said to the distinguished minority whip and the distinguished assistant majority leader that it will be my intention as this first session of the 92d Congress draws to a close to vote to invoke cloture on appropriation bills.

I think the Senate can be criticized, in that through its failure to act it required that continuing resolutions be passed on appropriation matters. I do not defend nor do I condone the record of the 91st Congress in the closing days of the session for our failure to pass appropriation bills, or at least to take action on them one way or another.

While others may disagree as to the amount of money that should be appropriated, I suspect few people would say it would serve the purposes of our country well to make no appropriations at all for recognized agencies and activities of the Government of the United States. I believe that a little clearer insight into some of the responsibilities we have as Senators would be helpful in assuring that we take prompt and timely action on appropriation bills. For what it might be worth, I would hope my observations in this respect might not go unnoticed.

Mr. President, in addition to the debate on the SST, a debate that waxed long and was fought hard last year, there were a number of other proposals that came up: The trade bill was one, and the family assistance plan was another. A very distinguished member of my party, the senior Senator from New York (Mr. JAVITS) announced sometime late in the fall of last year that, if the trade bill were attached to the social security bill, as indeed it later was attached, that it would be his purpose and his intention to take the floor of this Chamber and to discuss at length the lack of merit for such an amendment being made to the social security bill.

Now, I do not mean to impugn the distinguished Senator's motives at all. He is a very learned, very intelligent, very dedicated, hard-working man, as we all know. I respect his judgment; I respect his position. I happen to disagree with him on some facets of the trade bill, which was attached to the social security bill last year. I think that there is merit in the position I have taken, just as I know he believes there is merit in the position he has taken.

The important point, though, that I wish to make is not whether I might be right or whether he might be right, but, rather, that here is an example of yet another person who normally would go along with those who want to amend rule XXII to require fewer Members—60, rather than the present 67, or two-thirds of those present and voting—in order to invoke cloture, threatening to utilize the right to debate without limitation the merit or lack thereof of a particular proposal.

What I am trying to do is to suggest that this Government has continued longer than many people believed it might have continued. It has been pointed out that there is no government in the world today that is operating under a constitution, a written constitution, that has been in effect for nearly 200 years. There are those who say time is running out for America; that as we look at the record of other countries, of other nations throughout the world, our time is past.

Surely, they say, as we compare America with other republics, other democracies, there is little reason to believe we have much time left in America. I am sure some people—a number of people probably—agree with that thesis. I happen to not agree with it. I happen to believe there is great strength, great latent energy in this country; that we have dedicated young people, that we have a system of government that has been structured by persons who were astute observers of human nature, who were widely read, who had examined in close and scrutinizing detail the other forms of government, and tried to put together the structure and framework for men to act as free and independent citizens so as to secure to them the rights and the benefits and freedoms that go from self-government.

Part of the framework that we have developed and devised, we have improved upon, as we have gone from one decade to another and now from one century to another. We will soon be embarking on our third century in this country.

I believe simply because something is old it does not necessarily mean it is no longer useful. I think a prime example of what I have just said is the continuing validity and applicability of the 10 commandments. They are old. Long before Moses brought them down they were enunciated in slightly different forms by other religious leaders throughout the world. They have continuing applicability today just as I am sure all of us recognize that they will in the next century or in the next millennium.

By the same token we have a Constitution which can be changed and modified. We have spelled out precisely the manner in which those modifications and changes can be brought about and we are debating here today as a continuing body whether or not we should change and modify rule XXII.

I am not as sure that the distinguished senior Senator from Idaho may have been in the Chamber. He has been here many, many hours, and I recognize that, and I want to state now that I have great

respect for this very distinguished Member of our body. Whether he may have been in here or not when I made the observation I did about approaching the problem of votes on appropriation bills, I do not know. But I want to say that I do propose to see that I do what I can in order to bring debate to a close if we should be considering appropriation bills as late this year as we did last year.

Because the distinguished Senator from Arkansas expressed so clearly and succinctly an idea that I think has great merit, Mr. President, I would like to refer in a little more detail to what he said.

He said that the proponents of the resolution before the Senate were not interested in a debate. He said they were not interested in dialogue. There has hardly been one of them on the floor when any Senator who opposed it was talking about it. He points out that those favoring a change in rule XXII wish to prolong it in order to be able to say, "Look how long this futile debate has gone on and how much time we have wasted." No time has been wasted on the floor of the Senate, because no legislation is ready for action. This is true at the beginning of every session. The real significance of the issue is not that we can talk a long time; nobody is interested in that. The significance is that of the role of the Senate in our constitutional system. Is it to remain an important element for the adjustment of the differences that arise in a great community? Is it to remain an institution which can influence decisions? Or are we to abdicate our authority and responsibilities under the Constitution and allow the Executive Department to do it all? That is truly what has happened in almost all the other countries of the world. Far more countries of the world are ruled by authoritarian systems than by democracies. None of the other countries have the democratic system we have. They have gone into either civilian dictatorships or military rule. We are the only institution in which it is possible to insure a deep consideration of controversial issues.

The distinguished Senator from Arkansas continued:

I think people today who are deeply worried about the course of our government look to the Senate as the only place where we can possibly work out reconciliations and adjustments of these issues. That is what this is about. It is not to precipitate long debate. It is in recognition of the fact that in a country with fifty states, with over 200 million people, from time to time there arise certain deeply controversial issues which should not be imposed upon a large minority by a simple majority."

The very basis of our Constitution is not majority rule. I do not know how anyone can say that majority rule is essentially democratic. Majorities have often imposed the most unjust decisions upon minorities throughout history, beginning with the well known crucifixion and with many subsequent events. The fact is that some issues arise in our kind of community which require delay, the putting off of the decision until some compromise and adjustment may be worked out. Debate is simply a vehicle. It is not a very happy way to exhibit that disagreement and necessity for further consideration. But as we contemplate the rule of the Senate it is that we are the only

body which, when such issues arise, can insure that there is delay sufficient to give not only the Senate but the country as a whole the opportunity to consider those particular divisive issues.

One of the great liberals of our time, Nicholas von Hoffman, recently observed, "The Senate's job isn't speed or neat dispatch, but wisdom, and these elements don't always go together. In legislation, part of wisdom is delay and procrastination, knowing how not to get swept off your feet. How to temporize because its better to be late than sorry."

"A lone filibustering Senator," von Hoffman continues, "if he's got the guts may be able to make the whole country think twice before its carried off by enthusiasm or by hysteria."

Mr. President, before yielding the floor, let me say that this body has known many great men. I am sure I shall always think of two I have known as being truly great Americans, great patriots, great gentlemen, and very wise men. I have in mind the late Senator Richard Russell of Georgia and the late Senator Everett McKinley Dirksen of Illinois. Both men from time to time spoke out against changing rule XXII. Both men said they knew of no instance in the history of the United States when a piece of legislation whose time had come had been denied enactment because of the operation of rule XXII. But, they each observed, they could recall a number of instances when, because of rule XXII, the Congress of the United States eventually passed better legislation, wiser legislation, legislation which had the support not only of the Senate of the United States and of the House of Representatives, but of a majority of the people of this country as well.

They went on to observe that laws were made better laws because a bare majority had to listen to an important minority in this body by operation of rule XXII before it could pass legislation.

From my own short and limited experience as a Member of this body, I can attest personally to such a fact having been exhibited here. When we passed the Civil Rights Act of 1968, it was debated at length. It was debated because the proponents of the legislation knew that they could not get cloture, that they had to be persuasive, that they had to listen to those who opposed the legislation as it was initially drawn. They tried, as we will recall, from time to time, to invoke cloture, but the debate droned on, and those who thought that some of the provisions in the Civil Rights Act of 1968 as first proposed were unconstitutional, had the opportunity to present their views. They were listened to.

Other people throughout the country read what they said, and they agreed that there was merit in the points being made by the loyal opposition, the minority. As a consequence, we had added to that important piece of civil rights legislation provisions which I think have gone a long way to protect the rights of all of the people.

In the last 4 years' time, I can think of specific instances wherein some distinguished members of the bar, distinguished constitutional lawyers, made the point that in our enthusiasm to assure

that no man, no individual may be denied his rights and all of the protections of the law, including the presumption of innocence until he is proven guilty, we have to give, at the same time, consideration to those law-abiding citizens, the quiet majority, who find themselves the victims of crime and attack by other individuals from time to time.

So we have incorporated in the laws that have been passed, just since I have been here, legislation which, among other things, make it a Federal crime to cross a State line with the intent of inciting a riot, and make it a crime to cross a State line in order to bomb a public building or to set fire to a school.

I need no further proof, Mr. President, to persuade me that there is nothing wrong with rule XXII. We may criticize it occasionally because we cannot get action as soon as some of us might wish we could, but as we look down the long corridor of time, and consider the great merits of citizenship in this country, consider the blessings that we all have because of the fact that we are Americans, consider the freedoms that we have, and the protection for minorities, I think the right of a single Senator to speak out, if he is truly persuaded that he is right, with the certain knowledge that he cannot be shut off immediately, has given all of us as Americans a richer heritage than we otherwise would have had.

So in closing, Mr. President, I wish to say that I think a somewhat more responsible attitude—and I am speaking of myself when I say this—insofar as the consideration of appropriation bills goes, will almost certainly leave the proponents of changing rule XXII with little valid argument for changing the rule.

Let us not throw away the significant and identifying characteristic that sets this body apart from any other deliberative body in the world today as being the one place which recognizes and encourages the wise judgment and wisdom that flows from continuing debate and is the result of having to listen to the ideas and views of those with whom we do not agree. Let us keep that. Let us keep this significant thing that the Senate has, because I think it has been one of the real reasons, Mr. President, why this country of ours has been able to function so well.

We have been able to keep the old ship of state afloat. It may not make great progress in any one day, but it has been able to pursue a course that has been directed to the extension of opportunity and freedom for all people, and to my mind, it needs no further justification.

Mr. President, I yield the floor.

Mr. CURTIS. Mr. President, we appear to be faced with a decision as to whether or not cloture should be voted by two-thirds of the Members of this body, or three-fifths. But I wish to point out that that is not the issue at all. I believe that this drive to change to cloture rule is one that has been carried on for some time and will be carried on for a long time further, and that many—not all, but many—of the proponents of this change are opposed to the idea of ex-

tended debate in the U.S. Senate. I therefore believe that basically we are faced with a decision on the question, Shall this long-standing practice that a matter can be debated in the U.S. Senate until everyone has had his say be abandoned?

Let us consider the legislative process, and see whether or not there should be, somewhere in that process, a provision for Members, or an individual Member, to rise and say, "Let us wait; let us not do this hastily."

Our country has grown. The House of Representatives consists of 435 Members. As a matter of necessity, they must have limited debate. So a bill can be presented in the House, under their rules, and disposed of one way or the other very quickly. In fact, it is possible for a problem to arise in America, and immediately in the wake of the problem, at the time of the hysteria, it is possible, and it does happen, that the Members of the House of Representatives must make their legislative decision with reference to a remedy while the problem is still in progress, before the excitement dies down, and not from a position of looking back and asking, "What happened? How does it compare with other similar happenings? What would be a wise and good law?"

I think it would be rather impracticable to suggest a slowing up process in the House of Representatives, because the very size of it makes that impracticable. Mr. President, it was my privilege to serve in the House of Representatives for several years, and every day I was over there, I had greater respect for the rules of that body. They were written for a purpose, and the purpose was that the representatives of the people, a great number of representatives, could work their will and dispatch the public business, and everyone have a right to be recorded.

They have a procedure that they use more frequently in the House than we do: The motion to recommit. Historically, it has had a very fine function. Suppose that the majority party brings in a bill. It might be a bill on health insurance. And suppose the majority is a sizable majority. In House of Representatives they cannot just force that through without the minority having a chance to say, "Well, here is our alternative proposal. Pass on that." The motion to recommit in the House of Representatives is a motion reserved, in the first instance, for the minority.

Furthermore, when a Member of the House rises to offer to recommit a bill, the Speaker will ask him, "Is the gentleman opposed to the bill?" If he says, "Yes," he then has a right to offer the motion to recommit. If he says that he is opposed to it in its present form, the Speaker then inquires, "Is there any Member of the minority opposed to the bill entirely?" If so, they get the right to do that.

So it does not matter how small the minority is. They can offer their alternative and get it voted upon and get it before the public, and they can do all this with dispatch.

How about the rest of the legislative process? The President of the United

States must attach his signature to a bill or veto it. How long does he have? Not very long. Ten days. Within a certain time limit, the President must perform his part in the legislative process.

Unfortunately, there are bureaus and agencies of the Government that exercise legislative powers. We call it writing regulations. There is no delay there. It is true that if they propose a regulation, it must be published in the Federal Register, which has very limited circulation, and then individuals or groups can appear and suggest changes or oppose. But the time soon comes when the head of an agency, on his own decision, can sign a regulation that affects the lives, the businesses, and the rights of our citizens.

Mr. President, is it not reasonable that somewhere in our legislative process there is a provision that makes it impossible to rush; that there is a provision that makes it impossible for a majority, regardless of how great, to get something done right now because of considerable excitement? I believe it is wise and just that we have a provision in the Senate rules providing for extended debate. I believe that if the Senate yields now and changes that rule from two-thirds to three-fifths, it will be the beginning of the end of extended debate.

Mr. President, I love the State of Nebraska and its people. I like to serve them. I am concerned about their economic well-being and their happiness and that they live under just laws. I believe that every other Senator has the same feeling toward his State and his people. And that is right.

I might ask myself this question: How can the people of Nebraska be injured by having in the Senate of the United States a system of extended debate? Will something be imposed upon them suddenly and before they really know it is pending? No, it will not. Because it slows up the legislative process.

In how many of the problems facing the country is speed the paramount need? Congress has already passed some laws relating to pollution—air pollution, water pollution, other matters relating to our environment. Now, as we approach that, what is most important—that we have good laws, wise laws, just laws, effective laws, enacted, say, in August, or a hurry-up job completed in June?

I believe there is ground to say that the people are never injured by the fact that the Senate of the United States maintains the right of extended debate. On the other hand, I am convinced that when we act too quickly, we can have cumbersome laws, expensive laws, laws that to the people back home are almost ridiculous, because they do not apply well.

This country is blessed with some basic laws that have stood the test of time. The Constitution of the United States is our primary charter of government. It is the one great, basic law that we have. What difference does it make to the person who seeks the protection of the Constitution whether or not the Constitutional Convention completed their work on September 17 or that they hurried up and finished it several months earlier?

The test of the Constitution of the United States is, What kind of document is it? Does it provide for orderly government? Does it provide for progress in the country? Look at the progress we have had since we have lived under it. Does it protect the rights of individuals? It does—sometimes even to the point that it irritates the rest of us. But the Constitution of the United States has done a good job—not because those considering it were trying to save time. It has done a good job in providing a framework for the government of a free people, because it is a sound and good document, a just one, a wise one.

I want to invite the attention of Senators to something else. We hear a great deal of talk about a filibuster. If one is opposed to what is going on on the Senate floor, it is a filibuster. If one thinks that to take more time is a good thing at that particular time, he calls it extended debate.

We have had a number of cloture votes in the Senate in the last year or two. An examination of the rollcall will show that some Senators voted for cloture sometimes, and then, on another occasion, it would be an altogether different alignment.

The right of extended debate is not something that is held by a small minority group, always the same little group, who are obstructionists. It is not that at all. Liberals and conservatives have used the right of extended debate to champion the cause they believed in. Democrats, Republicans, and independence have used the weapon of extended debate to serve their country as they saw it. Sometimes, by those opposed to the way we do things here, extended debate has been pictured as a weapon in the hands of a small crowd, the same people in the establishment, who are forever opposing things and opposing the passage of laws. That is not the case. I invite any interested person to examine the rollcalls on cloture votes over the past few years. They will find that the right of extended debate is something that is used by individuals of various political leanings and beliefs.

Mr. President, it is my opinion that a filibuster cannot succeed unless in the end it convinces the country of the soundness of the position.

I want to cite, in that regard, the history of civil rights legislation. For many years, when civil rights bills were brought up here, they could not muster the number of votes to end debate on these far-reaching proposals and so that particular Congress would not enact any civil rights legislation. It was not that the rule was wrong but what happened was that sentiment changed in the country. In recent years, people in the North, in the South, in the East, and in the West thought through anew their position in regard to racial and civil rights matters. Civil rights provisions have been enacted now that have the support of a substantial public sentiment and, therefore, they succeed.

Mr. President, it is not my purpose to elaborate on civil rights laws or to debate them. My point is, instead of those using the weapon of extended debate to

thwart the will of the country, actually the procedure is one that causes the actions of the Senate to conform to the will of the country.

Let us consider the efforts to amend the Constitution just last year in the way of changing our method of electing a President.

Much was written and said about electoral college reform. There was a great hue and cry that it be reformed. A poll-taker would stop someone on the street and ask him, "Do you think the President of the United States should be elected by direct vote?" And, of course, the citizen would say yes, because that is the way they vote in 48 out of 50 States. A citizen makes a mark for his choice of President when he goes to the polls. Thus we were involved in phrases and catch words that were a bit confusing to many people.

Now there were those who believed that in counting the votes for President we should no longer count them by States through the electoral voting process but count them on one giant adding machine slip. If we tallied up all the votes of those who voted for one candidate in all the 50 States on another adding machine slip and counted up all the votes that were cast for the other candidate and decided it that way, well, it just happens that we vote directly for the President but the votes are counted by States and each State has the number of electoral votes it has of Representatives and Senators.

One of the heavily populated States has 43 Representatives and two Senators so it has 45 votes in the electoral college. The least populated State, I assume, is perhaps Alaska, which has one electoral vote for its Representative and two for the two Senators which makes three.

In my State of Nebraska, there are three Representatives and, of course, the two Senators, so we have five electoral votes. We vote directly for the President in Nebraska but when the votes are counted, the winner gets 5 electoral votes. That means that we have, in determining who is to be President, five-four hundred thirty-eighths.

Now if we were to change that in the manner provided for in the proposal sent over from the House, the power of Nebraska to elect the President would be materially reduced. Because the electors representing Senators are equal in each State, it is just the other part of the electors where extra weight is given because of population. Based on the last election, under the electoral college counting system, Nebraska has ninety-two one hundredths of 1 percent of voting power in electing the President. Were we to take all the votes on an adding machine slip and decide it on that basis, we would have seventy-two one hundredths of 1 percent of the voting power, a very material reduction.

Now while I do not favor that, I can see that there are others who contend it is all right and is just. They have a right to their opinion, but do you realize, Mr. President, what happened? In our discussion about the electoral college voting system, or direct counting is a better

name, many people forgot to read the bill.

The bill sent over from the House accompanied by the sentiment of the country, "Oh, just let us have electoral reform," it passed by an overwhelming vote over there and it would probably have passed by a bigger vote over here. However, there was something else involved, in addition to the struggle between small and large States. Had we passed that bill sent over from the House, we would have provided for the first time that someone could be elected President by having only 40 percent of the vote.

Now the President of the United States, of course, is the most powerful official in the whole world but, likewise, he has the greatest responsibility resting on his shoulders of any official in the whole world.

If he did not represent at least a majority of his people, how could he be an effective political leader here at home? If he was not required to represent at least a majority of his people, how could he be an effective leader among the nations of the world in the struggle to bring about peace? Yet in the hurry, that matter was not debated at all. It was not until those who were opposed to the proposal exercised their right of extended debate that the country became aware that there was a broad change about to happen here, a departure from past practices, an open admission that we could declare someone to be elected President if he had only 40 percent of the vote. That was an important change.

I dare say—and this is speculation—that measure would have passed and would have gone to the States if it had not been for extended debate in this Chamber.

There was something else involved in that measure.

Mr. LONG. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. I am happy to yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I congratulate the Senator from Nebraska for making the extremely pertinent point that this body is the only place in our Government where free debate is assured. It is not even fully assured in the Senate, but at least it is assured to the extent that it requires a two-thirds majority to deny a Senator the right of free debate.

As the Senator is pointing out, a measure is submitted on which polls have been taken and the press has discussed the matter and the newspapers are satisfied that this is about what should happen. So they say, "Why shouldn't you have a popular election of the President? Why should a man who fails to get the most votes be elected?"

It sounds simple enough. They take a poll and everyone agrees that is the case. The measure can be submitted to the House and voted on the same day. Only a handful of Representatives hear the argument.

It is only in the Senate that one who discovers a fatal defect in a proposal has the freedom of debate essential to expose the shortcomings of that matter and is able to debate it long enough until

people admit there is logic to his argument, if there is, in that kind of compelling argument.

As the Senator says, that is a crucial point. It is fine that the man receiving the most votes be elected President. However, suppose he did not get a majority. Suppose he had only 40 percent, or even less than that. Should he have to engage in a runoff election against the man who ran second, or should he be permitted to be President although he did not receive the majority vote. That is an important issue that had not been considered at all.

The matter could have been pushed through the State legislatures, and not one of them has the right of free debate. All they have to do is call a matter up and the floor leader calls for the question. In some cases they do not have the formality of a rollcall vote. The floor leader says, "I move the question." It is usually perfunctory because those who elect a man floor leader feel they should support him. As a matter of procedure, debate is shut off and the measure is passed.

That measure might have been ratified by the States without the matter being fully explored or without the public thoroughly considering the question of whether a man should be elected President when a runoff election would indicate whether that man had majority support.

Mr. CURTIS. Mr. President, I thank the Senator from Louisiana. He has made some very strong points. He has anticipated what I was about to say. The electoral reform bill that was up for consideration last year, in addition to requiring a new departure for the election of a President with as little as a 40-percent vote, also provided a new method of procedure in case no candidate got the required number of votes. What was that new method? It was a new election.

I have not heard of anyone in the United States who wants to go through two presidential elections. It would cost millions of dollars for the candidates of both parties to campaign. It involves such a strenuous physical burden on the candidate for President that we ought to find ways and means to lessen that burden.

That proposal passed the House last year and would have passed the Senate if it had not been for the right of extended debate. The measure then would have been sent to the States for ratification. We would then have had a system where, if the required number of votes were not obtained, we would have had to have a new election. That means that the parties would have to get geared up for a new campaign. They would have to raise more money. They would have to buy television time. They would have to have additional printing done and would have to take their cause again to the voters.

We would have another 4, 5, or 6 months of campaign effort before a new election. The ballots would then have to be counted and all arguments settled about the ballot count.

In the meantime the people of the United States would not know who was going to head their Government. The foreign countries would not know who was

going to be the head of the Government of the United States.

Conceivably an unfriendly power could use that occasion to take advantage of the United States. That is the type of bad legislation that is prevented from being enacted when Senators have the right of extended debate.

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

Mr. CURTIS. I yield.

Mr. ERVIN. Mr. President, I would like to ask the Senator from Nebraska if the proposal for the direct election of the President and Vice President does not, in its ultimate analysis, involve the consolidation into one great electoral precinct of all the 184,000 separate precincts existing in all of the 50 States.

Mr. CURTIS. It did. The Senator is correct.

Mr. ERVIN. Did we not have in 1960 and again in 1968 rather close elections as far as the popular vote is concerned.

Is it not conceivable that in a close election there might be an error in counting votes, or one or two errors, in each precinct, or an average of one or two fraudulent votes cast in each precinct? Those votes would be subject to challenge and to litigation. That would make the question of who was elected President in a close election a matter that would require maybe weeks or perhaps even months to determine.

Mr. CURTIS. The Senator is correct.

Mr. ERVIN. Mr. President, I would like to ask the Senator from Nebraska if the 20th amendment does not provide that the terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the third day of January of the years in which such terms would have ended.

Does not that provision of the Constitution provide that the terms of the President and Vice President end at noon on the 20th day of January, regardless of whether it has been determined at that time who have been elected as their successors?

Mr. CURTIS. I think that is a correct interpretation. As a matter of fact, the Constitution and laws of some States in reference to the terms contain language that indicates their desire to do otherwise.

Mr. ERVIN. Yes.

Mr. CURTIS. They provide that an officer shall serve until a certain date or until his successor shall have been elected and qualified.

Mr. ERVIN. Yes. That is really the general rule, is it not, in respect to the termination of the terms of public officers? That is, that they shall hold office until their successors are elected and qualified.

Mr. CURTIS. Yes; but it is not a common law rule.

Mr. ERVIN. No.

Mr. CURTIS. It is customary to find it in our written Constitution and laws.

Mr. ERVIN. The words of section 1 of amendment 20, which I just read, state positively that—

The terms of the President and Vice President shall end at noon on the 20th day of January.

This applies regardless of whether their successors have even been ascertained due to controversies about elections. This is made very clear by the words in section 3 of amendment 20:

If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Was not that a recognition by the people who drafted and ratified the 20th amendment of the possibility that when the time comes for the ending of the term of office of the incumbent—that is, noon on the 20th of January—it might be impossible to determine who his successor is and it, therefore, stipulates that Congress can provide for what might be called an acting president until it is determined who has been elected?

Mr. CURTIS. It would appear that is the case.

Mr. ERVIN. If that be a correct interpretation of amendment 20, which I think it is, then instead of having a President elected by a majority of the American people, we might have an acting President who is chosen by no one except possibly by the Congress of the United States, if Congress shall so decide. Hence by converting all of these 184,000 election precincts into one big election precinct, we create the possibility that charges and countercharges relating to the casting or counting of the popular votes may result in the people of the United States being governed, as far as the executive branch is concerned, for months and months on end by an acting president who has not been elected President of the United States by the people at all.

Mr. CURTIS. That is correct. It would be known abroad that it was a temporary arrangement, so far as asserting any leadership or attacking any of our long-range problems. He would have his hands tied; he would not be effective.

Mr. ERVIN. So the question of whether anyone had been properly chosen by the majority of the people in the United States to the office of President or Vice President conceivably could be a question that it might not be possible to determine for months and months after the election held on the Tuesday after the first Monday in November.

Mr. CURTIS. The Senator is correct.

Mr. ERVIN. So an amendment providing for direct election of the President and Vice President might plunge this Nation into chaos, might it not?

Mr. CURTIS. Certainly there would be that risk. I think the Senator for the questions he has raised.

Mr. ERVIN. I would like to ask the Senator one or two other questions.

The proposal for direct election of a President and Vice President is a proposal which is utterly inconsistent with the fact that our Constitution was established to create a federal system of government in which it should be recognized

that the States have a peculiar interest in the selection of the President and Vice President. Is that not correct?

Mr. CURTIS. The Senator is correct.

Mr. ERVIN. Will the Senator from Nebraska agree with the Senator from North Carolina that the number or percentage of voters in a given State who participate in a national election is determined in many cases by issues which have no connection whatever with the National Government, but, on the contrary, are State issues?

Mr. CURTIS. That is certainly true.

Mr. ERVIN. On the other hand, is it not true that where there are no hot issues in particular States and in one-party States, where the successful candidates for State or congressional offices are really determined in the primaries; the people in those States do not have a tendency to come out in great numbers for the general election?

Mr. CURTIS. There is no doubt that that is correct.

Mr. ERVIN. So it is quite conceivable that a man might be elected President by a majority of the popular votes cast in a general election might not even be the choice of the majority of the qualified voters of this country.

Mr. CURTIS. The Senator is correct.

Mr. ERVIN. So there is nothing in this proposal that would make it certain that any man elected by popular vote was really a man that the majority of the American voters favored for the office.

Mr. CURTIS. The Senator is correct.

Mr. ERVIN. Also would it not be possible under this popular-election amendment for a few large States to control the election of the President, and as a result a man might be elected President who had no broad support throughout the country as a whole?

Mr. CURTIS. That is certainly the opinion of the Senator from Nebraska. I would again point out that this becomes very relevant to the issue before the Senate because if it had not been for the right of extended debate, a very questionable constitutional amendment would have been passed by the Senate and sent to the people.

Today, when we are faced with a change in the rules of the Senate which would interfere, hamper, and lessen the right of extended debate, those things should be kept in mind.

Mr. ERVIN. Does the Senator from Nebraska agree with the Senator from North Carolina that we will have no extended debate, as I choose to call it, or a filibuster, as some choose to call it, unless a very substantial minority of the Senate feel so keenly about the importance of an issue to our country that they are willing to go through all the exertions which an extended debate or filibuster require on their part?

Mr. CURTIS. That is correct. As I pointed out earlier, they cannot succeed in their efforts unless they are able to convince the country in substantial proportions that their cause is right.

Mr. ERVIN. Will the Senator from Nebraska say whether or not he shares the misgivings of the Senator from North Carolina about the way Senators who

feel very keenly about an issue have to go about educating the Senate as to the wisdom of their views? The Senator from North Carolina is tempted to observe as a consequence of his experience in the Senate that if Senators wish to educate the Senate in respect to the wisdom of a proposal, they must first educate the news media of the country and hope that the news media of the country will in turn educate the Senate.

Mr. CURTIS. I think there is something to that. I will make some defense about what happens here in this manner: Our Government has grown so much, and the volume of legislation that comes up for consideration is so massive and so voluminous, that the danger of passing an unwise law is far, far greater than it was when life was more simple and our Government less complex and much smaller.

In reference to the point my distinguished friend from North Carolina is making, it is entirely possible to have conscientious Senators laboring long hours, day after day, on certain pieces of legislation, and unable to give time in depth to other pieces of legislation, being caught up in a trend that is directed by the enthusiasm of the time, and perhaps by people with a vested interest, in assuming that what is proposed is all right. So the only way in which the country can be protected is to retain in the few the right to talk until the story does reach the other Senators and does reach the country.

Mr. ERVIN. Does not the Senator from Nebraska agree with the Senator from North Carolina that some of the difficulties in which we who serve in the Senate find ourselves arise from the fact that the Federal Government has had its powers expanded to a great extent and, by reason of that, touches the lives of all our people at so many points that the Senators are called upon to render services to constituents which make it difficult for them in many cases to come to the floor of the Senate and listen to debates?

Mr. CURTIS. I think that is a fact. I still contend that it is the business of a Senator to be here. There is no question that, as the Government grows, as we have so many Government programs affecting the lives of so many people in more ways, it is more important than ever that we retain the right of an individual Senator to engage in unlimited debate, so that he can stay, "Stop, look, and listen. Read this bill. Examine its provisions. See how it will apply."

Mr. ERVIN. Is not the Senator from Nebraska saying, in substance, that, with the tremendous expansion of the Federal Government and the tremendous expansion of the new tasks which such expansion imposes upon Members of the Senate, the right of a Senator or a group of Senators to stand on the floor of the Senate and explain their position on a crucial issue becomes more important in these days than it was at any former time in the entire history of our country?

Mr. CURTIS. I think that is correct.

Mr. ERVIN. Does not the Senator from Nebraska agree with the Senator from North Carolina that one of the

characteristics of our society at this time is—

[Manifestation of disorder in galleries.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER (Mr. BUCKLEY). Occupants of the galleries are reminded that they are guests of the Senate. There should be quiet and order.

Mr. ERVIN. The number of organized groups in this country which are concerned about getting their own programs through, and whose programs, in many cases, are programs which are calculated to give them selfish privileges to the disadvantage of the rest of the American people; and that these organized pressure groups usually have a great deal of influence upon the Senate. Does not this fact make it all the more imperative that the right of an individual Senator or a minority of Senators who think that these pressure groups are unjustifiably asking for selfish privileges at the expense of the American people be retained so that they will be able to stand on the floor of the Senate and point out the defects in the quest of the pressure groups for special privileges, in the hope of convincing Senators to defeat unwise proposed legislation of that character?

Mr. CURTIS. I agree with that statement.

Mr. ERVIN. So I take it that the Senator from Nebraska agrees with the Senator from North Carolina that, despite the complexities of our national life, and the many issues which confront Congress, the retention of rules like rule XXII in its present form is more valuable and more necessary at this moment in history than it has ever been at any time in the past?

Mr. CURTIS. I believe that is true.

Mr. ERVIN. I thank the Senator.

Mr. CURTIS. I thank the Senator for his contribution.

Mr. President, I believe that if we were to consider a change in rule XXII, we ought to direct our attention to what happens after cloture is voted. I believe that if the proponents of this rule change really want to find an easier way of voting cloture, they ought to examine the procedure that is to be followed after cloture is voted.

Here is what takes place: Once cloture is voted, every Member of the Senate is limited to 1 hour. By reason of committee assignments, needs of constituents, and other factors, some Members are deeply involved in some issues and not in other issues. Therefore, when we limit debate to 1 hour, we are not limiting debate to 100 hours just because there are 100 Senators. In the first place, a Senator cannot yield his time. But what we are doing is saying that the most qualified Senator on that subject can talk only 1 hour. A Senator who may have attended committee meetings for weeks while that legislation was being considered is limited to 1 hour.

It is not 100 hours of debate; it is 1 hour, applying to each of the people who have worked long and hard, through many sessions of Congress. Mr. President, it is not enough.

Now, there is something else. One of the last times we proceeded under a cloture rule here in the Senate, there were amendments, and they were not frivolous amendments, offered by Senators who had already spoken their hour, and roll-calls were had on amendments without 1 minute of debate.

Without 1 minute of debate; is that a legislative procedure of which we can be proud? Is that a procedure that results in wise, just, and good laws for our people? Of course not.

I say to the proponents of this rule change, if you want to find a way to make it easier to end debate and vote, reform your procedure as to what happens after cloture is voted. See to it that there is more than an hour of debate for those individuals who have served all the rest of us by making an exhaustive study in a given field. Also, make it a point, if an amendment is offered in good faith and it is germane, that there be some debate on it.

Maybe half an hour to the side, I do not know. But as long as we have a procedure where, if cloture is voted, we know that important propositions will be voted upon without any debate, of course it is going to be hard to get cloture. The right answer, I say to the proponents, is not to change the percentage required, but to change the procedure to be followed after cloture is voted.

Mr. President, I hope that in the vote on next Tuesday to invoke cloture, the proponents will not prevail. The right of extended debate is used by all Senators, and I am sure that none of them use it other than in a conscientious way, and in a cause that they feel is for the best interests of our country. The proponents have failed to prove that extended debate causes injury to the country; but it is self-evident that hasty legislation can injure our country.

Mr. President, I yield the floor.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Nebraska for his very informative discussion of this subject so vital to this body and to the Nation. The colloquy which he had with the distinguished Senator from North Carolina was certainly informative and helpful, and illustrates the seriousness of what is now being done on the floor of the Senate, and how this country could suffer if the issue is not carried to a satisfactory conclusion.

Mr. CURTIS. I thank my distinguished friend.

Mr. FANNIN. Mr. President, the burden of legislation facing this Congress is enormous.

President Nixon has sent us a budget calling for the expenditure of \$229.2 billion, or an estimated \$11.6 billion more than the anticipated revenues.

The White House has proposed a comprehensive health care program. Other Senators have variations of health care proposals that run the gamut of costs up to \$70 billion. This is a subject that will require a great deal of study and debate.

Looking through the stack of papers on my desk today I found that the President had sent us many other major programs.

There is the proposed Higher Education Opportunity Act of 1971.

There is the White House proposal for the Emergency Public Interest Protection Act. This bill would deal with strikes in the transportation industry.

Soon I shall be introducing a more comprehensive bill designed to avert strikes that are devastating to the public interest.

The President has proposed a far-reaching environmental protection program. This, again, is of such magnitude that it will require our full study and attention.

We also face an impending showdown—again—on the subject of the supersonic transport. As I recall, it was a filibuster last December that resulted in stopgap action on the SST.

It is my recollection also that many of those who participated in that SST filibuster, or at least cheered from the sidelines, are now trying to weaken the very rule which enabled them to force a compromise just a few months ago.

As Senators know, I was on the other side of the issue from those gentlemen on the SST issue.

It was, however, their prerogative to discuss the issue at length. By doing so they very effectively marshalled public opinion on their side. They gave their constituents the time to get their letters, telegrams, and phone calls in to Washington.

I support their right to carry through with the campaign in which they were involved. I believe that we would have funded the SST fully last year if it had not been for the filibuster, but still they had that right, and I still support that right, whereby Senators can engage in debate that they feel is necessary to carry through their particular legislation.

Dedicated opponents of the SST, as a result of rule XXII, were able to convert what I would call marginal proponents of the SST to their camp. In other words, what began as a determined minority used a filibuster to convert its position into that of a majority—at least for the time being.

Opponents of the two-thirds rule have tried to make it appear that those who use filibusters always wear black hats, while those who want to change the rule are always wearing white hats. Obviously, this is not the case. It takes a deep conviction to engage in a prolonged discussion at a time when a majority of your Senate colleagues want to hurry along to the next item on the agenda.

Earlier this year, I pointed out how the Senate's traditional dedication to unlimited debate had saved Arizona from being swallowed up by New Mexico in 1906. And it was a filibuster that eventually got Arizona into the Union as a separate State 5 years later.

In 1906, a bill which passed the House of Representatives would have combined the reluctant citizens of Arizona along with the anxious citizens of New Mexico to make one State.

The majority of Senators were very willing to go along with this despite the outcries of many Arizona residents.

The territory of New Mexico at that time in history very obviously would have

run roughshod over the territory of Arizona had they been combined into a single State. There was no protection for what would have been the western section of the new State.

If this bill had passed, I believe that it would have hindered the development of Arizona and the West. Instead of becoming the thriving, vibrant State that it is, the area now called Arizona might be many years behind.

A determined few in the Senate demanded justice for the people of Arizona.

Eventually, the will of the minority prevailed in the Senate, and the majority agreed to an election to settle the issue.

If the citizens of the territories of Arizona and New Mexico voted for joint statehood, then there would be a State. If either territory vote against joint statehood, then there would be no statehood—neither jointly nor separately at that time.

Since it was to their great advantage the citizens of New Mexico gladly went along with the joint statehood proposal by a large margin.

The people of Arizona, realizing that they were being sold down the river, voted overwhelmingly against statehood with New Mexico.

So there was no statehood in 1906.

This is a good time, Mr. President, to point out that on many issues time is not quite of the essence we try to make it. Arizonans realized that it was better to wait a few years to get independent statehood than it would be to acquiesce to bad legislation and a bad partnership.

In 1911, the subject of statehood for New Mexico and Arizona came up again. Again, it was a filibuster that brought justice for Arizona.

So it can be seen, Mr. President, why the people of the State of Arizona are thankful that extended debate was permissible and did give them justice.

A bill before the Senate in 1911 would have granted statehood to New Mexico, but not to my State. Through a filibuster, a minority of Senators persuaded the majority that Arizona should be granted statehood also. If this had been done hurriedly, if it had been a case in which extended debate was not involved, decisions would have been made that later would have proved almost disastrous.

This illustrates, I believe, one of the primary virtues of unlimited debate, or the filibuster.

It is obvious that in 1906 a majority of the House of Representatives and a majority of the Senate were wrong in their approval of the idea of joint statehood for Arizona and New Mexico. Although there was a majority, it was not what I would call a totally convinced or an ardent majority.

There was a very dedicated minority that carried the day in 1906. Had there been a really demonstrated need for joint statehood, had there been some vital factor involved, I do not believe that it would have been possible for the minority to win their point.

Mr. President, I digressed when I took up the subject of Arizona statehood. To me, of course, this is a very apropos example of what we are discussing here

today. If it were not for unlimited debate in this great body, there would not likely have been any Henry Fountain Ashurst, Ernest W. McFarland, Carl Hayden, or BARRY GOLDWATER, in the U.S. Senate.

The leaders in that debate were able to convince other Members of the Senate that they should not take hurried action. It can be seen why the issue is very dear to the hearts of Arizonans.

Returning to the great issues currently before us, we also have a massive welfare reform bill offered by the President. It would make great changes in the current welfare system. Many people say this is a crisis, and I believe it. Something must be done to relieve the burden on our taxpayers. This applies at all levels—city, county, State, and Federal. Something must be done to encourage people to get off welfare. Something must be done to stop welfare cheating. Something must be done to give an incentive and to motivate people to take the training necessary in order that they will be better qualified to take jobs that may be available.

When I talk about the welfare program, indeed, it is in a crisis.

It would be foolish, however, to take the attitude that "we must do something, even if it is wrong." What we must do is to carefully study the situation, set up a program to test out promising theories, and then reform our welfare system.

Yes, we need a pilot program; and last year we attempted, both in committee and on the floor of the Senate, to obtain a pilot program. We did not accomplish this last year, despite the crisis, and we still survive. Perhaps we will not pass legislation this year, but I hope we can. I hope we can pass a measure that will give us a pilot program so that we can best determine what type of program will be best to take care of the needs of the people of this Nation.

The point is that no legislation on welfare is better than bad legislation on welfare.

Mr. President, I have brought up all these pressing problems in an effort to make a point.

The point is that what we are discussing here today may well be much more important than all the many crises that we have stacked up waiting for us to finish this discussion.

The right of full discussion in the Senate, Mr. President, is a fundamental element in our Government.

This is a basic concept in our system of government. This is what makes the U.S. Senate the U.S. Senate and not simply a rubberstamp for the U.S. House of Representatives.

I believe that the Senate has a special duty to carefully inspect proposed legislation. This is not a town meeting. It is a very deliberative body that operates in an appellate capacity. This requires freedom of discussion on the floor of the Senate.

As I have demonstrated in the case of Arizona statehood—and opponents of the SST or other legislation killed by filibusters last year will argue the same—bills can be gavelled through the House of Representatives at a rapid pace. This is no criticism of the House of Representatives. It is a sizable body that is set up

to represent the people in a different manner than the Senate. Unlimited debate in the House would be as wrong as limited debate in the Senate. There are 435 Members in the House of Representatives and only 100 in the Senate.

Mr. President, in these times, it is especially important that we protect the rights of minorities.

Minorities have rights which no majority should override.

If we examine the record over the years, we find that there are many instances where a minority changed to a majority after debate over a period of time.

We heard this argument put forward last summer as the Senate droned on and on debating the administration's policy in Southeast Asia and the Cambodian situation.

Senators opposed to the President's policy were using time and rhetoric in an effort to build up strong public sentiment that might force a change in President Nixon's plan for getting America out of Southeast Asia. As a result of this filibuster there was a huge backlog of unfinished business at the end of the 91st Congress.

However, this prolonged debate was the right of the Senators who thought they could eventually win their point.

Mr. President, in closing I would like to reemphasize two points.

First, a Senate majority does not necessarily represent a consensus of the people or even of the States. Frequently popular opinion upon a question has not been formulated or, if it has been, it is often not effectively expressed.

Second, filibusters really do not prevent needed legislation, because nearly every important measure defeated by filibuster has been enacted later. With rare exception no really meritorious measure has been permanently defeated and some vicious proposals have been killed.

I trust that this body will continue to support the principle of extended debate. In doing so, in my opinion, and in the opinion of many I have talked to throughout this country, the Senate will continue to be a protection to this great Nation of ours.

Mr. President, I yield the floor.

ORDER FOR RECESS FROM MONDAY TO TUESDAY, MARCH 2, 1971, AT 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in recess until 11:30 a.m. Tuesday next.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders on Tuesday next, under the standing order, there be a period for the transaction of routine morning

business, with statements limited therein to 3 minutes, the period not to extend beyond 12 o'clock meridian.

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

ORDER FOR SUSPENSION OF RULE XXII ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the operation of rule XXII be suspended on Tuesday next until 12 o'clock meridian.

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

ORDER FOR CONTROL OF TIME ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 1 hour under rule XXII be equally divided on Tuesday next and controlled by the able Senator from Idaho (Mr. CHURCH) and the equally able Senator from North Carolina (Mr. ERVIN).

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

ORDER FOR SERGEANT AT ARMS TO CLEAR THE FLOOR AND LOBBY OF CERTAIN PERSONNEL ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next the Sergeant at Arms be instructed to clear the Chamber and the lobby of all clerks to Senators at the beginning of the mandatory yea-and-nay vote on the motion to invoke cloture, and that the Chamber and the lobby be kept so cleared until after the announcement of the vote on the motion to invoke cloture.

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

ORDER FOR THE SERGEANT AT ARMS TO CLEAR THE FLOOR AND LOBBY OF CERTAIN PERSONNEL FOR EACH ROLL CALL VOTE FOR THE REMAINDER OF THE SESSION BEGINNING ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that beginning on Tuesday next, the Sergeant at Arms be instructed to clear the Chamber and the lobby of all clerks to Senators at the beginning of each and every roll call vote throughout the remainder of the first session of the 92d Congress and that the Chamber and the lobby be kept cleared of all clerks to Senators until after each roll call vote has been announced.

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

Mr. BYRD of West Virginia. Mr. President, the clearance of the Chamber and the lobby during all roll call votes has the approval of the majority and minority leaders.

PROGRAM FOR WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, as a reminder to Senators, the Sen-

ate will convene on Wednesday next at 11 a.m., following a recess.

Under the previous order, the able Senator from Minnesota (Mr. HUMPHREY) and the able Senator from Kansas (Mr. DOLE) will have control of a period of 45 minutes for the purpose of a colloquy beginning immediately following the recognition of the two leaders under the standing order.

That colloquy will pertain to the 50th anniversary of the Disabled American Veterans.

PROGRAM FOR TUESDAY, MARCH 2, 1971

Mr. BYRD of West Virginia, Mr. President, the program for Tuesday next is as follows:

The Senate will reconvene at 11:30 a.m. on Tuesday next following a recess.

At the conclusion of the remarks of the two leaders, or their designees, under the previous standing order, there will be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to exceed the time of 12 o'clock meridian. The operation of rule XXII will be suspended until 12 o'clock meridian.

Mr. President, under rule XXII, at the conclusion of the 1 hour under the rule there will be a mandatory quorum call. Upon the ascertainment of a quorum by the Chair, a yea-and-nay vote is mandatory under the rule. Consequently Senators are on notice that there will be a yea-and-nay vote next Tuesday at approximately 1:15 p.m. on the motion to invoke cloture on the motion to proceed to the consideration of Senate Resolution 9.

As has been previously stated, on Tuesday next, at circa 2 p.m., the Apollo 14 astronauts and their families will visit the Senate Chamber. The very distinguished senior Senator from New Mexico (Mr. ANDERSON) has asked that the attention of all Senators be called to this event.

The Senator from New Mexico (Mr. ANDERSON) hopes that the wives and families of Senators will visit the galleries on that afternoon in order that they may see the distinguished astronauts and their families when they visit the Senate Chamber.

PROGRAM FOR MONDAY, MARCH 1, 1971

The program for Monday next is as follows: The Senate will convene at 10 o'clock a.m., following a recess. Immediately following the approval of the Journal, if there is no objection, and the recognition of the two leaders, if they desire, under the standing order, the able Senator from Georgia (Mr. TALMADGE) will be recognized for not to exceed 15 minutes.

Upon the conclusion of the remarks of the Senator from Georgia, the equally able Senator from Missouri (Mr. EAGLETON) will be recognized for not to exceed 15 minutes.

Thereafter, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with

statements therein limited to 3 minutes. Senators who have routine morning business on Monday next are urged to be in the Chamber not later than 10:30 a.m., in order that such business may be transacted within the 30-minute period.

At the conclusion of morning business on Monday next, under the previous order the call of the calendar will occur beginning with Calendar Order No. 8. It has been asked and agreed to that the items on the calendar, beginning with Calendar Order No. 8, and proceeding through Calendar Order No. 24—these being the various funding resolutions for committees—will be called in the sequence of their appearance on the calendar. Under the previous order, the 5-minute limitation on speeches under rule VIII has been waived.

I also remind Senators that, on Monday next, under the unanimous consent agreement, the Pastore rule will extend for 5 hours, beginning with the call of Calendar No. 8 and extending to the conclusion of action on the money resolutions on the calendar, or to the conclusion of the 5 hours, whichever is the earlier.

There will be one or more rollcall votes on Monday.

At the conclusion of business on Monday next the Senate will stand in recess until 11:30 a.m. on Tuesday next.

RECESS TO 10 A.M., MONDAY, MARCH 1, 1971

Mr. BYRD of West Virginia, Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock and 23 minutes p.m.) the Senate took a recess until Monday, March 1, 1971, at 10 a.m.

NOMINATION

Executive nominations received by the Senate February 26 (legislative day of February 17), 1971:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Marion Seignious II, xxx-xx-xxxx Army of the United States (brigadier general, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate February 26 (legislative day of February 17), 1971:

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Houser, of Illinois, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964.

Robert Wells, of Kansas, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1970.

CANAL ZONE

Maj. Gen. David Stuart Parker, xxx-xx-xxxx Army of the United States, to be Governor of the Canal Zone for a term of 4 years.

IN THE AIR FORCE

The following-named officers for appointment in the Regular Air Force, to the grades indicated, under the provisions of chapter 835, title 10, of the United States Code:

To be major general

Maj. Gen. Richard F. Shaefer, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Edmund F. O'Connor, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Louis L. Wilson, Jr., xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Carlos M. Talbott, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Rene G. Dupont, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. James M. Keck, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Ernest T. Cragg, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Snavely, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Dale S. Sweat, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Brig. Gen. Douglas T. Nelson, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Richard M. Hoban, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Joseph G. Wilson, xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William G. Moore, Jr., xxx-xx-xxxx (brigadier general, Regular Air Force), U.S. Air Force.

To be brigadier general

Brig. Gen. Thomas W. Morgan, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Daniel James, Jr., xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Leroy J. Manor, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard G. Cross, Jr., xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Bryan M. Shotts, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lawrence W. Steinkraus, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Peter R. DeLonga, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Eugene Q. Steffes, Jr., xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Billie J. McGarvey, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert H. Gaughan, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William H. Holt, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John W. Pauly, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Walter T. Galligan, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frederick C. Blesse, xxx-xx-xxxx (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul F. Patch, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Darrell S. Cramer, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harold E. Collins, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frank W. Elliott, Jr., xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James E. Hill, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Marion L. Boswell, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. John J. Burns, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Benjamin N. Bellis, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kenneth L. Tallman, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lew Allen, Jr., xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Martin G. Colladay, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William J. Evans, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kenneth R. Chapman, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Salvador E. Felices, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Bryce Poe II, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James D. Hughes, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kendall S. Young, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Lt. Gen. Richard H. Ellis, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Abraham J. Dreiseszun, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Maurice F. Casey, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Warner E. Newby, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

I nominate the following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10, of the United States Code:

To be major general

Brig. Gen. John H. Herring, Jr., xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. DeWitt R. Searles, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Joseph H. Belsler, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Leo C. Lewis, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Douglas T. Nelson, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Robert N. Ginsburgh, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Levi R. Chase, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Clare T. Ireland, Jr., xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Maurice R. Reilly, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. George H. McKee, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. James A. Hill, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Alton D. Slay, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Abraham J. Dreiseszun, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lee M. Paschall, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James O. Frankosky, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Kendall S. Young, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Woodard E. Davis, Jr., xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Ray M. Cole, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Richard C. Catledge, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. William H. Holt, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James H. Watkins, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Maxwell W. Steel, Jr., xxx-xx-xxxx FR (colonel, Regular Air Force, Medical), U.S. Air Force.

Brig. Gen. Jack K. Gamble, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Foster L. Smith, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Homer K. Hansen, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Clifford W. Hargrove, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Robert E. Huyser, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. William J. Evans, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James L. Price, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. John W. Roberts, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Devol Brett, xxx-xx-xxxx FR (colonel, Regular Air Force).

Brig. Gen. Salvador E. Felices, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Martin G. Colladay, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. James D. Hughes, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert E. Pursley, xxx-xx-xxxx FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grades as follows:

To be general

Lt. Gen. Frank Thomas Mildren, xxx-xx-xxxx FR (major general, U.S. Army).

To be lieutenant general

Maj. Gen. John Hancock Hay, Jr., xxx-xx-xxxx FR (major general, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Ben Harrell, xxx-xx-xxxx FR (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Fillmore Kennady Mearns, xxx-xx-xxxx FR (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Willard Pearson, xxx-xx-xxxx FR (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Walter Philip Leber, xxx-xx-xxxx FR (major general, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Alfred Dodd Starbird, xxx-xx-xxxx FR (major general, U.S. Army).

IN THE NAVY

Comdr. Edgar D. Mitchell, U.S. Navy, for permanent promotion to the grade of captain in the Navy in accordance with article II, section 2, clause 2 of the Constitution.

Adm. Waldemar F. A. Wendt, U.S. Navy, for the appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. William F. Bringle, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Rear Adm. Thomas J. Walker III, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Admiral Malcolm W. Cagle, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of major general:

William J. Weinstein.

The following-named officer of the Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Harold Chase.

IN THE ARMY

The nominations beginning Joe V. Langston, to be colonel, and ending Gordon S. Zuelke, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on February 10, 1971.

IN THE MARINE CORPS

The nominations beginning Thomas H. Bruce, to be chief warrant officer (W-4), and ending Lawrence R. Zinser, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 1971.

IN THE COAST GUARD

The nominations beginning James W. Brawley, Jr., to be commander, and ending Robert C. Houle, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on January 25, 1971; and

The nominations beginning Charles Stuart Allen, to be ensign, and ending James W. Szymanski, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 1971.